



Australian Capital Territory

## **Motor Traffic Act 1936**

**A1936-45**

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This is a republication of the *Motor Traffic Act 1936* effective from 27 September 1993 to 21 October 1993.

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Australian Capital Territory

## MOTOR TRAFFIC ACT 1936

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Australian Capital Territory

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## MOTOR TRAFFIC ACT 1936

An Act relating to Motor Vehicles and Motor Traffic

### PART I—PRELIMINARY

#### Short title

1. This Act may be cited as the *Motor Traffic Act 1936*.<sup>1</sup>

#### Repeal and saving

2. (1) The *Motor Traffic Ordinance 1932*, the *Motor Traffic Ordinance 1933* and the *Motor Traffic Ordinance 1935* are repealed.

(2) The officers appointed under or by virtue of any repealed Ordinance, and holding office immediately prior to the commencement of this Act, shall remain in office as if this Act had been in force at the time they were appointed, and they had been appointed thereunder, and this Act shall apply to them accordingly.

(4) All regulations and notifications made or published under any repealed Ordinance, which are in force immediately prior to the commencement of this Act, shall, except so far as they are inconsistent with this Act, be deemed to have been made or published under this Act, and any references in any such regulations or notifications to any enactments repealed by this Act shall be construed as references to the corresponding provisions of this Act.

#### Interpretation

4. (1) In this Act, unless the contrary intention appears—  
“approved” means approved by the Registrar;

“articulated motor omnibus” means a motor omnibus that consists of 2 or more rigid sections coupled together so that—

- (a) there is rotary movement between them; and
- (b) passengers may move freely from one to another;

“articulated vehicle” means a vehicle that consists of a motor vehicle and a semi-trailer that has been coupled to it;

“Australian Standard 2898.1-2” means Australian Standard “2898.1-2—1986”, as in existence from time to time;

“Australian Standard E35, Part I—1970” means the standard published by the Standards Association of Australia under the number “E35, Part I—1970”, being that standard as amended before 1 January 1978;

“Australian Standard E35, Part II—1970” means the standard published by the Standards Association of Australia under the number “E35, Part II—1970”, being that standard as amended before 1 January 1978;

“B-double” means a combination of vehicles that consists of an articulated vehicle drawing a semi-trailer, where the rear semi-trailer is superimposed on the other semi-trailer;

“camper unit” means a unit that—

- (a) is designed—
  - (i) to be used as a means of temporary accommodation; and
  - (ii) to be attached to a motor vehicle; and
- (b) is not equipped with wheels;

“carriageway”, in relation to a public street, includes the gutter, if any, of the public street;

“certificate of registration” means a certificate of registration granted under this Act in respect of a motor vehicle or trailer;

“chief police officer” means the police officer who is responsible to the Commissioner of Police for the day-to-day administration and control of police services in the Territory;

“Commonwealth authority” means a body, whether incorporated or not, established by or under a Commonwealth Act;



“corresponding licence” means a licence or an authorisation to drive a motor vehicle issued by a State or another Territory or in another country;

“Court” means the Magistrates Court;

“Deputy Registrar” means any Deputy Registrar of Motor Vehicles appointed in pursuance of this Act;

“determined fee” means the fee determined by the Minister under section 217A for the purposes of the provision in which the expression occurs;

“dipped”, in relation to the light from the headlamps of a motor vehicle, or the headlamp of a motor vehicle that has 1 headlamp, means projected downwards to such an extent that the centre of the main beam of the light, at a distance of 7.50 metres directly in front of the motor vehicle, is—

- (a) directly ahead or to the left of the motor vehicle; and
- (b) lower than the level of the centre of the headlamps or headlamp in a plane that is parallel to the plane of the surface on which the motor vehicle is standing;

“dipping device” means a device by means of which the light from the headlamps of a motor vehicle, or the headlamp of a motor vehicle that has 1 headlamp, can be dipped by the driver of the motor vehicle whilst retaining his normal driving position;

“driver” means any person driving a motor vehicle and includes any person riding a motor cycle, and “drive” includes “ride”;

“driving licence” means a licence to drive a motor vehicle under this Act;

“equipment truck” means a motor vehicle constructed to be used principally for the purpose of conveying machinery that is permanently affixed to the motor vehicle to a working site and, while at the working site, of providing a platform and power supply for the operation of the machinery;

“farmer” means a person who, whether as owner, purchaser under agreement for sale or purchase, lessee or sharefarmer, is engaged for profit in farming, agricultural, horticultural or grazing operations in the Territory;

“former owner”, in relation to a motor vehicle which is sold or disposed of, means the owner who sold or disposed of the vehicle;

“full licence” means a full licence granted under section 10 or paragraph 10A (1) (b);

“gross combination mass”, in relation to a vehicle comprising a motor vehicle and a trailer or semi-trailer that is coupled to the motor vehicle, means the aggregate of—

- (a) the gross mass of the motor vehicle; and
- (b) the gross mass of the trailer or semi-trailer;

“gross mass”, in relation to a vehicle, means the aggregate of—

- (a) the mass of the vehicle;
- (b) the mass of any equipment being carried by the vehicle; and
- (c) the mass of any load being carried by the vehicle;

“headlamp” means a lamp on the front of a motor vehicle that, when lighted, shows a bright white light of sufficient power to illuminate clearly on a dark night with a clear atmosphere a person in dark clothing at a distance of not less than 25 metres directly in front of the motor vehicle;

“heavy articulated vehicle” means an articulated vehicle that has—

- (a) a manufacturer’s gross combination mass that exceeds 24 tonnes; or
- (b) more than 3 axles;

“heavy trailer combination” means a motor vehicle the manufacturer’s gross vehicle mass of which exceeds 4.5 tonnes to which there is attached 1 trailer—

- (a) the manufacturer’s gross vehicle mass of which exceeds 5 tonnes; or
- (b) if the trailer is exempt from the requirement that its manufacturer’s gross vehicle mass be stated—the tare of which exceeds 2 tonnes;

“historic vehicle” means a motor vehicle, other than a veteran vehicle or a vintage vehicle, manufactured not less than 30 years before—

- (a) the day on which it was last registered; or
- (b) if it is unregistered and is to be registered—the date of registration;

“inspector” means an inspector appointed in pursuance of this Act;

“inter-state Registrar” means a person who, under the law of a State or another Territory, has functions that correspond to the functions of the Registrar;

“laden weight”, in relation to a motor vehicle, means the sum of the weight of the motor vehicle and the weight of the load, if any, on the motor vehicle;

“learner” means the holder of a learner licence or learner licence receipt when driving a vehicle of a class to which the licence or receipt relates;

“learner licence” means a learner licence granted under section 9A;

“learner licence receipt” means a learner licence receipt granted under section 9A;

“licence” means a licence under this Act;

“licensed” means licensed under this Act;

“licensee” means the holder of a licence;

“light motor omnibus” means a motor omnibus that—

- (a) has a manufacturer’s gross vehicle mass that does not exceed 15 tonnes; and
- (b) is capable of seating more than 30 adults;

“light truck” means a rigid truck that has—

- (a) a manufacturer’s gross vehicle mass that does not exceed 15 tonnes; or
- (b) not more than 2 axles;

“light vehicle” means a motor vehicle, other than a motor cycle, that—

- (a) has a manufacturer’s gross vehicle mass that does not exceed 4.5 tonnes; and

(b) is capable of seating not more than 12 adults;

and includes a motor tractor and a motor implement;

“loading area” means—

- (a) any part of the area of land bounded by the public streets known as Petrie Street, Alinga Street, East Row and London Circuit;
- (b) any part of the area of land bounded by the public streets known as Petrie Street, Bunda Street, Garema Place and Alinga Street;
- (c) any part of the area of land bounded by the public streets known as East Row, Alinga Street, Northbourne Avenue and London Circuit; or
- (d) any part of the area of land bounded by the public streets known as Northbourne Avenue, Alinga Street, West Row and London Circuit,

not being the entrances or exits to such an area, an area forming part of those public streets or an area on which a building is erected;

“manufacturer’s gross combination mass”, in relation to a vehicle comprising a motor vehicle and a trailer or semi-trailer that is coupled to the motor vehicle, means the mass that the manufacturer of the vehicle recommends should not be exceeded by the gross combination mass of the motor vehicle and the trailer or semi-trailer;

“manufacturer’s gross vehicle mass”, in relation to a vehicle, means the mass that the manufacturer of the vehicle recommends should not be exceeded by the gross mass of the vehicle;

“medical testing officer” means a medical testing officer appointed in pursuance of this Act;

“motor car” means any motor vehicle constructed to be used principally for the carriage of persons, but does not include a motor cycle;

“motor cycle” means a motor vehicle which has less than 4 wheels and is steered by means of handle bars;

“motor implement” means a motor vehicle constructed to be used principally to execute agricultural, road construction, grass cutting or other work by means of machinery or fittings that form an integral

part of the vehicle, but does not include a motor tractor or an equipment truck;

“motor omnibus” means any motor vehicle fitted, or equipped, or constructed, so as to seat more than 6 adult persons, and in respect of which payment is received for the conveyance of any passengers along a public street and includes any vehicle declared by the Minister, by notice in the *Gazette*, to be a motor omnibus;

“motor omnibus licence” means a licence granted by the Registrar to use a motor vehicle as a motor omnibus;

“motor tractor” means any motor vehicle constructed principally for the purpose of supplying motive power for machinery, or of hauling any vehicle;

“motor vehicle” means a vehicle that uses or is designed to use volatile spirit, steam, gas, oil, electricity or any other power (not being human or animal power) as the principal means of propulsion;

“new owner”, in relation to a motor vehicle which is sold or disposed of, means the person to whom the vehicle is sold or disposed of;

“offence of culpable driving”, in relation to a person, means an offence against section 52A of the *Crimes Act 1900* or any other offence against that Act where the death of or bodily harm to another person being caused by or arising from the driving of a motor vehicle by that first-mentioned person was a fact necessary to constitute that offence;

“officer” means an officer appointed by the Minister in pursuance of this Act;

“off-street parking area” means an area of land available for use by the public, whether with or without the payment of money, for the parking of motor vehicles, and includes—

- (a) the entrances to, the exits from and the passageways in such an area; and
- (b) the area of land that is situated between the entrances to and the exits from such an area and a public street and that is used for access to the area;

“one way traffic carriageway” means a carriageway or separate portion of a carriageway in respect of which traffic signs bearing an arrow and the words “ONE WAY” area erected or displayed;

“overtake”, in relation to a motor vehicle, means overtake another vehicle that is travelling in the same direction as the motor vehicle in a public street, and includes the action of passing such an overtaken vehicle, and “overtaking” has a corresponding meaning;

“owner”, in relation to a motor vehicle means—

- (a) in the case of a motor vehicle that is registered under this Act—the person whose name is specified in the certificate of registration as the owner of the motor vehicle;
- (b) in the case of a visiting motor vehicle—the person whose name is specified in the certificate of registration as the owner of that vehicle under the law of the State, or of the Northern Territory, in which that vehicle is registered;
- (c) in the case of a motor vehicle to which trader’s plates are affixed—the trader to whom the trader’s licence in relation to those plates has been granted under this Act;
- (d) in the case of a motor vehicle or visiting motor vehicle the owner of which has died—the legal personal representative of the deceased owner whilst he or she is acting as the legal personal representative;
- (e) in the case of a visiting motor omnibus—the person to whom a licence to use the visiting motor omnibus as a motor omnibus in the Territory has been granted; and
- (f) in the case of an unregistered motor vehicle—a person who, solely or jointly with any other person, is entitled to immediate possession of it;

“park”, in relation to a motor vehicle or trailer, means cause or permit the motor vehicle or trailer to remain standing, and “parked” and “parking” have corresponding meanings;

“passenger car derivative” means a motor vehicle, other than a motor car, of which the front part of the body and the greater part of the mechanical equipment are the same as those of a factory produced motor car of the same make as the motor vehicle, and includes motor vehicles of a kind known as a panel van or coupé utility;

“pedestrian” includes a person—

- (a) in a perambulator or similar carriage;

- (b) in a device designed for use as a toy; or
- (c) in a wheelchair;

“pedestrian crossing” means a portion of a public street—

- (a) defined by road markings marked laterally across or partly across the carriageway comprising a series of white stripes alternating with areas of the surface of the carriageway with each stripe lying longitudinally to the public street; and
- (b) indicated by a traffic sign inscribed with the word “CROSSING”;

and includes the areas of the surface of the carriageway lying between those white stripes;

“Police Force” means the Australian Federal Police;

“private hire car” means a motor vehicle (other than a taxi or motor omnibus) which—

- (a) does not ply for hire in a public street for the conveyance of passengers; and
- (b) is used, or is intended to be used, for the conveyance of passengers under a contract which gives the hirer the exclusive use of the vehicle;

“private hire car licence” means a licence granted by the Registrar to use a motor car as a private hire car;

“producer gas” means gas which is produced by the incomplete combustion of solid fuel and whose active constituent is chiefly carbon monoxide, but does not include gas produced at a fixed station and distributed through mains for consumption at a distance from the place of production;

“probationary licence” means a probationary licence granted under section 180V;

“provisional endorsement” means an endorsement on a licence made under section 9B;

“provisional licence” means a provisional licence granted under section 9B or paragraph 10A (1) (a);

“public motor vehicle” means a motor vehicle plying or standing in a public street for hire, and includes a motor omnibus and a taxi;

“public place” means—

- (a) an off-street parking area;
- (b) a loading area;
- (c) a wharf, pier or jetty;
- (d) the Lake Burley Griffin foreshores; or
- (e) any part of a park, reserve, recreational or sporting ground, racecourse, or any other open place, to which the public has access whether with or without payment for admission, other than a street, road or lane that is prepared with cement or concrete or is sealed with bitumen or other sealing substance;

“public street” means a street, road, lane or footpath (including a street, road, lane or footpath on or forming part of a bridge) that is open to or used by the public, but does not include—

- (a) an entrance-driveway leading to a parcel of land; or
- (b) any part of a public place;

“reflector” means a reflector, reflecting lens, or reflective material, capable of throwing back a red reflection of light from the headlamps of a vehicle approaching from the rear so that when the headlamps of the approaching vehicle are dipped the reflection can be seen by the driver of the approaching vehicle when the approaching vehicle is not less than 50 metres from the reflector;

“registered” means registered under this Act;

“Registrar” means the Registrar of Motor Vehicles appointed in pursuance of this Act;

“registration number”, in relation to a vehicle, means the number displayed in accordance with section 17A on a number-plate issued by the Registrar in respect of the vehicle;

“Regulations” means regulations made under this Act;

“repealed Ordinance” means any Ordinance repealed by section 2 and includes any such Ordinance as subsequently amended;



“rigid motor omnibus” means a small motor omnibus, a light motor omnibus or a heavy motor omnibus;

“rigid truck” means a motor vehicle constructed to be used principally for the carriage on public streets of goods, merchandise or produce or the conveyance of materials or equipment, but does not include an equipment truck, a motor implement, a motor tractor or a passenger car derivative;

“road marking” means a line, symbol, sign or other device marked on the carriageway or kerb of a public street, or on any part of an off-street parking area or loading area, in accordance with Part VII, and includes any reflective material used in so marking the line, symbol, sign or other device;

“road train” means a combination of vehicles that consists of—

- (a) a rigid truck drawing more than 1 trailer; or
- (b) an articulated vehicle drawing 1 or more trailers;

but does not include a B-double;

“semi-trailer” means a trailer that—

- (a) has wheels towards the rear; and
- (b) is so constructed that the front of the trailer can be superimposed upon and coupled to another vehicle so as to pivot about a point located forward of the most rearward axle of the vehicle to which it is coupled;

“slip lane” means a branch of a public street provided at an intersection or junction exclusively for the use of vehicles turning left at that intersection or junction onto the intersecting or adjoining public street being a branch which is separated from those streets by a traffic island;

“small motor omnibus” means a motor omnibus that—

- (a) has a manufacturer’s gross vehicle mass that does not exceed 15 tonnes; and
- (b) is capable of seating not less than 13 and not more than 30 adults;

“special licence” means a special licence granted under section 13A;

“special number” means a number that is, in accordance with a determination in force under section 17A, a special number that may be allocated as the registration number of a vehicle other than a taxi, motor omnibus, private hire car, motor vehicle of a member of the diplomatic corps, veteran vehicle, vintage vehicle or historic vehicle;

“taxi” means a motor vehicle (other than a motor omnibus) which stands or plies in a public street for hire for the conveyance of passengers and includes a motor vehicle which is intended to so stand or ply for hire;

“taxi licence” means a licence granted by the Registrar to use a motor vehicle as a taxi;

“the Lake Burley Griffin foreshores” means any part of the area of land bounded by the edge of Lake Burley Griffin and an imaginary line drawn at a distance of 100 metres from that edge other than a street, road or lane that is prepared with cement or concrete or is sealed with bitumen or other sealing substance;

“this Act” includes the regulations;

“trader” means a person to whom a trader’s licence has been granted or transferred and, in the case of a trader being a company, firm or partnership, includes any director, manager or other officer of the company or any member of the firm or any partner of the partnership;

“trader’s licence” means a licence granted under Part IV;

“trader’s plate” means a number-plate issued to the holder of a trader’s licence under Part IV;

“traffic infringement” means an offence prescribed under section 180A.

“traffic island” means—

- (a) an island or dome constructed, placed or erected in accordance with Part VII; or
- (b) an area defined by signs in the form of chevrons placed within unbroken lines marked in accordance with Part VII;

“traffic lane” means 1 of 2 or more longitudinal portions of the carriageway of a public street defined by road markings or traffic islands for the passage of vehicles travelling in the same direction;

“traffic sign” means a sign, signal, flag, notice, beacon or other device erected, placed or displayed on, near or above the carriageway of a public street, or in a public place, in accordance with Part VII;

“trailer” means—

- (a) a vehicle without motive power designed for attachment to a motor vehicle, but does not include a side-car; and
- (b) a piece of machinery or equipment that is equipped with wheels and designed to be towed behind a vehicle, but is not designed as a means of conveyance and includes a caravan;

“Tribunal” means the Australian Capital Territory Administrative Appeals Tribunal;

“U turn” means a movement of a vehicle whereby the vehicle turns to face the opposite, or substantially opposite, direction;

“vehicle” means any means of conveyance which runs on wheels but does not include any vehicle used on a railway or a wheelchair;

“veteran vehicle” means a motor vehicle manufactured before 1 January 1919;

“vintage vehicle” means a motor vehicle manufactured in the period that commenced on 1 January 1919 and ended at the expiration of 31 December 1930;

“visiting motor vehicle” means a motor vehicle or trailer—

- (a) which is registered in a State or Territory of the Commonwealth (other than the Australian Capital Territory);
- (b) which has affixed thereto the number plates required, by the law of the State or Territory in which it is registered, to be so affixed; and
- (c) which is brought into the Territory temporarily, and includes—
  - (i) a motor vehicle or trailer which has affixed thereto a trader’s plate in pursuance of the law of any such State or Territory;
  - (ii) a motor vehicle or trailer which has attached thereto the distinguishing mark required to be carried under any convention relating to motor traffic to which the

Commonwealth is a party and the owner of which is a *bona fide* resident of a country outside the Commonwealth; and

- (iii) a motor vehicle registered for commercial purposes in any such State or Territory which complies with paragraphs (b) and (c) and is licensed under this Act as a motor omnibus or public or private hire car, or motor vehicle for the carriage of workers,

but does not include any rigid truck or articulated vehicle which is, in the opinion of the Registrar, used regularly upon the public streets or a motor vehicle in respect of which the Registrar has suspended the right to drive in the Territory under subparagraph 162E (1) (e) (iii) or (f) (ii) or 180F (1) (d) (iii) or (e) (ii);

“weight”, in relation to a motor vehicle, means the gross weight of the vehicle laden with the tools and accessories usually carried and with such fuel, water and oil as are in or upon the vehicle, but otherwise unladen;

“wheelchair” means a carriage—

- (a) that is specially designed and constructed for use by a person suffering from a physical defect or disability; and
- (b) that, if designed to use a form of power other than human power as the principal means of propulsion, is not capable of travelling, by means of that form of power, at a speed exceeding 7 kilometres per hour.

**(1A)** Where, by reason of the length of the name of the owner, or the number of names of the owners, of a motor vehicle or trailer, the certificate of registration granted in respect of the vehicle or trailer does not specify the full name or names of the owner or owners of the vehicle or trailer—

- (a) the name or names of the owner or owners of the motor vehicle or trailer may appear on the certificate of registration in an abbreviated form;
- (b) the Registrar shall maintain a separate record showing—
  - (i) the full name or names of the owner or owners of the motor vehicle or trailer; and

(ii) the same details in respect of the motor vehicle or trailer as appear on the certificate of registration granted in respect of the vehicle or trailer; and

(c) the name or names appearing in that record in respect of the vehicle or trailer as the name of the owner or owners of the vehicle or trailer shall, for the purposes of the definition of “owner” in subsection (1), of subsection (4) and of section 199, be deemed to be the name or names specified in the certificate of registration granted in respect of the motor vehicle or trailer.

(2) In this Act a reference to a Schedule shall be read as a reference to a Schedule to this Act.

(3) Unless the contrary intention appears, a reference in Part VIIA, Part VIII, Part IX or Part X to a motor vehicle shall be deemed to include, where a trailer is attached to the motor vehicle, a reference to the motor vehicle and trailer.

(4) Where there are 2 or more joint owners or part owners of a motor vehicle, each joint owner or part owner shall be deemed to be, for the purposes of this Act, the owner of the motor vehicle.

(5) A reference to a public street in sections 9, 51, 79, 85, 89, 119, 129, 130, 131, 132, 134, 135, 139, 147A, 147B, 147C, 165, 166, 168, 176, 181, 182, 184, 186, 187, 189, 190A, 191 and 193, and subsections (1) and (3) of section 202, shall be read as including a reference to a public place.

(6) A reference to a public street in sections 129, 130, 131, 132, 134, 135 and 139 shall be read as including a reference to an entrance-driveway leading to a parcel of land.

(7) For the purposes of this Act, a motor vehicle shall be deemed to have been manufactured on or after a particular date if any process in the manufacture of the motor vehicle is carried out on or after that date.

(8) A reference in a provision of this Act to a determined fee shall be read as a reference to the fee determined under section 217A for the purposes of that provision.

(9) A reference in this Act to the allocation of a number as the registration number of a vehicle shall be read as a reference to the allocation of a sequence of not more than 6 characters consisting of—

(a) digits;

- (b) capital letters; or
- (c) a combination of digits and capital letters.

(10) For the purposes of Parts X and XIA, the administrative charge is \$25 or such other charge as the Minister, by instrument, determines.

(11) A determination under subsection (10) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

### **Position of the Crown**

#### **5.**

(2) The provisions of this Act in relation to the registration of motor vehicles and trailers and the issue of labels shall not apply to motor vehicles or trailers owned by—

- (a) the Territory or a Territory authority; or
- (b) the Commonwealth or a Commonwealth authority.

(3) A person referred to in paragraph 2 (a) or (b) may apply to register a motor vehicle or trailer or for the issue of a label.

### **Registrar, Deputy Registrar and other officers**

6. (1) The Minister may appoint a person to be the Registrar of Motor Vehicles.

(2) The Minister may appoint such Deputy Registrars, medical testing officers, inspectors and other officers as the Minister considers necessary for carrying out this Act.

(3) A Deputy Registrar shall have and may exercise such powers and functions of the Registrar as the Minister determines.

## **PART II—REGISTRATION OF, AND LICENCES TO DRIVE, MOTOR VEHICLES**

### **Registration of motor vehicles**

7. (1) The Registrar may register, and may, from time to time, renew the registration of, a motor vehicle for the purposes of this Act.

(2) The Registrar shall not register, or renew the registration of, a motor vehicle unless he or she is satisfied that—

- (a) the motor vehicle, its parts and equipment comply with such of the requirements of Part I of Schedule 2 as are applicable to the motor vehicle and are capable of complying with such of the requirements of Part XII as would be applicable to the motor vehicle if it were on a public street; and
- (b) in the case of a motor vehicle to which the *Motor Vehicles (Dimensions and Mass) Act 1990* applies—the motor vehicle, its parts and equipment comply with such of the provisions of Part II of that Act as are applicable to them.

### Design rules

**7A. (1)** In this section—

“applicable design rule” means—

- (a) in the case of a motor vehicle or trailer manufactured before 1 July 1988—an Australian Design Rule contained in the publication known as the Australian Design Rules for Motor Vehicle Safety, Second Edition, issued by the Department of Transport and Communications of the Commonwealth and applicable to the motor vehicle or trailer;
- (b) in the case of a motor vehicle or trailer manufactured on or after 1 July 1988—an Australian Design Rule contained in the publication known as the Australian Design Rules for Motor Vehicles and Trailers, Third Edition, issued by the Department of Transport and Communications of the Commonwealth, in effect and applicable to the motor vehicle or trailer when it was manufactured; and
- (c) in the case of a heavy motor vehicle manufactured during 1988, 1989 or 1990—Australian Design Rule 65/00 as applied by this section;

“Australian Design Rule” means a publication so entitled issued by the Department of Transport and Communications of the Commonwealth after endorsement by the Council of Commonwealth, State and Territory Ministers known as the Australian Transport Advisory Council;

“heavy motor vehicle” means—

- (a) a motor vehicle—

- (i) fitted, equipped or constructed so as to seat more than 9 adult persons; and
  - (ii) having a manufacturer's gross vehicle mass of more than 14.5 tonnes; or
- (b) a rigid truck, an equipment truck or an articulated vehicle having a manufacturer's gross vehicle mass of more than 15 tonnes.

**(1A)** The provisions of Australian Design Rule 65/00 apply, by virtue of, and in accordance with, this section, to a heavy motor vehicle manufactured during 1988, 1989 or 1990.

**(2)** Subject to subsection (1A), for the purposes of the definition of "applicable design rule" in subsection (1), an Australian Design Rule is applicable to a motor vehicle or trailer if it is stated in the Rule that a class of motor vehicles in which that motor vehicle is included or a class of trailers in which that trailer is included should—

- (a) comply with, or be designed to comply with, that Rule;
- (b) be equipped with anything that complies with that Rule; or
- (c) have instruments located so as to comply with that Rule.

**(3)** Where an applicable design rule refers to another document, that document shall be deemed to be incorporated with, and form part of, the design rule.

**(4)** Without limiting the generality of section 7, the Registrar may refuse to register, or renew the registration of, a motor vehicle or trailer unless it complies with an applicable design rule.

**(5)** For the purposes of subsection (4), a motor vehicle or trailer that has at any time been registered before 30 October 1990 shall be deemed to comply with an applicable design rule.

**(5A)** Subsection (5) does not apply in respect of Australian Design Rule 65/00 in its application by virtue of, and in accordance with, subsection (1A).

- (6)** The Minister may—
- (a) of his or her own motion; or
  - (b) on receipt of an application in writing;

by instrument exempt—



- (c) a specified motor vehicle;
- (d) a class of motor vehicles;
- (e) a specified trailer; or
- (f) a class of trailers;

from compliance in whole or in part with an applicable design rule.

(7) An instrument made under paragraph (6) (d) or (f) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(8) The Registrar shall—

- (a) cause to be kept at each place at which, in pursuance of section 17, he or she ordinarily directs vehicles to be produced for examination or inspection by an inspector, a copy of each applicable design rule; and
- (b) at the request of a person, make that copy available for inspection by that person at that place at a reasonable time specified by that person.

(9) In any proceedings, a certificate signed by the Minister stating—

- (a) that a document annexed to the certificate is a copy of an Australian Design Rule in effect on a date specified in the certificate;
- (b) that the design rule is known by the name specified in the certificate;
- (c) that the design rule is contained in the publication specified in the certificate; and
- (d) if applicable, that a document annexed to the certificate is a copy of a document referred to in that design rule;

is evidence of the matters stated in the certificate.

### **Registration of trailers**

**8. (1)** Upon payment of the determined fee, the Registrar may register, and may, from time to time, renew the registration of, a trailer for the purposes of this Act.

(2) The Registrar shall not register, or renew the registration of, a trailer unless he or she is satisfied that—

- (a) the trailer, its parts and equipment comply with the requirements of this Act and the regulations; and
- (b) in the case of a trailer to which the *Motor Vehicles (Dimensions and Mass) Act 1990* applies—the trailer, its parts and equipment comply

with such of the provisions of Part II of that Act as are applicable to them.

### Classes of licences

**9. (1)** The Minister may, by instrument, declare that a specified class of licence entitles the licensee to drive a specified class of motor vehicles.

**(2)** An instrument made under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

### Learner licences and learner licence receipts

**9A. (1)** Subject to this Act and to the *Motor Traffic (Alcohol and Drugs) Act 1977*, the Registrar may grant—

- (a) a learner licence to a person who does not hold another licence; and
- (b) a learner licence receipt to a person who holds a full, provisional or probationary licence;

in relation to a class of vehicles specified on the licence or receipt (as the case requires) and may renew that licence or receipt from time to time.

**(2)** Before granting a learner licence or learner licence receipt the Registrar shall require the applicant to pass a test approved by the Registrar.

**(3)** A learner licence or learner licence receipt shall not be granted to an applicant unless—

- (a) in the case of a licence or receipt to drive a motor cycle—
  - (i) the applicant is at least 16 years and 9 months of age; and
  - (ii) has, within 3 months prior to applying for the licence or receipt, successfully completed a motor cycle rider training course approved by the Registrar by notice in the *Gazette*; and
- (b) in the case of a licence or receipt to drive a light vehicle other than a taxi or a private hire car—the applicant is at least 16 years of age.

**(4)** Notwithstanding subsection (3), the Registrar may grant a learner licence to drive a vehicle of the class specified in the learner licence to a person to whom the Registrar would, but for this subsection, be prohibited from granting a learner licence, if the Registrar is satisfied that special circumstances exist that justify granting a learner licence to the person.

(5) A learner licence granted by virtue of subsection (4) shall be subject to such conditions, specified in the licence, as are necessary to ensure that the licensee does not drive a motor vehicle otherwise than for purposes in connection with the special circumstances referred to in subsection (4).

(6) A person to whom a learner licence is granted by virtue of subsection (4) shall comply with a condition specified in the licence.

(7) A learner licence and learner licence receipt are valid for the period of 15 months commencing on the date of grant.

(8) A learner shall not drive on a public street a light vehicle—

(a) if the seat next to the learner is not occupied by—

(i) a person who holds a full licence to drive a motor vehicle in the class driven by the learner; or

(ii) by a person who is submitting the learner to a driving test authorised by the Registrar;

(b) if there is not displayed conspicuously at, and so as to be clearly visible from, the front and rear of the vehicle, a square sign—

(i) each side of which is not less than 155 millimetres in length; and

(ii) displaying the letter “L” in black on a yellow background;

being a sign that has been issued or authorised by the Registrar; or

(c) where a trailer is coupled to the vehicle—if the manufacturer’s gross vehicle mass of the trailer exceeds 750 kilograms.

(9) A learner shall not drive on a public street a motor cycle—

(a) if it is being used for the carriage of any person other than the learner or a person who—

(i) holds a full licence to drive a motor cycle; and

(ii) is safely seated in a sidecar attached to the motor cycle;

(b) if there is not displayed conspicuously at, and so as to be clearly visible from, the rear of the motor cycle a square sign—

(i) each side of which is not less than 155 millimetres in length; and

(ii) displaying the letter “L” in black on a yellow background;

being a sign that has been issued or authorised by the Registrar; or

(c) to which there is coupled a trailer.

**(10)** The owner or person in charge of a motor vehicle shall not—

(a) cause;

(b) permit; or

(c) fail to take reasonable precautions to prevent;

a contravention of subsection (8) or (9) in connection with the vehicle.

### **Provisional licences and endorsements**

**9B. (1)** Subject to this Act and to the *Motor Traffic (Alcohol and Drugs) Act 1977*, the Registrar may—

(a) grant a provisional licence to drive a specified class of vehicles to a person who does not hold a provisional or full licence; or

(b) make, on a provisional or full licence, a provisional endorsement that entitles the licensee to drive a specified class of vehicles that he or she is not already entitled to drive;

and may renew such a licence or endorsement from time to time.

**(2)** Subject to this section, the Registrar shall not grant a provisional licence or make a provisional endorsement unless the applicant—

(a) in the case of a provisional licence or endorsement to drive a motor cycle, has held—

(i) a learner licence;

(ii) a corresponding licence; or

(iii) a learner licence receipt;

to drive a motor cycle for a period of, or periods totalling, not less than 3 months;

(b) in the case of a provisional licence or endorsement to drive a light vehicle, has held—

(i) a learner licence;

(ii) a corresponding licence; or

(iii) a learner licence receipt;

to drive a light vehicle for a period of, or periods totalling, not less than 6 months;

- (c) in the case of a provisional licence to drive a rigid truck, rigid motor omnibus, public motor vehicle or private hire car—has held a licence, a provisional endorsement or a corresponding licence to drive a light vehicle for a period of, or periods totalling, not less than 12 months;
- (d) in the case of a provisional licence to drive an articulated vehicle, heavy trailer combination or an articulated motor omnibus—has held a licence or a corresponding licence to drive a rigid truck or rigid motor omnibus (other than a small motor omnibus) for a period of, or periods totalling, not less than 12 months; or
- (e) in the case of a provisional licence to drive a road train or B-double—has held a licence or a corresponding licence to drive—
  - (i) a heavy articulated vehicle; or
  - (ii) a heavy trailer combination—
    - (A) the manufacturer's gross combination mass of which exceeds 24 tonnes; or
    - (B) that has more than 3 axles;

for a period of, or periods totalling, not less than 12 months.

**(3)** A reference in a paragraph of subsection (2) to a corresponding licence shall be read as a reference to a corresponding licence that, in the opinion of the Registrar, is equivalent to a licence referred to in that paragraph.

**(4)** In calculating, for the purposes of subsection (2), the time during which a person has held a licence, any period during which the licence has been suspended shall be disregarded.

**(5)** Subject to this section, the Registrar shall not grant a provisional licence or make a provisional endorsement unless the applicant—

- (a) in the case of a licence to drive a rigid truck or rigid motor omnibus—is at least 18 years of age;
- (b) in the case of a licence to drive an articulated vehicle, heavy trailer combination or articulated motor omnibus—is at least 19 years of age;
- (c) in the case of a licence to drive a road train, B-double, public motor vehicle or private hire car—is at least 21 years of age; and

- (d) in the case of any other licence or of an endorsement—is at least 17 years of age.
- (6) The Registrar shall not grant a provisional licence unless the applicant—
- (a) surrenders any other licence or corresponding licence that he or she may be holding and furnishes a declaration that he or she holds no other licence or corresponding licence; or
  - (b) furnishes a declaration that he or she holds no licence or corresponding licence.
- (7) Subject to this Act and to the *Motor Traffic (Alcohol and Drugs) Act 1977*, a provisional endorsement ceases to be valid if the licence on which it is made is cancelled, suspended or expires.
- (8) A provisional licence shall not be granted for a period that exceeds 3 years from the date of the grant, but may be extended in accordance with subsection (23).
- (9) A provisional endorsement shall not be made for a period that exceeds 12 months, but may be extended in accordance with subsection (23).
- (10) Where the Registrar grants a provisional licence for a period that is less than 3 years, the fee payable on the grant is an amount that bears the same proportion to the fee determined in respect of the grant of a provisional licence as the number of full months for which the licence is granted bears to 36.
- (11) Notwithstanding subsections (2) and (5), if the Registrar is satisfied that special circumstances exist that justify his or her so doing, the Registrar may grant a provisional licence to a person to whom, but for this subsection, he or she would be prohibited from granting it by reason of either of those subsections.
- (12) A provisional licence granted under subsection (11) shall be subject to such conditions, specified in the licence, as are necessary to ensure that the licensee does not drive a motor vehicle otherwise than for purposes connected with the special circumstances referred to in that subsection.
- (13) A person to whom a provisional licence is granted under subsection (11) shall comply with a condition specified in the licence.
- (14) The Registrar shall not grant a provisional licence, make a provisional endorsement or renew a provisional licence unless satisfied that the applicant is

capable of driving, with safety to the public, a motor vehicle of the class specified in the licence or endorsement, as the case requires.

**(15)** Where, for the purposes of subsection (14), the Registrar requires an applicant to undergo a driving test, the Registrar shall not fix the date and time for the test unless the applicant has paid to the Territory the determined fee.

**(16)** An applicant is entitled to a refund of a fee referred to in subsection (15) if the proposed driving test in respect of which the fee was paid is cancelled by the Registrar.

**(17)** An applicant for a licence is entitled to a refund of a fee referred to in subsection (15) less an amount determined by the Minister if, not later than 48 hours before the time fixed for a driving test in respect of which the fee was paid, the applicant informs the Registrar that he or she does not intend to undergo the test at the time so fixed.

**(18)** The amount of a refund that a person is entitled to under subsection (16) or (17) may be applied in satisfaction or partial satisfaction of a determined fee under subsection (15).

**(19)** The Registrar may refuse to grant a provisional licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle to a person who does not produce to the Registrar a certificate of good character signed by not less than 2 persons of good repute.

**(20)** The Registrar may refuse to grant a provisional licence to drive a public motor vehicle, a private hire car or licensed goods vehicle unless the applicant satisfies the Registrar that he or she is—

- (a) a fit and proper person to hold the licence; and
- (b) able to speak, read and write the English language.

**(21)** A person who has held a provisional licence or endorsement to drive a light vehicle for less than 12 months shall not drive on a public street a motor vehicle in that class—

- (a) unless there is displayed conspicuously at, and so as to be clearly visible from, the front and rear of the vehicle, a square sign—
  - (i) each side of which is not less than 155 millimetres in length; and
  - (ii) displaying the letter “P” in red on a white background;

being a sign that has been issued or authorised by the Registrar; or

- (b) to which there is coupled a trailer the manufacturer's gross vehicle mass of which exceeds 750 kilograms.

(22) A person who has held a provisional licence or endorsement to drive a motor cycle for less than 12 months shall not drive on a public street a motor cycle—

- (a) unless there is displayed conspicuously at, and so as to be clearly visible from, the rear of the vehicle, a square sign—
  - (i) each side of which is not less than 155 millimetres in length; and
  - (ii) displaying the letter "P" in red on a white background;being a sign that has been issued or authorised by the Registrar; or
- (b) to which there is coupled a trailer.

(23) On receipt of an appropriate application the Registrar shall grant to a person whose provisional licence or endorsement has been suspended under this Act or any other law of the Territory an extension of the period of validity of that licence or endorsement for a period of time equal to the period of the suspension.

### **Full licences**

**10. (1)** Subject to this Act and to the *Motor Traffic (Alcohol and Drugs) Act 1977*, the Registrar may grant to a person a full licence to drive a specified class of motor vehicles and may renew that licence from time to time.

(2) Subject to this section, the Registrar shall not grant a full licence unless the applicant—

- (a) has held a full licence or holds or has held a corresponding licence; or
- (b) has held a provisional licence, a probationary licence or a corresponding licence for a period of, or periods totalling, not less than 3 years.

(3) Subject to this section, the Registrar shall not grant a full licence unless the applicant—

- (a) in the case of a full licence to drive a rigid truck, rigid motor omnibus, public motor vehicle or private hire car—has held a licence or provisional endorsement, or a corresponding licence, to drive a light vehicle for a period of, or periods totalling, not less than 12 months;



- (b) in the case of a full licence to drive an articulated vehicle, a heavy trailer combination or an articulated motor omnibus—has held a licence or a corresponding licence to drive a rigid truck or rigid motor omnibus (other than a small motor omnibus) for a period of, or periods totalling, not less than 12 months; or
  - (c) in the case of a full licence to drive a road train or B-double—has held a licence or a corresponding licence to drive—
    - (i) a heavy articulated vehicle; or
    - (ii) a heavy trailer combination—
      - (A) the manufacturer's gross combination mass of which exceeds 24 tonnes; or
      - (B) that has more than 3 axles;
- for a period of, or periods totalling, not less than 12 months.

**(4)** A reference in a paragraph of subsection (2) or (3) to a corresponding licence shall be read as a reference to a corresponding licence that, in the opinion of the Registrar, is equivalent to a licence referred to in that paragraph.

**(5)** In calculating, for the purposes of this section, the time during which a person has held a licence, any period during which the licence has been suspended shall be excluded.

**(6)** Subject to this section, the Registrar shall not grant a full licence unless the applicant—

- (a) in the case of a licence to drive a rigid truck or rigid motor omnibus—is at least 18 years of age;
- (b) in the case of a licence to drive an articulated vehicle, a heavy trailer combination or an articulated motor omnibus—is at least 19 years of age; and
- (c) in the case of a licence to drive a road train, B-double, public motor vehicle or private hire car—is at least 21 years of age.

**(7)** The Registrar shall not grant a full licence unless the applicant—

- (a) surrenders any other licence or corresponding licence that he or she may be holding and furnishes a declaration that he or she holds no other licence or corresponding licence; or

- (b) furnishes a declaration that he or she holds no licence or corresponding licence.
- (8) Notwithstanding subsections (3) and (6), if the Registrar is satisfied that special circumstances exist that justify his or her so doing, the Registrar may grant a full licence to a person to whom, but for this subsection, he or she would be prohibited from granting the licence by reason of either of those subsections.
- (9) A licence granted by virtue of subsection (8) shall be subject to such conditions, specified in the licence, as are necessary to ensure that the licensee does not drive a motor vehicle otherwise than for purposes connected with the special circumstances referred to in that subsection.
- (10) A person to whom a licence is granted by virtue of subsection (8) shall comply with a condition specified in the licence.
- (11) The Registrar shall not grant or renew a full licence unless he or she is satisfied that the applicant is capable of driving, with safety to the public, a motor vehicle of the class specified in the licence.
- (12) Where, for the purposes of subsection (11), the Registrar requires an applicant to undergo a driving test, the Registrar shall not fix the date and time for the test unless the applicant has paid to the Territory the determined fee.
- (13) An applicant for a licence is entitled to a refund of a fee referred to in subsection (12) if the proposed driving test in respect of which the fee was paid is cancelled by the Registrar.
- (14) An applicant for a licence is entitled to a refund of a fee referred to in subsection (12) less an amount determined by the Minister if, not later than 48 hours before the time fixed for a driving test in respect of which the fee was paid, the applicant informs the Registrar that he or she does not intend to undergo the test at the time so fixed.
- (15) The amount of a refund that a person is entitled to under subsection (13) or (14) may be applied in satisfaction or partial satisfaction of a fee payable under subsection (12).
- (16) The Registrar may refuse to grant a full licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle to a person who does not produce to the Registrar a certificate of good character signed by not less than 2 persons of good repute.

(17) The Registrar may refuse to grant a full licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle unless the applicant satisfies the Registrar that he or she is—

- (a) a fit and proper person to hold the licence; and
- (b) able to speak, read and write the English language.

**Grant of licence to a person who has held a probationary licence**

**10A.** (1) The Registrar shall grant to an applicant who has held a probationary licence for a period of, or periods totalling, not less than 12 months—

- (a) if the applicant's prior licence had been a provisional licence—a provisional licence; or
- (b) if the applicant's prior licence had been a full licence—a full licence.

(2) A licence granted under this section shall—

- (a) specify the class of vehicles that the probationary licence had specified; and
- (b) be subject to the conditions that the probationary licence had been subject to.

(3) The Registrar shall make, on a licence granted under this section, any provisional endorsement that had been made on the prior licence and was in effect when it was cancelled.

(4) In calculating, for the purposes of this section, the time during which a person has held a probationary licence, any period during which the licence has been suspended shall be excluded.

(5) Sections 9B and 10 do not apply to an applicant referred to in subsection (1).

(6) In this section—

“prior licence”, in relation to an applicant for a licence under this section, means the last licence held by the applicant prior to obtaining a probationary licence.

**Conditions on licences**

**10B.** (1) Where the Registrar believes on reasonable grounds that it is desirable in the interests of road safety to—

- (a) grant a licence subject to a condition; or
- (b) impose a condition on a licence;

the Registrar shall give to the applicant or licensee (as the case requires) a written notice—

- (c) specifying those interests and stating the facts and circumstances that constitute the basis for the Registrar's belief; and
- (d) inviting the applicant or licensee to show cause within a specified period of time why the licence should not be granted subject to the condition specified in the notice or why the condition specified in the notice should not be imposed on the licence, as the case requires.

**(2)** After—

- (a) the expiry of the period of time specified in a notice under subsection (1); and
- (b) taking into consideration any representation made by the applicant or licensee;

the Registrar shall grant the licence subject to the condition or vary the licence if satisfied on reasonable grounds that it is desirable in the interests of road safety to do so.

**(3)** For the purpose of varying a licence the Registrar shall, by written notice accompanying the relevant notice under subsection (1), require the licensee to forward the licence to the Registrar within 14 days after the date of the notice.

**(4)** A licence that has not been forwarded to the Registrar within the period of 14 days referred to in a notice under subsection (3) becomes subject to the condition specified in the notice at the end of that period.

**(5)** On application by a licensee accompanied by the licence, the Registrar shall, if satisfied on reasonable grounds that it is desirable in the interests of road safety to do so—

- (a) vary the licence in accordance with the application by imposing, altering or omitting a condition; or
- (b) refuse to vary the licence.

**(6)** The holder of a licence that is subject to a condition shall comply with the condition.

(7) Nothing in this section shall be construed as—

- (a) affecting the powers of the Registrar under section 9A, 9B or 10; or
- (b) enabling the Registrar to vary a licence by altering or omitting a condition or limitation imposed by, or as a result of an order of, a court.

(8) In this section—

“condition” includes a condition relating to—

- (a) the times during which the licensee may drive a motor vehicle;
- (b) the equipment to be carried on or in, or modifications to be made to, a motor vehicle that may be driven by the licensee; and
- (c) the purpose for which, or the location where, the licensee may drive a motor vehicle;

“licence” includes a learner licence receipt.

### **Refusal of licence to certain persons**

**11.** The Registrar may refuse a licence, or the renewal of a licence, to drive a public motor vehicle or a private hire car to any person—

- (a) if that person has, at any time, been convicted under this Act or another law in force in the Territory or elsewhere of driving, or being in charge of, any vehicle whilst drunk or whilst under the influence of intoxicating liquor, or of driving any vehicle furiously or recklessly or at a speed or in a manner dangerous to the public;
- (aa) if the person has been convicted of an offence against Part VIIIA of this Act as in force before the commencement of the *Motor Traffic (Amendment) Act 1977* or of an offence against the *Motor Traffic (Alcohol and Drugs) Act 1977*;
- (b) if the person has been convicted of an offence punishable by imprisonment for a period exceeding 6 months; or
- (c) if the person previously held a licence to drive a motor vehicle and it was suspended or was cancelled otherwise than under section 162E or 180F.

### **Medical examination of applicants for and persons holding driver’s licences**

**12. (1)** The Registrar may require a person who is an applicant for a licence or for the renewal of a licence or any person who is licensed to drive a motor vehicle to submit himself or herself for examination by a medical testing officer and, unless the medical testing officer, after such examination as he or she considers necessary, certifies that, in his or her opinion, that person is a medically fit and proper person to drive a motor vehicle, the Registrar shall refuse to grant or renew the licence or shall cancel the licence.

**(2)** The Registrar may require a person who is an applicant for a licence or for the renewal of a licence or any person who is licensed to drive a public motor vehicle or a private hire car to submit himself or herself for examination by a medical testing officer and, unless the medical testing officer, after such examination as he or she considers necessary certifies that he or she has on the date of the certificate personally examined that person, knowing the person to be an applicant for, or the holder of, a licence to drive a vehicle of that class, and that, in the medical testing officer's opinion, having proper regard to the health and safety of passengers and of the public generally, that person is a medically fit and proper person to be employed as the driver of a public motor vehicle or a private hire car, the Registrar shall refuse to grant or renew the licence or shall cancel the licence.

#### **Driver wearing corrective lenses**

**13. (1)** A licence granted to a person who wears corrective lenses while undergoing any test as to his or her capability of driving a motor vehicle shall be marked or endorsed accordingly.

**(2)** Any person holding such a licence shall wear corrective lenses while driving a motor vehicle.

**(3)** For the purposes of this section, the term "test" includes an eyesight test.

#### **Special licences to drive**

**13A. (1)** Where a person's driving licence has been suspended for a period, or a person has been disqualified from holding a driving licence for a period, whether the suspension or disqualification is under this Act or under any other law of the Territory, the person may apply to the Court for a special licence to drive a motor vehicle.

**(1A)** Subsection (1) does not apply to a person whose licence is cancelled under section 162E or 180F and who is disqualified from holding a driving licence by virtue of section 162F or 180G respectively.

**(2)** An application under subsection (1) shall be in writing and lodged with the Registrar of the Court who shall cause notice of the application and of the time fixed for the hearing of the application to be given to the Registrar.

**(2A)** The Registrar shall, before the hearing of the application—

- (a) by instrument in writing lodged with the Registrar of the Court, certify that he or she has no ground under section 10, 11 or 12 for refusing to grant a driving licence to the applicant; or
- (b) if he or she has a ground under section 10, 11 or 12 for refusing to grant to the applicant a driving licence, give, by instrument in writing lodged with the Registrar of the Court notice that he or she intends, on the hearing of the application, to oppose the application on the grounds specified in the notice.

**(2B)** The Registrar shall cause a copy of a certificate referred to in paragraph (2A) (a) or a copy of the notice referred to in paragraph (2A) (b), as the case requires, to be served on the applicant for the special licence.

**(2C)** Where the Registrar has given notice that he or she intends to oppose an application for a special licence, the Registrar is entitled to be represented on the hearing of the application.

**(2D)** The Court, if it is satisfied that—

- (a) for the purposes of his or her employment, the applicant is required to drive a motor vehicle at certain times; and
- (b) in all the circumstances it is a proper case to do so,

shall order the Registrar to grant to the applicant a special licence entitling the applicant, in the course of his or her employment, to drive a motor vehicle of such a class, on such days in the period during which his or her licence to drive a motor vehicle is suspended or during which he or she has been disqualified from holding a driving licence, and between such hours on those days, as the Court thinks reasonable and orders to be specified in the special licence, but, if not so satisfied, the Court shall refuse the application.

**(2E)** In the application, for the purposes of this section, of section 11, a reference in section 11 to the conviction of a person shall not be read as extending to the conviction of that person referred to in subsection (1) of this section.

**(3)** Subject to section 14, the Registrar shall comply with the order of the Court.

(4) A special licence granted to a person whose licence has been suspended is subject to any condition that the suspended licence is subject to.

(5) A person to whom a special licence is granted under this section shall comply with the conditions applicable to the licence under this section.

(6) A reference to a licence to drive a motor vehicle or a driving licence, or to a licensee or person being licensed, in sections 12, 13, 15, 82, 97, 98, 102, 167, 172, 176, 177, 180, 192A, 193, 193A, 194 and 195 shall, unless the contrary intention appears, be read as a reference to a special licence to drive a motor vehicle granted under this section or under section 37 of the *Motor Traffic (Alcohol and Drugs) Act 1977*, or to the holder of such a special licence, as the case may be, while the special licence is, during the period and times specified in the licence, in force.

#### **Fees**

**14.** Before:

- (a) the registration or the renewal of registration of any motor vehicle;
- (b) the grant or renewal of a licence or of a learner licence receipt;
- (ba) the extension of a provisional or probationary licence; or
- (c) the examination or inspection of a vehicle pursuant to section 17;

payment shall be made to the Territory of the determined fee.

#### **Cancellation of licence of holder of corresponding licence**

**14A. (1)** Where the Registrar is advised by an inter-state Registrar—

- (a) that a holder of a driving licence has obtained a corresponding licence; and
- (b) of the date of obtaining that corresponding licence;

the Registrar shall cancel that person's driving licence.

(2) A cancellation under subsection (1) has effect from the day when the corresponding licence was obtained.

(3) Where the Registrar believes on reasonable grounds that a holder of a driving licence also holds a corresponding licence, the Registrar may give to him or her a written notice advising that his or her licence may be cancelled unless, within 14 days after the date of the notice, he or she—

- (a) shows cause why the licence should not be cancelled; or
- (b) surrenders the corresponding licence.



(4) The Registrar shall cancel the licence of a person who fails to comply with a notice under subsection (3).

(5) The Registrar shall give to a person who surrenders a corresponding licence a receipt for that licence.

(6) For the purposes of this section the Registrar is entitled to rely on information that—

- (a) is received in writing or by means of a computer;
- (b) appears to be received from the inter-state Registrar by whom it purports to be sent; and
- (c) does not appear to be inaccurate.

#### **Driving licence to be signed**

15. The person to whom a licence to drive a motor vehicle has been granted shall sign his or her name in the place set apart on the licence for the signature of the licensee.

#### **Certificate of registration**

16. When a motor vehicle or trailer is registered, the Registrar shall grant to the owner of the motor vehicle or trailer a certificate of registration.

#### **Production of vehicle for registration**

17. Where application is made for registration or the renewal of registration of a motor vehicle or trailer, the vehicle shall be produced as directed by the Registrar for examination or inspection by an inspector.

#### **Design of number-plates**

17A. (1) The Registrar may determine in writing—

- (a) the dimensions and layout of number-plates issued under or by virtue of this Act;
- (b) the material from which such number-plates shall be made; and
- (c) the numbers that may be allocated as registration numbers of vehicles.

(2) A number-plate issued in respect of a registered vehicle shall display the number allocated by the Registrar as the registration number of the vehicle.

#### **Issue of number-plates upon registration**

**17B. (1)** Upon registering a motor vehicle other than a motor cycle, the Registrar shall, subject to section 26R, issue 2 number-plates in respect of the vehicle to its owner.

**(2)** Upon registering a motor cycle or trailer, the Registrar shall issue one number-plate in respect of the cycle or trailer to its owner.

### **Affixing number-plates**

**18. (1)** The owner of a registered motor vehicle (other than a motor cycle) shall, upon the issue to him or her of 2 number-plates in respect of the vehicle, cause them to be affixed, 1 to the front and the other to the rear of the motor vehicle in accordance with the requirements of the Second Schedule.

**(1A)** The owner of a registered motor cycle shall, upon the issue to him or her of a number-plate in respect of the motor cycle, cause it to be affixed to the rear of the motor cycle in accordance with the requirements of the Second Schedule.

**(2)** The owner of a registered trailer shall, upon the issue to him or her of a number-plate in respect of the trailer, cause it to be securely affixed to the rear of the trailer in such a manner as to permit the registration number on the number-plate to be illuminated by white light from a rear lamp on the trailer.

**(3)** A reference in this section to the issue of a number-plate or number-plates shall be read as a reference to the issue of that plate or those plates under or by virtue of this Act.

### **Replacement of number-plates**

**19. (1)** Where—

- (a) the Registrar is satisfied that a number-plate issued in respect of a registered vehicle has become so damaged or defaced that any of the particulars on it are not clearly visible; or
- (b) the owner of a registered vehicle requests the Registrar in writing to replace a number-plate issued in respect of the vehicle;

the Registrar shall—

- (c) if the number-plate is in respect of a motor vehicle other than a motor cycle—upon the return to the Registrar of the number-plates issued in respect of the vehicle, issue 2 other number-plates in respect of the vehicle to its owner; or

- (d) if the number-plate is in respect of a motor cycle or trailer—upon the return to the Registrar of the number-plate issued in respect of the vehicle, issue another number-plate in respect of the vehicle to its owner.

(2) The determined fee is payable for the issue of number-plates or a number-plate under subsection (1).

### **Loss, theft or destruction of number-plates**

**20. (1)** Where a number-plate has been lost, stolen or destroyed, the owner of the motor vehicle or trailer to which it was affixed shall, within seven days after the loss, theft or destruction, forward to the Registrar a statutory declaration of the loss, theft or destruction.

(2) The Registrar shall, if the motor vehicle or trailer has not also been lost, stolen or destroyed, and if the Registrar has no reason to believe that improper use has been or is being made of the number-plate, and on payment by the owner to the Territory of the determined fee, issue to the owner—

- (a) in respect of a motor vehicle other than a motor cycle—2 other number-plates; or
- (b) in respect of a motor cycle or trailer—another number-plate.

(3) Upon the receipt of another number-plate or other number-plates issued under subsection (2) in respect of a vehicle, the owner of the vehicle shall return to the Registrar any number-plate previously issued in respect of the vehicle and which has not been lost, stolen or destroyed.

### **Return of surplus number-plate for motor cycle**

**20A.** Where, before the commencement of this section, 2 number-plates had been issued in respect of a motor cycle upon its registration, the person who was at that commencement, the owner of the motor cycle shall not, without reasonable excuse, fail to return one of those number-plates to the Registrar.

Penalty: \$500.

### **Use of number-plates restricted**

**21.** Except as provided by section 23—

- (a) the owner of a motor vehicle or trailer shall not transfer, or suffer to be transferred, a number-plate issued for that vehicle, to another motor vehicle; and

- (b) a person shall not use a motor vehicle or trailer having upon it a number-plate other than that which was issued for that motor vehicle or trailer.

### **Sale or disposal of vehicle**

**22. (1)** Subject to section 23, where a registered motor vehicle is sold or disposed of, the former owner shall, within 14 days of the sale or disposal—

- (a) return to the Registrar—
  - (i) the number plate or number plates, as the case may be, issued in respect of the vehicle; and
  - (ii) the certificate of registration granted in respect of the vehicle, and in writing request the Registrar to cancel the registration of the vehicle; or
- (b) give the number plate or number plates, and the certificate of registration, to the new owner,

and shall complete and furnish to the Registrar a notice of disposal in accordance with a form supplied by the Registrar.

Penalty: \$200.

**(2)** Where a registered motor vehicle is sold or disposed of, the new owner shall, within 14 days of the sale or disposal—

- (a) furnish to the Registrar—
  - (i) the registration number, make, model and engine number of the motor vehicle;
  - (ii) the date of the sale or disposal of the motor vehicle;
  - (iii) the new owner's name and address;
  - (iv) the certificate of registration in respect of the vehicle; and
  - (v) the consent in writing of the former owner to the transfer of the vehicle; and
- (b) where the new owner has been given the number-plate or number-plates issued in respect of the vehicle—

- (i) return the number-plate or number-plates to the Registrar and request the Registrar in writing to cancel the registration of the vehicle; or
- (ii) apply in writing to the Registrar for the transfer of the registration in respect of the vehicle.

**(3)** Upon receipt of—

- (a) the information specified in paragraph (2) (a);
- (b) a notice of disposal; and
- (c) an application under subparagraph (2) (b) (ii),

and on payment of the determined fee, the Registrar shall transfer the registration of the motor vehicle to the new owner.

**(4)** Where the Registrar has received a notice in writing from the person who has title to a motor vehicle stating that the person does not authorize the sale or disposal of the motor vehicle, the Registrar shall not transfer the registration of the motor vehicle unless there is produced to the Registrar the consent in writing of that person to the sale or disposal of the motor vehicle.

**(5)** Where—

- (a) the Registrar has not received the information specified in paragraph (2) (a), or a notice of disposal, in respect of a motor vehicle; and
- (b) the Registrar is satisfied that—
  - (i) the person disposing of the motor vehicle is authorized so to dispose of the motor vehicle; or
  - (ii) the person applying for the transfer of the registration of the motor vehicle is entitled to be registered as the owner of the vehicle,

the Registrar may transfer the registration of the motor vehicle to the person applying for the transfer of the registration of the motor vehicle.

**(6)** Where—

- (a) a notice of disposal has been received by the Registrar in respect of a vehicle; and
- (b) the Registrar has not, within 14 days of the date specified in the notice of disposal as the date of the sale or disposal of the vehicle, received a

request under subparagraph (2) (b) (i) or an application under subparagraph (2) (b) (ii),

the Registrar may cancel the registration of the vehicle.

(7) Where a motor vehicle is repossessed under a hire-purchase agreement—

- (a) the person repossessing the vehicle shall, for the purposes of this section, be deemed to be the new owner of the vehicle; and
- (b) the Registrar may, at the request of the person repossessing the vehicle, transfer the registration of the motor vehicle without the written consent of the former owner of the vehicle.

(8) Where the date of the sale or disposal of a registered motor vehicle notified to the Registrar by the former owner of the vehicle is not the same as the date notified to the Registrar by the new owner of the vehicle—

- (a) where the Registrar is satisfied that the later of the dates is the date on which the sale or disposal took place—that later date; and
- (b) in any other case—the earlier of the dates,

shall be deemed to be the date of the sale or disposal of the motor vehicle.

(9) Until the provisions of subsection (1) are complied with in respect of a motor vehicle, the person in whose name the vehicle is registered remains liable as owner for any breach in respect of the vehicle of such of the provisions of this Act as apply to an owner.

(10) In this section—

“motor vehicle” includes trailer;

“sale or disposal”, in relation to a motor vehicle, includes—

- (a) repossession under a hire-purchase agreement; and
- (b) any change in the ownership of the vehicle, whether for valuable consideration or otherwise.

### **Transferring of number-plates to vehicle of the same class**

**23. (1)** Where the owner of a registered motor vehicle, who sells or disposes of the motor vehicle before the expiry of the registration thereof, is desirous of transferring the number-plates or number-plate to another motor vehicle of the same class to be registered by him or her in lieu of that motor

vehicle, the owner shall, within 14 days after the sale or disposal of the first-mentioned motor vehicle, apply for registration of the other motor vehicle.

(2) If the Registrar approves of the registration of the other motor vehicle and of the transfer of the number-plates or number-plate to that other motor vehicle, the Registrar shall, on payment by the applicant of the determined fee, register that motor vehicle and permit the transfer of the number-plates or number-plate to that motor vehicle.

### **Sale of motor vehicle on behalf of other persons**

**24. (1)** A person who, not being a trader, sells or disposes of a registered motor vehicle or trailer on behalf of any other person shall, within 14 days of the sale or disposal, furnish to the Registrar—

- (a) the registration number, make, model and engine number of the motor vehicle or trailer;
- (b) the names and addresses of—
  - (i) the owner of the vehicle or trailer;
  - (ii) the person on whose behalf the vehicle or trailer was sold or disposed of;
  - (iii) the new owner of the vehicle or trailer; and
  - (iv) the person who sold or disposed of the vehicle or trailer; and
- (c) the date of disposal.

(2) This section shall not impair any obligation or liability imposed on any person by any other provision of this Act.

### **Alteration in description of motor vehicle or trailer**

**25. (1)** Where any alteration, affecting the accuracy of any particulars of the description in the certificate of registration of a motor vehicle or trailer, is made to that vehicle or trailer, the owner shall, within 7 days after the completion of the alteration, produce the motor vehicle or trailer, as the case may be, for inspection at the office of the Registrar and return the certificate of registration to the Registrar.

(2) Subject to section 26, the Registrar shall issue to the owner a new certificate of registration incorporating the alteration.

### **Registration of altered motor vehicle or trailer**

**26. (1)** Where any alteration is made in the construction, equipment or use of a motor vehicle or trailer by reason of which it is adapted for a purpose other

than that for which it is registered, the owner shall, within 7 days after the completion of the alteration, produce the motor vehicle or trailer, as the case may be, for inspection at the office of the Registrar.

(2) If the Registrar is of the opinion that by reason of the alteration the motor vehicle or trailer is adapted for such other purpose, the Registrar may require the owner to register the altered motor vehicle or trailer, as the case may be, forthwith, and, until it is registered as required, it shall be deemed to be an unregistered motor vehicle or trailer.

## **PART IIA—RESERVATION OF REGISTRATION NUMBERS**

### **Interpretation**

**26A.** In this Part, unless the contrary intention appears—

“application” means—

- (a) an application for the reservation of a number for use as the registration number of a motor vehicle made under section 26B on or after 27 July 1983; and
- (b) an application for the reservation of a number for use as the registration number of a motor vehicle made to the Registrar before 27 July 1983;

“approved number” means a number (other than a special number) that may, in accordance with a determination in force under section 17A, be allocated as the registration number of a motor vehicle other than a taxi, motor omnibus, private hire car, motor vehicle of a member of the diplomatic corps, motor cycle, veteran vehicle, vintage vehicle or historic vehicle.

### **Application for reservation of registration number**

**26B.** (1) A person may apply to the Registrar for the reservation of a number for use as the registration number of a motor vehicle.

(2) An application made under subsection (1) on or after 27 July 1983—

- (a) shall be in writing and signed by the applicant;
- (b) shall be lodged at the office of the Registrar;
- (c) shall state the full name and residential address of the applicant; and
- (d) shall specify the number in respect of which reservation is sought.



(3) The Registrar shall process applications in the order in which they were or are received by the Registrar.

### **Reservation of registration number**

**26C. (1)** The Registrar shall approve an application unless—

- (a) the number in respect of which the application is made is not an approved number;
- (b) the number in respect of which the application is made—
  - (i) has been used previously as the registration number of a motor vehicle; or
  - (ii) is reserved under this Part; or
- (c) the Registrar has approved a previous application for the number in respect of which the application is made and the period referred to in paragraph (3) (b) has not expired in relation to that previous application.

(2) Notwithstanding subsection (1), the Registrar may approve an application in respect of a number, being an approved number, that has been used previously as the registration number of a motor vehicle if—

- (a) the registration of the motor vehicle in connection with which the number was used has ceased to be in force and the number-plates bearing that number have been returned to the Registrar; or
- (b) the registration of the motor vehicle in connection with which the number was used has ceased to be in force for a continuous period of not less than 2 years.

(3) Where the Registrar approves an application, the Registrar shall—

- (a) by notice in writing, advise the applicant accordingly; and
- (b) on payment by the applicant of the determined fee within 30 days of the date of the notice, reserve, on behalf of the applicant, the number in respect of which the application was made for use as the registration number of a motor vehicle.

(4) Subject to section 26E, the reservation of a number under this Part has effect until the expiration of the period of 2 years commencing on the date on which the number is reserved.

### **Issue of number-plates**

**26D. (1)** Where a number is reserved by the Registrar under this Part the Registrar shall—

- (a) by notice in writing, advise the applicant when the number-plates bearing that number are available for issue; and
- (b) at the request of the applicant, if the reservation has not ceased to have effect, issue to or on behalf of the applicant, in respect of a motor vehicle, 2 number-plates bearing the number.

**(2)** Upon the receipt of number-plates issued under this section in respect of a motor vehicle, the owner of the vehicle shall return to the Registrar any number-plates previously issued in respect of the vehicle.

#### **Extension of period of reservation**

**26E.** Where—

- (a) a number is reserved under this Part; and
- (b) before the expiration of the period of 2 years referred to in subsection 26C (4), the person on whose behalf the number was reserved—
  - (i) requests, by notice in writing, an extension of the period for which that number is reserved; and
  - (ii) pays to the Territory the determined fee,

the Registrar shall extend the period of reservation and, in that event, the reservation has effect until the expiration of the period of 2 years commencing on the date on which, but for the extension, the reservation would have ceased to have effect.

#### **Manner of giving notice**

**26F.** A notice required to be given to a person under this Part may be given by sending it by post to the person at his or her last known place of residence.

#### **Other Parts of this Act not affected**

**26G.** Nothing in this Part affects the operation of any other provision of this Act.

### **PART IIB—SPECIAL REGISTRATION NUMBERS**

#### **Interpretation**

**26H.** In this Part, unless the contrary intention appears—

“owner”, in relation to a prescribed right, means—

- (a) the person who is entitled to that right for the time being; or
- (b) if 2 or more persons are so entitled, jointly or in common—all of those persons;

“prescribed right” means—

- (a) a right sold under section 26L; or
- (b) a reserved right;

“reserved right” means a right granted under section 26M;

“right”, in relation to a special number, means an exclusive right to the allocation of that number as a registration number;

“special number-plate”, in relation to a vehicle, means a number-plate that displays the special number allocated by the Registrar as the registration number of that vehicle.

### **Applications**

**26J.** An application to the Registrar under this Part shall be—

- (a) in accordance with a form made available by the Registrar for the purposes of the provision in respect of which the application is made;
- (b) executed by the applicant; and
- (c) lodged at the office of the Registrar.

### **Nature of rights**

**26K.** A prescribed right is personal property.

### **Rights sold by Territory**

**26L. (1)** The Registrar may, on behalf of the Territory, sell rights to special numbers.

**(2)** Subsection (1) does not apply in relation to—

- (a) a special number that is the registered number of a vehicle; or
- (b) any other special number in respect of which an application under section 26M is pending.

**(3)** The Registrar shall determine in writing the terms on which rights shall be sold.

(4) Without limiting the generality of subsection (3), a right may be sold on terms which allow the Registrar, on behalf of the Territory, to extend the term of that right upon—

- (a) application by the owner of the right; and
- (b) payment of the determined fee.

### **Rights granted in respect of certain numbers**

**26M. (1)** The owner of a registered vehicle which has a special number as its registration number may apply to the Registrar for—

- (a) the withdrawal of the allocation of that special number as a registration number; and
- (b) the grant of the right to that special number.

**(2)** Where—

- (a) the Registrar receives an application;
- (b) the special number-plates last issued in respect of the vehicle to which the application relates have been given to the Registrar; and
- (c) the determined fee has been paid to the Territory;

the Registrar shall—

- (d) if the registration of the vehicle has not ceased—withdraw the allocation of that special number as the registration number of that vehicle; and
- (e) on behalf of the Territory, grant the right to that special number to the applicant.

**(3)** A right under this section shall be granted to a person by giving written notice of the grant to the person.

**(4)** Where—

- (a) the Registrar withdraws the allocation of a special number as the registration number of a vehicle; and
- (b) the owner of the vehicle has not applied for the cancellation of the registration of the vehicle;

the Registrar shall—

- (c) allocate a number other than the special number as the registration number of the vehicle; and
- (d) issue 2 number-plates displaying that number to the owner of the vehicle.

### **Duration of reserved rights**

**26N. (1)** Subject to subsection (2), a reserved right subsists for such period not exceeding 12 months as is specified in the notice of its grant.

**(2)** Where, before the expiration of a reserved right—

- (a) its owner applies to the Registrar for an extension of the term of that right; and
- (b) the determined fee has been paid to the Territory;

the Registrar shall—

- (c) on behalf of the Territory; and
- (d) by notice in writing to the applicant;

extend, or further extend, the term of the right for such period not exceeding 12 months as is specified in the notice of the extension.

**(3)** The Registrar shall not extend the term of a reserved right beyond the expiration of the period of 5 years commencing on the day on which the right is granted.

### **Assignment of rights**

**26Q. (1)** A prescribed right is not assignable unless the Registrar approves the assignment of the right to the proposed assignee.

**(2)** Where—

- (a) the owner of a prescribed right applies to the Registrar to approve a proposed assignment of the right to a person; and
- (b) the determined fee has been paid to the Territory;

the Registrar shall, by notice in writing to the applicant, approve the assignment of the right to the proposed assignee.

### **Exercise of rights**

**26R. (1)** Where—

- (a) the owner of a prescribed right to a special number applies to the Registrar for the allocation of that number as the registration number of a vehicle;
- (b) the vehicle is owned by the owner of that right or, if that right has more than one owner, by all or any of those owners;
- (c) the vehicle is not a taxi, motor omnibus, private hire car, motor vehicle of a member of the diplomatic corps, veteran vehicle, vintage vehicle or historic vehicle; and
- (d) the determined fee has been paid to the Territory;

the Registrar shall, by notice in writing to the applicant, approve the application.

(2) Where the Registrar registers a vehicle to which an approved application relates, the Registrar shall—

- (a) allocate the special number to which the application relates as the registration number of the vehicle; and
- (b) issue 2 special number-plates in respect of the vehicle to its owner.

(3) Where—

- (a) the vehicle to which an approved application relates is a registered vehicle; and
- (b) the number-plates last issued in respect of the vehicle have been returned to the Registrar;

the Registrar shall—

- (c) allocate the special number to which the application relates as the registration number of the vehicle; and
- (d) issue 2 special number-plates in respect of the vehicle to its owner.

### **Hire of special number-plates**

**26S. (1)** The Registrar may, on behalf of the Territory, hire out number-plates that display special numbers.

(2) The Registrar shall determine in writing the terms on which such number-plates shall be hired out.

### **PART III—PUBLIC MOTOR VEHICLES AND PRIVATE HIRE CARS**

#### **Interpretation**

**26T. (1)** In this Part—

“defined right” means a right to be granted a licence to use a motor vehicle as a taxi.

**(2)** In subsections 27 (5) and (6), section 32 and subsections 35 (3) and (4) a reference to a licensee shall be read as including—

- (a) a person referred to in paragraph 31 (3) (a); and
- (b) a person referred to in paragraph 31 (3) (b).

#### **Licences for public motor vehicles**

**27. (1AA)** In this section, “transferable taxi licence” means a taxi licence—

- (a) granted before 9 August 1973;
- (b) endorsed as transferable under subsection (2A);
- (c) granted within the period commencing on 27 March 1986 and ending at the expiration of the day before the day on which the *Motor Traffic (Amendment) Act (No. 2) 1989* commenced and for which \$80,000 was paid to the Commonwealth; or
- (d) granted on or after the day on which the *Motor Traffic (Amendment) Act (No. 2) 1989* commenced.

**(1)** The Registrar may grant to a person—

- (a) who intends to use a motor vehicle as a taxi, on payment of the determined fee, a licence to use the vehicle as a taxi; or
- (b) who intends to use a motor vehicle as a motor omnibus, on payment of the determined fee, a licence to use the vehicle as a motor omnibus.

**(1A)** The Minister shall not determine a fee under paragraph (1) (a) in respect of a licence for which he or she has determined a reserved price under subsection 27A (2) unless the licence has been passed in at auction because bidding in respect of it did not reach that price.

**(1B)** Subject to this Act, the Registrar may, from time to time, renew a taxi licence or motor omnibus licence and may transfer such a licence.

**(2)** The Registrar shall not grant or transfer a taxi licence—

- (a) to the holder of a private hire car licence; or
- (b) to a person who already holds 2 taxi licences.

(2A) The Registrar shall endorse a taxi licence as transferable on application accompanied by—

- (a) if the application is made before 6 January 1990—\$37,500; or
- (b) in any other case—the determined fee.

(3) A taxi licence or a motor omnibus licence granted in respect of a public motor vehicle and every renewal of such a licence shall specify the number of passengers the vehicle may carry.

(4) Prior to the renewal of a licence to ply for hire in respect of a public motor vehicle, payment shall be made to the Territory of the determined fee.

(5) The licensee and the driver of any public motor vehicle which carries a number of passengers greater than that specified in the licence as the number of passengers which that vehicle may carry shall be guilty of an offence.

(6) The licensee of a public motor vehicle shall cause to be painted thereon, in legible letters in a conspicuous place, the number of persons the vehicle is licensed to carry, in the following form:

“Licensed to carry      persons”.

(7) On application in accordance with subsection (8), the Registrar may transfer a transferable taxi licence or a motor omnibus licence by endorsement on the licence.

(8) An application under subsection (7) shall be—

- (a) in writing signed by the proposed transferor and the proposed transferee; and
- (b) accompanied by the determined fee.

### **Rights to be granted licences**

27A. (1) The Registrar may, on behalf of the Territory, auction a defined right.

(2) The Minister shall determine a reserved price in respect of a defined right.



(3) The Registrar shall not auction a defined right in respect of a particular licence if the Minister has determined a fee in respect of that licence under paragraph 27 (1) (a).

(4) A defined right exists for a period of 28 days commencing on the expiration of the day on which that right was auctioned.

(5) Where, before the expiration of a defined right—

(a) its purchaser applies to the Registrar for an extension of the term of that right; and

(b) the application is accompanied by the determined fee;

the Registrar may, by notice in writing, extend or further extend the term of that right for the period specified in the notice of extension.

(6) Subject to subsections 27 (2) and 31 (2), where the purchaser of a defined right applies for a licence to use a motor vehicle as a taxi, the Registrar shall, on payment of the balance of the purchase money, grant such a licence to that person.

#### **Limitation on number of taxi licences**

**27B.** The Registrar shall not—

(a) grant a taxi licence; or

(b) auction a defined right;

if the number of taxi licences or defined rights, as the case may be, would exceed such number of licences or defined rights as the Minister, by instrument published in the *Gazette*, determines.

#### **Assignment of rights**

**27C. (1)** A defined right is not assignable unless the Registrar approves the assignment of the right to the proposed assignee.

(2) The Registrar shall, on application in accordance with subsection (3), approve the assignment of a defined right.

(3) An application shall—

(a) be in writing signed by the assignor;

(b) specify the assignee; and

(c) be lodged with the Registrar with the determined fee.

**Licences for private hire cars**

**28. (1)** The Registrar may, on payment of the sum of \$60,000, grant to a person who intends to use a motor car as a private hire car a licence to use the motor car as a private hire car.

**(1A)** Subject to this Act, the Registrar may, from time to time, renew a private hire car licence and may transfer such a licence.

**(2)** The Registrar shall not grant or transfer a private hire car licence—

- (a) to the holder of a taxi licence; or
- (b) to a person who already holds two private hire car licences.

**(2A)** The Registrar shall not grant a private hire car licence if the number of private hire car licences in force would exceed 22 or such higher number as the Minister, by instrument in writing published in the *Gazette*, from time to time determines.

**(3)** A private hire car licence and a renewal of such a licence shall specify the number of passengers the vehicle may carry.

**(4)** Prior to the renewal of a private hire car licence in respect of any motor car, payment shall be made to the Territory of the determined fee.

**(5)** The owner and the driver of any private hire car which carries a number of passengers greater than that specified in the licence as the number of passengers which that vehicle may carry shall be guilty of an offence.

**(6)** Subject to subsections (2) and (8), upon application in accordance with subsection (7) and payment of the determined fee, the Registrar may, by indorsement on a private hire car licence, transfer that licence to a person specified in the application and approved by the Registrar.

**(7)** An application under subsection (6) shall be in writing signed by the proposed transferor and the proposed transferee.

**(8)** The Registrar shall not transfer a private hire car licence which has been held by the licensee for a period of less than 3 years unless—

- (a) the licensee is deceased;
- (b) a medical testing officer certifies to the Registrar that the physical or mental condition of the licensee is such that transfer of the licence is advisable; or
- (c) the Registrar is satisfied that there are exceptional circumstances warranting a transfer.

### **Licences for the carriage of tourists**

**29. (1)** Subject to such conditions as the Minister determines, the Registrar may grant a licence for the use of a taxi or private hire car for the carriage of tourists at separate fares, and may renew that licence from time to time.

**(4)** A person shall not use any motor vehicle in respect of which a licence is granted under this section, or cause any such vehicle to be used, for the carriage at separate fares of any persons other than tourists.

**(5)** Prior to the grant or renewal of a licence under this section, the applicant shall pay to the Territory the determined fee.

**(6)** For the purposes of this section, “tourists” means persons with whom the Canberra Tourist Bureau, or a person thereto authorized by the Minister, has entered into a contract to convey them on a sight-seeing tour within the Territory.

### **Suspension or cancellation of taxi licence or private hire car licence**

**30.** The Registrar may suspend for any period or cancel a taxi licence or a private hire car licence at any time during the currency of the licence where—

- (a) the Registrar is satisfied that the vehicle has been used for an illegal purpose; or
- (b) the licence or any transfer of the licence was obtained by any false statement or misrepresentation; or
- (c) the vehicle is not an insured motor vehicle for the purposes of Part V.

### **Certain persons to have use, control and management of vehicles**

**31. (1)** The Registrar may cancel or suspend for any period a taxi licence or private hire car licence where he or she is not satisfied that at least 1 of the prescribed persons has the use, control and management of the taxi or private hire car.

**(2)** The Registrar may refuse an application by a person for a licence, or for the renewal of a licence, for a taxi or private hire car where he or she is not satisfied that at least 1 of the persons who has or will have the use, control and management of the taxi or private hire car, is or will be a prescribed person.

**(3)** For the purposes of subsections (1) and (2), the following persons are prescribed:

- (a) the holder of the licence;

- (b) a person in respect of whom the Registrar has been given notice in accordance with subsection (4);
  - (c) an employee of a person referred to in paragraph (a) or (b).
- (4) A notice referred to in subsection (3) (b) is notice in writing that—
- (a) is signed by the person who is, or will be, the relevant licensee and by the person to whom the notice relates; and
  - (b) has been lodged with the Registrar with the determined fee.

#### **Fire extinguisher to be carried**

32. The licensee of any public motor vehicle or private hire car which is not equipped with a fire extinguisher shall be guilty of an offence.

#### **Licence to conduct motor omnibus service**

33. (1) The Registrar may, subject to this Act, grant to any person applying therefor a licence to conduct a motor omnibus service (in this Act referred to as a “motor omnibus service licence”) in accordance with such conditions as are specified in the licence, and may renew that licence from time to time.

(2) Any person desirous of obtaining a motor omnibus service licence shall apply therefor in writing to the Registrar stating—

- (a) the proposed route of the service and the places at which it is proposed to pick up or set down passengers;
- (b) the proposed scale of charges;
- (c) particulars of the type of vehicle proposed to be used;
- (d) the maximum speed at which it is proposed that each vehicle will travel;
- (e) the proposed times of departure from, and arrival at, the picking-up and setting-down places on the proposed route, in respect of each vehicle proposed to be used; and
- (f) such other particulars in relation to the service as the Registrar requires.

(4) Prior to the grant of a motor omnibus service licence, payment shall be made to the Territory of the determined fee.

(5) Prior to the renewal of a motor omnibus service licence, payment shall be made to the Territory of the determined fee.

(6) The licensee under a licence granted under this section shall cause to be exhibited in a conspicuous place in every motor omnibus engaged in the service mentioned in the licence, while plying for hire, a document setting out the scale of charges for that service as approved by the Minister.

(7) The licensee under a licence granted under this section shall comply in all respects with the conditions of the licence.

(8) The Registrar may at any time at the request of the licensee under a licence granted under this section, and subject to the approval of the Minister, vary or suspend the conditions of any licence and may endorse that variation or suspension on the licence.

(9) A variation or suspension made under the last preceding subsection shall not have any effect until the licensee has provided his or her licence to the Registrar for the variation or suspension to be endorsed on the licence and until the licence has been endorsed with that variation or suspension.

(10) Where the licensee under a licence to conduct a motor omnibus service disposes of or ceases to conduct the service in respect of which the licence was granted or transferred, he or she shall forthwith notify the Registrar in writing.

(11) Upon application by the person to whom the service has been disposed of and upon payment by the person to the Territory of the determined fee, the Registrar may transfer the licence to conduct the service to that person for the unexpired period of the licence.

### **Visiting motor omnibus licence**

**34. (1)** The Registrar may grant to the owner of a motor omnibus which is registered in a part of the Commonwealth other than the Territory (in this Act referred to as a “visiting motor omnibus”) a licence to use the motor omnibus as a motor omnibus in the Territory (in this Act referred to as a “visiting motor omnibus licence”), and may renew that licence from time to time.

(2) Before the grant or renewal of a licence under this section, payment shall be made to the Territory of the determined fee.

(3) A visiting motor omnibus licence—

- (a) shall specify the number of passengers the omnibus may carry; and
- (b) is subject to such conditions as are specified on the licence.

- (4) The owner or the driver of a visiting motor omnibus shall not—
- (a) carry or permit to be carried in the omnibus passengers in excess of the number specified in the licence; or
  - (b) use the omnibus or permit it to be used in contravention of the conditions specified on the licence.

### **Disinfection of vehicles**

35. (1) Where the driver of any public motor vehicle or private hire car knows that any person on his or her vehicle is suffering from any infectious disease (which knowledge shall be deemed to be proved in the absence of proof to the contrary), the driver shall, as soon as possible after setting down that person at his or her destination, disinfect the vehicle to the satisfaction of the Registrar.

(2) Where, at any time after setting down at his or her destination any person who has travelled in a public motor vehicle or private hire car, it comes to the knowledge of the driver of that public motor vehicle or private hire car that the person was, while in the public motor vehicle or private hire car, suffering from any infectious disease, the driver shall forthwith report that fact to the Registrar and shall, as required by the Registrar, disinfect the vehicle.

(3) The licensee of the public motor vehicle or private hire car may recover, in any court of competent jurisdiction, from the person who was suffering from the infectious disease or from his or her legal personal representative, the cost of disinfection.

(4) The licensee of the public motor vehicle or private hire car shall not, after it has come to his or her knowledge that the vehicle has been used to convey a person suffering from any infectious disease, permit the vehicle to be used to convey any other passenger until he or she has complied with this section.

### **Taxi fares**

36. (1) The Minister may, by notice published in the *Gazette*, determine the maximum fares chargeable for the hiring of a taxi.

(2) A notice under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

### **Motor omnibus fares**

37. The Minister may, by notice published in the *Gazette*, fix the maximum fares chargeable for the conveyance of passengers in a motor omnibus.

### **Dangerous or offensive articles**

39. Any person who brings into a public motor vehicle or private hire car any article of an offensive or dangerous nature shall be guilty of an offence.

#### **PART IV—TRADERS**

##### **Trader's licences and trader's plates**

40. (1) The Registrar may grant a trader's licence to an applicant who satisfies the Registrar that he or she is *bona fide* engaged in the business of manufacturing, dealing in or repairing vehicles and has suitable premises for the purpose.

(2) The Registrar may grant a trader's licence in respect of motor vehicles (other than motor cycles) or in respect of motor cycles and trailers.

(3) An application for a trader's licence shall be in writing setting out the applicant's place of business, the nature of his or her business, the type of trader's licence required and the number of trader's plates required.

(4) The holder of a trader's licence in respect of motor vehicles (other than motor cycles) may apply in writing to the Registrar at any time while the licence is in force for the issue to him or her of 1 or more pairs of trader's plates of a type and material determined by instrument in writing by the Registrar for use under such a licence.

(5) The holder of a trader's licence in respect of motor cycles and trailers may apply in writing to the Registrar at any time while the licence is in force for the issue to him or her of 1 or more trader's plates of a type and material determined by instrument in writing by the Registrar for use under such a licence.

(6) An application for trader's plates under subsection (4) or (5) shall be accompanied by the determined fee or the fee calculated in accordance with subsection (9), as the case requires.

(7) A trader's licence and any trader's plate issued for use under the licence are, unless sooner cancelled or suspended, in force until and including 31 December of the year in respect of which the licence is granted.

(9) Where a trader's plate is, or trader's plates are, issued after 1 January in a year, the fee payable is a fee that bears the same proportion to the determined fee as the period in months (reckoning a part of a month as a month) remaining in that year bears to the period of 12 months.

##### **Vehicles on which trader's plates may be used**

**41. (1)** A trader's licence in respect of motor vehicles (other than motor cycles) entitles the holder, while the licence is in force, to attach, in accordance with Schedule 2, a pair of trader's plates issued to him or her to any motor vehicle (other than a motor cycle) that is in his or her possession or the possession of his or her employee and is being used *bona fide* for a purpose connected with the manufacture, repair, painting, testing, demonstration, sale or exchange of the vehicle or its delivery to another trader, a purchaser or the owner.

**(2)** A trader's licence in respect of motor cycles and trailers entitles the holder, while the licence is in force, to attach, in accordance with Schedule 2, a trader's plate issued to him or her to any motor cycle or trailer that is in his or her possession or the possession of his or her employee and is being used *bona fide* for a purpose connected with the manufacture, repair, painting, testing, demonstration, sale or exchange of the vehicle or its delivery to another trader, purchaser or the owner.

**(3)** A trader shall not attach a trader's plate or permit it to be attached otherwise than to a vehicle to which he or she is entitled to attach that trader's plate under this section.

#### **Use of trader's plates**

**42. (1)** A person shall not, upon a public street, drive a motor vehicle having a trader's plate attached unless—

- (a) any person in or upon the vehicle is being carried otherwise than for hire or consideration and is *bona fide* interested in, or employed for, a purpose referred to in the last preceding section;
- (b) the driver or person in charge of the vehicle is the trader, or his or her employee, or is a *bona fide* prospective purchaser of the vehicle or his or her employee or agent, and, except where the vehicle is a motor cycle, is accompanied by the trader, or an employee of the trader; and
- (c) any loading in or upon the vehicle is being conveyed solely for the purpose of demonstrating the weight-carrying capacity of the vehicle to a *bona fide* prospective purchaser.

**(2)** A trader shall not permit a person to use a vehicle to which a trader's plate issued to the trader is attached in contravention of this section.

#### **Sale etc. of business and transfer of plates**

**43. (1)** Where a trader sells or disposes of or ceases to carry on the business in respect of which he or she is licensed, the trader shall, within 7 days



after the sale or disposal, notify the Registrar in writing of the sale or disposal and return to the Registrar the licence and trader's plates issued to him or her.

Penalty: \$100.

(2) Upon application by the person to whom the business has been sold or disposed of and upon payment by him or her to the Territory of the determined fee, the Registrar may transfer the licence in respect of the business to that person for the unexpired period of the licence.

#### **Revocation etc. of right to use trader's plates**

44. The Court before which any trader is convicted for a breach of any of the conditions relative to the use of a trader's plate may, in addition to imposing a penalty, revoke or suspend, for such period as the Court thinks fit, the trader's licence of that person.

#### **Return of trader's plates**

45. Where the Registrar is satisfied that a trader has ceased, by reason of the sale or disposal of his or her business or otherwise, to be entitled to be licensed, the Registrar may request that person to return to the Registrar any trader's plates issued to him or her and that person shall comply with the request forthwith.

Penalty: \$100.

#### **Affixing trader's plates**

46. A person shall not drive upon a public street a motor vehicle having on it a trader's plate—

- (a) unless the trader's plate is properly affixed in accordance with the requirements of Schedule 2; and
- (b) unless all the provisions of this Act relating to trader's plates are complied with.

#### **Record of use of trader's plate**

47. A trader shall—

- (a) keep a record, in accordance with the form in Schedule 3, and record the particulars required to be inserted in that form within 24 hours after the time any vehicle to which a trader's plate is attached leaves his or her premises; and

- (b) on demand at any reasonable time, produce the record for the preceding 6 months for inspection by the Registrar, an inspector or a member of the Police Force.

**Traders to furnish particulars as to sales etc.**

**48. (1)** A trader shall furnish to the Registrar in accordance with this section a return of the names and addresses of all persons to whom motor vehicles are sold or disposed of, or from whom motor vehicles are purchased by the trader during the periods in each month ending, respectively, on the fourteenth and last days of the month, together with particulars of the type, manufacturer, engine power, engine number and weight of each such motor vehicle and its registered number.

**(2)** The return in respect of the period ending on the fourteenth day of the month shall be furnished within 3 days after the fifteenth day of the month and the return in respect of the period ending on the last day of the month shall be furnished within 3 days after the first day of the next succeeding month.

**PART V—INSURANCE**

**Interpretation**

**49.** In this Part, unless the contrary intention appears—

“authorized insurer” means a person carrying on the business of insurance who is or has been approved by the Minister as an authorized insurer under this Part;

“hospital treatment” means treatment at any hospital, and includes the maintenance of the injured person as a patient at the hospital, and the provision or supply by the hospital of nursing attendance, medicine, medical or surgical supplies or other curative apparatus, and any other ancillary service;

“insured motor vehicle” means a motor vehicle (including a trailer) in relation to which there is in force at all material times a third-party policy;

“medical and surgical treatment” includes—

- (a) treatment by a legally qualified medical practitioner, a registered dentist or a masseur;
- (b) the provision of skiagrams, crutches, artificial members, and artificial replacements; and

- (c) any nursing attendance, medicines, medical or surgical supplies or curative apparatus supplied or provided for the injured person otherwise than as a patient at the hospital;

“nominal defendant” means the person who is the nominal defendant for the purposes of this Part;

“third-party policy” means a policy of insurance which complies with the requirements of this Part;

“uninsured motor vehicle” means a motor vehicle or trailer—

- (a) other than a motor vehicle or trailer—
  - (i) owned by the Territory or a Territory authority;
  - (ii) owned by the Commonwealth or a Commonwealth authority; or
  - (iii) in respect of which a person is exempt from the provisions of subsection 51 (1); and
- (b) that is not an insured motor vehicle.

### **Application of Part to Territory and Commonwealth motor vehicles**

**50. (1)** A third-party policy or a policy referred to in section 83 is not required to be taken out in relation to the use of a motor vehicle owned by—

- (a) the Territory or a Territory authority; or
- (b) the Commonwealth or a Commonwealth authority.

**(2)** A person referred to in paragraph (1) (a) or (b) shall, in relation to the use of a motor vehicle in respect of which a policy referred to in subsection (1) is not in force, be under the same liabilities and have the same rights as an authorised insurer would be under or have if the insurer had issued to that person such a policy in relation to the use of that vehicle.

### **Use of motor vehicle without third-party insurance**

**51. (1)** A person shall not use, or cause, suffer or permit any other person to use, a motor vehicle on a public street unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a third-party policy.

Penalty—

- (a) for a first offence—\$500; or

- (b) for any subsequent offence—\$1,000 or imprisonment for 6 months, or both.

(2) In addition to any penalty imposed under subsection (1), the Court may order, on the conviction of any person of an offence against that subsection, that—

- (b) the registration of the motor vehicle in respect of which the offence was committed shall be cancelled and that person shall not be entitled to have the vehicle re-registered,

for a period of 12 months from the date of the conviction.

(2A) In a prosecution for an offence against subsection (1), an averment in the information that there was not in force in relation to the use referred to in the information of the vehicle a third-party policy is evidence of the matter averred.

(3) It shall be a sufficient defence in any proceedings for a contravention of subsection (1) if the defendant proves to the satisfaction of the Court that at the time the vehicle was used upon the public street he or she had reasonable grounds for believing and did in fact believe that the motor vehicle was an insured motor vehicle.

### **Registration etc. without evidence of third-party insurance**

**52. (1)** The Registrar shall not grant or renew the registration of a motor vehicle unless and until there is lodged with him or her a certificate in accordance with the prescribed form issued by an authorized insurer that a third-party policy expressed to commence either upon the date of issue of the certificate or upon a date not later than the date of commencement of the registration or renewal of registration and to terminate upon the date of expiration of such registration or renewal will be issued by that authorized insurer in relation to the use of the motor vehicle.

(1A) Notwithstanding subsection (1) but subject to section 7, the Registrar may grant or renew the registration of a motor vehicle if—

- (a) the appropriate amount of insurance premium in respect of the insurance of the motor vehicle has been paid to the Registrar; and
- (b) there has been lodged with the Registrar a nomination in writing of an authorized insurer in relation to the motor vehicle.

(1B) Where—

- (a) the appropriate amount of insurance premium in respect of the insurance of a motor vehicle has been paid to the Registrar; and
- (b) there has been lodged with the Registrar a nomination in writing of an authorized insurer in relation to the motor vehicle,

this Act applies, and the rights, liabilities and obligations of the authorized insurer and of the owner and any driver of the motor vehicle are the same, as if the authorized insurer had issued a third-party policy in relation to that motor vehicle, being a policy—

- (c) that is in accordance with the prescribed form;
- (d) that is expressed to commence—
  - (i) where a licence is granted under section 216 in respect of the motor vehicle—on the date on which that licence is granted; and
  - (ii) in any other case—on the date of the registration, or the renewal of the registration, as the case may be, of the motor vehicle; and
- (e) that is expressed to terminate—
  - (i) where a licence has been granted under section 216 in respect of the motor vehicle and the Registrar has not granted or renewed the registration of the motor vehicle before the expiration of that licence—on the expiration of that licence; and
  - (ii) in any other case—on the date of expiration of the registration, or the renewal of the registration, as the case may be, of the motor vehicle.

**(1C)** A reference in subsection (1A) or (1B) to an authorized insurer is a reference to an authorized insurer approved by the Minister for the purposes of those subsections.

**(1D)** The Minister shall not approve an authorized insurer for the purposes of subsections (1A) and (1B) except upon the request in writing of that authorized insurer.

**(2)** The Registrar shall not issue a trader's plate (except as provided in subsection (3)) unless there is lodged with him or her a certificate in accordance with the prescribed form issued by an authorized insurer that a third-party policy expressed to commence not later than the date of commencement of the

period for which the trader's plate is issued and to terminate upon the date of expiration of that period will be issued by that authorized insurer in relation to the use of any motor vehicle to which the trader's plate is affixed.

(3) Where a third-party policy in relation to the use of a motor vehicle to which a trader's plate is affixed is expressed to terminate upon a specified date and before that date the Registrar issues, in lieu of the trader's plate and for a period expiring upon that date, another trader's plate, the third-party policy shall enure in relation to the use of any motor vehicle to which the other trader's plate is affixed.

(4) Any reference in this Part to the issue of a third-party policy shall extend to and include the issue of a renewal of the third-party policy.

(5) A person who, in or with respect to a proposal for a third-party policy—

(a) knowingly makes a statement or representation that is false or misleading in a material particular; or

(b) fails to disclose a material fact of which he or she has knowledge,

is guilty of an offence punishable, on conviction, by a fine not exceeding \$200.

### **Issue of Certificate and Third-party Policy**

53. (1) Where an authorized insurer accepts the appropriate amount of insurance premium in respect of the insurance of a motor vehicle, he or she shall forthwith issue to the owner of the motor vehicle a certificate of the nature referred to in subsection 52 (1) in relation to the motor vehicle.

(2) Where an authorized insurer accepts the appropriate amount of insurance premium in respect of the insurance of any motor vehicle to which a trader's plate is affixed, he or she shall forthwith issue to the trader a certificate of the nature referred to in subsection 52 (2) in relation to the motor vehicle.

(3) An authorized insurer who issues any such certificate—

(a) shall, for all purposes of this Act relating to the liability of authorized insurers, be deemed to have issued a third-party policy in conformity with the certificate; and

(b) shall, at the time of the issue of the certificate or as soon as practicable thereafter, issue a third-party policy in conformity with the certificate.

### **Policies of insurance**

**54. (1)** In order to comply with the requirements of this Part, a third-party policy—

- (a) shall be issued by an authorized insurer;
- (b) shall, where the policy is issued in relation to the use of a particular motor vehicle, insure the owner of the motor vehicle mentioned in the policy and any other person who at any time drives the motor vehicle, whether with or without the authority of the owner, jointly and each of them severally, against all liability incurred by that owner and that person jointly, or by either of them severally, in respect of the death of, or bodily injury to, any person caused by or arising out of the use of the motor vehicle in any part of the Commonwealth;
- (c) shall, where the policy is issued in relation to the use of motor vehicles to which a trader's plate is affixed, insure the trader to whom the trader's plate mentioned in the policy is in issue and any other person who at any time drives a motor vehicle to which that trader's plate is affixed (whether the vehicle is so driven or the trader's plate is so affixed with or without the authority of the trader) jointly, and each of them severally, against all liability incurred by that trader and that person jointly, or by either of them severally, in respect of the death of, or bodily injury to, any person caused by or arising out of the use of the motor vehicle to which the trader's plate is so affixed, in any part of the Commonwealth; and
- (d) shall be in accordance with the prescribed form.

**(2)** A third-party policy shall not extend to insure the owner or driver of the motor vehicle against—

- (a) any liability to pay compensation under the *Workers' Compensation Act 1951* to a worker employed by him or her; or
- (b) any liability which may be incurred by him or her under an agreement unless the liability is one which would have arisen in the absence of that agreement.

**(3)** A third-party policy which complies with the requirements of paragraphs (a) and (b) or (c) of subsection (1) shall not be invalidated by reason of the fact that it contains any term, condition or warranty not contained in the prescribed form, but any such term, condition or warranty shall be void and of no effect.

**(4)** Any authorized insurer who, upon any proposal for a third-party policy, issues a policy of insurance which is not a third-party policy or which contains

any term, condition or warranty rendered void by the operation of subsection (3) shall be guilty of an offence.

Penalty: \$1,000.

(5) A third-party policy issued by an authorized insurer in relation to the use of a motor vehicle or in relation to the use of any motor vehicle to which a trader's plate is affixed shall commence on the date on which it is expressed to commence, and, unless it is sooner cancelled pursuant to this Act, shall continue in force—

- (a) in any case where the authorized insurer notifies the Registrar, at least 30 days before the date on which the policy is expressed to terminate, that he or she will not renew the policy—until that date;
- (b) in any case not provided for in paragraph (a), and where another third-party policy issued by the same or another authorized insurer in relation to the use of that motor vehicle or in relation to the use of any motor vehicle to which that trader's plate is affixed commences during the period of 15 days next following the date on which the first-mentioned policy is expressed to terminate—until that commencement; and
- (c) in any other case—until 15 days after the date on which it is expressed to terminate.

(6) Where an authorized insurer issues a renewal of a third-party policy in relation to the use of a motor vehicle for a period expressed to terminate upon the date of expiration of a renewal of the registration of the motor vehicle—

- (a) the insurance premium shall be payable as if the renewal of the policy were expressed to commence from the date of commencement of the renewal of registration, whether or not the renewal of the policy is so expressed; and
- (b) the authorized insurer shall not be liable under the renewal of the policy in respect of the death of, or bodily injury to, any person caused by or arising out of the use of the motor vehicle during the period (if any) between the date from which the renewal of the policy is expressed to commence and the date of payment of the amount of insurance premium in respect of the renewal of the policy.

(7) Whilst any authorized insurer is exempted under paragraph (6) (b) from liability in respect of the death of, or bodily injury to, any person caused by or arising out of the use of a motor vehicle, and no third-party policy is in force in



relation to the motor vehicle whether by reason of the operation of that subsection or otherwise, the motor vehicle shall, for the purposes of this Act, be deemed to be an uninsured motor vehicle.

(8) Notwithstanding anything in any enactment other than this Act or any rule of law, an authorized insurer issuing a third-party policy shall, in respect of any liability in respect of the death of, or bodily injury to, any person which the third-party policy purports to cover in the case of the owner of the insured motor vehicle or any other person, be liable to indemnify that owner or person.

(9) A third-party policy in force under this section on or after the date of commencement of the *Law Reform (Miscellaneous Provisions) Act 1955*<sup>2</sup> indemnifies, and shall be deemed at all times to have indemnified, to the extent of the insurance effected by the policy, an insured person and his or her estate against—

- (a) any liability under a cause of action that survives under or by virtue of section 4 of that Act against the estate of a deceased person;
- (b) any liability under or by virtue of section 7 of that Act;
- (c) any liability in a case where the insured person or his or her estate, as the case may be, has in any proceedings been joined as an alternative defendant;
- (d) any liability in a case where the insured person or his or her estate, as the case may be, has served or been served with a third-party notice; and
- (e) any liability in a case where the insured person or his or her estate, as the case may be, claims contribution from some other person as a joint tort-feasor or has a claim made against him or her or it as a joint tort-feasor.

(10) In subsection (9), “insured person” means a person who is insured under a third-party policy against liability in respect of the death of, or bodily injury to, another person caused by or arising out of the use of a motor vehicle.

### **Actions for damages in case of death or bodily injury**

55. (1) A person who commences an action against the owner or driver of an insured motor vehicle for the recovery of damages in respect of the death of, or bodily injury to, any person caused by, or arising out of the use of, that motor vehicle shall serve upon the authorized insurer of the motor vehicle a copy of the writ of summons, claim or other originating process in that action, and shall,

before taking any further step in the action, file in the appropriate court an affidavit of service of that writ, claim or other process.

(2) Where an action for damages is commenced in respect of bodily injury to any person caused by, or arising out of the use of, an insured motor vehicle, and there has been a refusal or neglect, without reasonable cause, to allow a legally qualified medical practitioner, nominated by the owner, driver or authorized insurer of the motor vehicle, to examine the injured person for the purpose of ascertaining the nature and extent of the bodily injury, the court may make an order, on such terms as it thinks proper, that all further proceedings in the action be stayed and those proceedings shall be stayed accordingly.

### **Trader's policy to apply**

56. Where the death of, or bodily injury to, any person is caused by or arises out of the use of an insured motor vehicle whilst a trader's plate is affixed to that motor vehicle, the third-party policy in relation to motor vehicles to which that trader's plate is affixed shall (to the exclusion of the third-party policy in relation to the particular motor vehicle) be the policy under which, in respect of that death or bodily injury, any person whom the policy purports to insure is insured.

### **Cancellation of third-party policy**

57. (1) A third-party policy may be cancelled by the authorized insurer if another third-party policy is in force in relation to the same motor vehicle or in relation to motor vehicles to which the same trader's plate is affixed, and the other policy is expressed to terminate not earlier than the date upon which the first-mentioned policy was expressed to terminate.

(2) Where the registration of an insured motor vehicle is cancelled by the Registrar, or a trader's plate is delivered to the Registrar before the date on which the third-party policy in relation to the use of that insured motor vehicle, or the use of any motor vehicle to which that trader's plate is attached, is expressed to terminate, the authorized insurer who issued the policy shall, upon application by the owner of the motor vehicle or the trader, as the case may be, but subject to such conditions (if any) as are prescribed, cancel the policy.

(3) Where the Registrar refuses the renewal of, or cancels the registration of, an insured motor vehicle on the ground that the vehicle or its parts or equipment is not in a thoroughly serviceable condition or does not comply with requirements prescribed by or under this Act, the Registrar shall forthwith give to the authorized insurer who issued the third-party policy in relation to the use of that motor vehicle a notice in writing of the cancellation or refusal.

(4) In any case not provided for in subsection (1) or (2), a third-party policy may be cancelled by the authorized insurer after a notice specifying a date, not being a date earlier than 30 days after service of the notice, upon which the authorized insurer proposes to cancel the policy has been served on the Registrar and (except where the owner of the motor vehicle or the trader has applied to the authorized insurer for cancellation of the policy) on the owner of the motor vehicle or the trader, as the case may be.

(5) Where an appeal to the Minister under section 58 is lodged on or before the date specified in the notice, the third-party policy shall not be cancelled unless and until the proposed cancellation is confirmed by order made by the Minister or the appellant fails to comply with any direction by him or her to be performed in the order made by the Minister.

(6) Where an authorized insurer cancels a third-party policy under this section, he or she shall forthwith notify the Registrar of the fact.

(7) Whilst the registration of a motor vehicle is current or a trader's plate is in issue, the authorized insurer shall not (whether upon application by the owner of the motor vehicle or the trader, or otherwise) cancel the third-party policy except—

- (a) under the circumstances and subject to the conditions prescribed by or under this section; or
- (b) under such other circumstances and subject to such conditions as are prescribed.

(8) The cancellation of any third-party policy shall not exempt the authorized insurer from any liability, whether under the policy or under this Act, accrued or incurred before the cancellation of the policy.

### **Appeal against refusal to issue or against cancellation of policy**

**58. (1)** Where an authorized insurer refuses to issue or to renew a third-party policy to any person or gives notice of intention to cancel a third-party policy issued to any person, there shall be a right of appeal to the Minister.

(2) On any such appeal the Minister may make such order as he or she thinks fit, having regard to the merits of the case and the public welfare.

(3) Without prejudice to the generality of the foregoing power, the Minister may direct that the third-party policy be issued upon payment of a premium at the amount specified in the order or that the notice of intended cancellation of a policy be withdrawn upon payment of such additional amount as is specified in the order by way of premium.

**Authorised insurers**

**59. (1)** Any person or association, registered for the purpose of carrying on the business of accident insurance under the law for the time being in force in the Territory relating to the registration of companies, who or which is willing to undertake insurance business in terms of this Act may lodge with the Registrar an application containing such information as the Registrar requires for approval by the Minister as an authorized insurer.

**(2)** The Minister may refuse to grant the application or may grant the application subject to such conditions (if any) as are prescribed.

**(3)** The Minister shall cause notice of approval of any person as an authorized insurer to be published in the *Gazette* and the approval shall take effect on a date specified for the purpose by the Minister in the notice.

**(4)** Any approval of a person as an authorized insurer may be cancelled by the Minister after a notice specifying the grounds upon which the action is taken and the date (not being a date earlier than 14 days after the giving of the notice) upon which he or she proposes to cancel the approval has been served on the authorized insurer.

**(5)** Where, pursuant to section 217D, an appeal is lodged on or before the date specified in the notice, the approval of a person as an authorized insurer shall not be cancelled unless and until the proposed cancellation is confirmed or the appeal is dismissed.

**(6)** The Minister may cancel an approval granted under this section to any person if that person has, in his or her capacity as authorized insurer, been convicted of an offence against this Act.

**(7)** Any authorized insurer may, by notice in writing to the Minister, withdraw from insurance business in terms of this Act:

Provided that the notice of withdrawal shall not take effect until a date (not being more than 3 months after the date when the notice of withdrawal is given) specified by the Minister by notice published in the *Gazette*.

**(8)** As from the date specified in the notice in the *Gazette* the person giving the notice of withdrawal shall cease to be an authorized insurer.

**(9)** A cancellation of approval of a person as an insurer or a notice of withdrawal from insurance business made or given under this section shall not affect—

- (a) any third-party policy in force at the date upon which the cancellation or notice of withdrawal takes effect; or
- (b) any liability as an authorized insurer, whether under a third-party policy or under this Act accrued or incurred before the date upon which the cancellation took effect or incurred under any third-party policy referred to in paragraph (a).

**(10)** For the purposes of any policy referred to in paragraph (9) (a) and for all purposes relating to the liability referred to in paragraph (9) (b), this Act shall extend to and in respect of the person referred to in the notification of cancellation or, as the case may be, the person who gave the notice of withdrawal in all aspects as if he or she were an authorized insurer.

#### **Holding out as authorised insurer**

**60.** Any person who, not being an authorized insurer, advertises himself or herself, or holds himself or herself out, to be an authorized insurer or undertakes or offers to undertake insurance business in terms of this Act shall be guilty of an offence.

Penalty—

- (a) if the offender is a body corporate—\$5,000; or
- (b) if the offender is a natural person—\$1,000 or imprisonment for 6 months, or both.

#### **Recovery of money from insurers**

**61. (1)** Where judgment has been obtained in any court in respect of the death of, or bodily injury to, any person caused by or arising out of the use of an insured motor vehicle, and the third-party policy insures the judgment debtor against liability in respect of that death or bodily injury and the judgment is not satisfied in full within a period of 30 days after judgment has been entered, the court shall, upon the application of the judgment creditor, direct that the judgment be entered against the authorized insurer:

Provided that, where execution on the judgment is stayed pending appeal, the time during which execution is so stayed shall be excluded in calculating the period of 30 days:

Provided further that notice of intention to make the application shall be served on the authorized insurer at least 7 days before the hearing of the application.

(2) Where the court gives a direction to enter judgment, the judgment shall be entered and may thereupon be enforced as a judgment against the authorized insurer:

Provided that any judgment so entered may be enforced against the authorized insurer only to the extent to which it had not already been satisfied at the time it was so entered.

(3) Where, in respect of the death of, or bodily injury to, any other person caused by or arising out of the use of a motor vehicle, liability has been incurred by any person (in this section referred to as the “insured person”) who is insured against such liability under—

- (a) a third-party policy; or
- (b) a policy of insurance complying with the provisions of a law that is in force in a State or in the Northern Territory of Australia requiring the owner or driver of a motor vehicle to be insured against liability in respect of the death of, or bodily injury to, any person caused by or arising out of the use of the motor vehicle,

and where the insured person is dead or cannot be served with process, any person who could have obtained judgment in respect of such death or bodily injury against the insured person if he or she were living or if he or she could have been served with process, as the case may be, may recover, in any case where the insurance is under a third-party policy, by action against the authorized insurer who issued the third-party policy and, in any case where the insurance is under a policy of the nature referred to in paragraph (b), by action against the nominal defendant, an amount equivalent to the sum for which he or she could have obtained a judgment against the insured person.

(4) Subject to subsection (4A), an action under subsection (3) shall not lie against the authorized insurer or the nominal defendant unless notice of intention to make a claim is given to the authorized insurer or the nominal defendant, as the case may be—

- (a) in the case of an action for the recovery of any amount referred to in paragraph 76 (1) (b)—within the time prescribed by paragraph 76 (1) (c); and
- (b) in any other case—within a period of 3 months after the occurrence which resulted in such death or bodily injury, or within such further period as the authorized insurer or the nominal defendant, as the case may be, allows.

(4A) Where the authorized insurer or the nominal defendant refuses to allow a further period in pursuance of paragraph (4) (b) or a notice referred to in subsection (4) has not been given as required by that subsection within a further period so allowed, the court may, upon sufficient cause being shown, allow such further period as it thinks fit for giving to the authorized insurer or the nominal defendant, as the case requires, notice of intention to make a claim.

(5) The fact that the insured person cannot be served with process may be proved orally or by the affidavit of the person who endeavoured to effect service.

(6) It shall not be a defence by an authorized insurer to an application to enter judgment against him or her pursuant to subsection (1) or to an action against him or her under subsection (3) that he or she is not liable under the third-party policy by reason of any act committed or omission made by the owner or driver of the insured motor vehicle.

(7) In particular and without prejudice to the generality of the provisions of subsection (6), it shall not be a defence by an authorized insurer to any such application or action that he or she is not liable under the third-party policy by reason of the fact that—

- (a) the third-party policy was obtained by any false statement or misrepresentation or non-disclosure, whether fraudulent, material or otherwise;
- (b) the owner of the insured motor vehicle has committed a breach of, or has failed to comply with, any term, condition or warranty of the third-party policy; or
- (c) the owner or driver of the insured motor vehicle has committed a breach of, or has failed to comply with, any provision of this Act.

(8) It shall not be a defence by the nominal defendant to an action against him or her under subsection (3) that the owner or driver of the motor vehicle has committed any breach of or has failed to comply with any provision of this Act.

(9) The provisions of subsections (1) and (2) apply, and, from the date of commencement of the *Law Reform (Miscellaneous Provisions) Act 1955*<sup>2</sup>, shall be deemed at all times to have applied, to—

- (a) authorize entry against the authorized insurer of any judgment obtained against the estate of a deceased insured person under or by virtue of Part II of that Act; and

- (b) authorize contribution between joint tort-feasors under or by virtue of Part IV of that Act.

(10) Notwithstanding anything contained in Part II of the *Law Reform (Miscellaneous Provisions) Act 1955*, the provisions of subsection (3) continue to apply, and shall be deemed to have applied, from and including the date of commencement of that Act.<sup>2</sup>

(11) Subsection (3) permits, and that subsection shall, from and including the date of commencement of the *Law Reform (Miscellaneous Provisions) Act 1955*<sup>2</sup>, be deemed to have permitted, the institution of proceedings of the kind referred to in that subsection against the authorized insurer or the nominal defendant, as the case may be, in a case—

- (a) where the insured person is dead; or
- (b) where, under or by virtue of section 7 of that Act, a cause of action in respect of death or bodily injury is deemed to have been subsisting against the insured person before his or her death.

(12) Where liability of the kind referred to in subsection (3) has been incurred by an insured person and the insured person is dead or cannot be served with process—

- (a) a person seeking to recover damages in respect of the death or bodily injury as a result of which liability was incurred may join—
  - (i) in a case where the insurance is under a third-party policy issued by an authorized insurer—the authorized insurer; or
  - (ii) in a case where the insurance is under a policy of the kind referred to in paragraph (3) (b)—the nominal defendant,as a defendant or one of the defendants;
- (b) a third-party notice that might have been served—
  - (i) by the insured person if he or she had been joined in the proceedings; or
  - (ii) upon the insured person if he or she were living or could have been served with process,

may be served by or upon the authorized insurer or the nominal defendant, as the case may be; and



- (c) the authorized insurer or the nominal defendant, as the case may be, has the same rights and is subject to the same obligations in respect of contribution between joint tort-feasors as the insured person would have had or been subject to if he or she were living or could have been served with process.

(13) Subsection (12) shall, from and including the date of commencement of the *Law Reform (Miscellaneous Provisions) Act 1955*<sup>2</sup>, be deemed to have applied in the like manner as it applies after its commencement.

(14) The right of action against the authorized insurer or the nominal defendant in a case where an insured person is dead is, and, from and including the date of commencement of the *Law Reform (Miscellaneous Provisions) Act 1955*<sup>2</sup>, shall be deemed at all times to have been, alternative to the right of action conferred under or by virtue of Part II of that Act against the estate of a deceased insured person.

(15) Without prejudice to the generality of subsection (14)—

- (a) where proceedings are commenced against the authorized insurer or the nominal defendant—proceedings in respect of the same cause of action shall not be instituted against the estate of a deceased insured person unless the first-mentioned proceedings have been discontinued;
- (b) where proceedings are commenced against the estate of a deceased insured person—proceedings in respect of the same cause of action shall not be instituted against the authorized insurer or the nominal defendant unless the first-mentioned proceedings have been discontinued; and
- (c) where proceedings against the authorized insurer, the nominal defendant or the estate of a deceased insured person, as the case may be, have been carried to judgment—further proceedings in respect of the same cause of action shall not be instituted.

### **Recovery by insurer from owner**

**62.** The authorized insurer may, in addition to any other right or remedy he or she may have, recover from the owner of the insured motor vehicle (and, where 2 or more persons are the owners, from those persons jointly and severally) so much of—

- (a) any judgment entered or obtained against the authorized insurer; or
- (b) any sums which the authorized insurer has paid in payment, settlement or compromise of the claim or of the judgment against the owner and

the driver jointly or either of them severally or of the judgment entered or obtained against the authorized insurer; and

- (c) the costs of and expenses reasonably incurred by the authorized insurer,

as the authorized insurer has paid under or in consequence of any third-party policy where there has been—

- (i) a false statement or misrepresentation or non-disclosure in obtaining the third-party policy; or
- (ii) a breach by the owner of any term, condition or warranty of the third-party policy or any provision of this Act or of the *Motor Traffic (Alcohol and Drugs) Act 1977* or a failure by the owner to comply with any such term, condition, warranty or provision:

Provided that the authorized insurer shall not be entitled to recover any moneys under this subsection unless the court in which the proceedings for the recovery of such moneys are taken is satisfied—

- (a) where there has been a false statement or misrepresentation or non-disclosure in obtaining the third-party policy—that the false statement, misrepresentation or non-disclosure, whether fraudulent or otherwise, was in relation to some fact or thing of such a nature as to influence a prudent insurer in determining whether or not to accept a proposal for insurance; or
- (b) where there has been a breach of or failure to comply with any term, condition, warranty or provision referred to in subparagraph (c) (ii)—that the breach or failure was such that it contributed in a material degree to the circumstances in which the authorized insurer agreed to pay or otherwise become liable to pay the moneys sought to be recovered.

### **Recovery by insurer from driver**

**63.** The authorized insurer may, in addition to any other right or remedy he or she may have, recover from the driver so much of—

- (a) any judgment entered or obtained against the authorized insurer; or
- (b) any sums which the authorized insurer has paid in payment, settlement or compromise of the claim or of the judgment against the owner and the driver jointly or either of them severally or of the judgment entered or obtained against the authorized insurer; and

- (c) the costs of and expenses reasonably incurred by the authorized insurer,

as the authorized insurer has paid under or in consequence of any third-party policy where the driver has committed a breach of, or has failed to comply with, any provision of this Act or of the *Motor Traffic (Alcohol and Drugs) Act 1977*:

Provided that the authorized insurer shall not be entitled to recover any moneys under this section unless the court in which the proceedings for the recovery of the moneys are taken is satisfied that the breach or failure was such that it contributed in a material degree to the circumstances in which the authorized insurer agreed to pay or otherwise became liable to pay the moneys sought to be recovered.

#### **Limitation of amount recoverable**

**64.** An authorized insurer shall not be entitled to recover, under the provisions of sections 62 and 63 from the driver, as well as from the owner, in respect of the same act or omission or in respect of the same breach of or failure to comply with any provision of this Act.

#### **Effect of payment by authorised insurer**

**65. (1)** Any payment by an authorized insurer, made in pursuance of a judgment entered in pursuance of section 61 shall, to the extent of such payment, be a discharge of—

- (a) the liability of the judgment debtor to the judgment creditor or, as the case may be, of the insured person entitled to the right of action referred to in subsection (2); and
- (b) the liability (if any) of the authorized insurer to the judgment debtor or, as the case may be, to the insured person.

**(2)** Any payment by the nominal defendant, made in pursuance of a judgment entered in pursuance of section 61 shall, to the extent of that payment, be a discharge of the liability of the insured person to the person entitled to the right of action referred to in subsection 61 (3).

#### **Presumption of agency**

**66. (1)** For the purposes of any proceedings against the owner of a motor vehicle, whether severally or jointly with the driver of the motor vehicle, for the recovery of damages in respect of the death of, or bodily injury to, any person caused by or arising out of the use of the motor vehicle, and, where the motor

vehicle is an insured motor vehicle, for the purposes of the third-party policy, any person (other than the owner) who was, at the time of the occurrence out of which the proceedings arose, the driver of the motor vehicle (whether with or without the authority of the owner) shall be deemed to be the agent of the owner acting within the scope of his authority in relation to the motor vehicle:

Provided that nothing in this section shall be construed as implying any ratification by the owner of the motor vehicle of the acts of the person driving the motor vehicle:

Provided further that, in the case of a motor vehicle which is registered at the date of commencement of this section, the provisions of this section shall not apply to and in respect of that motor vehicle until the expiration of that registration or until the expiration of a period of thirty days after that date, whichever first happens.

(2) In addition to its application to proceedings of the kind referred to in the last preceding subsection, the presumption of agency under that subsection applies to—

- (a) proceedings against the estate of the deceased owner or driver of the motor vehicle under or by virtue of Part II of the *Law Reform (Miscellaneous Provisions) Act 1955*;
- (b) proceedings against the authorized insurer or the nominal defendant, as the case may be, under or by virtue of subsection 61 (3) in a case where the owner or driver of a motor vehicle is dead or cannot be served with process; and
- (c) proceedings in a case where the owner or driver of the motor vehicle, the estate of the deceased owner or driver of the motor vehicle, or the authorized insurer or the nominal defendant, as the case may be, is—
  - (i) joined as an alternative defendant;
  - (ii) served with a third-party notice; or
  - (iii) made a party to proceedings for the recovery of contribution by or against a joint tort-feasor under or by virtue of Part IV of the *Law Reform (Miscellaneous Provisions) Act 1955*.

(3) Subsection (2) applies to proceedings referred to in that subsection, and shall be deemed at all times to have applied to those proceedings, from the date of commencement of the *Law Reform (Miscellaneous Provisions) Act 1955*<sup>2</sup>.

### **Right of authorised insurers against unauthorised drivers**

**67.** Where the death of, or bodily injury to, any person is caused by or arises out of the use of an insured motor vehicle and that motor vehicle was at the time of the occurrence out of which the death or injury arose driven by a person without the authority of the owner or without reasonable grounds for believing that he or she had the authority of the owner—

- (a) the driver of the motor vehicle shall not be entitled to recover from the authorized insurer any sum on account of any moneys (including costs) paid or payable by the driver in respect of his or her liability in respect of the death or bodily injury, but any amount necessary to satisfy that liability shall be paid by the authorized insurer to the person to whom the liability was incurred; and
- (b) any sum paid by the authorized insurer in or towards the discharge of the liability of any person in respect of the death or bodily injury shall be recoverable by the authorized insurer from the driver.

**Authorised insurer may take over proceedings etc.**

**68. (1)** The authorized insurer who issued any third-party policy—

- (a) may undertake the settlement of any claim against any person in respect of a liability against which he or she is insured under the third-party policy;
- (b) may take over during such period as he or she thinks proper the conduct on behalf of that person of any proceedings taken or had to enforce the claim or for the settlement of any question arising with reference to the claim;
- (c) may defend or conduct those proceedings in the name and on behalf of that person; and
- (d) shall indemnify that person against all costs and expenses of or incidental to any of those proceedings while the authorized insurer retains the defence or conduct of the proceedings.

**(2)** The person referred to in subsection (1) shall sign all such warrants and authorities as the authorized insurer requires for the purpose of enabling the authorized insurer to have the defence or conduct of any proceedings referred to in that subsection and, in default of his or her so doing, the court in which the proceedings are pending may order that the warrants and authorities be signed by the authorized insurer on behalf of that person.

**(3)** Nothing said or done by or on behalf of the authorized insurer in connexion with the settlement of any such claim or the defence or conduct of any such proceedings shall be regarded as an admission of liability in respect

of, or shall in any way prejudice, any other claim, action or proceeding arising out of the same occurrence.

### **No contracting out of Act**

**69. (1)** Any provision, stipulation, covenant or condition in any agreement (whether made before or after the commencement of this section) which negatives, limits or modifies or purports to negative, limit or modify the operation of the provisions of this Part shall be void and of no effect.

**(2)** Any contract whereby the liability of the owner of a public motor vehicle used for the conveyance of passengers in respect of the death of, or bodily injury to, any passenger thereon is negated, limited or modified shall be void.

**(3)** For the purposes of the last preceding subsection, “passenger” includes any person (other than the driver) who is in or upon, entering or getting on to or alighting from the motor vehicle.

### **Notice of accidents**

**70. (1)** Where the death of, or bodily injury to, any person is caused by or arises out of the use of a motor vehicle (not being a motor vehicle in respect of which persons are exempted by or under this Part from the provisions of subsection 51 (1)) the driver or the person in charge of the motor vehicle shall forthwith give written notification as soon as practicable after the occurrence which resulted in that death or bodily injury, or, if he or she was not then driving the motor vehicle, as soon as practicable after he or she became aware of the occurrence, to the authorized insurer (where the motor vehicle is an insured motor vehicle) or to the nominal defendant (where the motor vehicle is an uninsured motor vehicle).

**(2)** If at the time of the occurrence referred to in subsection (1) the person driving the motor vehicle (in this subsection referred to as “the driver”) was not the owner of the motor vehicle, the driver shall as soon as practicable give a notification in writing—

- (a) to the owner of the motor vehicle; or
- (b) to the authorized insurer (where the motor vehicle is an insured motor vehicle) or the nominal defendant (where the motor vehicle is an uninsured motor vehicle).

**(3)** The notification shall set forth as fully as possible the following information:

- (a) The fact of the accident;
- (b) The time, date and place at which the accident occurred;
- (c) The circumstances of the accident;
- (d) The name and address of any person killed or injured in the accident;  
and
- (e) The names of any witnesses of the accident.

(4) The owner and the driver of the motor vehicle, or either of them, shall give such information, in addition to the information referred to in subsections (1) and (2), and shall take such steps, as the authorized insurer or the nominal defendant may reasonably require, whether or not any claim has been made in respect of the death or bodily injury.

(5) Where the owner or the driver of the motor vehicle, without the consent in writing of the authorized insurer or the nominal defendant, makes any offer, promise, payment or settlement or any admission of liability in respect of the death or bodily injury, the fact that offer, promise, payment, settlement or admission has been made shall not be admissible in evidence in any proceedings against the authorized insurer or the nominal defendant.

(6) Where the motor vehicle is an insured motor vehicle—

- (a) the owner or the driver, as the case may be, shall forthwith give to the authorized insurer a notification in writing of every notice of intention to make a claim given to, and of every claim made or action brought against, him or her in respect of that death or bodily injury;
- (b) the owner shall, where he or she becomes aware that notice of intention to make a claim has been given to, or a claim has been made or an action brought against, the driver in respect of that death or bodily injury, forthwith give to the authorized insurer a notification in writing thereof;
- (c) the owner or the driver shall not, without the consent in writing of the authorized insurer, enter upon or incur the expense of any litigation in respect of any liability against which he or she is insured under the third-party policy relating to the use of the motor vehicle.

(7) It shall be a sufficient compliance with any requirement of subsection (6) as to the giving of a notification by the owner or the driver if the notification is given by some person on his or her behalf.

(8) A notification given under this section shall not be subject to discovery and shall not be admissible in evidence in any proceedings (whether or not for

an offence against this or any other Act) except proceedings for failure to comply with or observe the requirements of this section.

- (9) This section shall not apply in any case where—
- (a) the person suffering the death or bodily injury was the owner of the motor vehicle; and
  - (b) the motor vehicle was at the time of the occurrence being driven by the owner.

### **Change of ownership of motor vehicle**

**71. (1)** Every third-party policy in relation to a motor vehicle shall enure in favour of the owner for the time being and the driver, notwithstanding any change in the ownership of the motor vehicle, but shall cease to have effect when another third-party policy in relation to that motor vehicle comes into force except in relation to any liability, whether under the policy or under this Act, accrued or incurred before that other third-party policy came into force.

(2) As soon as practicable after the owner of an insured motor vehicle sells or ceases to have possession of the motor vehicle—

- (a) he or she shall give notice of that fact to the authorized insurer who issued the third-party policy; and
- (b) the person who has purchased or acquired possession of the insured motor vehicle shall give notice of that fact to the authorized insurer.

(3) For the purposes of this section a person shall be deemed not to have ceased to have possession or, as the case may be, not to have acquired possession of an insured motor vehicle where a change of possession occurs by way of—

- (a) any hiring (not being a hiring under a hire-purchase agreement) or lending of a motor vehicle for a period not exceeding 3 months; or
- (b) the passing of the possession of a motor vehicle to a bailee for the purpose of sale or disposal or for the purpose of alteration, repair, renovation, garaging, storing or other like purpose not involving the use of the motor vehicle for the benefit of the bailee.

### **Change of ownership of trader's business**

**72. (1)** Every third-party policy in relation to motor vehicles to which a trader's plate issued in respect of any business is affixed shall enure in favour of the person who for the time being is carrying on that business and the driver of any such motor vehicle, notwithstanding any change in the ownership of the



business, but shall cease to have effect when another third-party policy in relation to motor vehicles to which that trader's plate is affixed comes into force, except in relation to any liability, whether under the policy or under this Act, accrued or incurred before that other third-party policy came into force.

(2) As soon as practicable after the sale or other disposal of any business in respect of which a trader's plate is in issue—

- (a) the former owner of the business shall give notice of the sale or disposal to the authorized insurer who issued the third-party policy;
- (b) the new owner of the business shall give notice of the acquisition by him or her of the business to that authorized insurer.

### **Information to be supplied by insurers**

**73. (1)** Every authorized insurer shall submit to the Registrar such returns as are prescribed and shall, whenever so required by the Minister, furnish such information as the Minister reasonably requires relating to—

- (a) premiums received for insurance under this Part;
- (b) claims paid under this Part;
- (c) the persons insured under this Part; and
- (d) any other matters relevant to this Part.

(2) Any authorized insurer who, without lawful excuse, fails to furnish any information to the Minister within 2 months after receipt of a written notice requiring that information to be furnished shall be guilty of an offence.

### **Emergency treatment**

**74. (1)** Where any legally qualified medical practitioner or registered nurse renders emergency treatment in respect of bodily injury (including fatal injury) to any person caused by or arising out of the use of a motor vehicle, or the person so injured is immediately after the injury conveyed in any vehicle, and any payment is made (whether or not with an admission of liability) by an authorized insurer under or in consequence of a third-party policy, in respect of the death of or bodily injury to that person, and notice in writing of a claim under this section is given by the medical practitioner, nurse or person who conveyed the injured person to the authorized insurer within 1 month after the occurrence out of which the death or bodily injury arose, the authorized insurer shall make such of the following payments as are applicable to the case:

- (a) To the medical practitioner—the sum of \$1.25 for each person to whom emergency treatment is rendered together with any travelling expenses reasonably and necessarily incurred in respect of the emergency treatment so rendered;
- (b) To the nurse—the sum of \$1.05 for all emergency treatment rendered by the nurse to the person or persons injured in the accident together with any travelling expenses reasonably and necessarily incurred in respect of the emergency treatment so rendered which sum shall, if emergency treatment is rendered to 2 or more persons, be deemed to have been paid on behalf of all those persons in equal shares;
- (c) To any person who conveyed the injured person as mentioned in this subsection—an amount to be ascertained in accordance with the regulations.

(2) In this section, “emergency treatment” means such medical or surgical treatment or examination by a legally qualified medical practitioner or a registered nurse as is immediately required as the result of any such injury as is mentioned in the last preceding subsection.

### **Hospital treatment**

#### **75. Where—**

- (a) any payment is made (whether or not with an admission of liability) by an authorized insurer, under or in consequence of a third-party policy, in respect of the death of, or bodily injury to, any person caused by or arising out of the use of a motor vehicle; and
- (b) the person who dies or is injured received treatment at a hospital, whether as an in-patient or as an out-patient in respect of the bodily injury (whether fatal or not) so caused or arising; and
- (c) within 1 month after admission to a hospital for treatment as a result of the occurrence out of which the death or bodily injury arose, notice in writing of a claim under this section is given by that hospital to the authorized insurer,

the authorized insurer shall pay to the hospital the amount owing to the hospital in respect of treatment afforded to the person who has so died or been injured, such amount to be calculated at the rates fixed by regulations made in pursuance of the *Canberra Community Hospital Ordinance 1938-1945*, with ward accommodation at the public ward rates, or the rates prescribed under the compulsory third-party insurance Act in the State in which the treatment is given:

Provided that the amount payable by the authorized insurer to the hospital in respect of any such bodily injury (whether fatal or not) shall not exceed \$100 for each person so treated as an in-patient or \$10 for each person so treated as an out-patient or, in either case, one-fifth of the total amount (exclusive of costs) paid by the authorized insurer in respect of the injury, whichever is the lesser:

Provided also that, where the person who dies or is bodily injured receives treatment at more than 1 hospital and the total amount owing to those hospitals in respect of such treatment exceeds the maximum sum payable under this section, that sum shall be divisible between the hospitals in proportion to their respective claims.

### **Surgical and medical treatment**

#### **76. (1) Where—**

- (a) any payment is made (whether or not with an admission of liability) by an insurer, under or in consequence of a third-party policy, in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle;
- (b) the person who died or was injured received medical, dental or surgical treatment by a legally qualified medical practitioner, registered dentist, nurse or masseur in respect of the bodily injury (whether fatal or not) so caused or arising; and
- (c) within 1 month after the occurrence out of which the death of, or bodily injury to, the person arose, notice in writing of a claim under this section is made to the authorized insurer by the medical practitioner, dentist, nurse or masseur from whom that person received medical, dental or surgical treatment,

the authorized insurer shall pay to that medical practitioner, dentist, nurse or masseur the amount owing for the treatment afforded to the person who has so died or been injured, having regard to the reasonable necessity therefor, at the customary charge made in the community for treatment of the nature afforded:

Provided that the amount payable by the authorized insurer to the medical practitioner, dentist, nurse or masseur in respect of the bodily injury (whether fatal or not) shall not exceed \$100 for each person so treated.

**(2)** If the total amount owing to any medical practitioner, dentist, nurse or masseur in respect of the treatment of a person who dies or is bodily injured

exceeds \$100, the sum of \$100 payable by the authorized insurer shall be divisible between the claimants in proportion to their respective claims.

### **Apportionment of cost of medical and surgical treatment**

**77.** Where 2 or more authorized insurers make payments under or in consequence of a third-party policy, in respect of the death of, or bodily injury to, a person caused by or arising out of the use of two or more motor vehicles, each such authorized insurer shall pay an equal share of any payments required to be made under sections 74, 75 and 76.

### **Reduction of liability**

**78.** The liability (if any) of—

- (a) the owner or driver of a motor vehicle in respect of the death of or bodily injury to any person or persons caused by or arising out of the use of the motor vehicle; and
- (b) the authorized insurer to the owner or driver under the policy of insurance,

shall be reduced by the amount paid by the authorized insurer under sections 74, 75 and 76.

### **Nominal defendant standing for authorised insurer**

**79.** For the purposes of this Part, where death or bodily injury to any person is caused by the use of an uninsured or unidentified motor vehicle on a public street, any reference to an authorized insurer shall be read as a reference to the nominal defendant.

### **Payment by authorised insurer**

**80.** Any payment by an authorized insurer or the nominal defendant under and in accordance with sections 74, 75 and 76 in respect of the treatment or conveyance of a person who dies or suffers bodily injury shall, to the extent of such payment, but subject to section 87, be a discharge of the liability of any person in respect of that treatment or conveyance.

### **Actions for damage to be tried without a jury**

**81.** Every action brought against the owner or driver of a motor vehicle or against the nominal defendant, in respect of the death of, or bodily injury to, any person caused by or arising out of the use of a motor vehicle shall be tried without a jury.

### **Disqualification of person holding driving licence**

**82.** An authorized insurer may apply to a court of summary jurisdiction for an order disqualifying any person for such period as the court thinks fit from holding and obtaining a licence to drive a motor vehicle under this Act.

### **Insurance of public motor vehicles against damage to property**

**83. (1)** The owner of a motor omnibus, taxi or private hire car shall insure himself and keep himself insured to the extent of at least Two thousand dollars under a policy of insurance issued by an authorized insurer against liability to any damages in respect of damage to property caused by or arising out of the use of the motor omnibus, taxi or private hire car and every such policy shall be in the prescribed form.

**(2)** The insurance required by the last preceding subsection shall be additional to the insurance required under this Part in respect of the death of, or bodily injury to, any person caused by or arising out of the use of a motor vehicle.

**(3)** Registration or renewal of registration of a motor omnibus, taxi or private hire car shall not be granted unless and until there is lodged with the Registrar a certificate in or to the effect of the prescribed form issued by an authorized insurer that a policy of the nature specified in subsection (1) expressed to commence upon the date of issue of the certificate or upon a date not later than the date of commencement of the registration or renewal of registration and to terminate upon the date of expiration of the registration or renewal will be issued by that authorized insurer in relation to the motor omnibus, taxi or private hire car.

**(4)** Where an authorized insurer accepts the appropriate amount of insurance premium in respect of the insurance under this section of a motor omnibus, taxi or private hire car, he or she shall forthwith issue to the owner a certificate of the nature referred to in subsection (3) in relation to the motor omnibus, taxi or private hire car.

**(5)** An authorized insurer who issues any such certificate—

- (a)** shall, for the purposes of this section relating to the liability of authorized insurers, be deemed to have issued a policy in conformity with the certificate; and
- (b)** shall, at the time of issue of the certificate, or as soon as practicable thereafter, issue a policy in conformity with the certificate.

(6) A policy issued by an authorized insurer in relation to a motor omnibus, taxi or private hire car shall commence on the date on which it is expressed to commence and shall continue in force—

- (a) in any case where the authorized insurer notifies the Registrar, at least 30 days before the date on which the policy is expressed to terminate, that he or she will not renew the policy—until that date;
- (b) in any case not provided for in paragraph (a), and where another policy issued by the same or another authorized insurer in relation to that motor omnibus, taxi or private hire car commences during the period of 15 days next following the date on which the first-mentioned policy is expressed to terminate—until that commencement; and
- (c) in any other case—until 15 days after the date on which it is expressed to terminate.

(7) Where an authorized insurer issues a renewal of a policy in relation to a motor omnibus, taxi or private hire car for a period expressed to terminate on the date of expiration of a renewal of the registration of the motor omnibus, taxi or private hire car—

- (a) the insurance premium shall be payable as if the renewal of the policy were expressed to commence from the date of commencement of the renewal of registration, whether or not the renewal of the policy is so expressed; and
- (b) the authorized insurer shall not be liable under the renewal of the policy in respect of any damage to property caused by or arising out of the use of the motor omnibus, taxi or private hire car during the period (if any) between the date from which the renewal of the policy is expressed to commence and the date of payment of the amount of insurance premium in respect of the renewal of the policy.

(8) Nothing in subsection (7) shall affect the operation of subsection (6), or exempt any authorized insurer from liability under any policy continued in force by that subsection.

(9) Where, upon the date of commencement of this section, a motor omnibus, taxi or private hire car is registered and there is in force a policy of insurance in respect of that omnibus or car, which to any extent insures the owner of the omnibus or car against liability to pay compensation in respect of damage to property caused by or arising out of the use of the omnibus or car, the policy shall, until the expiration of the registration of the omnibus or car or

until the expiration of 30 days after the commencement of this section, whichever period is the lesser, have effect as follows:

- (a) The policy shall, as regards any such liability, be deemed, for all purposes of the Act to be a policy as prescribed in the preceding provisions of this section, and the policy shall be deemed to have been varied, modified or amended in such manner and to such extent as may be necessary to give effect to this subsection;
- (b) The insurer who issued the policy shall, for the purposes only of that policy and of this subsection, be deemed to be an authorized insurer whether or not he or she has been approved as such,

but nothing in the foregoing provisions of this subsection shall affect the operation of the existing policy in so far as the existing policy insures the owner of the omnibus or car against any liability other than the liability to which those provisions relate.

#### **Nominal defendant**

**84. (1)** The Minister may from time to time, by notification in the *Gazette*, appoint any person resident in the Territory to be the nominal defendant for the purposes of this Act and may, from time to time, in like manner, revoke any such appointment.

**(2)** Any such appointment shall be made on the nomination of the authorized insurers or a majority of them or, in default of nomination, directly by the Minister.

**(3)** Any action or proceeding by or against the nominal defendant may be taken in the name of "The Nominal Defendant" and the death or resignation of or the revocation of the appointment of the person holding office as nominal defendant at the time any action or proceeding was commenced and the appointment of another person in his or her place shall not abate the action or proceeding but the action or proceeding may be continued and concluded as if there had been no such death, resignation, revocation or appointment.

**(4)** The nominal defendant shall, as soon as practicable after the end of each calendar year, prepare and furnish to the Minister a report concerning his or her operations during that year.

#### **Claims in respect of uninsured and unidentified motor vehicles**

**85. (1)** Every claim for damages in respect of the death of, or bodily injury to, any person caused by or arising out of the use of an uninsured motor vehicle in a public street shall be made to the nominal defendant and not to the owner

or driver of the uninsured motor vehicle and any proceedings to enforce any such claim for damages shall be taken against the nominal defendant and not against the owner or driver of the uninsured motor vehicle.

(2) A claim may be so made and proceedings may be so taken notwithstanding that the owner or driver of the uninsured motor vehicle is dead or cannot be found.

(3) Where the death of or bodily injury to any person is caused by or arises out of the use of a motor vehicle in a public street but the identity of the motor vehicle cannot after due inquiry and search be established, any person who could have enforced a claim for damages against the owner or driver of the motor vehicle in respect of the death or bodily injury may enforce against the nominal defendant the claim which he or she could have enforced against the owner or driver of the motor vehicle.

(4) The inquiry and search for the purpose of establishing the identity of the motor vehicle may be proved orally or by affidavit of the person who made the inquiry and search.

(5) Subject to subsection (6), an action to enforce any such claim shall not lie against the nominal defendant unless notice of intention to make a claim is given by the claimant to the nominal defendant—

- (a) in the case of an action for the recovery of any amount referred to in subsection 76 (1)—within the time prescribed by paragraph 76 (1) (c);
- (b) in any other case—within a period of three months after the occurrence out of which the claim arose, or within such further period as the nominal defendant allows.

(6) Where the nominal defendant refuses to allow a further period in pursuance of paragraph (5) (b) or a notice referred to in subsection (5) has not been given as required by that subsection within a further period so allowed, the court may, upon sufficient cause being shown, allow such further period as it thinks fit for giving to the nominal defendant notice of intention to make a claim.

#### **Payment by nominal defendant**

**86. (1)** The nominal defendant shall not be personally liable to pay any amount payable in satisfaction of any claim made or judgment recovered against him or her or the amount of any costs or expenses incurred by him or her in relation to any such claim or to the proceedings in which the judgment was obtained, but every such amount shall be paid by the nominal defendant out of moneys provided by the Territory or Commonwealth and the authorized insurers in accordance with this Act.



(2) Any amount which is required by subsection (1) to be provided by the Territory or Commonwealth and the authorized insurers shall be apportioned by the Registrar, in proportions determined by him or her, amongst the Territory or Commonwealth and those who were authorized insurers at the time of the occurrence out of which the claim arose.

(3) Any amounts (not being amounts to which subsection (1) applies) from time to time necessary to meet any costs and expenses incurred by the nominal defendant in or in connexion with the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon him or her by or under this Act shall be apportioned by the Registrar, in proportions determined by him or her, amongst the Territory or Commonwealth and the authorized insurers.

(4) In making any determination under this section, the Registrar shall have regard so far as practicable to the premium incomes in respect of third-party policies received by each authorized insurer during a period adopted by the Registrar for the purpose and, in the case of the Territory or Commonwealth, the premiums which would have been payable in respect of motor vehicles the property of the Territory or Commonwealth and ordinarily used in the Territory during that period if those vehicles had been insured under this Part.

(5) When the Registrar makes any appointment under this section he or she shall give notice to the Territory or Commonwealth and to each authorized insurer concerned of the sum which the Registrar has determined as being payable by the Territory or Commonwealth or by that authorized insurer and shall in the notice require the Territory or Commonwealth or the authorized insurer, as the case may be, to pay that sum to the nominal defendant within a time to be specified in the notice.

(6) The Registrar may revoke, alter or vary any such notice from time to time as occasion requires.

(7) Where an authorized insurer neglects or fails to pay to the nominal defendant the sum specified in any notice given to him or her under this section within the time specified in the notice he or she shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding \$200, and the court, in addition to imposing a penalty, may order that authorized insurer to pay to the nominal defendant such amount or such portion of it as remains unpaid.

(8) Any such order shall operate as an order for the payment of money under the *Magistrates Court Act 1930*, and be enforceable under the provisions of that Act.

(9) For the purpose of enforcing payment of any order, the order may be entered in the records of the Magistrates Court in such manner as is prescribed by rules made under that Act.

### **Recovery from owner or driver**

**87. (1)** Any amount paid by the nominal defendant in satisfaction of a claim made or judgment recovered against the nominal defendant and the amount of any costs or expenses properly incurred by the nominal defendant in relation to any such claim or to the proceedings in which the judgment was obtained may be recovered by the nominal defendant as a debt from the person who, at the time of the occurrence out of which such claim arose or in respect of which such judgment was obtained, was the owner of the motor vehicle or, where at the time of that occurrence some other person was driving the vehicle, from the owner and the driver jointly or from either of them severally:

Provided that—

- (a) it shall be a sufficient defence in any proceedings under this section against the owner (whether severally or jointly with the driver) if he or she establishes to the satisfaction of the court that, at the time of the occurrence, some other person was driving the motor vehicle without his or her authority;
- (b) it shall be a sufficient defence in any proceedings under this section against the driver of an uninsured motor vehicle (whether severally or jointly with the owner) if he or she establishes to the satisfaction of the court that, at the time of the occurrence, he or she was driving the motor vehicle with the authority of the owner or had reasonable grounds for believing and did in fact believe that the motor vehicle was an insured motor vehicle.

(2) Any amount recovered by the nominal defendant under this section shall be paid by the nominal defendant, in proportions determined by the Registrar, to the Territory or Commonwealth and the authorized insurers who provided the amount paid by the nominal defendant.

(3) In making a determination under subsection (2), the Registrar shall have regard so far as practicable to the proportion of the amount provided by the Territory or Commonwealth and each such authorized insurer.

**Maximum rates of premiums may be prescribed**

**88. (1)** The maximum rates of premiums which may be charged by an authorized insurer in respect of third-party policies shall be such rates as are prescribed.

**(2)** Different maximum rates may be prescribed in respect of third-party policies in relation to different classes of motor vehicles having regard to the purposes for which those motor vehicles are used or the areas in which those motor vehicles are mainly used or are usually garaged or the periods for which the third-party policies are expressed to be effective, or otherwise.

**(3)** If an authorized insurer demands, charges or accepts in respect of any third-party policy any premium or sum of money greater than the appropriate maximum rate of premium prescribed or, where an order has been made pursuant to section 58, greater than the amount of premium, or, as the case may be, the amount of premium and the additional amount specified in the order, he or she shall be guilty of an offence.

**Use of motor vehicle where appropriate insurance premium not paid**

**89. (1)** Any person who uses or causes, permits or suffers any other person to use upon a public street any insured motor vehicle shall, if the appropriate amount of insurance premium payable in relation thereto has not been paid, be guilty of an offence and shall be liable to a penalty not exceeding \$500.

**(2)** The authorized insurer may recover as a debt from any such person, the difference between the amount of premium (if any) actually paid in relation to the motor vehicle so used and the appropriate amount of premium.

**(3)** Notwithstanding any other provision of this Act, failure by any person to lodge or pay in full the appropriate amount of insurance premium in respect of the insurance of a motor vehicle (whether his or her failure is due to error or omission, or to any change of circumstances or other matter affecting the amount payable as the appropriate amount of insurance premium) shall not affect the validity of any third-party policy issued or deemed to have been issued, or any registration of the motor vehicle.

**Production of evidence of insurance policy**

**90.** Any owner of a motor vehicle who, on being required by any inspector or any officer in the execution of his or her duty or by any member of the Police Force, to produce evidence that there is in force in respect of every motor vehicle owned by him or her a policy of insurance complying with this Act, fails to do so, shall be guilty of an offence unless—

- (a) he or she has a reasonable excuse; or
- (b) he or she produces the evidence so required at the Motor Registry, or a Police Station (to be nominated by him or her to any inspector, officer or member of the Police Force at the time when the requirement is made) within 3 days of the time when its production was so required.

Penalty: \$200.

### **Evidence of insurance**

**90A. (1)** For the purposes of this Part, a document issued by the Registrar bearing his or her 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.

**(2)** In proceedings under this Part, a document purporting to be a document referred to in subsection (1) 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 or she was the Registrar.

### **Court to apportion damages**

**91.** Where a judgment is obtained for payment of damages in respect of the death of, or bodily injury to, any person caused by or arising out of the use of an insured motor vehicle as well as for damages in respect of any other matter, the court shall as part of its judgment declare what portion of the sum awarded by such judgment is in respect of the death or bodily injury and shall apportion any costs awarded.

### **Conviction not to affect civil remedy**

**92.** No proceeding or conviction for any act or omission by this Act declared to be an offence shall affect any remedy which any person aggrieved or injured by the act or omission may be entitled to at law or in equity against the person who committed the act or who was responsible for the omission.

### **Exemptions relating to insurance**

**93.** Subsection 51 (1) does not apply in relation to—

- (a) a visiting motor vehicle;
- (b) a vehicle to which there applies a licence that is to be deemed to have been granted under section 216,

if there is in force in respect of the vehicle a policy of insurance complying with the provisions of a law that is in force in a State or in the Northern Territory of Australia requiring the owner or driver of a motor vehicle to be insured against liability in respect of the death of, or bodily injury to, any person caused by or arising out of the use of the motor vehicle.

## **PART VI—GENERAL PROVISIONS RELATING TO MOTOR VEHICLES**

### **Application for registration or licence**

**94. (1)** An application for the registration of a motor vehicle or trailer, or the renewal or transfer of the registration of a motor vehicle or trailer, or for a licence or the renewal of a licence, shall be lodged with the Registrar, and shall set out the full name and address of the applicant and any other particulars required by the Registrar including, in relation to any motor vehicle or trailer referred to in the application, the type, manufacturer, engine power, engine number, weight and description of body.

**(2)** Upon receipt of the application, the Registrar may—

- (a) by notice to the applicant, require the applicant to attend at the Registrar's office on the date specified in the notice; or
- (b) require the applicant to furnish to him or her a statutory declaration setting forth—
  - (i) the full name and address of the owner of the motor vehicle or trailer and of the person from whom the motor vehicle or trailer was purchased or acquired; and
  - (ii) particulars of the type, manufacturer, weight and date of purchase or acquisition of the vehicle and such other particulars as the Registrar requires.

### **Registration by joint owners and companies**

**95.** Registration of a motor vehicle or trailer on behalf of a co-partnership or company may be applied for by, or granted to, any partner of the co-partnership, or the secretary or manager of the company, as the case may be.

**Change of name or address**

**97. (1)** The holder of a current certificate of registration or licence shall, within 14 days after a change in his or her name or address—

- (a) in the case of a change in name—
  - (i) attend at the Registrar's office and notify the Registrar of the change;
  - (ii) furnish the Registrar with such evidence of the change as the Registrar reasonably requires; and
  - (iii) surrender the certificate or licence; and

(b) in the case of a change in address—notify the Registrar of the change.

Penalty: \$500.

**(2)** Where a person complies with subsection (1), the Registrar shall vary the certificate or licence appropriately.

**Lost certificate**

**98. (1)** Whenever a certificate of registration or a licence has been lost or destroyed, the owner or the licensee shall notify the Registrar of the loss or destruction.

**(2)** The Registrar shall, if he or she has no reason to believe that improper use has been or is being made of the certificate or licence, and upon payment to the Territory by the owner or licensee, of the determined fee, issue to him or her a certified copy of such certificate or licence which shall be of the same force and effect as the original certificate or licence.

**Production of certificates and licences**

**99.** Notwithstanding any other provisions of this Act, every person to whom any certificate of registration or licence (other than a licence to drive a motor vehicle) has been granted shall, on demand by the Registrar, produce within 7 days any such certificate for inspection or endorsement at the office of the Registrar.

**Return of certificates after cancellation or suspension**

**100. (1)** A person to whom a certificate of registration or a licence has been granted shall, within 7 days after receipt of notification by the Registrar of the suspension or cancellation of the registration, or the suspension or cancellation of the licence, return to the Registrar the certificate of registration or licence, as the case may be, and every number plate issued by the Registrar in connection with the registration.

(3) Where any motor vehicle or trailer referred to in any certificate of registration is destroyed or broken up, the former owner shall, within fourteen days after the destruction or breaking up, return the certificate of registration to the Registrar for cancellation.

Penalty: \$80.

**Defaced licence etc.**

**102. (1)** Any person who—

- (a) defaces his or her certificate of registration or licence; or
- (b) lends or parts with any such certificate or licence,

shall be guilty of an offence.

(2) Any such certificate or licence which becomes defaced shall be void.

(3) The holder of a certificate or licence which is void by reason only of defacement may obtain a new certificate or licence on returning to the Registrar the defaced certificate or licence and paying to the Territory the determined fee.

**Refusal, cancellation or suspension of licences or registrations**

**104. (1)** Subject to this Act, the grant or renewal or transfer of any licence or registration shall be in the discretion of the Registrar.

(2) Without affecting the generality of the last preceding subsection, the Registrar may—

- (a) cancel the registration of any motor vehicle which is not an insured motor vehicle for the purposes of Part V;
- (b) cancel or suspend for such period as he or she thinks fit, any licence issued to any person who, in his or her opinion, is unfit to hold a licence;
- (c) refuse to register, or cancel or suspend for such period as he or she thinks fit, the registration of any motor vehicle or trailer which by reason of its condition, design or construction, he or she considers is or is likely to be a source of danger or annoyance to the public;
- (d) cancel or suspend for such period as he or she thinks fit any trader's licence;
- (e) cancel or suspend, for such period as he or she thinks fit, any licence to ply for hire or private hire car licence granted in respect of any public motor vehicle or private hire car, where, in his or her opinion, that vehicle is not being used, or is not in a fit condition to be used, as a public motor vehicle or private hire car, as the case may be;

- (ea) cancel—
  - (i) a driving licence that was granted or renewed in error; or
  - (ii) a provisional endorsement on a driving licence that was made in error;
- (f) cancel the registration or licence of any motor vehicle or trailer which was, in the opinion of the Registrar, registered or licensed in error or where—
  - (i) the motor vehicle or trailer is destroyed by accident;
  - (ii) application is made by the person in whose name the vehicle is registered or licensed for the cancellation of the registration or licence; or
  - (iii) the vehicle is re-registered on account of an alteration in the construction, equipment or use thereof; or
- (g) refuse to renew the registration of a motor cycle where the Registrar has reasonable grounds for believing that the owner is in possession of 2 number-plates issued in respect of the motor cycle.

**(3)** Any licence or registration cancelled under this section shall be of no effect, and any licence or registration suspended under this section shall cease to be of any effect during the period of suspension.

**(4)** Any person who, upon the cancellation or suspension of a trader's licence, uses or causes or permits to be used any trader's plate referred to in the licence shall be guilty of an offence.

**(5)** The Registrar may take such action as he or she thinks fit—

- (a) for the purpose of determining whether a licence or the registration of a motor vehicle or trailer should be cancelled or suspended; and
- (b) for preventing the use upon public streets of any motor vehicle or trailer which, in the opinion of the Registrar, is a source of danger or annoyance to the public, or in the case of a public motor vehicle or private hire car is not fit to be used as a public motor vehicle, or private hire car, as the case may be.

**(6)** Subject to this Act, where an application is made under section 217D for the review of a decision by the Registrar under this section refusing to renew or cancelling or suspending a licence or registration, the licence or



registration is deemed to have continued and to continue in force pending the determination or withdrawal of the appeal.

### **Duration of licences and registrations**

**105. (1)** Subject to this section, the registration of every motor vehicle or trailer and every renewal thereof and every licence (except a learner licence, provisional licence, trader's licence or a licence under section 216) and every renewal thereof shall, unless cancelled or suspended, be in force for 12 months from and including the date of the registration, grant or renewal, as the case may be.

**(1A)** Subject to this Act, a full licence to drive a motor vehicle remains in force for such period not exceeding 6 years as is specified in the licence.

**(3)** Notwithstanding anything contained in this section but without prejudice to any other powers conferred on him or her by this Act, the Registrar may—

- (a) register any motor vehicle or trailer;
- (b) grant any licence to which this section applies; or
- (c) renew any such registration or licence,

for any period less than 12 months, and, where the Registrar does so, the fee or sum payable in respect of the registration or grant of the licence or renewal shall bear the same proportion to the fee payable in respect of the registration of a motor vehicle or trailer or the grant of a licence or any renewal of any such registration or licence, for a period of 12 months, as the number of months for which the registration or licence or renewal is granted bears to the period of 12 months.

**(3A)** In calculating the fee payable under subsection (3)—

- (a) part of a month shall be treated as a month; and
- (b) where the fee so calculated includes a fraction of 10 cents, the fee shall be reduced by the amount of the fraction.

**(4)** Where, in pursuance of subsection (3), a motor vehicle or trailer is registered or a licence (other than a licence to drive a motor vehicle) is granted, or such registration or licence is renewed for any period less than 12 months, there shall be payable to the Territory the determined fee in addition to the fee calculated in accordance with that subsection.

### **Visiting motor drivers**

**107. (1)** Subject to this section and Part XIII, a person shall, when temporarily in the Territory, be deemed to be licensed under this Act to drive a motor vehicle of a particular class if—

- (a) he or she is a *bona fide* resident of a State or Territory of the Commonwealth (other than the Australian Capital Territory) and is the holder of a licence to drive a motor vehicle of that class in accordance with the law of such State or Territory; or
- (b) he or she is a *bona fide* resident of a country outside the Commonwealth, and is the holder of a current international driving permit or a licence issued in that country in respect of motor vehicles of that class.

**(2)** Any such person who is disqualified from holding a licence in the Territory by reason of the refusal, suspension or cancellation of a licence or otherwise, has had his or her right to drive a motor vehicle in the Territory suspended under subparagraph 162E (1) (e) (iii) or (iv) or 180F (1) (d) (iii) or (iv), or has been informed by the Registrar that he or she is, in the opinion of the Registrar, not a fit and proper person to drive a motor vehicle in the Territory, shall not be deemed to be licensed to drive a motor vehicle in pursuance of subsection (1).

**(3)** Any reference in this Act to a licence shall, unless the contrary intention appears, include a reference to a licence or permit referred to in subsection (1).

### **Inter-state licences**

**107A. (1)** This section applies to a person who resides in the Territory and holds a corresponding driving licence.

- (2)** The Registrar may—
- (a) of his or her own motion; or
  - (b) on receipt of a written application;

by notice, declare that—

- (c) a class of persons to whom this section applies; or
- (d) a specified person to whom this section applies;

is exempt from holding a driving licence under this Act.

**(3)** A notice under paragraph (2) (c) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(4) A requirement of this or any other Act that a person hold a driving licence does not apply to a person in respect of whom a declaration under subsection (2) is in effect.

#### **Driver of Defence Force vehicle**

**108.** Subject to Part XIII, the driver of a motor vehicle belonging to the Commonwealth and appropriated to the use of any part of the Defence Force shall, if the driver is a member of and is wearing a uniform of that part of the Defence Force, and if he or she is driving the motor vehicle in the performance of his or her duty and in pursuance of a permit issued to the driver by the authorities of that part of the Defence Force, be deemed to be licensed under this Act to drive the motor vehicle, and any reference in this Act to a licence shall, unless the contrary intention appears, include a reference to the permit.

### **PART VIA—DEFECT NOTICES**

#### **Interpretation**

**108A.** In this Part—

“officer” means—

- (a) the Registrar;
- (b) an inspector; or
- (c) a member of the Police Force;

“vehicle” means a motor vehicle or trailer.

#### **Defect notices**

**108B. (1)** Where—

- (a) a vehicle is upon a public street or a public place; and
- (b) an officer has reasonable grounds for believing that the vehicle or any of its parts or equipment does not comply with the requirements of this Act or the regulations,

the officer may serve upon the owner of the vehicle a notice under this section.

**(2)** A notice under this section shall—

- (a) be in writing;

- (b) specify the respects in which the vehicle or any of its parts or equipment does not comply with the requirements of this Act or the regulations;
- (c) require the owner of the vehicle to produce the vehicle to the Registrar within 14 days after the date of service of the notice;
- (d) specify the place at which the vehicle is to be produced to the Registrar; and
- (e) be signed by the officer serving the notice.

(3) A notice under this section remains in force until the vehicle to which the notice relates has been examined by an inspector or the registration of the vehicle is cancelled.

#### **Vehicles in dangerous condition**

**108C. (1)** Where—

- (a) a vehicle is upon a public street or a public place; and
- (b) an officer has reasonable grounds for believing—
  - (i) that the vehicle or any of its parts or equipment does not comply with the requirements of this Act or the regulations; and
  - (ii) that, if the vehicle is not repaired, injury to a person or damage to property is likely to result from the driving or use of the vehicle,

the officer may serve upon the owner of the vehicle a notice under this section.

(2) A notice under this section shall—

- (a) be in writing;
- (b) specify the respects in which the officer serving the notice believes the vehicle to which the notice relates, or any of its parts or equipment, does not comply with the requirements of this Act or the regulations;
- (c) specify the grounds upon which the officer believes that injury to a person or damage to property is likely to result from the driving of the vehicle;
- (d) direct that, whilst the notice remains in force, the vehicle be not driven or used upon a public street or public place except for the purpose of

having the vehicle repaired or producing the vehicle to the Registrar for examination;

- (e) specify the place at which the vehicle may be produced to the Registrar for examination; and
- (f) be signed by the officer serving the notice.

**(3)** A notice under this section remains in force until the vehicle to which the notice relates has been examined by an inspector or the registration of the vehicle is cancelled.

### **Service of notice**

**108D.** A notice under section 108B or 108C may be served upon the owner of a vehicle—

- (a) by delivering the notice personally to the owner;
- (b) by delivering the notice to a person who is driving the vehicle or appears to be in charge of the vehicle;
- (c) by securely placing or affixing the notice upon the motor vehicle in a conspicuous position;
- (d) by leaving the notice at the last-known place of residence or business of the owner with a person apparently over the age of 16 years and apparently an occupant of, or employed at, that place; or
- (e) by post addressed to the owner at his or her last-known place of residence or business.

### **Powers of Registrar and inspectors**

**108E. (1)** Where a vehicle in respect of which a notice under section 108B or 108C has been served is produced to the Registrar at the place specified in the notice, the Registrar shall cause the vehicle to be examined by an inspector.

**(2)** Where an inspector who has examined a vehicle in respect of which a notice under section 108B or 108C has been served has reasonable grounds for believing that the vehicle or any of its parts or equipment does not comply with the requirements of this Act or the regulations, the inspector may serve upon the owner of the vehicle a notice under this subsection.

**(3)** Subsection 108B (2) applies to, and in relation to, a notice under subsection (2) as if the notice were a notice under section 108B.

(4) Where an inspector who has examined a vehicle in respect of which a notice under section 108B or 108C has been served has reasonable grounds for believing—

- (a) that the vehicle or any of its parts or equipment does not comply with the requirements of this Act or the regulations; and
- (b) that, if the vehicle is not repaired, injury to a person or damage to property is likely to result from the driving or use of the vehicle,

the inspector may serve upon the owner of the vehicle a notice under this subsection.

(5) Subsection 108C (2) applies to, and in relation to, a notice under subsection (4) as if the notice were a notice under section 108C.

(6) A notice under subsection (2) or (4) may be served upon the owner of a vehicle by delivering the notice to the person by whom the vehicle was produced to the Registrar.

(7) A notice under this section remains in force until it is revoked by the Registrar or the registration of the vehicle is cancelled.

(8) Where—

- (a) a vehicle in relation to which a notice under this section is in force is produced to the Registrar for examination; and
- (b) the Registrar is satisfied that the vehicle and its parts and equipment comply with the requirements of this Act and the regulations,

the Registrar shall revoke the notice.

### **Defect labels**

**108F.** An officer who serves a notice under section 108B, 108C or 108E upon the owner of a vehicle shall affix to the vehicle a label specifying—

- (a) the registration number of the vehicle;
- (b) the time and date of service of the notice;
- (c) the name and designation of the officer by whom the notice was signed; and
- (d) whether the notice was served under section 108B, section 108C, subsection 108E (2) or subsection 108E (4).

## Offences

### 108G. (1) Where—

- (a) a notice under section 108B or subsection 108E (2) is in force in relation to a vehicle; and
- (b) the time within which the owner of the vehicle is required by that notice to produce the vehicle to the Registrar has expired,

a person who drives or uses the vehicle upon a public street or a public place is guilty of an offence.

(2) A person who drives or uses upon a public street or a public place a vehicle in respect of which a notice under section 108C or subsection 108E (4) is in force is guilty of an offence.

(3) It is a defence to a prosecution for an offence against subsection (1) or (2) for the defendant to prove—

- (a) that he or she did not know, and had no reasonable means of knowing, that a notice under section 108B, 108C or 108E, as the case may be, had been served upon the owner of the vehicle concerned; or
- (b) that the driving or use of the vehicle was reasonably necessary in connexion with the production of the vehicle to the Registrar or the repair of the vehicle.

(4) A person who, while a notice under section 108B, 108C or 108E is in force in respect of a vehicle, removes from that vehicle, or alters or defaces, a label affixed to the vehicle in accordance with section 108F is guilty of an offence.

## PART VII—TRAFFIC SIGNS AND ROAD MARKINGS

### Interpretation

109A. For the purposes of this Part, an off-street parking area shall be deemed to be part of a public street.

### Traffic signs and road markings

109. (1) The Minister may authorize the erection, placing or displaying on, near or above the carriageway of a public street, or in a public place, of a traffic sign for the purpose of—

- (a) regulating, prohibiting or restricting the stopping or parking of vehicles or defining the manner in which vehicles may be parked in the public street or public place;
- (b) fixing the limits of speed for vehicles upon the public street and removing any such limits of speed;
- (c) any other rule of the road contained in Part VIIA or Part VIII; or
- (d) conveying information or warning to persons using the public street or public place.

(2) The Minister may authorize the marking of a road marking on the carriageway or kerb of a public street, or on any part of an off-street parking area or loading area, for the purposes of a provision of Part VIII, IX or X and either alone or in combination with a traffic sign erected, placed or displayed under subsection (1).

(3) The Minister may determine that a traffic sign or road marking shall be illuminated by lights or fitted with reflective material.

(4) The Minister may suspend an authorization under this section in relation to a traffic sign in a public street or public place—

- (a) while the public street or public place or a portion of the public street or public place is being repaired or maintained; or
- (b) for a period determined by the Minister,

and, for the period of the suspension, the traffic sign to which the authorization relates ceases to be a traffic sign and the Minister shall cause it to be removed or covered up.

(5) The Minister may, at any time, revoke an authorization, determination or suspension in relation to a traffic sign or road marking under this section and, where the authorization for a traffic sign is revoked, the Minister shall cause the traffic sign to be removed.

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

### **Traffic islands**

**110.** The Minister may authorize the placing, marking, erection or construction on a public street, or at a junction or in the intersection of the public street and another public street, of traffic islands for the purpose of



separating traffic travelling in opposite directions on the public street, for the purpose of indicating the route to be followed by traffic in the public street or while leaving, entering or passing through the junction or intersection or for the purpose of protecting from danger any persons using the public street.

**Signs etc. deemed to be lawfully erected**

**111.** Unless the contrary is proved, evidence that—

- (a) a sign, signal, flag, notice, beacon or other device was erected, placed or displayed on, near or above the carriageway of a public street or in a public place;
- (b) a line, symbol, sign or other device was marked on the carriageway or kerb of a public street or on any part of an off-street parking area or loading area; or
- (c) an island or dome was erected on a public street or at a junction or intersection of a public street and another public street,

is evidence that it was erected, placed, displayed or marked, as the case may be, by the authority of the Minister and in accordance with this Part.

**Damage, removal etc. of traffic signs etc.**

**112.** A person shall not—

- (a) erect, place or display a sign, signal, flag, notice, beacon or other device that may be mistaken for a traffic sign on, near or above a public street, or in a public place, unless it is a traffic sign for the purposes of this Act and he or she is giving effect to an authorization of the Minister under section 109;
- (b) mark a line, symbol, sign or other device that may be mistaken for a road marking on a public street, off-street parking area or loading area unless he or she is giving effect to an authorization of the Minister under that section;
- (c) place, erect or construct on a public street an island or dome that may be mistaken for a traffic island unless he or she is giving effect to an authorization of the Minister under section 110; or
- (d) remove, move, damage, deface, obscure, cover up or otherwise interfere with a traffic sign, road marking or traffic island unless he or she is acting under the authority of the Minister.

**PART VIIA—TRAFFIC LIGHTS**

### Interpretation

**112AA.** For the purposes of this Part, an off-street parking area shall be deemed to be part of a public street.

### Rules to be observed in driving of motor vehicles at traffic lights

**112A.** The driver of a motor vehicle upon a public street who is approaching, or has stopped immediately before, a traffic sign consisting of—

- (a) traffic lights erected on, near or above, the public street; and
- (b) a road marking comprising a line marked across or partly across the public street at, near or below those traffic lights,

shall not, while the traffic lights are displaying a light of any description specified in the first column of the table in subsection 112B (1) that is facing the direction opposite to which the motor vehicle is facing, so drive the motor vehicle that there is a contravention of the provisions specified in the second column of that table opposite to the description of that light.

### Meanings indicated by traffic lights

**112B. (1)** For the purposes of this Part, where, on traffic lights facing the direction opposite to the direction in which a motor vehicle that is approaching, or is stopped before, the traffic lights, is facing, there is displayed a traffic light of a description specified in the first column of the following table, the display of that traffic light is an indication to the driver of the motor vehicle that, while that light is displayed, the provisions specified in the second column of that table opposite to the description of that light apply to and in relation to that driver.

Item No.	Description of light	Provisions applicable
1	Red circular light	The driver shall not proceed beyond the road marking applicable in relation to the light in a direction other than a direction in which the driver is permitted to proceed by virtue of another item of this table
2	Amber circular light	The driver shall not proceed beyond the road marking applicable in relation to the light
3	Arrow in red light pointing vertically	The driver shall not proceed beyond the road marking applicable in relation to the light
4	Arrow in amber light pointing vertically	The driver shall not proceed beyond the road marking applicable in relation to the light
5	Arrow in red light pointing horizontally	The driver shall not proceed beyond the road marking applicable in relation to the light in the direction in which the arrow is pointing

Item No.	Description of light	Provisions applicable
6	Arrow in amber light pointing horizontally	The driver shall not proceed beyond the road marking applicable in relation to the light in the direction in which the arrow is pointing
7	Red arrow pointing at an angle between the vertical and horizontal	The driver shall not proceed beyond the road marking applicable in relation to the light in the direction that makes with the direction directly ahead an angle that has approximately the same number of degrees as has the smaller of the angles that the direction in which the arrow is pointing makes with the vertical
8	Arrow in amber light pointing at an angle between the vertical and horizontal	The driver shall not proceed beyond the road marking applicable in relation to the light in the direction that makes with the direction directly ahead an angle that has approximately the same number of degrees as has the smaller of the angles that the direction in which the arrow is pointing makes to the vertical
9	Green circular light	The driver may proceed— (a) in the direction that is directly ahead; or (b) in the direction that is to the left or to the right, not being a direction in which the driver is prohibited from proceeding by virtue of another item of this table
10	Arrow in green light pointing vertically	The driver may proceed in the direction that is directly ahead
11	Arrow in green light pointing horizontally	The driver may proceed in the direction in which the arrow is pointing
12	Arrow in green light pointing at an angle between the vertical and the horizontal	The driver may proceed in the direction that makes with the direction directly ahead an angle that has approximately the same number of degrees as has the smaller of the angles that the direction in which the arrow is pointing makes with the vertical

(2) In subsection (1), a reference to the road marking applicable in relation to a light shall be read as a reference to the road marking comprising a line marked across or partly across the public street at, near or below that light.

### Signs permitting left turns

**112C.** Notwithstanding section 112B, where a traffic sign bearing the words “TURN LEFT AT ANY TIME WITH CARE” is erected at an intersection or junction of one public street with another public street at which traffic lights are erected, the driver of a motor vehicle approaching that

intersection or junction may, subject to section 112D, turn the motor vehicle to his or her left into another public street at that intersection or junction.

### **Dangerous turns at intersections**

**112D.** The driver of a motor vehicle upon a public street shall not, within or near an intersection or junction of that public street with another public street at which traffic lights are erected—

- (a) turn or continue to turn the motor vehicle to the left, whether in the circumstances referred to in section 112C or otherwise;
- (b) turn or continue to turn the motor vehicle to the right; or
- (c) having so turned his or her vehicle, continue to move the vehicle forward within the intersection,

while there is a reasonable possibility that the motor vehicle might collide with another vehicle or person or a dangerous situation might otherwise be created.

### **Defences**

**112E.** It is a defence to a prosecution for an offence against section 112A if the defendant satisfies the Court that—

- (a) while he or she was approaching the traffic lights, the traffic lights facing the direction opposite to the direction in which he or she was proceeding changed from displaying a circular green light or an arrow in green light to displaying a circular light or an arrow of another colour; and
- (b) having regard to all the circumstances of the case at the time of the change of lights (including his or her distance from the lights and considerations for the safety of himself or herself, any passengers or his or her motor vehicle, and any other person and vehicles in the vicinity), the defendant could not have reasonably stopped the motor vehicle before reaching the road marking which, together with the traffic lights, forms the traffic sign referred to in that section.

### **Certain lines not to constitute road markings**

**112F.** A reference in this Part to a road marking comprising a line marked across or partly across a public street at, near or below traffic lights erected at, near or above an intersection of 1 public street with another public street shall not be read as including a reference to any line so marked that, together with—

- (a) other lines so marked; or
- (b) other lines so marked and kerbs or traffic islands,

delineates an area within the intersection.

**When traffic lanes deemed to be separate public streets**

**112G.** Where—

- (a) traffic lights are erected at, near or above an intersection or junction of 1 public street with another public street;
- (b) immediately before the intersection or junction, the carriageway of any 1 of those public streets is divided by traffic islands or unbroken lines into traffic lanes for vehicles travelling in the same direction; and
- (c) the movement into or through the intersection or junction of motor vehicles in any 1 or more of those traffic lanes is controlled by 1 set of traffic lights and the movement into or through the intersection or junction of motor vehicles in the other traffic lane or other traffic lanes is controlled by another set of traffic lights,

each of those traffic lanes shall, for the purposes of this Part, be deemed to be a public street.

**Intersections or junctions of dual carriageway public streets**

**112H.** Where—

- (a) a public street (in this section referred to as “the first-mentioned public street”) is divided by an area of land or by a traffic island into separate carriageways for vehicles travelling in opposite directions;
- (b) another public street, or each carriageway into which another public street is divided by an area of land or a traffic island intersects both the carriageways into which the first-mentioned public street is divided;
- (c) traffic lights are erected at, near or above those intersections or that intersection and that junction; and
- (d) the carriageways of the other public street that are between the carriageways, within the intersection, of the first-mentioned street are divided by an area of land or a traffic island,

then, for the purposes of this Part—

- (e) each intersection of the carriageways of the first-mentioned public street with each carriageway of the other public street shall be deemed to be the intersection of one public street with another public street; and
- (f) each of the carriageways of the other public street that are referred to in paragraph (d) shall be deemed to be a public street.

### **Rules in this Part not to apply when directions are given by police**

**112J.** Where a member of the Police Force in uniform is giving directions regulating or controlling the movement of traffic—

- (a) entering or passing through an intersection or junction of one public street with another public street at, near or above which there are traffic lights displaying a light of any description specified in the table in subsection 112B (1); or
- (b) approaching, elsewhere than at an intersection or junction of one public street with another public street, traffic lights that are displaying such a light,

sections 112A, 112C and 112D do not apply to or in relation to the driver of a motor vehicle that is approaching or is stopped before the traffic lights.

## **PART VIII—RULES OF THE ROAD**

### **Interpretation**

**112K. (1)** In this Part—

“local services motor omnibus” has the same meaning as in Part X;

“no entry sign” means a traffic sign bearing the words “NO ENTRY”;

“no exit sign” means a traffic sign bearing the words “NO EXIT”;

“priority vehicle” means—

- (a) a local services motor omnibus; or
- (b) a motor vehicle included in a class of motor vehicles declared by the Minister by notice published in the *Gazette* to be a priority vehicle;

“public transport route” means that part of a public street that is situated between—

- (a) a road marking consisting of the words “BUSES ONLY” marked on the carriageway of the public street; and
- (b) another road marking of the kind referred to in paragraph (a),

being road markings between which there does not exist an intersection constituted by that public street and another public street;

“roundabout” means a junction or intersection of public streets, or that part of a junction or intersection of public streets, that is designed for the movement of traffic in a clockwise direction around a traffic island located within the junction or intersection.

(2) In this Part, unless the contrary intention appears, a reference consisting of a name of a traffic sign, referred to in column 2 of an item in Schedule 4, immediately followed by the word “sign” is a reference to a traffic sign that is substantially of a design set out in column 3 of that item.

(3) In this Part, unless the contrary intention appears, a reference consisting of a name of a road marking referred to in column 2 of an item in Schedule 5 is a reference to a road marking that is substantially of a design set out in column 3 of that item.

### **Vehicles to keep left etc.**

113. (1) Except where, in order to comply with subsection 121 (5), the driver of a motor vehicle is required to drive the motor vehicle on the right hand side of a public street, or where otherwise provided by another provision of this Act, the driver of a motor vehicle upon a public street shall keep the vehicle as near as practicable to the left hand side of the carriageway of the public street.

- (2) The driver of a motor vehicle shall not drive the motor vehicle on—
  - (a) a footpath; or
  - (b) any part of a public street other than—
    - (i) the carriageway of the public street; or
    - (ii) a part of the public street that forms the entrance-drive leading from the carriageway of the public street to a parcel of land.

(2A) A person shall not, without lawful authority or excuse, drive a motor vehicle upon a traffic island or upon an area of land separating 2 adjacent one way traffic carriageways provided for vehicles travelling in opposite directions.

(3) When the driver of a motor vehicle upon a public street approaches a traffic sign inscribed with the words “KEEP LEFT” and facing the direction from which he or she is approaching, the driver shall drive the motor vehicle on the left of the traffic sign.

#### **One way traffic carriageways**

**114.** A person shall not drive a motor vehicle upon a one way traffic carriageway in the direction opposite to the direction indicated by the arrows on the traffic signs by virtue of which it is a one way traffic carriageway.

#### **Vehicles to be driven in traffic lanes**

**115.** The driver of a motor vehicle being driven on the carriageway of a public street that is divided into traffic lanes shall so drive the motor vehicle that the motor vehicle is within 1 of those traffic lanes, except when the motor vehicle is being moved from 1 traffic lane to another in circumstances where the movement is not prohibited by this Act.

#### **Declaration of reserved carriageways**

**115A. (1)** The Minister may, by notice published in the *Gazette*, declare the carriageway, or part of the carriageway, of a public street to be reserved for use by priority vehicles.

(2) A declaration under subsection (1) may be expressed to have effect—

- (a) at all times;
- (b) at all times on the days specified in the declaration; or
- (c) on the days, and during the times, specified in the declaration.

(3) A declaration under subsection (1) has effect according to its tenor.

#### **Certain vehicles not to be driven upon reserved carriageways**

**115B. (1)** In this section, “motor vehicle” does not include a priority vehicle.

(2) A person shall not drive a motor vehicle, or permit a vehicle to stand or be parked, upon a part of the carriageway of a public street at a time at which a declaration under subsection 115A (1) has effect in relation to the whole of that carriageway or to that part of that carriageway.

(3) In a prosecution for an offence against subsection (2) arising out of the driving of a motor vehicle upon the carriageway of a public street at a time at



which a declaration under subsection 115A (1) had effect in relation to the whole of that carriageway, it is a defence for the defendant to prove—

- (a) that the driving of the motor vehicle upon that carriageway was solely for the purpose of—
  - (i) gaining access to land to which no other means of vehicular access was reasonably available; or
  - (ii) leaving land by the only route reasonably available;
- (b) that the driving of the motor vehicle upon that carriageway was such as was necessary for the purpose of crossing the carriageway at an intersection; or
- (c) that the driving of the motor vehicle upon that carriageway was such as was reasonably necessary to avoid a contravention of this Act or of another law in force in the Territory.

(4) In a prosecution for an offence against subsection (2) arising out of the driving of a motor vehicle upon a part of the carriageway of a public street at a time at which a declaration under subsection 115A (1) had effect in relation to that part of the carriageway it is a defence for the defendant to prove—

- (a) that the driving of the motor vehicle upon that part of the carriageway was solely for the purpose of—
  - (i) gaining access to land to which no other means of vehicular access was reasonably available; or
  - (ii) leaving land by the only route reasonably available;
- (b) that the driving of the motor vehicle upon that part of the carriageway was such as was reasonably necessary to enable the defendant to gain access to another part of the carriageway, being a part in relation to which no declaration under subsection 115A (1) had effect at that time;
- (c) that the driving of the motor vehicle upon that part of the carriageway was such as was reasonably necessary to gain access to, or leave, another public street or to cross the carriageway at an intersection;
- (d) that the driving of the motor vehicle upon that part of the carriageway was such as was reasonably necessary for the purpose of avoiding danger or avoiding a collision with a vehicle, person or animal;

- (e) that the driving of the motor vehicle upon that part of the carriageway was such as was reasonably necessary to avoid a contravention of this Act or of another law in force in the Territory;
- (f) that the driving of the motor vehicle upon that part of the carriageway was such as was reasonably necessary to permit a movement of the vehicle that, apart from this section, would not constitute an offence against this Act; or
- (g) that the driving of the motor vehicle upon that part of the carriageway was such as was reasonably necessary for the purpose of enabling a person to enter, or alight from, the vehicle.

**(5)** In a prosecution for an offence against subsection (2) arising out of the standing of a vehicle upon the carriageway of a public street at a time at which a declaration under subsection 115A (1) had effect in relation to the whole of that carriageway, it is a defence for the defendant to prove—

- (a) that—
  - (i) the standing of the vehicle upon that carriageway resulted from an accident or breakdown affecting the vehicle; and
  - (ii) the vehicle was not permitted to stand upon that carriageway for a period longer than was reasonable in all the circumstances; or
- (b) that the standing of the vehicle upon that carriageway was such as was reasonably necessary to avoid a contravention of this Act or of another law in force in the Territory.

**(6)** In a prosecution for an offence against subsection (2) arising out of the standing of a vehicle upon a part of the carriageway of a public street at a time at which a declaration under subsection 115A (1) had effect in relation to that part of the carriageway, it is a defence for the defendant to prove—

- (a) that—
  - (i) the standing of the vehicle upon that part of the carriageway resulted from an accident or breakdown affecting the vehicle; and
  - (ii) the vehicle was not permitted to stand upon that part of the carriageway for a period longer than was reasonable in all the circumstances;

- (b) that the standing of the vehicle upon that part of the carriageway was such as was reasonably necessary for the purpose of enabling a person to enter, or alight from, the vehicle; or
- (c) that the standing of the vehicle upon that part of the carriageway was such as was reasonably necessary to avoid a contravention of this Act or of another law in force in the Territory.

### **Public transport routes**

**115C. (1)** A person shall not—

- (a) drive a motor vehicle, other than a local services motor omnibus, upon a public transport route; or
- (b) permit a vehicle, other than a local services motor omnibus, to stand or be parked upon a public transport route.

**(2)** Subsection (1) does not apply in relation to a motor vehicle upon a public transport route if—

- (a) the vehicle is a fire brigade vehicle or an ambulance and the driver of the vehicle believes, on reasonable grounds, that the presence of the vehicle upon the route is necessary for a purpose connected with an accident, fire or other emergency;
- (b) the driver of the vehicle believes, on reasonable grounds, that the presence of the vehicle upon the route is necessary for a purpose connected with an accident, vehicle breakdown, fire or other emergency on, or in close proximity to, the route; or
- (c) the vehicle is conveying—
  - (i) a police officer engaged in the performance of his or her duties;
  - (ii) a person performing duties in connection with the provision of a motor omnibus service under the *Motor Omnibus Services Act 1955*;
  - (iii) a person engaged in the repair or maintenance of the route or the performance of a function in connection with equipment, apparatus or facilities used, or intended for use, in connection with the route;
  - (iv) an officer or employee of the Australian Capital Territory Electricity and Water Authority engaged in the performance of

a function in connection with equipment, apparatus or facilities (on, above, below or in close proximity to the route) used, or intended for use, in connection with the supply of electricity;

- (v) an officer or employee of the Australian Telecommunications Commission engaged in the performance of a function in connection with a telecommunications installation on, above, below or in close proximity to the route; or
- (vi) a person engaged in the performance of a function in connection with equipment, apparatus or facilities (on, above, below or in close proximity to the route) used, or intended for use, in connection with the supply of gas, water or any other service.

(3) In this section—

“fire brigade vehicle” has the same meaning as in section 211;

“telecommunications installation” has the same meaning as in section 16 of the *Telecommunications Act 1975* of the Commonwealth.

### **Unbroken lines marked on carriageway**

**116. (1)** The driver of a motor vehicle upon a public street shall not drive a motor vehicle so that it crosses a road marking comprising an unbroken line marked longitudinally on the carriageway of the public street—

- (a) unless the road marking comprising a broken line is so marked between the unbroken line and the boundary of the carriageway on the left of the public street in the direction in which the motor vehicle is being driven, and immediately beside the unbroken line; or
- (b) unless—
  - (i) the motor vehicle is a local services motor omnibus;
  - (ii) the unbroken line forms part of road markings used to divide the carriageway of the public street into traffic lanes for vehicles travelling in the same direction as that in which the motor vehicle is being driven; and
  - (iii) the motor vehicle is driven across the unbroken line for the purpose of entering a traffic lane on which there appears the words “BUSES ONLY”.

(1A) The driver of a motor vehicle upon an off-street parking area or a loading area shall not drive his or her motor vehicle so that it crosses a road marking comprising an unbroken line marked on the off-street parking area or the loading area.

(2) For the purposes of this section, a motor vehicle shall be deemed to have crossed a road marking comprising an unbroken line if any of the wheels of the motor vehicle crosses the unbroken line, if the motor vehicle is driven on the unbroken line or if any part of the motor vehicle overhangs the unbroken line.

(3) Subsection (2) does not apply to a motor vehicle a part of which overhangs a road marking comprising an unbroken line if the motor vehicle is being driven as near as practicable to the left hand side of the public street and in accordance with the conditions, and for a purpose, specified in a permit granted in respect of the motor vehicle under section 190.

### **Passing on-coming traffic**

117. (1) Except where, in order to comply with subsection 121 (5), the driver of a motor vehicle is required to drive the motor vehicle on the right hand side of a public street, the driver of a motor vehicle upon a public street shall, when passing a vehicle travelling in the opposite direction in the public street, pass with it on his or her right side.

(2) It is not an offence against subsection (1) if the driver of the motor vehicle is making a right hand turn from a public street at an intersection and he or she passes another vehicle, which is making a right hand turn at that intersection from the opposite direction in the same public street, in accordance with section 121.

### **Overtaking**

118. (1) Subject to subsections (2) to (8), the driver of a motor vehicle upon a public street shall, when overtaking a vehicle, pass with it on his or her left side.

(2) Subject to section 116 and to subsection (3), the driver of a motor vehicle upon a portion of a public street that is divided into traffic lanes may, when overtaking a vehicle, pass on either side of the vehicle.

(3) The driver of a motor vehicle upon a public street shall, when overtaking a vehicle which is making, or appears to be about to make, a right hand turn, pass with it on his or her right side.

(4) Where the driver of a motor vehicle upon a public street has overtaken a vehicle, he or she shall refrain from crossing over in front of it until his or her motor vehicle is clear of it.

(5) The driver of a motor vehicle upon a public street shall not overtake a vehicle unless he or she can do so with safety to, and without obstructing the progress of, other persons using the public street and travelling in the opposite direction.

(6) The driver of a motor vehicle upon a public street shall not overtake a vehicle which has reduced speed at, or has stopped at, a pedestrian crossing or a school crossing in pursuance of section 126 or 127, as the case requires.

(7) The driver of a motor vehicle that is being overtaken upon a public street shall refrain from increasing the speed of his or her motor vehicle until after the overtaking vehicle has had a reasonable opportunity to pass and draw clear of his or her motor vehicle.

(8) The driver of a motor vehicle that is in a stationary position at or near the boundary of the carriageway of a public street shall not draw out from that position until he or she can do so with safety and without obstructing the progress of any overtaking vehicle.

#### **Motorists not to race with another vehicle**

**119.** The driver of a motor vehicle upon a public street shall not race with another vehicle.

#### **Motor vehicle not to be driven while part of person's body protrudes from vehicle**

**119A. (1)** A person shall not, on a public street, drive a motor vehicle while a part of the body of a person protrudes from the motor vehicle.

(2) Subsection (1) does not apply to or in relation to—

- (a) a person who is the driver of a motor cycle;
- (b) a person who is giving with his or her arm a signal that is a prescribed signal for the purposes of subsection 136 (2), 136 (4) or 136 (5); or
- (c) a person who is entering, or alighting from, a motor vehicle.

#### **Left hand turns**

**120. (1)** The driver of a motor vehicle that is being driven on a public street elsewhere than—

- (a) if the carriageway of the public street is divided into traffic lanes for vehicles travelling in the same direction as that in which the motor vehicle is being driven and a road marking comprising an arrow pointing to the left is marked on one of the traffic lanes—in the traffic lane on which that road marking is marked;
- (aa) where a slip lane is provided—in that slip lane; or
- (b) in any other case—as near as practicable to the left hand side of the carriageway of the public street,

shall not, without reasonable excuse, turn the motor vehicle to his or her left from that public street into another public street.

**(2) Where—**

- (a) a motor vehicle is being driven upon a public street;
- (b) the carriageway of the public street is divided into traffic lanes for vehicles travelling in the same direction as that in which the motor vehicle is being driven;
- (c) the motor vehicle is being driven in the traffic lane that is, of those traffic lanes, furthest to the left; and
- (d) at a junction or intersection of that public street and another public street road markings are marked on the carriageway within the junction or intersection showing the course to be followed by a vehicle turning to the left into that other public street from the traffic lane in which the motor vehicle is being driven,

the driver of the motor vehicle shall turn left into that other public street and, in so turning, shall follow that course.

**Right hand turns**

**121. (1)** The driver of a motor vehicle that is being driven on a public street elsewhere than—

- (a) if the carriageway of the public street is separated by an area of land, a traffic island or a road marking from the carriageway of the public street on which vehicles travelling in the opposite direction are driven—as near as practicable to, but on his or her left of, the right hand side of the carriageway in which the motor vehicle is being driven;
- (b) if the motor vehicle is being driven on a one way traffic carriageway—as near as practicable to the right hand side of that one way traffic carriageway;

- (c) if the carriageway of the public street is divided into traffic lanes for vehicles travelling in the same direction as that in which the motor vehicle is being driven—in the traffic lane that is, of those traffic lanes, furthest to the right or, if a road marking comprising an arrow pointing to the right is marked on the carriageway of any other of those traffic lanes, in such a traffic lane; or
- (d) in any other case—as near as practicable to, but on his or her left of, the middle of the public street,

shall not turn the motor vehicle to his or her right from that public street into another public street.

**(2)** Where the driver of a motor vehicle is turning the motor vehicle to his or her right from a public street into another public street at the intersection or junction of those public streets and the course to be followed by a vehicle turning to the right is shown by road markings marked on the carriageway within the intersection or junction, the driver shall so drive the motor vehicle that, in making the turn, he or she follows that course.

**(2A)** Where the driver of a motor vehicle is turning the motor vehicle to his or her right from a public street, and another vehicle is turning to the right from the opposite direction in the same public street, at an intersection of that public street and 1 or more other public streets, the driver of the motor vehicle shall, subject to subsection 113 (3) and section 116 and to subsection (2), pass the other vehicle in making the turn with it on his or her left side.

**(3)** Subject to subsections (3A) and (3B) and to section 123, the driver of a motor vehicle upon a public street shall not turn or continue to turn the motor vehicle to his or her right (otherwise than by reason only of following the course of the carriageway of the public street) if—

- (a) there is another vehicle in the public street approaching from the opposite direction to that in which he or she is or was facing immediately before commencing to turn;
- (b) the driver of that other vehicle has not indicated an intention to turn the vehicle to his or her right; and
- (c) there is a reasonable possibility that the vehicles might collide or that a dangerous situation might otherwise be created if the driver of the motor vehicle turned or continued to turn the motor vehicle to his or her right and the driver of the other vehicle continued in its course or turned to his or her left.

**(3A)** The driver of a motor vehicle upon a public street shall not turn or continue to turn the motor vehicle to the right unless he or she can do so with



safety to any other vehicle and other persons using the public street notwithstanding that the driver is not prohibited from so turning by any other provision of this Act.

**(3B)** For the purposes of this section, where the driver of a motor vehicle upon a public street turns, or commences to turn, the motor vehicle to his or her right, the driver shall be taken to continue to turn the motor vehicle to the right until the motor vehicle has either left that public street or is proceeding along the public street in the direction opposite to that in which it was proceeding before he or she commenced to turn it.

**(5)** Where the driver of a motor vehicle on a public street is approaching a traffic sign inscribed with the words “KEEP RIGHT” and facing the direction from which the motor vehicle is approaching, the driver shall drive the motor vehicle on the right of the traffic sign.

### **Give way rule at intersection**

**122.** Where—

- (a) a motor vehicle upon a public street is approaching, or has entered, the intersection of that public street and another public street not being—
  - (i) an intersection at, near or within which there is erected a traffic sign bearing the words “GIVE WAY” or the word “STOP” and facing the direction of vehicles approaching the intersection from that other public street;
  - (ii) an intersection at, near or above which there are traffic lights displaying a light of any description specified in the first column of the table in subsection 112B (1); or
  - (iii) an intersection at which a member of the Police Force in uniform is giving directions regulating or controlling the movement of traffic entering or passing through the intersection;
- (b) another vehicle is approaching, or has entered, the same intersection from his or her right along that other public street; and
- (c) the circumstances are such that there is a reasonable possibility that the vehicles might arrive at the same point simultaneously or that a dangerous situation might otherwise be created,

the driver of the motor vehicle shall either decrease the speed of his or her motor vehicle to such an extent, or stop his or her motor vehicle for such time, as is necessary to avoid that possibility or situation.

### **Give way rule to be observed at uncontrolled junctions**

**122A.** Where—

- (a) a motor vehicle upon a public street is approaching, or has entered, the junction of that public street and another public street;
- (b) the public street upon which the motor vehicle is approaching the junction, or from which the motor vehicle entered the junction, as the case may be, is the street that does not pass through the junction;
- (c) another motor vehicle, being driven along the public street that passes through the junction, is approaching, or has entered, the junction;
- (d) the junction is not—
  - (i) a junction at, near or within which there is erected a traffic sign bearing the words “GIVE WAY” or the word “STOP” and facing in the direction from which either of the motor vehicles is approaching, or entered, the junction;
  - (ii) a junction at, near or above which there are traffic lights displaying a light of a description specified in the first column of the table in subsection 112B (1); or
  - (iii) a junction at which a member of the Police Force in uniform is giving directions regulating or controlling the movement of traffic entering or passing through the junction; and
- (e) the circumstances are such that there is a reasonable possibility that the vehicles might collide or that a dangerous situation might otherwise be created,

the driver of the motor vehicle referred to in paragraph (a) shall allow the other motor vehicle to pass in front of him or her.

**Application of sections 121, 122 and 122A****123.** For the purposes of sections 121, 122 and 122A—

- (a) where there are 2 adjacent one way traffic carriageways provided respectively for vehicles travelling in opposite directions—those 2 carriageways and any areas of carriageway connecting them shall be taken to be 1 public street; and
- (b) a motor vehicle travelling on a public street (whether or not it is a public street referred to in the last preceding paragraph) shall be taken to remain in that same public street while the motor vehicle is within—
  - (i) an area of carriageway that is common to that public street and another public street; or

- (ii) an area of carriageway bordered by traffic islands that are in or related to an intersection or junction of that public street with another public street.

**Slip lane traffic to give way**

**123A.** Where—

- (a) the driver of a motor vehicle turns the vehicle to the left at the junction or intersection of 2 or more public streets;
- (b) the driver in so doing makes use of a slip lane;
- (c) there is another vehicle travelling upon or turning onto the public street onto which the motor vehicle referred to in paragraph (a) is turning; and
- (d) there is a reasonable possibility that the vehicles might collide or that a dangerous situation might otherwise be created;

the driver of the motor vehicle referred to in paragraph (a) shall allow the other vehicle to pass in front of him or her.

**Give way signs**

**124. (1)** Where—

- (a) a motor vehicle upon a public street is approaching, or has entered, a junction or intersection of that public street and another public street;
  - (aa) the junction or intersection is a junction or intersection at, near or within which there is erected a traffic sign bearing the words “GIVE WAY” and facing in the direction from which the motor vehicle is approaching, or entered, the junction or intersection;
- (b) another vehicle is approaching, or has entered, the same junction or intersection from either of those public streets; and
- (c) the circumstances are such that there is a reasonable possibility that the vehicles might arrive at the same point simultaneously or that a dangerous situation might otherwise be created,

the driver of the motor vehicle shall either decrease the speed of his or her motor vehicle to such an extent, or stop his or her motor vehicle for such time, as is necessary to avoid that possibility or situation.

**(2)** Where—

- (a) a motor vehicle upon a public transport route is approaching a traffic sign that—

- (i) is inscribed with the words “GIVE WAY”;
  - (ii) is erected near the carriageway of the public transport route; and
  - (iii) is facing the direction from which the motor vehicle is approaching;
- (b) another vehicle is travelling on the public transport route towards the motor vehicle and in the opposite direction to that in which the motor vehicle is travelling; and
- (c) the circumstances are such that there is a reasonable possibility that the vehicles might collide or that a dangerous situation might otherwise be created,

the driver of the motor vehicle shall either decrease the speed of his or her motor vehicle to such an extent, or stop his or her motor vehicle for such time, as is necessary to avoid that possibility or situation.

#### **Give way rule to be observed at roundabouts**

**124A.** Where—

- (a) a motor vehicle upon a public street is approaching a roundabout at or near which there is erected a ROUNDABOUT sign facing in the direction from which the motor vehicle is approaching;
- (b) another vehicle is being driven within the roundabout and is approaching that motor vehicle from the right; and
- (c) the circumstances are such that there is a reasonable possibility that the vehicles might collide or that a dangerous situation might otherwise be created,

the driver of the motor vehicle referred to in paragraph (a) shall allow the other vehicle to pass in front of him or her.

#### **Motorist to make way for fire engine, ambulance or police car**

**125. (1)** The driver of a motor vehicle upon a public street shall, if necessary, move the motor vehicle or cause the motor vehicle to decrease speed or to stop so as to give a police, ambulance or fire brigade vehicle, to which the provisions of this Act do not apply by reason of section 211 and which is giving warning of its approach by the sounding of a siren or other means of alarm, a reasonable space in which to pass.

**(2)** A person shall not—

- (a) except in the case of a vehicle referred to in subsection (1)—drive upon a public street a motor vehicle to which is attached a siren or other similar means of alarm which emits a sound that could be mistaken for the siren or means of alarm used in pursuance of that subsection; or
- (b) except in pursuance of that subsection—use a siren or other similar means of alarm which emits a sound that could be mistaken for the siren or means or alarm used in pursuance of that subsection.

### **Pedestrian crossing**

**126. (1)** Where a motor vehicle upon a public street is approaching a pedestrian crossing, the driver of the motor vehicle shall drive it at such a speed as to be able to stop before reaching the pedestrian crossing.

**(2)** Where—

- (a) a motor vehicle upon a public street is approaching or travelling upon a pedestrian crossing; and
- (b) the circumstances are such that there is a reasonable possibility that the motor vehicle might collide with a pedestrian who is upon the pedestrian crossing,

the driver of the motor vehicle shall decrease the speed of the motor vehicle or stop it so as to allow the pedestrian to pass in front of it.

### **School crossing**

**127. (1)** When a traffic sign, inscribed with the words “SCHOOL CROSSING” or “CHILDREN CROSSING”, is placed on or near road markings comprising 2 lines marked laterally across or partly across a public street, the area of the public street between the limits formed by those lines and the area of each of those lines is, while the traffic sign is so placed, a school crossing for the purpose of this section.

**(2)** The driver of a motor vehicle upon a public street approaching an area of the public street that is for the time being a school crossing shall drive the motor vehicle at such a speed as to be able to stop before reaching the line forming the limit of the school crossing nearer to him or her.

**(3)** The driver of a motor vehicle upon a public street shall refrain from driving the motor vehicle upon an area of the public street that is for the time being a school crossing while a pedestrian is upon the school crossing.

### **Stop signs**

**128. (1)** The driver of a motor vehicle upon a public street approaching a traffic sign which—

- (a) is inscribed with the word “STOP”;
- (b) is erected at or near a road marking comprising a line marked across or partly across the carriageway at, near or within the junction or intersection of that public street and another public street; and
- (c) is facing in the direction from which he or she is travelling,

shall not proceed beyond that line unless he or she has stopped the motor vehicle immediately before reaching the line.

**(2)** Where—

- (a) the driver of a motor vehicle upon a public street approaching or after entering the junction or intersection of that public street and another public street has stopped the motor vehicle in accordance with subsection (1);
- (b) another vehicle is approaching, or has entered, the same junction or intersection from either of those public streets; and
- (c) the circumstances are such that if the driver referred to in paragraph (a) were to drive his or her motor vehicle into, or were to proceed further within, the junction or intersection there would be a reasonable possibility that the vehicles would arrive at the same point simultaneously or that a dangerous situation would otherwise be created,

the driver of the motor vehicle referred to in paragraph (a) shall allow the vehicle referred to in paragraph (b) to pass in front of him or her.

**Traffic signs—NO RIGHT TURN; NO LEFT TURN; NO TURNS**

**128A. (1)** Where a motor vehicle is being driven on a public street and a NO RIGHT TURN sign, near or within a junction or intersection of the public street and another public street, faces the direction from which traffic approaches the junction or intersection from the first-mentioned public street, the driver of the motor vehicle shall not, within the junction or intersection, turn the motor vehicle to the right into that other public street.

**(2)** Where a motor vehicle is being driven on a public street and a NO LEFT TURN sign, near or within a junction or intersection of the public street and another public street, faces the direction from which traffic approaches the junction or intersection from the first-mentioned public street, the driver of the

motor vehicle shall not, within the junction or intersection, turn the motor vehicle to the left into that other public street.

(3) Where a motor vehicle is being driven on a public street and a traffic sign bearing the words “NO TURNS”, near or within a junction or intersection of the public street and another public street, faces the direction from which traffic approaches the junction or intersection from the first-mentioned public street, the driver of the motor vehicle shall not, within the junction or intersection—

- (a) turn the motor vehicle to the right or left into that other public street; or
- (b) cause the motor vehicle to make a U turn.

**Traffic sign—NO U TURN**

**128B. (1)** In this section, a reference to a public street includes a reference to an entrance-driveway leading to an off-street parking area or to any other parcel of land.

(2) Where a motor vehicle is being driven on a public street and a NO U TURN sign, near or within a junction or intersection of the public street and another public street, faces the direction from which traffic approaches the junction or intersection from the first-mentioned public street, the driver of the motor vehicle shall not—

- (a) on the public street between the traffic sign and the junction or intersection; or
- (b) within the junction or intersection,

cause the motor vehicle to make a U turn.

**Traffic sign—NO OVERTAKING OR PASSING**

**128C.** Where a motor vehicle is being driven on a public street and a traffic sign bearing the words “NO OVERTAKING OR PASSING”, near or within the public street, faces the direction from which the motor vehicle is being driven, the driver of the motor vehicle shall not—

- (a) drive the motor vehicle past the traffic sign if a vehicle, on the public street between the traffic sign and a similar traffic sign near or within the public street and facing the direction opposite to the first-mentioned direction and farther from the motor vehicle than the first-mentioned traffic sign, is stationary or is travelling in the direction opposite to that in which the motor vehicle is being driven; or

- (b) commence to overtake a vehicle travelling on the public street between those traffic signs.

**Traffic sign—NO OVERTAKING ON BRIDGE**

**128D.** Where a motor vehicle is being driven on a public street and a traffic sign bearing the words “NO OVERTAKING ON BRIDGE”, at or near the extremity of a bridge forming and supporting part of the public street, faces the direction from which traffic approaches the bridge from the public street, the driver of the motor vehicle shall not commence to overtake a vehicle travelling on the public street between the traffic sign and a similar traffic sign (facing the direction opposite to the first-mentioned direction) at or near the other extremity of the bridge.

**Traffic signs for traffic in traffic lanes**

**128E. (1)** Where a motor vehicle is being driven—

- (a) on a public street that is divided into traffic lanes for motor vehicles being driven in the same direction as the motor vehicle; and
- (b) in the traffic lane that is, of those traffic lanes, farthest to the right,

and a traffic sign bearing only the words “RIGHT LANE MUST TURN RIGHT”, near or within a junction or intersection of the public street and another public street, faces the direction from which traffic approaches the junction or intersection from the first-mentioned public street, the driver of the motor vehicle shall not, within the junction or intersection, drive the motor vehicle in a direction other than to the right into that other public street.

**(2)** Where a motor vehicle is being driven—

- (a) on a public street that is divided into traffic lanes for motor vehicles being driven in the same direction as the motor vehicle; and
- (b) in the traffic lane that is, of those traffic lanes, farthest to the left,

and a traffic sign bearing only the words “LEFT LANE MUST TURN LEFT”, near or within a junction or intersection of the public street and another public street, faces the direction from which traffic approaches the junction or intersection from the first-mentioned public street, the driver of the motor vehicle shall not, within the junction or intersection, drive the motor vehicle in a direction other than to the left into that other public street.

**Road markings on surface of traffic lanes**

**128F. (1)** Where a motor vehicle is being driven in a traffic lane on a public street and a road marking consisting of the words—



ONLY  
TURN  
RIGHT

is marked, on the surface of the traffic lane, near or within a junction or intersection of the public street and another public street in such a manner that—

- (a) when viewed from above, the words appear one above another; and
- (b) the word RIGHT is nearest to, and the word ONLY farthest from, the motor vehicle when approaching the marking,

the driver of the motor vehicle shall not, within the junction or intersection, drive the motor vehicle in a direction other than to the right into that other public street.

(2) Where a motor vehicle is being driven in a traffic lane on a public street and a road marking consisting of the words—

ONLY  
TURN  
LEFT

is marked, on the surface of the traffic lane, near or within a junction or intersection of the public street and another public street in such a manner that—

- (a) when viewed from above, the words appear one above another; and
- (b) the word LEFT is nearest to, and the word ONLY farthest from, the motor vehicle when approaching the marking,

the driver of the motor vehicle shall not, within the junction or intersection, drive the motor vehicle in a direction other than to the left into that other public street.

(3) Where a motor vehicle is being driven in a traffic lane on a public street and a road marking consisting of a straight ahead arrow, with or without the word “ONLY”, is marked on the surface of the traffic lane near or within a junction or intersection of the public street and another public street, the driver of the motor vehicle shall not, within the junction or intersection—

- (a) turn the motor vehicle to the right or left into that other public street;  
or
- (b) cause the motor vehicle to make a U turn.

(4) Where a motor vehicle is being driven in a traffic lane on a public street and a road marking consisting of a right turn arrow, with or without the word “ONLY”, is marked on the surface of the traffic lane near or within a junction or intersection of the public street and another public street, the driver of the motor vehicle shall not, within the junction or intersection, drive the motor vehicle in a direction other than to the right into that other public street.

(5) Where a motor vehicle is being driven in a traffic lane on a public street and a road marking consisting of a left turn arrow, with or without the word “ONLY”, is marked on the surface of the traffic lane near or within a junction or intersection of the public street and another public street, the driver of the motor vehicle shall not, within the junction or intersection, drive the motor vehicle in a direction other than to the left into that other public street.

(6) Where a motor vehicle is being driven in a traffic lane on a public street and a road marking consisting of a straight ahead or right turn arrow, with or without the word “ONLY”, is marked on the surface of the traffic lane near or within a junction or intersection of the public street and another public street, the driver of the motor vehicle shall not, within the junction or intersection, turn the motor vehicle to the left into that other public street.

(7) Where a motor vehicle is being driven in a traffic lane on a public street and a road marking consisting of a straight ahead or left turn arrow, with or without the word “ONLY”, is marked on the surface of the traffic lane near or within a junction or intersection of the public street and another public street, the driver of the motor vehicle shall not, within the junction or intersection, turn the motor vehicle to the right into that other public street.

**Traffic signs—NO ENTRY; NO EXIT**

**128G. (1)** Where a no entry sign is erected near or within a junction or intersection of a public street and—

- (a) another public street; or
- (b) a public place,

facing the direction from which traffic approaches the junction or intersection from the first-mentioned public street, a person shall not drive a motor vehicle from the first-mentioned public street into the other public street or the public place.

(2) Where a no exit sign is erected at or near an entrance to an off-street parking area or loading area and faces away from a public street, a person shall not drive a motor vehicle into the public street by that entrance.

(3) Where the Minister, by notice in writing published in the *Gazette*, declares that—

- (a) a specified motor vehicle is a vehicle in relation to which subsection (1) or (2) does not apply; or
- (b) a specified class of motor vehicles is a class of motor vehicles in relation to which subsection (1) or (2) does not apply,

that subsection does not, while the notice remains in force, apply in relation to that motor vehicle or a motor vehicle included in that class of motor vehicles, as the case requires.

(4) A notice under paragraph (3) (b) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

#### **Dangerous etc. driving**

**129. (1)** The driver of a motor vehicle shall not drive the motor vehicle upon a public street recklessly or in a manner dangerous to persons using the public street.

Penalty: \$2,000 or imprisonment for a period not exceeding 12 months, or both.

**(1A)** The driver of a motor vehicle shall not drive the motor vehicle upon a public street negligently.

**(2)** In considering whether an offence has been committed under this section, the Court shall have regard to all the circumstances of the case, including the nature, condition and use of the public street upon which the offence is alleged to have been committed and to the amount of traffic which was, or might reasonably have been expected to have been, upon the public street at that time.

#### **Careless or inconsiderate driving**

**130.** The driver of a motor vehicle shall not drive the motor vehicle upon a public street without due care and attention or without reasonable consideration for other persons using the public street.

#### **Driver to be in control of motor vehicle**

**131.** The driver of a motor vehicle upon a public street shall not, while driving the motor vehicle, be in such a position that he or she has not full control of the motor vehicle or has not a clear view of the traffic.

#### **Limitation on travelling backwards**

**132.** The driver of a motor vehicle upon a public street shall not cause the motor vehicle to travel backwards—

- (a) unless he or she can do so with safety, having regard to the movement of traffic on the public street at the time; and
- (b) for a greater distance or time than is reasonably necessary.

### **Bridge load limit signs**

**133.** Where a traffic sign inscribed with the words “LOAD LIMIT ON BRIDGE” and with a number and the word “TONNES” is erected near to the entrance to a bridge in a public street, the driver of a motor vehicle approaching the traffic sign shall not, if the laden weight of the motor vehicle exceeds the weight in tonnes expressed by the inscription on the traffic sign, drive the motor vehicle upon the bridge.

### **Load limits in public streets**

**133A. (1)** In this section—

“exempt vehicle” means—

- (a) a rigid truck or articulated vehicle used for the collection of garbage or waste;
- (b) a rigid truck or articulated vehicle owned by the Territory or Commonwealth; or
- (c) a rigid truck or articulated vehicle being used in connexion with the repair of a public street;

“load limit sign” means a sign bearing the words “LOAD LIMIT” and an inscription indicating a weight expressed in tonnes, whether with or without an inscription specifying a part of a public street.

**(2)** Where the Minister is satisfied that—

- (a) in the interests of the safety of persons residing near a public street; or
- (b) in order to prevent undue disturbance to persons residing near a public street,

it is necessary to restrict the driving of rigid trucks or articulated vehicles upon that public street or a part of that public street, the Minister may cause load limit signs to be erected in that public street.

(3) Subject to subsection (4), where load limit signs are erected in a public street, a load limit equal to the weight indicated on those signs is applicable to that public street.

(4) Where—

(a) load limit signs are erected in a public street; and

(b) those signs carry an inscription specifying a part of that public street, a load limit equal to the weight indicated on those signs is applicable to that part of that public street.

(5) Where a load limit is applicable to a public street or a part of a public street, a person shall not drive upon that public street or part a rigid truck or articulated vehicle having a laden weight exceeding that load limit.

(6) In a prosecution for an offence against subsection (5) it is a defence for the defendant to prove—

(a) that the driving of the rigid truck or articulated vehicle upon that public street or part was solely for the purpose of—

(i) gaining access to land to which no other means of vehicular access was reasonably available; or

(ii) leaving land by the only route reasonably available;

(b) that the driving of the rigid truck or articulated vehicle upon that public street or part was such as was necessary for the purpose of crossing the public street or part at an intersection;

(c) that the driving of the rigid truck or articulated vehicle upon that public street or part was such as was reasonably necessary to enable goods to be delivered to, or collected from, premises to which no other means of vehicular access is reasonably available; or

(d) the rigid truck or articulated vehicle was an exempt vehicle.

(7) Nothing in this section affects the operation of section 133.

#### **Road tunnels—vehicles carrying explosives**

**133B.** (1) A person shall not drive or park an explosives vehicle in, directly above, or within 50 metres of either end of, a major road tunnel.

Penalty: \$1,000.

(2) In subsection (1)—

“explosives vehicle” means a vehicle on which a sign is required to be exhibited pursuant to clause 189 of the Dangerous Goods Regulation, 1978 of the State of New South Wales in its application in the Territory by virtue of the *Dangerous Goods Act 1984*;

“major road tunnel” means—

- (a) the road tunnel on Parkes Way between Lawson Crescent and Clunies Ross Street in the Division of Acton, Canberra Central District; and
- (b) the road tunnel on Capital Circle in the Division of Capital Hill, Canberra Central District.

#### **Motorist not to obstruct the free passage of any person etc.**

**134.** The driver of a motor vehicle upon a public street shall not negligently or wilfully obstruct, hinder or prevent the free passage of a vehicle or person upon the public street.

#### **Precautions against driving motor vehicles without the owner’s consent**

**135.** The driver of a motor vehicle upon a public street shall not—

- (a) leave the motor vehicle without having taken due precaution against the motor vehicle being started in his or her absence; or
- (b) permit a person to drive the motor vehicle without the consent of the owner.

#### **Warnings and signals by drivers**

**136. (1)** The driver of a motor vehicle upon a public street shall, whenever necessary, give to a vehicle or person upon a public street sufficient warning of danger on the approach of the motor vehicle by sounding the horn or other means of alarm.

**(2)** The driver of a motor vehicle upon a public street is guilty of an offence if—

- (a) he or she causes the motor vehicle to stop; or
- (b) he or she causes the motor vehicle to reduce speed suddenly, whether for the purposes of stopping or otherwise,

unless he or she has given, in accordance with this section, a signal that is a prescribed signal for the purposes of this subsection.

**(3)** Each of the following is a prescribed signal for the purposes of subsection (2):

- (a) the extending by the driver of his right arm outside the motor vehicle with the upper part of the arm held horizontally at right angles to the direction of travel of the vehicle, the forearm held vertically, the palm of the hand turned to the front and the fingers fully extended and pointing upwards;
- (b) the display outside the vehicle of a representation of a human hand in imitation of the signal described in paragraph (a);
- (c) the display of a red light that is visible from the rear in direct sunlight at a distance of not less than 60 metres.

(4) The driver of a motor vehicle upon a public street is guilty of an offence if the driver causes the motor vehicle to turn to, or move towards, his or her right unless the driver has given, in accordance with this section, a signal that is prescribed for the purposes of this subsection.

(5) The driver of a motor vehicle that is stationary on a public street is guilty of an offence if the driver causes the vehicle to move away from the stationary position and towards his or her right unless the driver has given a signal that is prescribed for the purposes of this subsection.

(6) Each of the following is a prescribed signal for the purposes of subsections (4) and (5):

- (a) the extending by the driver of his or her right arm horizontally outside the right hand side of the vehicle, at right angles to the direction of travel of the vehicle, with the palm of the hand turned to the front and the fingers fully extended and pointing away from the vehicle;
- (b) the display outside the vehicle of a representation of a human hand in imitation of the signal described in paragraph (a);
- (c) the extending from the right hand side of the vehicle of a trafficator in a horizontal position at right angles to the direction of travel of the vehicle;
- (d) the display of—
  - (i) a flashing light on the right hand side of the motor vehicle; or
  - (ii) flashing lights on the right hand side of both the front and the rear of the vehicle.

(7) The driver of a motor vehicle to which this subsection applies is guilty of an offence if the driver causes the motor vehicle to turn to, or move towards,

his or her left unless the driver has given, in accordance with this section, the signal prescribed for the purposes of this subsection.

**(8)** The driver of a motor vehicle to which this subsection applies that is stationary on a public street is guilty of an offence if the driver causes the vehicle to move away from the stationary position and towards his or her left unless the driver has given the signal that is prescribed for the purposes of this subsection.

**(9)** For the purposes of subsections (7) and (8)—

- (a) a motor vehicle is a motor vehicle to which each of those subsections apply if the motor vehicle is equipped with a signalling device that, when operated, illuminates—
  - (i) a flashing light on the left hand side of the motor vehicle; or
  - (ii) flashing lights on the left hand side of both the front and the rear of the vehicle; and
- (b) the prescribed signal is the illumination of that light or those lights, as the case requires.

**(10)** A signal that is a prescribed signal for the purposes of subsection (2), (4) or (7) shall be given—

- (a) at least 30 metres before the vehicle stops, commences suddenly to reduce speed or commences to turn to, or move towards, the right or left, as the case may be; or
- (b) if, in all the circumstances, it is not practicable to give the signal at least 30 metres before that event takes place, as soon as it was practicable to do so,

and shall continue to be given until the event takes place.

**(11)** Subsection (4) does not apply to or in relation to the driver of a motor vehicle who causes the motor vehicle to turn to, or move towards, his or her right, and subsection (7) does not apply to or in relation to the driver of a motor vehicle who causes the motor vehicle to turn to, or move towards, his or her left, by reason only of following the course of the carriageway on which, or the course of the traffic lane in which, the driver is travelling unless, at the point at which the vehicle commenced to turn to, or move towards, the right or left, as the case may be, the driver has, by reason of a bifurcation of either that carriageway or that traffic lane, a choice of proceeding in more than 1 direction.



(12) For the purposes of this section, the driver of a motor vehicle who causes his or her vehicle to travel in a direction other than the direction that follows the course of the carriageway on which, or the traffic lane in which, he or she is travelling shall be deemed—

- (a) if the direction in which the vehicle travels is to the right of the course followed by the carriageway or the traffic lane, to have caused his or her vehicle to move to his or her right; and
- (b) if the direction in which the vehicle travels is to the left of the course followed by the carriageway or the traffic lane, to have caused his or her vehicle to move to his or her left.

**Extension of offences to acts etc. in relation to animals being ridden or led**

137. Where the driver of a motor vehicle upon a public street does an act or omits to do an act in relation to an animal that is being ridden, driven or led upon the public street, being an act or omission which, if the animal were a vehicle, would be an offence against a provision of this Part, the driver of the motor vehicle commits an offence against this Act.

**Obedience to directions by police etc.**

139. Notwithstanding anything contained elsewhere in this Act, the driver of a motor vehicle upon a public street shall comply with a direction given by an officer in the execution of his or her duty or by a member of the Police Force in uniform—

- (a) as to the manner of approaching or departing from a place;
- (b) as to the manner of picking up or setting down passengers or loading or unloading goods; or
- (c) regulating or controlling—
  - (i) the movement of traffic on a public street or of traffic entering or passing through an intersection or junction of 1 public street with another public street; or
  - (ii) the stopping or parking of motor vehicles.

**PART IX—SPEED LIMITS**

**Interpretation**

140. In this Part—

“amphometer”, means a speed measuring device known as “Amphometer”, being a device to which is affixed a label bearing the expression “Aust. Patent 272336”;

“approved radar speed measuring device” means a device approved under section 147CA;

“radar detecting device” means a device designed or apparently designed to be fitted to or carried in a motor vehicle for the purpose of detecting electromagnetic radiations from an approved radar speed measuring device;

“radar jamming device” means a device designed or apparently designed to be fitted to or carried in a motor vehicle for the purpose of interfering with the receiving by an approved radar speed measuring device of reflected electromagnetic radiations;

“speed limit sign” means a traffic sign inscribed with figures within a red circle.

### **Speed limits within a public place**

**141.** A person shall not drive a motor vehicle on any part of a public place at a speed exceeding 20 kilometres per hour.

### **Motorist not to exceed maximum speed applicable**

**142.** A person shall not drive a motor vehicle upon a public street at a speed exceeding the maximum speed applicable in relation to that public street.

### **Maximum speed applicable to streets in the City Area**

**143.** Subject to this Part, the maximum speed applicable in relation to a public street in the City Area is 60 kilometres per hour.

### **Speeds regulated by signs**

**144. (1)** Where a speed limit sign is erected on the side of a public street and is facing the direction from which a motor vehicle has approached, the maximum speed applicable in relation to that public street between that speed limit sign and another speed limit sign, or a de-restricting sign, erected on the same side of the public street and facing the same direction is a speed of a number of kilometres per hour equal to the number represented by the figures on the first-mentioned speed limit sign.

**(2)** In subsection (1), “de-restricting sign” means—

**(a)** a traffic sign inscribed with the words “SPEED LIMIT ENDS”; or

- (b) a traffic sign bearing a black circle with a straight black diagonal line bisecting the circle, being a line commencing in the lower left quadrant of the circle.

### School zones

**147. (1)** A person shall not drive a motor vehicle in a school zone during a prescribed period at a speed exceeding 40 kilometres per hour from the direction which the school zone sign in relation to that zone is facing.

**(2)** For the purposes of this section, a school zone sign erected on the side of a public street and a standard speed limit sign erected on the side of that public street or another public street having a junction or intersection with—

- (a) the first-mentioned public street; or
- (b) a public street having a junction or intersection with the first-mentioned public street,

shall be taken to face the same direction if each of those signs faces the direction from which a motor vehicle travelling on a journey that commenced before the beginning of, but included, the shortest practicable route between those signs would approach that sign.

**(3)** This Part has effect in relation to a part of a public street that is a school zone at any time—

- (a) other than during a prescribed period; or
- (b) when the relevant speed limit sign referred to in the definition of “school zone sign” in subsection (4) is not displayed,

as if that part of that street were not a school zone.

**(4)** In this section—

“prescribed period”, in relation to a school zone, means a period commencing at 8.00 a.m. and ending at 4.00 p.m. on a day on which—

- (a) the school located in proximity to that zone; or
- (b) if 2 or more schools are so located—either or any of those schools,

is open for the attendance of scholars;

“school zone” means—

- (a) where—

- (i) a school zone sign is erected on the side of a public street; and
- (ii) a standard speed limit sign is erected on the side of that public street (being the first such sign located after, and facing the same direction as, the school zone sign),

any part of that public street between those signs; or

(b) where—

- (i) a school zone sign is erected on the side of a public street; and
- (ii) a standard speed limit sign is erected on the side of another public street having a junction or intersection with—

(A) the first-mentioned public street; or

(B) a public street having a junction or intersection with the first-mentioned public street,

(being the first such sign located after, and facing the same direction as, the school zone sign),

any part of either or any of those public streets that lies on the shortest practicable route between those signs;

“school zone sign” means a traffic sign inscribed with the words “SCHOOL ZONE” accompanied by a speed limit sign and another traffic sign bearing an inscription indicating particular periods;

“standard speed limit sign” means a speed limit sign other than a speed limit sign referred to in the definition of “school zone sign” in this subsection.

### **Driving at dangerous speeds**

**147A. (1)** The driver of a motor vehicle shall not drive the motor vehicle upon a public street at a speed dangerous to persons using the public street.

Penalty: \$2,000.

**(2)** In considering whether an offence has been committed against this section, the Court shall have regard to all the circumstances existing at the time at which the offence is alleged to have been committed, including the nature, condition and use of the public street upon which the offence is alleged to have been committed and to the amount of traffic that was, or might reasonably have

been expected to have been, upon the public street, and, if no evidence is given of those circumstances, the Court shall dismiss the charge.

### **Evidence of speed**

**147B. (1)** Where, in any proceedings in a court, evidence for the purpose of showing the speed at which a motor vehicle was travelling on a public street at a particular time is given of the calculation of speed of that motor vehicle at that time on that public street as shown on an amphotometer in accordance with section 147C, or as measured by a radar speed measuring device in accordance with section 147CB, that motor vehicle shall, unless the contrary is proved, be deemed to have been travelling at the speed so calculated at that time on that public street.

**(2)** Nothing in this section precludes the giving of other evidence of the speed at which the motor vehicle was travelling.

### **Speed measuring device**

**147C. (1)** Evidence of the speed at which a motor vehicle was travelling upon a public street by reference to a calculation of speed as shown on an amphotometer shall not be given unless—

- (a) the amphotometer has, within the period of 6 months before being used to calculate that speed, been tested for accuracy by a duly qualified electrical engineer approved for the purposes of this section by the Minister by instrument in writing published in the *Gazette*;
- (b) the amphotometer has been sealed by the approved electrical engineer in such a way as to prevent the mechanism of the amphotometer being tampered or interfered with without breaking the seal, and the seal is intact; and
- (c) the amphotometer was, in so calculating that speed, used in accordance with this Part.

**(2)** The police officer using an amphotometer to calculate the speed of a motor vehicle travelling upon a public street shall—

- (a) place and secure the 2 detection tubes forming part of the amphotometer approximately parallel to each other and directly across or partly across the carriageway of the public street at a distance of between 24.929 metres and 25.071 metres apart, the distance being measured by a measuring tape sealed with a distinguishing mark of verification or re-verification in pursuance of the Weights and Measures (National Standard) Regulations; and
- (b) before using the device to calculate the speed of the motor vehicle—

- (i) ensure that the seal referred to in paragraph (1) (b) is intact; and
  - (ii) ensure that the indicator needle on the device is at the zero scale position when the device is switched off and that the indicator needle is at the full scale position when the device is switched on.
- (3) In any proceedings in a court in which evidence is given of the calculation of speed as shown on an amphotometer—
- (a) a certificate purporting to be signed by a duly qualified electrical engineer approved by the Minister as provided by subsection (1) and stating that, on a date specified in the certificate—
    - (i) he or she tested an amphotometer bearing the identification number or symbols stated in the certificate and found it to be accurate; and
    - (ii) he or she duly sealed the amphotometer on that date in the manner referred to in paragraph (1) (b),is evidence of the accuracy of the device and of the matters stated in the certificate; and
  - (b) a certificate purporting to be signed by a police officer and stating that—
    - (i) during a specified period on a specified date and on a specified public street he or she used an amphotometer bearing the identification number or symbols stated in the certificate and the seal referred to in subparagraph (a) (ii);
    - (ii) the seal of the amphotometer was intact during that period;
    - (iii) in so using the amphotometer during that period, the measuring tape used in placing the detection tubes attached to the device in accordance with this section was sealed with the distinguishing mark of verification or re-verification specified in the certificate;
    - (iv) a motor vehicle the registration number of which is specified in the certificate crossed the detection tubes forming part of the amphotometer while he or she was using the amphotometer during that period; and

- (v) the amphotometer calculated that the motor vehicle was so travelling on that public street between those 2 detection tubes at the speed specified in the certificate,

is evidence of the matters stated in the certificate and of the facts on which they are based.

### **Approval of radar speed measuring devices**

**147CA. (1)** The Minister may—

- (a) of his or her own motion; or
- (b) on receiving an application in writing from a manufacturer or importer of the particular radar speed measuring device;

by notice published in the *Gazette*, approve a device designed for use in measuring the speed of motor vehicles.

**(2)** In considering whether to approve a device under subsection (1), the Minister shall have regard to Australian Standard 2898.1-2.

### **Evidence concerning approved radar speed measuring device**

**147CB. (1)** Evidence of the speed at which a motor vehicle was travelling upon a public street by reference to a speed measured by a radar speed measuring device shall not be given unless—

- (a) on the day of the alleged offence the device was an approved device under subsection 147CA (1);
- (b) the device was tested within 6 months before the day of the alleged offence;
- (c) when tested the device was accurate and operating properly; and
- (d) the testing was done by a person (approved by the Minister for the purpose by instrument in writing published in the *Gazette*), whom the Minister is satisfied is competent to carry out electrical testing in accordance with Australian Standard 2898.1-2.

**(2)** In any proceedings in a court in which evidence is given of the speed of a motor vehicle as measured by a radar speed measuring device, a certificate purporting to be signed by a police officer stating that—

- (a) the person is a police officer;
- (b) the device is an approved radar speed measuring device;

- (c) on a specified day, not more than 6 months before the date of the alleged offence, the device was tested and found to be accurate and operating properly by a person referred to in paragraph (1) (d);
- (d) at the commencement of a specified period of operation of the device, it was tested by the officer against a motor vehicle's accurate speedometer and was found to be accurate within a tolerance of 2 kilometres per hour;
- (e) at the conclusion of the specified period of operation referred to in paragraph (d) (not being more than 9 hours later than the commencement) the device was tested by the officer against the same speedometer and was found to be accurate within a tolerance of 2 kilometres per hour; and
- (f) the officer used the device—
  - (i) during a specified period (within the period referred to in paragraphs (d) and (e)); and
  - (ii) on a specified day;

to measure the speed of a specified vehicle travelling on a specified street through the detection area of the device and that the speed so measured was the speed specified;

is evidence of the matters stated in the certificate and of the facts on which they are based.

### **Tampering etc. with amphotometers and radar speed measuring devices**

**147D.** A person shall not, knowingly and without lawful authority—

- (a) tamper or interfere with, or damage the mechanism of an amphotometer or an approved radar speed measuring device; or
- (b) tamper or interfere with a seal affixed to an amphotometer or an approved radar speed measuring device.

Penalty: \$1,000.

### **Testing of speedometers**

**147E.** In a prosecution for an offence against this Act in which evidence is given of the calculation of speed by means of a motor vehicle speedometer, a certificate purporting to be signed by a person who is a duly qualified instrument maker and approved by the Minister for that purpose and certifying that, on a date specified in the certificate, he or she tested the motor vehicle



speedometer bearing the identification number stated in the certificate and found it to be accurate is evidence of the matters stated in the certificate.

### **Evidence**

**148.** In a prosecution for an offence against this Part, an averment of the informant contained in the information that—

- (a) a public street or a specified part of a public street is or was at a specified date in the City Area; or
- (b) a public street or a specified part of a public street is or was at a specified date elsewhere than in the City Area,

is evidence of the matter averred.

## **PART X—RULES RELATING TO PARKING**

### **Interpretation**

**149. (1)** In this Part—

“approved label” means a label of a kind approved under section 150A;

“business hours” means—

- (a) the period commencing at 9 o’clock in the morning and ending at half past 5 o’clock in the afternoon on Monday, Tuesday, Wednesday and Thursday;
- (b) the period commencing at 9 o’clock in the morning and ending at 9 o’clock in the evening on Friday; and
- (c) the period commencing at 9 o’clock in the morning and ending at 12 noon on Saturday,

other than a period on a day that is a public holiday;

“bus stop sign” means a traffic sign inscribed with an arrow and with the words “BUS STOP”;

“certificate holder” means the holder of a certificate given under subsection 149B (1), being a certificate that is in force;

“certified vehicle” means a motor vehicle specified in a certificate given under subsection 149B (1), being a certificate that is in force;

“Class A class of motor vehicles” means—

- (a) the class of motor vehicles that consists of motor vehicles to which are affixed number-plates of a type issued by the Territory or Commonwealth in respect of motor vehicles owned by it; and
- (b) the class of motor vehicles that consists of motor vehicles to which are affixed number-plates of a type and material determined by the Minister under subsection 18 (1) for motor vehicles of members of the diplomatic corps;

“Class B class of motor vehicles” means a class of motor vehicles determined in writing by the Minister (by reference, either generally or in particular, to their description, the purpose for which they are used or the persons by whom they are used) to be a class of motor vehicles for the purposes of this definition;

“coin” means a coin issued in accordance with the *Currency Act 1965-1969* of the Commonwealth;

“controlled parking hours” means—

- (a) in relation to a public place or public street in or near which there is a parking meter, voucher machine or parking sign which specifies a period—that period; and
- (b) in any other case—business hours;

“goods” includes all personal chattels;

“goods vehicle” means—

- (a) a motor vehicle that is constructed primarily for the carriage of goods and is used or intended to be used for that purpose in the course of business; and
- (b) a certified vehicle;

“loading zone” means that part of a public street or public place to which a loading zone sign relates—

- (a) within the particular times (if any) indicated on the sign; or
- (b) if no times are indicated on the sign—at all times;

“loading zone sign” means a traffic sign bearing an arrow, the words “LOADING ZONE” and the words “GOODS VEHICLES ONLY”, with or without an inscription indicating a period by reference to—

- (a) a length of time; or
- (b) particular times;

or both;

“local services bus stop sign” means a traffic sign inscribed with an arrow and with the words “BUS STOP (LOCAL SERVICES ONLY)”;

“local services motor omnibus” means a motor omnibus that is engaged in the provision of a motor omnibus service—

- (a) under the *Commonwealth Motor Omnibus Services Act 1955*; or
- (b) in pursuance of a motor omnibus service licence that is expressed to be in respect of a local omnibus service;

“local services omnibus stopping place” means an area of a public street which is marked off—

- (a) by a part of the kerb of the public street that is between a local services bus stop sign erected on or as near as practicable to that kerb and another local services bus stop sign on the same side of the public street nearest in the direction indicated by the arrow on the first-mentioned local services bus stop sign; and
- (b) by road markings marked on the carriageway of the public street adjacent to that part of the kerb;

“no parking sign” means—

- (a) a traffic sign bearing an arrow and the words “NO PARKING”, with or without an inscription indicating the times when parking is prohibited; or
- (b) a traffic sign bearing the words “NO PARKING” and an inscription indicating the area within which parking is prohibited, with or without an inscription indicating the times when parking is prohibited;

“no stopping sign” means—

- (a) a traffic sign bearing an arrow and the words “NO STOPPING”, with or without an inscription indicating the times when stopping is prohibited; or

- (b) a traffic sign bearing the words “NO STOPPING” and an inscription indicating the area within which the prohibition on stopping operates, with or without an inscription indicating the times when stopping is prohibited;

“omnibus stopping place” means an area of a public street which is marked off—

- (a) by a part of the kerb of the public street that is between a bus stop sign erected on or as near as practicable to that kerb, and another bus stop sign on the same side of the public street nearest in the direction indicated by the arrow on the bus stop sign; and
- (b) by road markings marked on the carriageway of the public street adjacent to that part of the kerb;

“parking infringement” means a contravention of any of the provisions of this Part, other than sections 150, 163G, 163H, 163J, 163K and 163MA;

“parking meter” means a parking meter the installation of which is authorised under section 163B;

“parking meter hood” means a hood or other cover designed to be fitted to a parking meter so as to obscure that part of the meter that would normally display the sign bearing the word “expired” when the meter is not in operation;

“parking sign” means a traffic sign bearing an arrow, the word “PARKING” and any of the following:

- (a) an inscription indicating the period of time for which parking is permitted;
- (b) an inscription indicating the times when a vehicle may be parked in accordance with the sign;
- (c) an inscription indicating angle parking;
- (d) an inscription indicating that parking is reserved for motor vehicles included in the class of motor vehicles referred to in the inscription, being a Class A class of motor vehicles or a Class B class of motor vehicles;

“parking voucher” means a document which authorises the standing or parking of a motor vehicle or trailer in a public place or public street being a document the issue of which is authorised by or

under this Act;

“prescribed penalty”, in relation to a parking infringement, means the penalty prescribed by the regulations for that infringement;

“taxi rank” means an area of a public street which is marked off—

- (a) by a part of the kerb of the public street that is between a taxi rank sign erected on or as near as practicable to that kerb, and another taxi rank sign on the same side of the public street nearest in the direction indicated by the arrow on the taxi rank sign; and
- (b) by road markings marked on the carriageway of the public street adjacent to that part of the kerb;

“taxi rank sign” means a traffic sign inscribed with an arrow and with the words “TAXI RANK”;

“voucher machine” means a machine which, upon payment of the determined fee, issues a parking voucher bearing—

- (a) whether with or without other words, the words “Registrar of Motor Vehicles”; and
- (b) an imprint indicating the date and time of issue or expiry;

being a voucher machine the installation of which is authorised under section 163B;

(2) Where the expression “school days” is inscribed, with other particulars indicating certain hours, on a no parking sign or a no stopping sign erected near to a school, that expression has the effect of indicating that the prohibition on parking or stopping by the sign operates during those hours on days when that school is open for the attendance of scholars.

(3) Where the expression “business hours” is inscribed on a no parking sign, a no stopping sign, a parking sign or a loading zone sign, that expression has the effect of indicating that the prohibition or qualification on parking or stopping by the sign operates during—

- (a) the period commencing at 9 o'clock in the morning and ending at half past 5 o'clock in the afternoon on Monday, Tuesday, Wednesday and Thursday;
- (b) the period commencing at 9 o'clock in the morning and ending at 9 o'clock in the evening on Friday; and
- (c) the period commencing at 9 o'clock in the morning and ending at 12 noon on Saturday,

other than a period on a day that is a public holiday.

(4) An abbreviation specified in the first column of the following table may be inscribed on a no parking sign, a no stopping sign, a parking sign or a loading zone sign and, if so inscribed, it has the meaning specified opposite to it in the second column of that table:

Abbreviation	Meaning
Mon. ....	Monday
Tue. ....	Tuesday
Wed. ....	Wednesday
Thur. ....	Thursday
Fri. ....	Friday
Sat. ....	Saturday
Sun. ....	Sunday
min. ....	minutes
a.m. ....	the time o'clock between midnight and noon
p.m. ....	the time o'clock between noon and midnight

(5) An arrow inscribed on a no parking sign, a no stopping sign, a parking sign, a loading zone sign, a bus stop sign, a local services bus stop sign or a taxi rank sign erected on a side of a public street at an angle to the boundary of the carriageway of the public street, or on a side of a loading area at an angle to the boundary of the loading area, shall be deemed to be pointing on that side in the direction in which it would point if the sign were turned through an angle of less than ninety degrees until parallel to that boundary.

(6) For the purposes of this Part, the part of a public street or public place to which a no stopping sign, no parking sign, loading zone sign or parking sign (being a sign bearing an arrow) relates is, in any particular case according to whichever paragraph of this subsection is applicable—

- (a) the area bounded by—
  - (i) the part of the boundary of the carriageway of the public street, or the part of the boundary of the public place, on or near

which the sign is erected or displayed, between that sign and another such sign erected or displayed on or near the same boundary nearest in the direction indicated by the arrow; and

- (ii) road markings adjacent to that boundary or part of the boundary;
- (b) a bay for the parking of a vehicle marked by road markings on the public street or public place in which the sign is erected or displayed between that sign and another such sign erected or displayed in that public street or public place nearest in the direction indicated by the arrow; or
- (c) the area bounded by—
  - (i) the part of the boundary of the carriageway of the public street, or the part of the boundary of the public place, on or near which the sign is erected or displayed, between that sign and another such sign erected or displayed on or near the same boundary nearest in the direction indicated by the arrow;
  - (ii) imaginary lines drawn adjacent and at right angles to that boundary and half-way across the public street or public place; and
  - (iii) imaginary lines joining the extremities of the lines referred to in the last preceding subparagraph.

**(6A)** For the purposes of subsections 152 (5) and 155 (5), an approved label shall be deemed not to be affixed to a motor vehicle (not being a motor cycle) unless the label—

- (a) is affixed to the interior of the main front windscreen of the vehicle;
- (b) is positioned—
  - (i) where a registration label is affixed to the windscreen—either directly above or directly below the registration label; or
  - (ii) where a registration label is not affixed to the windscreen—at the bottom and as near as practicable to the left-hand side of the windscreen; and
- (c) faces towards the front of the vehicle.

(7) Where a public place or public street is marked off by road markings into bays for the parking of vehicles, each of those bays is a designated parking place for the purposes of this Part.

(8) A parking meter shall be deemed to be near a designated parking place if it is alongside, and not more than 1 metre from, the designated parking place.

(9) A reference in section 163J or 163K to a parking meter or a voucher machine includes a reference to the stand upon which the meter or machine is installed.

#### **Certified vehicles—application for certificate**

**149A. (1)** Where the owner of a motor vehicle, not being a motor vehicle constructed primarily for the carriage of goods, uses or intends to use the vehicle for the carriage of goods in the course of the owner's business, the owner may apply to the Registrar for a certificate under subsection 149B (1) in relation to that vehicle.

(2) An application shall be—

- (a) in the form approved by the Registrar for the purpose;
- (b) signed by the applicant;
- (c) accompanied by the determined fee; and
- (d) lodged with the Registrar.

(3) The Registrar may, by written notice to an applicant, require the applicant to give the Registrar, orally or in writing, such further information relating to the application as is specified in the notice.

#### **Certified vehicles—grant or refusal of certificate**

**149B. (1)** Where the Registrar receives an application under section 149A, the Registrar may give the applicant a certificate to the effect that the vehicle specified in the certificate may be parked in a specified loading zone or a loading zone included in a specified class of loading zones.

(2) A certificate shall indicate whether the certified vehicle may park in a loading zone—

- (a) at all times; or
- (b) at any time—
  - (i) within a particular period; or



- (ii) for a particular length of time;
- or both.

(3) In making a decision under subsection (1) in respect of a loading zone, the Registrar shall consider—

- (a) the extent of the proposed use of the loading zone by the applicant's vehicle in the course of the applicant's business; and
- (b) the likely demand for use of the loading zone by goods vehicles generally at any time at which the applicant proposes that the zone would be used by the applicant's vehicle.

(4) Without limiting the generality of subsection (1), the Registrar may refuse to give a certificate under this section where the Registrar believes on reasonable grounds that the applicant—

- (a) is not entitled to apply under section 149A (1);
- (b) has failed to comply with a requirement under subsection 149A (2) or (3); or
- (c) made a statement which was false or misleading in a material particular—
  - (i) in his or her application; or
  - (ii) to the Registrar pursuant to a requirement under subsection 149A (3).

**Certified vehicles—variation of certificate**

**149C. (1)** A certificate holder may apply to the Registrar for the variation of the certificate.

- (2) An application shall—
- (a) be in writing signed by the applicant;
  - (b) state the variation sought, and the reasons for it;
  - (c) be accompanied by—
    - (i) the relevant certificate; and
    - (ii) the determined fee; and
  - (d) be lodged with the Registrar.

(3) The Registrar may, by written notice to an applicant, require the applicant to give the Registrar, orally or in writing, such further information relating to the application as is specified in the notice.

(4) Where the Registrar receives an application under subsection (1), the Registrar shall—

- (a) by endorsement, vary the certificate in the manner sought; or
- (b) refuse to vary the certificate.

(5) In making a decision under subsection (4), the Registrar shall consider, in relation to the variation sought, the matters referred to in paragraphs 149B (3) (a) and (b).

(6) Without limiting the generality of subsection (5), the Registrar may refuse to vary a certificate where the Registrar believes on reasonable grounds that the applicant—

- (a) has failed to comply with a requirement under subsection (2) or (3); or
- (b) has made a statement which was false or misleading in a material particular—
  - (i) in the application; or
  - (ii) to the Registrar pursuant to a requirement under subsection (3).

(7) Where the Registrar makes a decision under this section, the Registrar shall give the certificate, endorsed with any approved variation, to the applicant.

(8) The variation of a certificate takes effect on the day on which the endorsed certificate is given to the applicant under subsection (7).

#### **Certified vehicles—surrender of certificate**

**149D.** A certificate holder may surrender the certificate by giving to the Registrar a written notice of surrender accompanied by the certificate.

#### **Certified vehicles—cancellation of certificate**

**149E. (1)** Where the Registrar believes on reasonable grounds that—

- (a) a certified vehicle is no longer—
  - (i) owned by the certificate holder;

- (ii) used by that person for the carriage of goods in the course of his or her business; or
  - (iii) required for that use by that person; or
- (b) a certificate under subsection 149B (1) that is in force was given in reliance on information given to the Registrar by the certificate holder which was false or misleading in a material particular;

the Registrar may cancel the certificate.

(2) The Registrar shall not cancel a certificate unless the Registrar has given the certificate holder a written notice that—

- (a) specifies the ground upon which the Registrar intends to cancel the certificate;
- (b) states the facts and circumstances that, in the Registrar's opinion, constitute that ground; and
- (c) informs the certificate holder that he or she may, within 14 days from the date of the notice, by writing given to the Registrar, place before the Registrar any matters in answer to the matters stated in the notice.

(3) In making a decision under subsection (1), the Registrar shall consider any matter placed before the Registrar in accordance with the notice given under subsection (2).

(4) Subject to this Act, where an application is made under section 217D for the review of a decision by the Registrar under subsection (1), the certificate is deemed to have continued and to continue in force pending the determination or withdrawal of the appeal.

(5) Where no application is made under section 217D for the review of a decision by the Registrar under subsection (1), the cancellation of a certificate takes effect at the expiration of 14 days after the day on which the Registrar gives the certificate holder notice in writing of the cancellation under subsection 217C (1).

#### **Certified vehicles—period of certificate**

**149F.** A certificate given under subsection 149B (1) remains in force until—

- (a) the expiration of a day specified in the certificate, being a day not later than 1 year after the day on which it is given;
- (b) the surrender of the certificate; or

(c) the cancellation of the certificate;  
whichever first occurs.

### **Certified vehicles—labels**

**150. (1)** Where the Registrar—

- (a) gives a certificate; or
- (b) varies a certificate;

the Registrar shall issue to the certificate holder a label in a form approved by the Registrar.

**(2)** A person shall not—

- (a) drive a motor vehicle to which is affixed a label issued under this section unless the motor vehicle is the certified vehicle specified in the label;
- (b) knowingly drive a motor vehicle to which is affixed a label that may be mistaken for a label issued under this section; or
- (c) by a false statement or misrepresentation, obtain or attempt to obtain a label under this section.

Penalty: \$200.

**(3)** Where a certificate—

- (a) is varied; or
- (b) has ceased to be in force;

the person to whom the certificate was given shall, within 7 days of the variation or cessation, as the case may be, destroy the label last issued to him or her under this section before that variation or cessation.

Penalty: \$200.

**(5)** If the Registrar is satisfied that a label issued under this section has been lost, destroyed, damaged or defaced, he or she may issue a duplicate of that label and that duplicate is, for the purposes of this Part, of the same effect as the label.

### **Labels for Class B classes of motor vehicles**

**150A. (1)** The Registrar shall, in relation to a class of motor vehicles that is a Class B class of motor vehicles, approve, by instrument in writing, a kind of label as the kind of label applicable to that class of motor vehicles.

**(2)** Subject to this Act, the Registrar may issue to a person, for affixing to a specified motor vehicle included in a Class B class of motor vehicles, a label of a kind approved under subsection (1).

**Application for approved label**

**150B. (1)** An application by a person for the issue of an approved label—

- (a) shall be in writing and signed by the applicant;
- (b) shall be lodged with the Registrar;
- (c) shall state the full name and address of the applicant;
- (d) shall specify the registration number of the motor vehicle to which the applicant proposes to affix the label;
- (e) shall set out such particulars as are necessary to show that the motor vehicle referred to in paragraph (d) is included in a Class B class of motor vehicles; and
- (f) shall be accompanied by the determined fee.

**(2)** The Registrar shall approve an application for an approved label unless—

- (a) the applicant refuses or fails to comply with a requirement of the Registrar under subsection (3);
- (b) the applicant fails to establish that the motor vehicle referred to in the application is included in a Class B class of motor vehicles; or
- (c) the application does not comply with the requirements of subsection (1).

**(3)** The Registrar may, by notice in writing, require an applicant to furnish to the Registrar, either orally or in writing, within the period specified in the notice, such further information as is necessary to enable the Registrar to determine whether the motor vehicle referred to in the application is included in a Class B class of motor vehicles.

**(4)** Where the Registrar approves an application for an approved label, the Registrar shall—

- (a) cause to be inserted in the label—
    - (i) the registration number of the motor vehicle to which the label may be affixed; and
    - (ii) the expiry date of the label, being a date not later than 12 months after the date of approval; and
  - (b) cause the label to be issued to the applicant.
- (9) Subject to section 150C, an approved label remains in force until the date shown on the label as the expiry date of the label.

### **Cancellation etc. of approved label**

**150C. (1)** The Registrar shall cancel an approved label if—

- (a) he or she is satisfied that the person to whom the label was issued was not entitled to receive the label; or
- (b) the motor vehicle in respect of which the label was issued ceases to be a motor vehicle that is included in a Class B class of motor vehicles.

(6) An approved label ceases to be in force if a change occurs in the ownership of the motor vehicle in respect of which the label was issued.

(7) Where an approved label is cancelled or ceases to be in force by virtue of subsection (6), the person to whom the label was issued shall, within 7 days of receipt of notice of a decision under subsection (1), or within 7 days of the label so ceasing to be in force, as the case may be—

- (a) destroy the label and notify the Registrar, in writing, accordingly; or
- (b) surrender the label to the Registrar.

### **Replacement of approved label**

**150D.** If the Registrar is satisfied that an approved label that has been issued to a person and is in force in pursuance of this Act has been lost, destroyed or defaced, he or she may issue to the person a new label containing the same particulars as were inserted in the first-mentioned label.

### **General offences relating to approved labels**

**150E.** A person shall not—

- (a) in an application for an approved label or in a statement accompanying such an application make a statement or furnish information that is false or misleading in a material particular;

- (b) cause an approved label issued to him or her to be affixed to a motor vehicle other than the motor vehicle in respect of which the label was issued;
- (c) cause to be affixed to a motor vehicle a label that may reasonably be mistaken for an approved label; or
- (d) allow to remain affixed to a motor vehicle an approved label that has been cancelled or has otherwise ceased to be in force.

**Stopping etc. adjacent to boundary**

**151. (1)** A person shall not stop or park a motor vehicle, or park a trailer, on a public street except on the carriageway of the public street.

**(2)** Subject to this Part, a person shall not stop or park a motor vehicle, or park a trailer, on the carriageway of a public street other than a one way traffic carriageway except with the left hand side of the motor vehicle or trailer immediately adjacent to the left hand boundary of the carriageway.

**(3)** Subject to this Part, a person shall not stop or park a motor vehicle or park a trailer on a one way traffic carriageway or within a loading area—

- (a) if a no stopping sign, no parking sign, parking sign or loading zone sign is erected, placed or displayed on or near the right hand boundary of the carriageway or loading area—except with a side of the motor vehicle or trailer immediately adjacent to a boundary of the carriageway or loading area; or
- (b) in any other case—except with the left hand side of the motor vehicle or trailer immediately adjacent to the left hand boundary of the carriageway or loading area.

**Parking etc. in public streets regulated by traffic signs**

**152. (1)** Where a no parking sign is erected on a side of a public street, a person shall not park a motor vehicle or trailer on that side of the public street between the sign and the nearest intersection or junction of that public street and another public street or between the sign and another such no parking sign, whichever is the closer, in the direction indicated by the arrow on the sign.

**(1A)** A person shall not be taken to have contravened subsection (1) if the person stopped the motor vehicle or trailer for the purpose of—

- (a) setting down at the boundary of the carriageway of the public street a passenger and the luggage or goods (if any) of the passenger; or

- (b) permitting a person who, before the motor vehicle was stopped, was standing on the boundary of the carriageway of the public street to enter the motor vehicle and taking up from the boundary of the carriageway the luggage or goods (if any) of that person which were then with that person,

and the period for which the vehicle was so stopped was no longer than was reasonable for that purpose.

(2) Where a no stopping sign is erected on a side of a public street, a person shall not stop or park a motor vehicle or park a trailer on that side of the public street between the sign and the nearest intersection or junction of that public street and another public street or between the sign and another such no stopping sign, whichever is the closer, in the direction indicated by the arrow on the sign.

(3) Where a parking sign is erected on or near the boundary of the carriageway of a public street and the sign bears an inscription indicating the period of time for which parking is permitted, a person shall not park a motor vehicle or trailer in the part of the public street to which the sign relates for a period of time exceeding the period so indicated.

(3A) Where a parking sign is erected on or near the boundary of the carriageway of a public street and the sign bears an inscription indicating angle parking, a person shall not park a motor vehicle or trailer in the part of the public street to which the sign relates otherwise than at right angles to that boundary.

(4) Where a parking sign is erected on or near the boundary of the carriageway of a public street and the sign bears an inscription indicating that parking in the part of the public street to which the sign relates is reserved for motor vehicles included in a Class A class of motor vehicles, a person shall not—

- (a) park a motor vehicle in the part of the public street to which the sign relates unless the vehicle is included in that class of motor vehicles; or
- (b) park a trailer in the part of the public street to which the sign relates.

(5) Where a parking sign is erected on or near the boundary of the carriageway of a public street and the sign bears an inscription indicating that parking in the part of the public street to which the sign relates is reserved for motor vehicles included in a Class B class of motor vehicles, a person shall not—



- (a) park a motor vehicle in the part of the public street to which the sign relates unless there is affixed to the vehicle a label of a kind approved by the Registrar under subsection 150A (1) as the kind of label applicable to that class of motor vehicles; or
  - (b) park a trailer in the part of the public street to which the sign relates.
- (6)** A person shall not be taken to have contravened this section if—
- (a) the sign to which the subsection relates bears an inscription indicating—
    - (i) the times when parking or stopping is prohibited; or
    - (ii) the times when a vehicle may be parked in accordance with the sign; and
  - (b) a person stops or parks a motor vehicle or parks a trailer in the part of the public street to which the sign relates otherwise than at a time so indicated.

### **Bus stops**

**153. (1)** A person shall not stop or park a motor vehicle, other than a motor omnibus, or park a trailer so that any part of it is within an omnibus stopping place.

**(2)** A person shall not park a motor vehicle other than a local services motor omnibus, or park a trailer, so that any part of it is within a local services omnibus stopping place.

### **Taxis and private hire cars**

**154. (1)** A person shall not stop or park a motor vehicle, other than a taxi, or park a trailer so that any part of it is within a taxi rank.

**(2)** Subject to this section, the driver of a taxi shall not park the taxi in a public street, elsewhere than in a taxi rank, for a period exceeding 30 minutes.

**(3)** Subject to this section, the driver of a private hire car shall not park the private hire car in a public street for a period exceeding 30 minutes.

**(4)** A person shall not be taken to have contravened subsection (2) or (3) if—

- (a) the taxi or private hire car was hired during the period for which it was parked;

- (b) the driver of the taxi or the private hire car was, during the period for which it was parked, waiting to take up a person who had hired it before the commencement of that period; or
- (c) the taxi or private hire car was so parked by or at the direction, or with the consent, of a member of the Police Force in uniform or an officer in the execution of his duty.

### **Parking in public places**

**155. (1)** Where a no parking sign bearing an arrow is erected, placed or displayed in a public place, a person shall not park a motor vehicle or trailer in the part of the public place to which the sign relates.

**(2)** Where a no parking sign is erected, placed or displayed in a part of a public place and the sign bears an inscription indicating the area within which parking is prohibited, a person shall not park a motor vehicle or trailer within the area indicated by the sign.

**(2A)** Where a no stopping sign is erected, placed or displayed in a part of a public place and the sign bears an inscription indicating the area within which stopping is prohibited, a person shall not stop or park a motor vehicle or park a trailer within the area indicated by the sign.

**(3)** Where a parking sign bearing an arrow is erected, placed or displayed in a public place and an inscription on the sign indicates a period of time for which parking is permitted in the part of the public place to which the sign relates, a person shall not park a motor vehicle or trailer in that part of the public place for a period exceeding the period so indicated.

**(4)** Where a parking sign is erected, placed or displayed in a public place and the sign bears an inscription indicating that parking in the part of the public place to which the sign relates is reserved for motor vehicles included in a Class A class of motor vehicles, a person shall not—

- (a) park a motor vehicle in the part of the public place to which the sign relates unless the vehicle is included in that class of motor vehicle; or
- (b) park a trailer in the part of the public place to which the sign relates.

**(5)** Where a parking sign is erected, placed or displayed in a public place and the sign bears an inscription indicating that parking in the part of the public place to which the sign relates is reserved for motor vehicles included in a Class B class of motor vehicles, a person shall not—

- (a) park a motor vehicle in the part of the public place to which the sign relates unless there is affixed to the vehicle a label of a kind approved by the Registrar under subsection 150A (1) as the kind of label applicable to that class of motor vehicles; or
  - (b) park a trailer in the part of the public place to which the sign relates.
- (6)** A person shall not be taken to have contravened this section if—
- (a) the sign to which the subsection relates bears an inscription indicating—
    - (i) the times when parking or stopping is prohibited; or
    - (ii) the times when a vehicle may be parked in accordance with the sign; and
  - (b) a person stops or parks a motor vehicle or parks a trailer in the part of the public place to which the sign relates otherwise than at a time so indicated.

**Off-street parking and loading-zones—further regulation**

**156.**

**(3)** If a part of an off-street parking area or loading area is marked off by road markings into bays for the parking of vehicles, a person shall not park a motor vehicle or trailer in that part of that area—

- (a) elsewhere than within 1 of those bays; or
- (b) so that any part of the vehicle or trailer is upon or across such a road marking.

**Parking in loading zones**

**157. (1)** A person shall not—

- (a) stop or park a motor vehicle, other than a goods vehicle being used in the course of the owner's business; or
- (b) park a trailer;

so that any part of it is within a loading zone.

**(2)** A person shall not park a goods vehicle in a loading zone for a length of time that exceeds—

- (a) if a loading zone sign that relates to the loading zone indicates a length of time—
  - (i) the length of time indicated on the sign; or
  - (ii) the length of time during which goods are being loaded onto, or unloaded from, the vehicle;whichever is the shorter; or
- (b) in any other case—the length of time during which goods are being loaded onto, or unloaded from, the vehicle.

(3) A person shall not park a certified vehicle in a loading zone except in accordance with the certificate.

(4) A person shall not park a certified vehicle in a loading zone unless the vehicle has the label last issued under section 150 in respect of the vehicle affixed to the vehicle in the manner in which, in accordance with regulations 18 and 20 of the Motor Traffic Regulations, a registration label would be required to be affixed to the vehicle.

(5) A person shall not, except in accordance with a permit, place an object in a loading zone in such a position, in such a condition, or in such circumstances, as to be likely to cause danger, destruction or unreasonable inconvenience to other persons using or intending to use the loading zone.

#### **Other parking etc. offences**

**158. (1)** A person shall not stop or park a motor vehicle or park a trailer—

- (a) on a public street, if any part of another vehicle is between it and the left hand boundary of the carriageway of the public street;
- (b) upon the carriageway of a public street, off-street parking area or loading area so that any part of the motor vehicle is alongside a road marking comprising a kerb of the public street, off-street parking area or loading area that is coloured red;
- (d) across any passage, thoroughfare, entrance-driveway or footcrossing;
- (ea) without lawful authority or excuse, upon a traffic island or upon an area of land separating 2 adjacent one way traffic carriageways provided for vehicles travelling in opposite directions;
- (f) within an intersection of a public street with another public street, or within any part of a junction of 2 public streets except immediately

adjacent to the part of the boundary of the through public street that is opposite to the joining public street;

- (h) upon, or within 6 metres of, a bridge;
  - (i) on a pedestrian crossing;
  - (j) within 6 metres of a pedestrian crossing;
  - (k) upon a public street between 2 traffic signs, placed on the public street for the purpose of a school crossing as provided in section 127, or within 15 metres of such a traffic sign;
  - (m) so that it obscures a traffic sign; or
  - (n) upon a public street or public place, in such a position, in such a condition, or in such circumstances, as to be likely to cause danger, obstruction or unreasonable inconvenience to other persons using the public street or public place.
- (2) A person shall not stop or park a motor vehicle or park a trailer—
- (a) on that part of the carriageway of a public street immediately adjoining an area in the public street reserved by a traffic sign for angle parking;
  - (b) on a public street nearer than 1 metre to another motor vehicle upon the public street;
  - (c) where a kerb is constructed on the boundary of the carriageway of a public street—upon a part of the public street other than the carriageway of the public street or a part reserved for parking by a traffic sign; or
  - (d) upon a public street alongside or opposite to a street excavation or obstruction.

### **Parking infringements—liability**

**159. (1)** Except as provided in this section, where a parking infringement occurs, the owner of the motor vehicle at the time of the occurrence of the parking infringement shall be deemed to have committed the parking infringement, whether or not he or she in fact committed the parking infringement.

**(1A)** Where a parking infringement occurs and, at the time of the occurrence of the infringement, the motor vehicle is unregistered, the person

whose name is last recorded as the registered owner in the record of registration of the vehicle shall be deemed to have committed the parking infringement, whether or not he or she in fact committed the infringement.

**(1B)** If the driver of a motor vehicle owned by the Territory or the Commonwealth does, or omits to do, an act in relation to the motor vehicle that constitutes a parking infringement, the driver of the motor vehicle is solely liable in respect of that infringement.

**(1C)** Where a registered motor vehicle is sold or disposed of, and the former owner has completed and furnished to the Registrar a notice of disposal in accordance with a form supplied by the Registrar then, in respect of any parking infringement committed in respect of the motor vehicle which occurs on or after the date of sale or disposal specified in the notice, the person named in that notice as the person to whom the motor vehicle was sold or disposed shall, for the purposes of subsections 159 (1) and (1A), be deemed to be the owner of the motor vehicle.

**(2)** Nothing in this section affects the liability of an actual infringer other than the owner of the motor vehicle, but the owner and the actual infringer shall not both be liable for the same parking infringement.

**(3)** The owner of a motor vehicle shall not be deemed to have committed a parking infringement if the motor vehicle was, at the time of the alleged parking infringement, stolen or illegally taken or used.

**(4)** The owner of a motor vehicle shall not, by virtue of this section, be deemed to have committed a parking infringement if, within 14 days after the date of a parking infringement notice served under section 162 or a notice served under section 162A, the owner furnishes to the Registrar a statutory declaration made by the owner stating—

- (a) that it is made for the purposes of this section;
- (b) that he or she was not in charge of the motor vehicle at the time of the alleged parking infringement; and
- (c) the name and address of the person who was in charge of the motor vehicle at that time.

**(5)** Where the owner of a motor vehicle is a body corporate, the body corporate shall not, by virtue of this section, be deemed to have committed a parking infringement if, within 14 days after the date of a parking infringement notice served under section 162 or a notice served under section 162A, a director, manager or secretary of the body corporate furnishes to the Registrar a statutory declaration made by him or her stating—

- (a) that it is made for the purposes of this section;
- (b) that the motor vehicle was not being used for the purposes of the body corporate at the time of the alleged parking infringement; and
- (c) the name and address of the person who was in charge of the motor vehicle at that time.

(6) Where a parking infringement notice has been served under section 162 or a notice served under section 162A on the owner of a motor vehicle in respect of an alleged parking infringement, the owner may, within 14 days after the date of the notice furnish to the Registrar a statutory declaration made by the owner or by some person having knowledge of the facts stating—

- (a) that it is made for the purposes of this section;
- (b) that the owner was not in charge of the motor vehicle at the time of the alleged parking infringement;
- (c) that he or she has not been able to ascertain who was in charge of the motor vehicle at that time; and
- (d) the nature of the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the motor vehicle at that time.

(7) Where a parking infringement notice has been served under section 162 or a notice served under section 162A on a body corporate as the owner of a motor vehicle in respect of an alleged parking infringement, a director, manager or secretary of the body corporate may, within 14 days after the date of the notice, furnish to the Registrar a statutory declaration made by him or her or by some person having knowledge of the facts stating—

- (a) that it is made for the purposes of this section;
- (b) that to his or her knowledge, from the facts as set out in the statutory declaration, the motor vehicle was not being used for the purposes of the body corporate at the time of the alleged parking infringement;
- (c) that he or she has not been able to ascertain who was in charge of the motor vehicle at that time; and
- (d) the nature of the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the motor vehicle at that time.

(8) In proceedings in respect of a parking infringement against the owner of a motor vehicle who has furnished a statutory declaration under subsection (6), the Court shall not find the owner liable for the parking infringement if it is satisfied (whether on the statement contained in the statutory declaration or otherwise) that—

- (a) the owner was not in charge of the motor vehicle at the time of the alleged parking infringement; and
- (b) the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the motor vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence.

(9) In proceedings in respect of a parking infringement against a body corporate that is the owner of a motor vehicle and in respect of which a statutory declaration has been furnished under subsection (7), the Court shall not find the body corporate liable for the parking infringement if it is satisfied (whether on the statements contained in the statutory declaration or otherwise) that—

- (a) the motor vehicle was not being used for the purposes of the body corporate at the time of the alleged parking infringement; and
- (b) the inquiries made for the purpose of ascertaining the name and the address of the person who was in charge of the motor vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence.

### **Liability**

**160.** A person on whom a parking infringement notice is served is liable to pay to the Registrar, within 28 days after the date of the notice, the prescribed penalty for the parking infringement.

### **Evidence of registration of motor vehicle**

**161. (1)** For the purposes of this Part, a document issued—

- (a) by the Registrar; or
- (b) by an officer having duties in connexion with the registration of motor vehicles in a State or in the Northern Territory,

bearing his or her written, stamped or printed signature and stating 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 is evidence of the matters stated in the document.



(2) In proceedings in respect of a parking infringement, a document purporting to be a document referred to in subsection (1) and purporting to be signed by the Registrar or an officer referred to in that subsection 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 or she was the Registrar or the officer.

**Parking infringement notices**

**162. (1)** Where a member of the Police Force or an officer has reason to believe that a parking infringement has been committed in respect of a motor vehicle, he or she may serve or cause to be served a parking infringement notice in accordance with this section.

(2) A parking infringement notice may be served—

- (a) by serving the notice personally on the person who appears to have committed the parking infringement or on any person who is driving, or appears to be in charge of, the motor vehicle;
- (b) by securely placing or affixing the notice upon the motor vehicle in a conspicuous position; or
- (c) by serving the notice on the owner of the motor vehicle personally or by post or by leaving it at his or her last-known place of residence or business with a person apparently over the age of 16 years and apparently an occupant of or employed at that place.

(3) Where a parking infringement notice is to be served by post on the owner of a motor vehicle, it may be addressed to the owner—

- (a) at his or her last-known place of residence or business;
- (b) in the case of the owner of a motor vehicle registered under the law of a State or of the Northern Territory relating to the registration of motor vehicles—at the latest address of the owner in the record of registration of the motor vehicle; or
- (c) in the case of a person whose name is specified in a statutory declaration furnished in accordance with subsection 159 (4) or (5)—at the address shown in the statutory declaration.

(4) In the case of a parking infringement notice that is served by placing or affixing the notice upon a motor vehicle, the notice shall be addressed to “the owner” of the motor vehicle without further description of the owner, and in

every other case the notice shall have clearly shown on its face the full name, or surname and initials, and address of the person on whom it is served.

- (5) A parking infringement notice shall—
- (b) clearly specify the day, time and place of the alleged parking infringement;
  - (c) clearly indicate the nature of the alleged parking infringement;
  - (d) contain a notification to the person on whom it is served that—
    - (i) if the infringer pays the prescribed penalty for the alleged parking infringement within 28 days after the date of the notice no further action will be taken in respect of the infringement;
    - (ii) if the infringer does not pay the prescribed penalty for the parking infringement or take action of the kind referred to in subparagraph (iii) or (vi), he or she shall incur liability for the administrative charge in addition to the prescribed penalty for the parking infringement;
    - (iii) if the infringer wishes to dispute liability for the alleged parking infringement he or she must give the Registrar notice in writing to that effect within 28 days after the date of the notice;
    - (iv) if liability is disputed, the matter may be referred to the Court for determination;
    - (v) if liability is disputed and the Court finds against the infringer, he or she will be liable to pay the prescribed penalty, the administrative charge and Court costs; and
    - (vi) if, when the alleged parking infringement occurred, the owner was not the driver of the motor vehicle he or she may lodge a statutory declaration with the Registrar to that effect within 28 days after the date of the notice; and
  - (e) clearly specify the place at which, and the manner in which, the prescribed penalty for the parking infringement may be paid.

(7A) In proceedings in respect of a parking infringement, a certificate signed by the Registrar or a Deputy Registrar and stating that a parking infringement notice, a copy of which is attached to the certificate, was, on the date specified in the certificate, duly served by securely placing the notice or

affixing the notice, as the case may be, in a conspicuous position upon the motor vehicle specified in the certificate is evidence of the matters so stated.

(8) Nothing in this section prevents the service of more than 1 parking infringement notice in respect of the same parking infringement, but it is sufficient for the application of section 162B to a person on whom more than 1 such notice has been served for that person to pay the relevant penalty in accordance with any 1 of the notices so served on him or her.

(9) Where the amount of the prescribed penalty for a parking infringement is paid by cheque, payment shall be deemed not to be made unless and until the cheque is honoured upon presentation.

**Final notice—non-payment of penalty**

**162A. (1)** Where—

- (a) a parking infringement notice has been served under section 162; and
- (b) the person on whom it is served fails—
  - (i) to pay the prescribed penalty for the parking infringement;
  - (ii) to furnish a statutory declaration in accordance with section 159; or
  - (iii) to lodge a notice under subsection 162C (1);

the person is liable to pay to the Registrar, within 14 days after the date of service by the Registrar of a notice in accordance with this section, the sum of the prescribed penalty for the parking infringement and the administrative charge.

(3) A notice under this section shall contain a notification to the person on whom it is served that—

- (a) the infringer has not paid the prescribed penalty for the alleged parking infringement to which the notice relates;
- (b) if the prescribed penalty for the alleged parking infringement and the administrative charge is paid within 14 days after the date of the notice, no further action will be taken against the infringer in respect of the alleged parking infringement;
- (c) if the prescribed penalty for the alleged parking infringement and the administrative charge are not paid in accordance with the notice, the Registrar will, on a date specified in the notice, suspend—

- (i) the infringer's driving licence;
- (ii) the registration of the motor vehicle in respect of which the alleged parking infringement occurred;
- (iii) the infringer's right to drive in the Territory; or
- (iv) the right to drive in the Territory the motor vehicle in respect of which the alleged parking infringement occurred;

as the case requires;

- (d) if the infringer wishes to dispute liability for the alleged parking infringement he or she must give the Registrar notice in writing to that effect within 14 days after the date of the notice;
- (e) if liability is disputed, the matter may be referred to the Court for determination;
- (f) if liability is disputed and the Court finds against the infringer, he or she will be liable to pay the prescribed penalty for the parking infringement, the administrative charge and Court costs; and
- (g) if, when the alleged parking infringement occurred, the owner was not the driver of the motor vehicle he or she may lodge a statutory declaration with the Registrar to that effect within 14 days after the date of notice.

**(4)** If a person on whom a notice under this section is served furnishes a statutory declaration under subsection 159 (4) or (5) naming another person as being in charge of the motor vehicle at the time of the alleged parking infringement to which the notice relates, the Registrar shall not take action under this Part in relation to that other person until a notice under this section is served on that other person.

**(5)** A notice under this section may be served—

- (a) by serving the notice on the owner of the motor vehicle personally or by post or by leaving it at his or her last-known place of residence or business with a person apparently over the age of 16 years and apparently an occupant of or employed at that place; or
- (b) if the owner of a motor vehicle has furnished a statutory declaration in accordance with subsection 159 (4) or (5)—by serving the notice personally or by post on the person whose name is specified in the statutory declaration as being in charge of the motor vehicle at the time of the alleged parking infringement or by leaving it at his or her

last-known place of residence or business with a person apparently over the age of 16 years and apparently an occupant of or employed at that place.

(6) Subsection 162 (3) applies in relation to the service of a notice under this section in the same way it applies to the service of a parking infringement notice.

### **Discharge of liability**

**162B.** Where a parking infringement notice under section 162, or a notice under section 162A, has been served on a person, and, before the expiration of the period of 28 or 14 days, respectively, after the date of the relevant notice or within such further time (not exceeding 28 days) as the Registrar, whether before or after the expiration of that period, allows, the prescribed penalty for the infringement, or the prescribed penalty and the administrative charge, as the case requires, is paid in accordance with the relevant notice or if the relevant notice is withdrawn—

- (a) any liability of a person in respect of the alleged parking infringement shall be deemed to be discharged; and
- (b) no further proceedings shall be taken in respect of the infringement.

### **Disputing liability under parking infringement notice or final notice**

**162C. (1)** A person on whom a parking infringement notice under section 162, or a notice under section 162A, is served, may, by notice in writing lodged with the Registrar within 28 or 14 days, respectively, after the date of the notice, dispute liability for the alleged parking infringement to which the notice relates.

(2) A notice under subsection (1) shall set out the grounds on which the person relies.

### **Disputed notices—application to Court for declaration**

**162D. (1)** If a person on whom a parking infringement notice under section 162, or a notice under section 162A, is served, within 28 or 14 days, respectively, after the date of the notice—

- (a) furnishes to the Registrar a statutory declaration under section 159; or
- (b) lodges a notice under subsection 162C (1);

the Registrar may, before the end of the period of 60 days after the furnishing of the statutory declaration or the lodgment of the notice under subsection 162C

(1) (as the case requires), apply to the Court for a declaration that the person is liable to pay the Registrar the prescribed penalty for the parking infringement or the prescribed penalty for the parking infringement and the administrative charge, as the case requires, to which the notice relates.

(2) An application under subsection (1) shall be accompanied by a copy of any statutory declaration furnished under section 159 in respect of the parking infringement.

(3) Where a person referred to in subsection (1) disputes liability, and before the hearing of proceedings in respect of the alleged parking infringement commence the person wishes to pay to the Registrar the prescribed penalty for the parking infringement, the person is liable to pay to the Registrar the sum of—

- (a) the prescribed penalty for the parking infringement;
- (b) the administrative charge; and
- (c) the disbursements (if any) incurred by the Registrar, including any fee paid on the lodgment of an application under subsection (1).

(4) Where a person referred to in subsection (1) pays the sum referred to in subsection (3), the Registrar shall discontinue the proceedings in respect of the parking infringement.

(5) If the Registrar does not make application to the Court under subsection (1) within the period referred to in that subsection, the Registrar shall notify the person referred to in that subsection that no further action will be taken in relation to that person in respect of the parking infringement.

### **Suspension of licences, registration etc.**

**162E. (1)** Where—

- (a) a person on whom a notice under section 162A has been served fails to pay to the Registrar the prescribed penalty for the parking infringement and the administrative charge in accordance with the notice;
- (b) a person on whom a parking infringement notice under section 162 and a notice under section 162A is served, fails within 28 or 14 days, respectively, after the date of the notice—
  - (i) to furnish to the Registrar a statutory declaration under section 159; or

- (ii) to lodge a notice under subsection 162C (1);

in accordance with the notice served;

- (c) on application to the Court by the Registrar under subsection 162D (1), the Court makes the declaration sought and the person fails to comply with the declaration within 14 days after the date of the declaration or such further time as the Court allows; or
- (d) pursuant to an order under subsection 147A (2), 150A (1) or 150B (1) of the *Magistrates Court Act 1930*, a copy of the conviction or order has been forwarded to the Registrar;

the Registrar shall—

- (e) if the infringer or the person against whom that conviction or order is made is a natural person and, at the time the Registrar takes action under this subsection, the person—
  - (i) is licensed in the Territory—suspend any driving licence issued to that person;
  - (ii) is not licensed in the Territory but the motor vehicle in respect of which the infringement occurred is registered in the Territory in the name of the infringer—suspend the registration of that motor vehicle;
  - (iii) is not licensed in the Territory and the motor vehicle in respect of which the infringement occurred is not registered in the Territory—suspend the person's right to drive a motor vehicle in the Territory or suspend the right to drive that motor vehicle in the Territory; or
  - (iv) is not licensed in the Territory and the motor vehicle in respect of which the infringement occurred is owned by the Territory or the Commonwealth—suspend the person's right to drive a motor vehicle in the Territory; or
- (f) if the infringer or the person against whom that conviction or order is made is a body corporate and, at the time the Registrar takes action under this subsection—
  - (i) the motor vehicle is registered in the Territory—suspend the registration of that motor vehicle; or

- (ii) if the motor vehicle is not registered in the Territory—suspend the right to drive that motor vehicle in the Territory.

(2) A person whose licence to drive in the Territory, or the registration in the Territory of his or her vehicle, has been suspended under subsection (1), is not entitled to a refund of fees for the remaining period for which the licence or registration was granted.

(3) The Registrar shall not effect a suspension under subsection (1) unless, at least 10 days before the suspension takes effect, he or she notifies the person concerned, in writing, of the date on which the suspension is to take effect.

(4) A notice under subsection (3) shall be served by post on the person at his or her last known place of residence or business.

### **Effect of suspension**

**162EA.** The Registrar shall not—

- (a) issue a licence to a person; or
- (b) register a motor vehicle;

while the person's right to drive in the Territory or the right to drive that motor vehicle (as the case requires) is suspended under subsection 162E (1).

### **Cancellation of suspension**

**162F.** The Registrar shall cancel a suspension effected under subsection 162E (1) upon the payment of all amounts payable under section 162A or 162D (as the case requires) by the person or in respect of the motor vehicle concerned.

### **Statutory declarations—general**

**162G. (1)** The Registrar shall, at the request of the person who is named in a statutory declaration furnished under subsection 159 (4) or (5) as being the person in charge of a motor vehicle at the time of an alleged parking infringement, cause a copy of the statutory declaration to be made available to that person.

(2) An application under subsection (1) may be made orally or in writing.

(3) Where a person is named in a statutory declaration furnished under subsection 159 (4) or (5) as being the person who is in charge of a motor vehicle at the time of an alleged parking infringement, the statutory declaration



is admissible in evidence in proceedings in respect of that infringement, and is evidence that the person was in charge of the motor vehicle at that time.

(4) In proceedings in respect of a parking infringement, a document purporting to be a statutory declaration furnished under subsection 159 (4) or (5) shall, unless the contrary is shown, be taken to be such a statutory declaration, duly made and furnished.

### **Reinstatement of licences, registration etc.**

**162H. (1)** A person—

- (a) whose licence to drive in the Territory, or the registration in the Territory of whose vehicle, has been suspended under this Part; or
- (b) in respect of whom, or in respect of whose motor vehicle, a suspension under subparagraph 162E (1) (e) (iii) or (iv) or (f) (ii) is in force;

may apply to the Court for a declaration that he or she is not liable in respect of the parking infringement.

(2) For the purposes of subsection (1), the onus of proving that a parking infringement occurred is on the Registrar.

(3) The Court may, on sufficient cause being shown, make or refuse to make the declaration sought.

(4) Where—

- (a) the Court makes the declaration sought under subsection (1); or
- (b) pursuant to section 23 of the *Magistrates Court Act 1930* a conviction or order of that Court for a parking offence, within the meaning of Division 2 of Part IX of that Act, is set aside;

the Registrar shall, subject to subsection (5), by notice in writing served on the applicant, cancel the relevant suspension.

(5) The Registrar shall not take action under subsection (4) or in pursuance of an order under subsection 23 (7A) of the *Magistrates Court Act 1930* if the Registrar is satisfied that, if a suspension under subsection 162E (1) were not in force, there exists a ground on which the Registrar may—

- (a) suspend the licence or registration under this Act; or
- (b) suspend a person's right to drive in the Territory, suspend the right to drive the motor vehicle in the Territory, or suspend the person's right

to drive in the Territory and the right to drive the motor vehicle in the Territory, as the case requires.

- (6) Where the suspension of—
- (a) a person's licence; or
  - (b) the registration of a motor vehicle;

is cancelled under subsection (4), the person shall be taken for all purposes to have been licensed or the motor vehicle to have been registered (as the case requires), during the period between the date of the suspension and the date of its cancellation.

(7) Where a suspension under section 162E is cancelled pursuant to subsection (4) then—

- (a) in the case of a suspension under subparagraph 162E (1) (e) (iii) or (iv)—the person shall be taken for all purposes to have been deemed to be licensed to drive a motor vehicle in pursuance of subsection 107 (1) during the period for which the suspension was in force; and
- (b) in the case of a suspension under subparagraph 162E (1) (e) (iii) or (f) (ii)—the motor vehicle shall be taken for all purposes to have been a visiting motor vehicle during the period for which the suspension was in force.

(8) A person aggrieved by a decision of the Registrar under subsection (5) may apply to the Court for an order setting aside the decision.

(9) The Court may, on sufficient cause being shown, affirm or set aside the decision of the Registrar under subsection (5).

(10) The Registrar shall be the respondent to an application under this section.

**Bodies corporate—recovery of penalties etc.**

**162J. (1)** Where a suspension is in force under subparagraph 162E (1) (f) (ii), an amount payable by the body corporate under section 162A, 162D or 162K may be recovered as a debt due to the Territory.

(2) Where the amount referred to in subsection (1) is recovered, the Registrar shall cancel the suspension under subparagraph 162E (1) (f) (ii).

**Costs of applications to Court**

**162K.** Unless the Court otherwise orders—

- (a) if the Court makes a declaration sought under section 162D, the respondent shall pay the costs of the Registrar;
- (b) if the Court refuses to make a declaration sought under section 162D, the Registrar shall pay the costs of the respondent;
- (c) if the Court makes a declaration sought under section 162H, the Registrar shall pay the costs of the applicant; and
- (d) if the Court refuses to make a declaration sought under section 162H, the applicant shall pay the costs of the Registrar.

**Evidentiary provision—general**

**162L. (1)** In proceedings in respect of a parking infringement in respect of which a parking infringement notice under section 162, or a notice under section 162A, has been served, a certificate signed by the Registrar or a Deputy Registrar and stating—

- (a) that the Registrar did not allow further time, under section 162B, for the payment of the prescribed penalty in respect of the parking infringement, or the prescribed penalty for the parking infringement and the administrative charge, as the case requires; and
- (b) that the prescribed penalty in respect of the parking infringement, or the prescribed penalty for the parking infringement and the administrative charge, as the case requires, was not paid in accordance with the notice;

is evidence of the matter so stated.

**(2)** In proceedings in respect of a parking infringement in respect of which a parking infringement notice under section 162, or a notice under section 162A, has been served, a certificate signed by the Registrar or a Deputy Registrar and stating—

- (a) that the Registrar allowed, under section 162B, the further time specified in the certificate for the payment of the prescribed penalty in respect of the parking infringement, or the prescribed penalty for the parking infringement and the administrative charge, as the case requires; and
- (b) that the prescribed penalty in respect of the parking infringement, or the prescribed penalty for the parking infringement and the administrative charge, as the case requires, was not paid in accordance with the notice or within the further time allowed by the Registrar for the purposes of section 162B;

is evidence of the matter so stated.

- (3) For the purposes of subsection 162 (7A) and subsections (1) and (2)—
- (a) a document that purports to have been signed by the Registrar shall be taken to have been so signed unless the contrary is proved; and
  - (b) a document that purports to have been signed by a Deputy Registrar shall be taken to have been so signed unless the contrary is proved.

#### **Applications—how made**

**162M.** An application under section 162D or 162H shall be made pursuant to subsection 20 (2) of the *Magistrates Court (Civil Jurisdiction) Act 1982*.

#### **Bar to criminal proceedings**

**163.** A criminal proceeding does not lie against a person for a contravention of section 151, 152, 153, 154, 155, 156, 157, 158, 163D, 163E, 163F or 163M.

#### **Authorisation of voucher machines and parking meters**

**163B.** The Minister may, by instrument, authorise the installation of—

- (a) a voucher machine in or near a public place or public street; or
- (b) a parking meter in or near a designated parking place.

#### **Parking fees**

**163C. (1)** A parking meter shall be so adjusted that—

- (a) upon payment of the determined fee by a method specified on the parking meter, the meter will display a sign bearing the word “expired” at the end of a period that is not less than the specified period; and
- (b) upon payment of an amount equal to a multiple of the determined fee by a method specified on the parking meter, the meter will display a sign bearing the word “expired” at the end of a period that is not less than the period calculated by multiplying the specified period by the same multiplier that the determined fee is multiplied by to derive that amount.

(2) A voucher machine shall be adjusted so that, upon payment of the determined fee by a method specified on the machine, 1 parking voucher is issued for a specified period.

(3) When, pursuant to section 217A, the Minister, by notice in the *Gazette*, determines a fee for the purposes of subsection (1) or (2), the Minister may, in that notice, specify a period for the purposes of that subsection.

(4) In subsections (1) and (2), “specified period” means the period specified pursuant to subsection (3).

### **One vehicle to be parked on designated parking place**

**163D.** During controlled parking hours, a person shall not cause a motor vehicle or trailer to stand or be parked upon a designated parking place in which another vehicle or trailer is standing or parked.

### **Purchase and display of vouchers**

**163E. (1)** A person shall not, during controlled parking hours, permit a motor vehicle or trailer to stand or be parked upon a public place or public street in or near which a voucher machine is installed unless the standing or parking of the vehicle or trailer is authorised by a parking voucher—

- (a) which—
  - (i) has issued from that machine; or
  - (ii) has been issued by the Registrar; and
- (b) which is displayed on the vehicle or trailer.

(2) A person shall not, during controlled parking hours, permit a motor vehicle or trailer to stand or be parked upon a public place or public street in or near which a voucher machine is installed after the expiration of the period during which the parking or standing of the vehicle or trailer upon that place or street is authorised by a parking voucher.

(3) A parking voucher authorises the standing or parking of a motor vehicle or trailer upon a public place or public street (not being a designated parking place in or near which a parking meter is installed) on the date shown on the voucher until—

- (a) the expiration of the relevant period specified under subsection 163C (3) commencing at the time shown on the voucher as its time of issue; or
- (b) the time shown on the voucher has its time of expiry;

as the case requires.

(4) Where, before the expiration of the period for which the standing or parking of a motor vehicle or trailer upon a public place or public street by a person is authorised by a parking voucher, a further parking voucher is obtained by that person, subsection (3) applies as if the further voucher had been obtained on that expiration and it showed a time of issue or of expiry accordingly.

(5) For the purpose of subsection (1), a parking voucher shall be deemed not to be displayed on a motor vehicle (not being a motor cycle) unless the voucher is so placed against the interior of a windscreen or window of the vehicle that all writing and imprinted words, figures and symbols appearing on the side of the voucher bearing the date and time of issue or expiry of the voucher are capable of being clearly read by a person standing beside the vehicle.

(6) For the purpose of subsection (1), a parking voucher shall be deemed not to be displayed on a motor cycle or trailer unless the voucher is so attached to the motor cycle or trailer that all writing and imprinted words, figures and symbols appearing on the side of the voucher bearing the date and time of issue or expiry are capable of being clearly read by a person standing beside the motor cycle or the trailer, as the case may be.

(7) A person shall not be taken to have contravened subsection (1) if he or she displayed on the motor vehicle or trailer concerned a parking voucher or parking vouchers in accordance with this section and took reasonable steps to ensure that the voucher or vouchers remained so displayed.

### **Expired parking meter**

**163F.** (1) Subject to subsection (2), a person shall not, during controlled parking hours, permit a motor vehicle or trailer to stand or be parked upon a designated parking place in or near which a parking meter is installed while a sign bearing the word “expired” is displayed in the parking meter.

(2) Where—

- (a) a person stands or parks a motor vehicle or trailer upon a designated parking place during controlled parking hours;
- (b) at the time of the standing or parking of the vehicle there is displayed in a parking meter installed in or near the designated parking place a sign bearing the word “expired”; and
- (c) the person forthwith upon standing or parking the vehicle inserts or causes to be inserted in that parking meter a coin or coins of a denomination specified on the parking meter,

that person shall not be taken to have contravened subsection (1) if he or she initially caused the vehicle or trailer to stand or be parked upon that designated parking place while a sign bearing the word “expired” was displayed in that parking meter.

(3) This section does not apply in relation to a parking meter that is, with the authority of the Minister, fitted with a parking meter hood.

### **Interference with displayed parking vouchers**

**163G.** A person shall not interfere with or remove a parking voucher that is in or on a motor vehicle or trailer standing or parked in a public place or public street unless—

- (a) he or she is the owner of the vehicle or trailer;
- (b) he or she obtained the voucher;
- (c) the voucher was obtained on his or her behalf; or
- (d) he or she is acting with the authority of the owner of the vehicle or trailer or the person by whom, or on whose behalf, the voucher was obtained.

Penalty: \$50.

### **Abuse of parking meters and voucher machines**

**163H. (1)** A person shall not—

- (a) operate a parking meter or a voucher machine otherwise than in accordance with the instructions (if any) affixed to, or appearing on, the meter or machine, as the case may be;
- (b) insert, or cause to be inserted, in a parking meter or a voucher machine anything other than a coin or coins of the denomination or denominations specified on the meter or voucher machine, as the case may be; or
- (c) insert, or cause to be inserted, in a parking meter or a voucher machine a bent or damaged coin.

Penalty: \$50.

(2) A person shall not do an act that is calculated or likely to interfere with the operation of a parking meter or voucher machine.

Penalty: \$100.

### **Unauthorised installation of or interference with parking meters and voucher machines etc.**

**163J.** A person shall not, except with the authority of the Minister—

- (a) install or place, in or near a public street or off-street parking area, a device that so nearly resembles a parking meter or voucher machine as to be reasonably capable of being mistaken for a parking meter or voucher machine, as the case may be; or
- (b) attach or affix anything to, place anything upon or stand anything against a parking meter or a voucher machine.

Penalty: \$50.

#### **Unauthorised removal of parking meters etc.**

**163K.** A person shall not, except with the authority of the Minister, remove, move, damage, deface, paint, write upon, obscure, or otherwise interfere with a parking meter or a voucher machine.

Penalty: \$200.

#### **Evidence of authorised installation of parking meters and voucher machines**

**163L. (1)** Evidence that a voucher machine was installed in or near a public place or public street is evidence that it was so installed with the authority of the Minister.

**(2)** Evidence that a parking meter was installed in or near a designated parking place is evidence that it was so installed with the authority of the Minister.

#### **Presumption regarding parking meter hoods**

**163LA.** Where, in a prosecution for an offence against this Part, it is established that a parking meter was fitted with a parking meter hood, it shall be presumed that the hood was fitted with the authority of the Minister, but that presumption is rebuttable.

#### **Covering of parking meters**

**163M.** A person shall not permit a motor vehicle or trailer to stand or be parked upon a designated parking place in or near which a parking meter is installed if the parking meter is, with the authority of the Minister, fitted with a parking meter hood bearing the words, “NO PARKING”.

#### **Unauthorised removal of parking meter covers**

**163MA.** A person shall not, without the authority of the Minister, remove a parking meter hood from a parking meter.



Penalty: \$50.

### **Authorised removal of parking meter hoods**

**163MB.** Where—

- (a) a parking meter hood bears the words “FREE PARKING—TIME LIMIT APPLIES” is removed from a parking meter by a person acting with the authority of the Minister; and
- (b) at the time the hood is removed there is a motor vehicle or trailer standing or parked on the designated parking place in or near which the parking meter is installed,

the person shall set the meter in operation so that it will display a sign bearing the word “expired” at the expiration of the maximum period for which the meter could operate upon the insertion of coins on any 1 occasion.

### **Suspension of operation of certain provisions**

**163N. (1)** If, for any reason, the Minister is satisfied that the operation of any provision of section 151, 152, 153, 154, 155, 156, 157, 158, 163D, 163E or 163F is likely to cause excessive inconvenience to members of the public he or she may, by instrument in writing, suspend the operation of that provision for such period, not exceeding 7 days, and in respect of such place or places, as are specified in the instrument.

**(2)** The Minister may, at any time, by instrument in writing, revoke an instrument under subsection (1) and, where such an instrument is revoked the suspension effected by it shall cease to have effect on the day following the date on which the instrument is revoked.

### **Circumstances in which certain provisions not contravened**

**164. (1)** A person shall not be taken to contravene section 151, 152, 153, 154, 155, 157, 158, 163D, 163E, 163F or 163M if the person stops or parks a motor vehicle or trailer—

- (a) in order to avoid a contravention of this Act or the *Traffic Act 1937*; or
- (b) in order to carry out a manoeuvre of the motor vehicle that is required or is not prohibited by this Act or the *Traffic Act 1937*,

and the motor vehicle or trailer does not remain so stopped or parked for a period longer than is reasonable in the circumstances.

(2) A person shall not be taken to have contravened section 151 or paragraph 158 (a) if a motor vehicle the length of which does not exceed 6 metres is stopped or parked on a part of a public street between 2 traffic signs each inscribed with the words “CENTRAL PARKING” and the motor vehicle is so stopped or parked that—

- (a) the front of the motor vehicle faces 1 of the boundaries of the public street; and
- (b) other vehicles are not prevented from passing in front of and at the rear of the motor vehicle.

(3) Where an inscription appears on a no parking sign, no stopping sign, no loading zone sign or parking sign indicating the times when the prohibition or qualification on parking or stopping operates, a person shall not be taken to be in contravention of that prohibition or qualification if the times when the motor vehicle or trailer is stopped or parked in the part of the public street or public place to which the sign relates occur on a public holiday.

(3A) Sections 163E and 163F do not apply on a day that is a public holiday.

(4) A person shall not be taken to contravene section 151, 152, 153, 154, 155, 157, 158, 163D, 163E, 163F or 163M if the person stops or parks a motor vehicle—

- (a) owing to a breakdown or accident involving the motor vehicle or trailer; or
- (b) to the extent necessary to avoid impending danger or collision with a person, vehicle or animal.

(5) A person shall not be taken to contravene section 151, 152, 153, 154, 155, 157, 158 (other than paragraph (1) (f) or (i)), 163D, 163E, 163F or 163M if the person stops or parks a motor vehicle during a stoppage by reason of the nature of the traffic.

## **PART XA—SEAT BELTS AND CHILD RESTRAINTS**

### **Interpretation**

**164A. (1)** In this Part—

“applicable design rule” has the same meaning as in section 7A;

“Australian Standard 1754—1975” means Australian Standard “1754—1975”, as in existence from time to time;

“child” means a person who has not attained the age of 8 years;

“child restraint” means a device for restraining a child travelling in a motor vehicle in the event of the motor vehicle being involved in an accident;

“medical practitioner” means a person registered under the *Medical Practitioners Registration Act 1930*;

“passenger”, in relation to a vehicle, does not include the driver of the vehicle;

“prescribed vehicle” means a motor vehicle other than—

- (a) a motor cycle;
- (b) a motor omnibus; or
- (c) a motor vehicle the mass of which, together with the mass of the maximum load that the vehicle is designed to carry, exceeds 4.50 tonnes;

“young person” means a person who has attained the age of 8 years but has not attained the age of 14 years.

(2) A reference in this part to a seat belt shall be read as a reference to a seat belt of any kind, whether or not it complies with an applicable design rule.

#### **Wearing of seat belt by driver of prescribed vehicle**

**164B.** Subject to this Part, if, at any time while a prescribed vehicle the driving position of which is fitted with a seat belt is being driven forward, or has its engine running, on a public street, the person occupying the driving position of the vehicle does not have that seat belt securely fastened around him or her or, having it fastened around him or her, does not have it appropriately adjusted, that person is guilty of an offence.

#### **Wearing of seat belts by passengers in prescribed vehicles**

**164C. (1)** This section applies to a passenger who has attained the age of 14 years.

(2) Subject to this Part, if, at any time while a prescribed vehicle is being driven, or has its engine running, on a public street—

- (a) a passenger to whom this section applies is occupying a position in the vehicle, being a position that is equipped with a seat belt, and that seat belt is not securely fastened around him or her or, being fastened around him or her, is not appropriately adjusted; or

- (b) a passenger to whom this section applies is occupying a position in the vehicle, being a position that—
  - (i) is not equipped with a seat belt; and
  - (ii) is abreast of another position in the vehicle that is so equipped and is not occupied,

that passenger is guilty of an offence.

### **Children and young persons**

**164D.** A person shall not drive a motor vehicle on a public street if—

- (a) a child in the vehicle is not restrained by a child restraint;
- (b) a young person, or a child who is not restrained by a child restraint, in the vehicle is not restrained by a seat belt; or
- (c) a child in a vehicle occupies a position abreast of the driving position—
  - (i) being a position that is equipped with a child restraint—while there is an unoccupied position to the rear that is, or that could be, equipped with a child restraint;
  - (ii) being a position that is not equipped with a child restraint but is equipped with a seat belt—while there is an unoccupied position to the rear equipped with a child restraint or seat belt; or
  - (iii) being a position that is equipped with neither a child restraint nor a seat belt—while there is an unoccupied position to the rear.

### **Suitability of child restraints and seat belts**

**164DA. (1)** In section 164D, a reference to a child restraint or a seat belt in relation to a child or young person shall be read as a reference to a child restraint or seat belt that is suitable for use by him or her, that is securely fastened around him or her and is properly adjusted.

**(2)** For the purposes of this section, a child restraint is not suitable for use by a particular child unless—

- (a) the child restraint is marked—
  - (i) with the letters and number “AS 1754”; or

- (ii) with the certification trade mark registered under the *Trade Marks Act 1955* of the Commonwealth in respect of child restraints and Australian Standard 1754—1975; and
- (b) the child restraint is, within the meaning of Australian Standard 1754—1975, suitable for use by a child of the age, size and mass of that child.

(3) For the purposes of this section, a seat belt fitted in a motor vehicle in accordance with the requirements of the applicable design rules shall be taken to be suitable for use by a child or young person.

### **Exceptions for purposes of section 164D**

**164DB. (1)** Paragraph 164D (a) does not apply in relation to a vehicle that is not equipped with a child restraint and that—

- (a) is a public motor vehicle or a private hire car;
- (b) is not required to comply with the child restraint anchorage requirements of the publication known as Australian Design Rule 34A, 2nd edition or Australian Design Rule 5/00, 3rd edition;
- (c) is registered in a State or another Territory in which there is not in force a law that corresponds generally with the provisions of this Part; or
- (d) is owned by the Commonwealth and the sequence of characters displayed on the number plate commences with “C\*”.

(2) Nothing in section 164D shall be taken to require that a child who has not attained the age of 1 year be restrained by means of a seat belt.

### **Defences**

**164E. (1)** It is a defence to a prosecution for an offence against section 164B that—

- (a) the Registrar has certified in writing that it is impracticable, by reason of the physical characteristics of the defendant, for the defendant to drive with safety a prescribed vehicle, or a prescribed vehicle of a kind specified in the certificate, if he or she is wearing a seat belt;
- (b) where the certificate is given in relation to prescribed vehicles of the kind or kinds specified in the certificate— the vehicle in which the offence is alleged to have been committed is a prescribed vehicle of a kind specified in the certificate; and

- (c) at the time at which the offence is alleged to have been committed, that certificate had not been revoked or, if that certificate was expressed to have effect for a specified period, that period had not expired.

(2) It is a defence to a prosecution for an offence against section 164B that, at the time at which the offence is alleged to have been committed, the vehicle in which the offence is alleged to have been committed was stationary and about to be driven backwards or was stationary immediately after having been driven backwards.

(3) It is a defence to a prosecution for an offence against section 164B or 164C that—

- (a) a medical practitioner had issued to the defendant a certificate in writing that, in the opinion of the medical practitioner, it is undesirable—

- (i) on medical grounds; or

- (ii) by reason of the physical characteristics of the defendant,

for the defendant to wear a seat belt, being a certificate that was effective at the time at which the offence is alleged to have been committed;

- (b) if at the time at which the offence is alleged to have been committed, the vehicle in which the offence is alleged to have been committed had been in a State or another Territory the defendant, by reason of being the holder of a certificate or other document issued under or for the purposes of a law of that State or Territory that corresponds generally with the provisions of this Part, would not have been guilty of an offence against that law;
- (c) at the time at which the offence is alleged to have been committed, the vehicle in which the offence is alleged to have been committed was stationary and its engine was running for a purpose other than the purpose of putting the vehicle into motion;
- (d) at the time at which the offence is alleged to have been committed, the vehicle in which the offence is alleged to have been committed, being a vehicle that was, at that time, being used by the defendant in the course of work that required the defendant to alight from the vehicle at frequent intervals, was being driven at a speed not exceeding 20 kilometres per hour or was stationary; or

(e) the act or omission of the defendant alleged to constitute the offence was, in the circumstances, not unreasonable.

(4) A certificate is effective for the purpose of paragraph (3) (a)—

(a) if the certificate is expressed to have effect for a period specified in the certificate—until the expiration of that period; and

(b) in any other case—until the certificate is revoked.

(5) It is a defence to a prosecution for an offence against section 164C that, at the time at which the offence is alleged to have been committed, the defendant had attained the age of 71 years.

(6) Subsection (3) applies in relation to a prosecution for an offence against section 164D as if—

(a) in the case of an offence relating to a young person, a reference in subsection (3) to the defendant were a reference to the young person;

(b) in the case of an offence relating to a child—

(i) a reference in paragraph (3) (a) to the defendant were a reference to the child; and

(ii) paragraph (3) (d) were omitted; and

(c) in the case of an offence against paragraph 164D (a) or (b), a reference in subsection (3) to a seat belt were a reference to a seat belt or child restraint.

(7) It is a defence to a prosecution for an offence against paragraph 164D (a) or (b) that the defendant had taken reasonable steps to avoid contravention of section 164D in relation to the child or young person to whom the alleged offence relates.

### **Offence against this Part not to affect damages in respect of death of, or injury to, child**

**164F.** Notwithstanding any other law of the Territory, in civil proceedings in respect of the death of, or bodily injury to, a child or young person arising out of the use of a motor vehicle, damages recoverable by the plaintiff shall not be reduced by reason only that an act or omission of the driver of the motor vehicle constituted an offence against section 164D.

### **Sale, purchase or use of radar detectors and jammers**

**164G. (1)** A person shall not use, sell or offer for sale, or purchase, a radar detecting device or a radar jamming device.

**(2)** A person shall not drive a motor vehicle, or cause a motor vehicle to stand, on a public street or in a public place if the vehicle is fitted with or is carrying a radar detecting device or a radar jamming device.

**(3)** The owner of a motor vehicle which is driven or stands on a public street or in a public place in contravention of subsection (2) is guilty of an offence.

Penalty: \$2,000.

### **Defences to prosecution**

**164H. (1)** It is a defence to a prosecution for an offence under section 164G if the defendant satisfies the court that the device concerned was not designed as a radar detecting device or a radar jamming device but was designed for another purpose.

**(2)** It is a defence to a prosecution for an offence under subsection 164G (2) or (3) if the defendant satisfies the court that, at the time of the alleged offence—

- (a) the vehicle was in the course of a journey to a place appointed by a police officer or a court in order to surrender the device; or
- (b) the vehicle was the subject of a notice, issued by a police officer, requiring the owner of the vehicle to remove the device from the vehicle within a specified time and that time had not expired; or
- (c) the defendant did not know, and in the circumstances could not reasonably be expected to have known, that the vehicle was fitted with or was carrying the device concerned.

### **Surrender of device**

**164I. (1)** A police officer who believes on reasonable grounds that—

- (a) a radar detecting device or radar jamming device is being sold or offered for sale in contravention of section 164G (1); or
- (b) a motor vehicle is standing or being driven in contravention of section 164G (2) because a device is fitted to or carried in the vehicle;

may require a person in possession of the device—

- (c) to surrender it immediately to the police officer; or



(d) where the device is fitted to a motor vehicle and is not immediately removable—may by notice in writing served in a manner specified in section 108D, require the person to surrender the device within a specified time and in a specified manner to the Chief Police Officer for the Australian Capital Territory.

(2) A person shall comply with a requirement under subsection (1) whether or not he or she is the owner of the device concerned.

Penalty: \$2,000.

### **Forfeiture of device**

**164J. (1)** A court which finds an offence under section 164G to have been proven against any person may order that the device concerned, if not already surrendered, be delivered to the Chief Police Officer for the Australian Capital Territory within a time and in a manner specified by the court.

(2) A device surrendered as required under subsection (1) is forfeited to the Territory and shall be destroyed or otherwise disposed of as directed by the Chief Police Officer for the Australian Capital Territory.

(3) No liability attaches to any person on account of the surrender by the person, in pursuance of a requirement under this section, of a radar detecting device or radar jamming device of which that person is not the absolute owner.

## **PART XI—OFFENCES**

### **Vehicles to be registered etc.**

**165.** A person shall not drive or leave standing a motor vehicle or trailer upon a public street unless—

- (a) it is registered under this Act;
- (b) it is a vehicle to which trader's plates are, or a trader's plate is, lawfully attached in accordance with Part IV;
- (c) it is a visiting motor vehicle;
- (d) it is a vehicle proceeding to the office of the Registrar for the purpose of being registered;
- (e) it is a vehicle being removed or operated under a licence granted under section 216; or
- (f) it is a vehicle to which there applies a licence that is to be deemed to have been granted under that section.

**Driving motor vehicle differing from description in certificate**

**166.** Any person who drives a motor vehicle upon a public street which differs in any material particular from the description appearing in the certificate of registration of the motor vehicle shall be guilty of an offence.

**Owner to require driver to produce licence**

**167.** The owner of a motor vehicle shall, before permitting any person to drive that vehicle, require the licence of that person to drive a motor vehicle of the class to which that vehicle belongs to be produced to him or her or satisfy himself or herself that that person is so licensed.

**Unauthorised use of motor vehicles as taxis etc.**

**168.** Any person who, except in pursuance of a licence granted under this Act, uses any motor vehicle, or causes, permits or suffers it to be used, upon a public street—

- (a) as a taxi, private hire car or motor omnibus;
- (b) for the carriage of goods for monetary or other material consideration;
- (c) for the carriage of a person or of persons for monetary consideration the amount of which exceeds the actual cost of operating the motor vehicle for the purpose of carrying that person or those persons, as the case may be; or
- (d) for any other purpose contrary to the provisions of this Act,

shall be guilty of an offence.

Penalty—

- (a) for a first offence—\$200; or
- (b) for any subsequent offence (whether committed in respect of the same or another motor vehicle)—\$500.

**Unauthorised use of farm vehicles**

**169.** Where a farmer has paid the determined fee in respect of a motor tractor, rigid truck or articulated vehicle owned by the farmer, he or she shall not, except in pursuance of a licence granted under section 216—

- (a) use, or cause, permit or suffer to be used, otherwise than solely for the carting of his or her own produce; or
- (b) let out on hire,

that motor tractor, rigid truck or articulated vehicle.

Penalty—

- (a) for a first offence—\$200; or
- (b) for any subsequent offence (whether committed in respect of the same or another motor vehicle)—\$500.

### **Motor vehicles and trailers to bear number-plates**

**170.** The owner of a motor vehicle or trailer shall not cause or permit any number, other than its registration number, or any number-plate, other than a number-plate issued or approved by the Registrar for the purposes of this Act, which is likely to be taken to be the registration number or the number-plate of the motor vehicle, to be upon that vehicle or trailer:

Provided that a visiting motor vehicle may bear the number-plate allotted or authorized for it under the law of the State or Territory of the Commonwealth whence it comes or have affixed thereto the distinguishing mark required to be carried under any convention relating to motor traffic to which the Territory is a party:

Provided further that, on such occasions, under such circumstances and on such conditions as are prescribed, or as the Minister directs, a number, other than the registration number, may be upon the motor vehicle in such a position as not to obscure or be taken to be the registration number of the vehicle.

### **Number-plates not to be covered**

**171.** The owner of a motor vehicle or trailer shall not place a frame or cause or permit a frame to be placed around any number-plate upon the motor vehicle or trailer in such a manner as to hide or render indistinct any letter or figures upon the number-plate.

### **Unauthorised use of “L” and “P” plates**

**171A. (1)** A person, other than a learner, shall not, on a public street, drive a motor vehicle on which there is displayed a sign that resembles, or can reasonably be mistaken for, a sign referred to in paragraph 9A (8) (b).

**(2)** A person, other than a person referred to in subsection 9B (21) or (22), shall not, on a public street, drive a motor vehicle on which there is displayed a sign that resembles, or can reasonably be mistaken for, a sign referred to in subsection 9B (21).

### **Licence and learner licence receipt to be produced on demand**

**172. (1)** Any driver of a motor vehicle who, when required by the Registrar, any inspector, any officer in the execution of his or her duty or any member of the Police Force, to produce for inspection or endorsement his or her licence to drive a motor vehicle, fails to do so, shall be guilty of an offence unless he or she has a reasonable excuse and, within 3 days after being so required, produces his or her licence at the office of the Registrar or as directed by the Registrar, inspector, officer or member.

**(2)** Any driver of a motor vehicle who, when required by the Registrar, any inspector, any officer in the execution of his or her duty or any member of the Police Force, to state his or her name and place of abode, refuses to do so or states a false name or place of abode, shall be guilty of an offence.

**(3)** In this section—

“licence” includes—

- (a) a learner licence receipt, whether or not the driver is driving a vehicle in respect of which the receipt has been granted; and
- (b) a corresponding licence.

#### **Driver to stop vehicle when required by an inspector or a member of Police Force**

**173.** The driver of a motor vehicle who, upon being requested so to do by an inspector or a member of the Police Force, fails to stop the vehicle shall be guilty of an offence.

#### **Driver or owner of vehicle to furnish information when required**

**174.** The owner or driver or any agent or employee of the owner of a motor vehicle, or any passenger in a motor vehicle who, upon being required by any inspector, any officer in the execution of his or her duty or by any member of the Police Force, to give any information which it is in his or her power to give and which may lead to the identification of any person who was driving the vehicle when an offence against this Act was alleged to have been committed, fails or refuses to give the information, shall be guilty of an offence.

#### **Driver to be licensed etc.**

**176. (1)** A person shall not—

- (a) drive a motor vehicle of any class upon a public street unless he or she holds a licence or learner licence receipt to drive a motor vehicle of that class;

- (b) cause or permit a person to drive a motor vehicle of any class upon a public street unless that person holds a licence or learner licence receipt to drive a motor vehicle of that class; or
- (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 Act; or
  - (ii) having a number-plate so obscured, defaced or damaged that the registration number is not clearly legible.

(2) The provisions of paragraphs (1) (a) and (b) do not apply to or in relation to the driving of a motor vehicle during a driving test authorized by the Registrar in connexion with an application for a licence.

(3) The provisions of subparagraph (1) (c) (i) do not apply to a motor vehicle which is being driven to the office of the Registrar for the purpose of being registered.

(4) This section does not apply to or in respect of a learner who complies with section 9A.

(5) Notwithstanding paragraphs (1) (a) and (b), a person may—

- (a) drive a rigid truck or rigid motor omnibus;
- (b) drive an articulated vehicle, a heavy trailer combination or an articulated motor omnibus;
- (c) drive a road train or B-double;
- (d) drive a public motor vehicle or private hire car; or
- (e) cause or permit a person to drive a motor vehicle specified in paragraph (a), (b), (c) or (d);

if the driver of the motor vehicle is learning to drive it and, subject to subsection (6), if—

- (f) in the case of a motor vehicle referred to in paragraph (a)—the driver is at least 18 years of age, holds a licence to drive a light vehicle and has held it for a period of, or periods totalling, not less than 12 months;
- (g) in the case of a motor vehicle referred to in paragraph (b)—the driver is at least 19 years of age, holds a licence to drive a rigid truck or a

rigid motor omnibus (other than a small motor omnibus) and has held it for a period of, or periods totalling, not less than 12 months;

- (h) in the case of a motor vehicle referred to in paragraph (c)—the driver is at least 21 years of age, holds a licence to drive—
  - (i) a heavy articulated vehicle; or
  - (ii) a heavy trailer combination—
    - (A) the manufacturer's gross combination mass of which exceeds 24 tonnes; or
    - (B) that has more than 3 axles;

and has held it for a period of, or periods totalling, not less than 12 months;

- (j) in the case of a motor vehicle referred to in paragraph (d)—the driver is at least 21 years of age and—
  - (i) where the vehicle is a taxi, private hire car or rigid motor omnibus—holds a licence to drive a light vehicle and has held it for a period of, or periods totalling, not less than 12 months; and
  - (ii) where the vehicle is an articulated motor omnibus—holds a licence to drive a rigid truck or rigid motor omnibus (other than a small motor omnibus) and has held it for a period of, or periods totalling, not less than 12 months;
- (k) the seat next to the driver is occupied by a person who holds a full licence to drive a motor vehicle of the same class as the vehicle that the learner is learning to drive;
- (m) the vehicle is not being used for the carriage of any person other than the driver and the person referred to in paragraph (k); and
- (n) there is displayed conspicuously at, and so as to be clearly visible from, the front and rear of the motor vehicle a square sign—
  - (i) each side of which is not less than 155 millimetres in length; and
  - (ii) displaying the letter “L” in black on a yellow background;being a sign that has been issued or authorised by the Registrar.

(6) A requirement of paragraph (5) (f), (g), (h) or (j) does not apply to a driver if the Registrar, on being satisfied that special circumstances exist that justify his or her so doing, gives to the driver a written authority to drive that specifies the requirement or the paragraph that is not to apply to the driver.

(7) Where the holder of a corresponding licence—

- (a) is not a resident of the Territory;
- (b) has resided in the Territory for less than 3 months; or
- (c) is exempt from holding a licence by virtue of section 107A;

a reference in this section to a licence includes a reference to that corresponding licence.

### **Obtaining licence or certificate etc. by misrepresentation**

177. Any person who—

- (a) by any false statement or misrepresentation obtains or attempts to obtain a licence, certificate, pass or label under this Act;
- (b) without lawful excuse, has in his or her possession a licence, certificate, pass, label or number-plate granted or issued under this Act, or any article resembling, or purporting to be, a licence, certificate, pass, label or number-plate and calculated to deceive;
- (c) forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any licence, certificate, pass, label or number-plate or mark for identifying a motor vehicle or trailer, granted or issued under this Act; or
- (d) owns or drives upon a public street any unregistered motor vehicle or trailer having upon it any numbers or number-plate of a description prescribed to be affixed to registered motor vehicles or trailers, and calculated to deceive,

shall be guilty of an offence.

### **Driver to stop in case of accident**

178. (1) Where injury or damage is caused to any person or property, or to any animal or vehicle in charge of any person, by reason of an accident in which a motor vehicle is concerned, the driver of the motor vehicle shall—

- (a) if the driver fails to stop his or her vehicle for a time sufficient to allow any necessary inquiries to be made by or on behalf of that person; or

- (b) if, when required—
- (i) by the person who is injured or whose property, animal or vehicle is injured or damaged;
  - (ii) by an inspector;
  - (iii) by any officer in the execution of his or her duty;
  - (iv) by any member of the Police Force; or
  - (v) by any person who witnessed the accident and is acting or purports to be acting on behalf of any injured person,
- the driver fails to give his or her name and place of abode, and also the name and place of abode of the owner and the registration number of the motor vehicle; or
- (c) if he or she fails to report the accident and, at the same time, to give his name and place of abode to a member of the Police Force as soon as practicable and, in any case, within 24 hours after the occurrence of the accident,

be guilty of an offence.

(2) For the purposes of this section, “animal” means any horse, cattle, sheep, pig or dog.

### **Hiring car by fraud**

**179.** Any person who procures the use or hire of any motor vehicle by fraud or misrepresentation, and any person who aids or abets that person, shall be guilty of an offence.

### **Production of licence in court**

**180.** Any licensed driver charged with an offence against this Act shall produce his or her licence to drive a motor vehicle to the Court at the time of hearing, and, if without reasonable cause he or she fails to do so, he or she shall be guilty of an offence.

## **PART XIA—TRAFFIC INFRINGEMENTS**

### **Traffic infringement notices**

#### **180A.**

(2) Where a member of the Police Force has reason to believe that a person has committed a prescribed offence, he or she may serve, or cause to be served, on the person a traffic infringement notice in accordance with this section.



- (3) A traffic infringement notice shall—
- (a) state the number of the member of the Police Force who serves the notice, or causes the notice to be served;
  - (b) specify the day on which and the time and place at which the prescribed offence is alleged to have been committed;
  - (c) specify the nature of the alleged prescribed offence;
  - (d) contain a notification to the person on whom it is served that—
    - (i) if the infringer pays the penalty for the alleged traffic infringement within 28 days after the date of the notice, or such further time as the chief police officer allows, no further action will be taken in respect of the infringement;
    - (ii) if the infringer does not pay the penalty for the traffic infringement or take action of the kind referred to in subparagraph (iii), he or she shall incur liability for the administrative charge in addition to the penalty for the traffic infringement;
    - (iii) if the infringer wishes to dispute liability for the alleged traffic infringement he or she must give the chief police officer notice in writing to that effect within 28 days after the date of the notice;
    - (iv) if liability is disputed, the matter may be referred to the Court for determination; and
    - (v) if liability is disputed and the Court finds against the infringer, he or she may be convicted and ordered to pay such penalty and costs, and be subject to such further orders, as the Court determines;
  - (e) specify the place at which, and the manner in which, the prescribed penalty may be paid; and
  - (f) contain a statement setting out the procedures under this section relating to the withdrawal of notices and the consequences of the withdrawal of a notice,

and may contain such other particulars, if any, as the Minister considers necessary.

(4) The chief police officer may, at any time, withdraw a traffic infringement notice by notice in writing served on the alleged infringer.

(4A) The chief police officer shall not lay an information for an offence arising out of the circumstances on which a traffic infringement notice is based unless, within 28 days after the date of the notice, he or she serves on the alleged infringer—

- (a) a notice under subsection (4); and
- (b) a notice advising that such an information will be laid.

(5) Where a traffic infringement notice has been served on a person and before—

- (a) the expiration of the period of 28 days after the date of the notice or such further period (not exceeding 56 days) as the chief police officer, whether before or after the expiration of the first-mentioned period, allows; or
- (b) the notice is withdrawn,

whichever first occurs, the amount of the prescribed penalty in relation to the alleged prescribed offence is paid in accordance with the notice—

- (c) any liability of the person in respect of the alleged prescribed offence shall be deemed to be discharged;
- (d) no further proceedings shall be taken in respect of the alleged prescribed offence; and
- (e) the person shall not be regarded as having been convicted of the alleged prescribed offence.

(6) Where—

- (a) a traffic infringement notice has been served on a person;
- (b) the person has paid the prescribed penalty in relation to the alleged prescribed offence in accordance with the notice; and
- (c) the notice is subsequently withdrawn,

the chief police officer shall cause to be refunded to the person an amount equal to the prescribed penalty so paid by the person.

(7) A traffic infringement notice, or a notice of withdrawal of a traffic infringement notice, may be served on a person—

- (a) by delivering the notice to the person personally;
- (b) by sending the notice to the person by post addressed to the person at his or her last-known place of residence or business; or
- (c) by leaving the notice at the last-known place of residence or business of the person with a person apparently over the age of 16 years and apparently resident or employed at that place.

(11) For the purposes of this section, a document that purports to have been signed by the chief police officer, or by his or her delegate, shall be taken to have been so signed unless the contrary is proved.

(12) Nothing in this section prevents the service of more than 1 traffic infringement notice in respect of the same prescribed offence, but it is sufficient for the application of subsection (5) to a person on whom more than 1 such notice has been served for that person to pay the prescribed penalty in relation to the prescribed offence in accordance with any 1 of the notices so served on him or her.

(13) Where the amount of a prescribed penalty is paid by cheque, payment shall be deemed not to be made unless and until the cheque is honoured upon presentation.

(14) Nothing in this section shall be construed as requiring the serving of a traffic infringement notice under this section or as affecting the institution or prosecution of proceedings, or limiting the amount of the fine that may be imposed by the Court, in respect of an alleged prescribed offence in relation to which—

- (a) a traffic infringement notice has not been served; or
- (b) a traffic infringement notice has been served and withdrawn in accordance with this section.

**Final notice—non-payment of penalty**

**180B. (1)** Where—

- (a) a traffic infringement notice has been served under section 180A; and
- (b) the person on whom it is served fails—
  - (i) to pay the penalty for the traffic infringement; or
  - (ii) to lodge a notice under subsection 180D (1);

the person is liable to pay to the Registrar, within 14 days after the date of service by the Registrar of a notice in accordance with this section, or within

such further time (not exceeding 28 days) as the Registrar, whether before or after the expiration of that period, allows, the sum of the penalty for the traffic infringement and the administrative charge.

(2) Subsection (1) does not apply where the notice is withdrawn.

(3) A notice under this section shall contain a notification to the person on whom it is served that—

- (a) the infringer has not paid the penalty for the alleged traffic infringement to which the notice relates;
- (b) if the penalty for the alleged traffic infringement and the administrative charge is paid within 14 days after the date of the notice, or within such further period (not exceeding 28 days) as the Registrar allows, no further action will be taken against the infringer in respect of the alleged traffic infringement; and
- (c) if the penalty for the alleged traffic infringement and the administrative charge are not paid in accordance with the notice, the Registrar will, on a date specified in the notice, suspend—
  - (i) the infringer's driving licence;
  - (ii) the registration of the motor vehicle in respect of which the alleged traffic infringement occurred;
  - (iii) the infringer's right to drive in the Territory; or
  - (iv) the right to drive in the Territory the motor vehicle in respect of which the alleged traffic infringement occurred;

as the case requires.

### **Discharge of liability**

**180C.** Where a traffic infringement notice under section 180A, or a notice under section 180B, has been served on a person, and, before the time for payment, or any extension of that time, expires, the penalty for the infringement, or the penalty and the administrative charge, as the case requires, is paid in accordance with the relevant notice or where the relevant notice is withdrawn—

- (a) any liability of a person in respect of the alleged traffic infringement shall be deemed to be discharged; and
- (b) no further proceedings shall be taken in respect of the infringement.

### **Disputing liability under traffic infringement notice**

**180D. (1)** A person on whom a traffic infringement notice under section 180A is served may, by notice in writing lodged with the chief police officer within 28 days after the date of the notice, dispute liability for the alleged traffic infringement to which the notice relates.

**(2)** A notice under subsection (1) shall set out the grounds on which the person relies.

### **Disputed notices—issue of proceedings**

**180E. (1)** If a person to whom section 180D applies lodges a notice in accordance with that section, the chief police officer may, before the end of the period of 60 days after the lodgment of the notice, lay an information in the Magistrates Court in respect of the alleged traffic infringement.

**(2)** Where a person referred to in subsection (1)—

- (a)** disputes liability; and
- (b)** before the hearing of proceedings in respect of the alleged traffic infringement commences wishes to pay the penalty for the traffic infringement;

the person is liable to pay to the Registrar the sum of—

- (c)** the penalty for the traffic infringement; and
- (e)** the prescribed costs (if any) in commencing the proceedings, and disbursements (if any) incurred by the chief police officer up to the date of the payment.

**(3)** Where a person referred to in subsection (1) pays the sum referred to in subsection (2), the chief police officer shall discontinue the proceedings in respect of the traffic infringement.

**(4)** If the chief police officer does not lay an information within the period referred to in subsection (1), he or she shall—

- (a)** notify the person referred to in that subsection that no further action will be taken in relation to that person in respect of the alleged traffic infringement; and
- (b)** take no further action in respect of it.

### **Suspension of licences, registration etc.**

**180F. (1)** Where—

- (a) a person on whom a notice under section 180B has been served—
  - (i) fails to pay to the Registrar the penalty for the traffic infringement and the administrative charge in accordance with the notice; or
  - (ii) fails to lodge a notice under subsection 180D (1) in accordance with the notice; or
- (c) pursuant to an order under subsection 147A (2), 150A (1) or 150B (1) of the *Magistrates Court Act 1930*, a copy of the conviction or order has been forwarded to the Registrar;

the Registrar shall—

- (d) if, at the time the Registrar takes action under this subsection, the person—
  - (i) is licensed in the Territory—suspend any driving licence issued to that person;
  - (ii) is not licensed in the Territory but the motor vehicle in respect of which the infringement occurred is registered in the Territory in the name of the infringer—suspend the registration of that motor vehicle;
  - (iii) is not licensed in the Territory and the motor vehicle in respect of which the infringement occurred is not registered in the Territory—suspend the person's right to drive a motor vehicle in the Territory or suspend the right to drive that motor vehicle in the Territory; or
  - (iv) is not licensed in the Territory and the motor vehicle in respect of which the infringement occurred is owned by the Territory or the Commonwealth—suspend the person's right to drive a motor vehicle in the Territory.

(2) A person whose licence to drive in the Territory, or the registration in the Territory of his or her vehicle, has been suspended under subsection (1), is not entitled to a refund of fees for the remaining period for which the licence or registration was granted.

(3) The Registrar shall not effect a suspension under subsection (1) unless, at least 10 days before the suspension takes effect, he or she notifies the person concerned, in writing, of the date on which the suspension is to take effect.

(4) A notice under subsection (3) shall be served by post on the person at his or her last known place of residence or business.

### **Effect of suspension**

**180FA.** The Registrar shall not—

- (a) issue a licence to a person; or
- (b) register a vehicle;

while the person's right to drive in the Territory or the right to drive that motor vehicle (as the case requires) is suspended under subsection 180F (1).

### **Cancellation of suspension**

**180G.** The Registrar shall cancel a suspension effected under subsection 180F (1) upon the payment of all amounts payable under section 180B or 180E (as the case requires) by the person or in respect of the motor vehicle concerned.

### **Reinstatement of licences, registration etc.**

**180H. (1)** A person—

- (a) whose licence to drive in the Territory, or the registration in the Territory of whose vehicle, has been suspended under this Part; or
- (b) in respect of whom, or in respect of whose motor vehicle, a suspension under subparagraph 180F (1) (d) (iii) or (iv) is in force;

may apply to the Court for a declaration that he or she is not liable in respect of the traffic infringement.

(2) For the purposes of subsection (1), the onus of proving that a traffic infringement occurred is on the chief police officer.

(3) The Court may, on sufficient cause being shown, make or refuse to make the declaration sought.

(4) Where—

- (a) the Court makes the declaration sought under subsection (1); or
- (b) pursuant to section 23 of the *Magistrates Court Act 1930*, a conviction or order of that court for a traffic offence within the meaning of Division 2 of Part IX of that Act is set aside;

the Registrar shall, subject to subsection (5), by notice in writing served on the applicant, cancel the relevant suspension.

(5) The Registrar shall not take action under subsection (4) or in pursuance of an order under subsection 23 (7A) of the *Magistrates Court Act 1930* if the Registrar is satisfied that, if a suspension under subsection 180F (1) were not in force, there exists a ground on which the Registrar may—

- (a) cancel the licence or registration under this Act; or
- (b) suspend—
  - (i) the person's right to drive in the Territory;
  - (ii) the right to drive the motor vehicle in the Territory; or
  - (iii) the person's right to drive in the Territory and the right to drive the motor vehicle in the Territory;

as the case requires.

(6) Where the suspension of—

- (a) a person's licence; or
- (b) the registration of a motor vehicle;

is cancelled under subsection (4), the person shall be taken for all purposes to have been licensed or the motor vehicle to have been registered (as the case requires), during the period between the date of the suspension and the date of its cancellation.

(7) Where a suspension under section 180F is cancelled pursuant to subsection (4) then—

- (a) in the case of a suspension under subparagraph 180F (1) (d) (iii) or (iv)—the person shall be taken for all purposes to have been deemed to be licensed to drive a motor vehicle in pursuance of subsection 107 (1) during the period for which the suspension was in force; and
- (b) in the case of a suspension under subparagraph 180F (1) (d) (iii)—the motor vehicle shall be taken for all purposes to have been a visiting motor vehicle during the period for which the suspension was in force.

(8) A person aggrieved by a decision of the Registrar under subsection (5) may apply to the Court for an order setting aside the decision.

(9) The Court may, on sufficient cause being shown, affirm or set aside the decision of the Registrar under subsection (5).



(10) The Registrar shall be the respondent to an application under this section.

### **Evidentiary provision**

**180L. (1)** In proceedings in respect of a traffic infringement in respect of which a traffic infringement notice under section 180A, or a notice under section 180B, has been served, a certificate signed by the chief police officer or his or her delegate and stating—

(a) that—

- (i) the chief police officer did not allow further time for the payment of the penalty in respect of the traffic infringement, or the penalty for the traffic infringement and the administrative charge, as the case requires; and
- (ii) the penalty in respect of the traffic infringement, or the penalty for the traffic infringement and the administrative charge, as the case requires, was not paid in accordance with the notice; or

(b) that—

- (i) the chief police officer allowed the further time specified in the certificate for the payment of the penalty in respect of the traffic infringement, or the penalty for the traffic infringement and the administrative charge, as the case requires; and
- (ii) the penalty in respect of the traffic infringement, or the penalty for the traffic infringement and the administrative charge, as the case requires, was not paid in accordance with the notice or within the further time allowed by the chief police officer or his or her delegate;

is evidence of the matter so stated.

(2) For the purposes of subsection (1) a document that purports to have been signed by the chief police officer or by his or her delegate shall be taken to have been so signed unless the contrary is proved.

### **Applications—how made**

**180M.** An application under section 180H shall be made pursuant to subsection 20 (2) of the *Magistrates Court (Civil Jurisdiction) Act 1982*.

### **Power of delegation**

**180N.** The chief police officer may delegate to a police officer a power under section 180A, 180E or 180L.

## **PART XIB—DEMERIT POINTS AND PROBATIONARY LICENCES**

### **Interpretation**

**180NA.** In this Part—

“corresponding law” means a law of a State or another Territory that corresponds to this Part;

“corresponding offence” means an offence under a law of a State or another Territory that corresponds to an offence prescribed for the purposes of section 180NB;

“licence” means a driving licence;

“offence” means an offence committed after the commencement of this Part;

“register” means the Demerit Points Register maintained under section 180P;

“relevant demerit points”, in relation to a licence, means the demerit points incurred by the holder of the licence in relation to offences that have occurred within any period of 3 years, being demerit points that have been recorded in the register.

### **Demerit points**

**180NB. (1)** A holder of a licence who—

- (a) is convicted of a prescribed offence;
- (b) pays a penalty in respect of a prescribed offence in respect of which he or she has not been convicted; or
- (c) is convicted of a corresponding offence or pays a penalty in respect of such an offence;

incurs the prescribed number of demerit points.

**(2)** A holder of a corresponding licence who—

- (a) is convicted of a prescribed offence; or
- (b) pays a penalty in respect of a prescribed offence in respect of which he or she has not been convicted;

incurs the prescribed number of demerit points.

### **Demerit Points Register**

**180P. (1)** The Registrar shall maintain a register, to be known as the Demerit Points Register.

**(2)** Where a person incurs 1 or more demerit points the Registrar shall record, in relation to that person's licence—

- (a) the date of the commission of the offence in respect of which a demerit point is incurred;
- (b) the date of the conviction or payment of the penalty; and
- (c) the number of demerit points recorded in respect of each offence.

**(3)** A recording under subsection (2) that is in respect of an offence of which a licensee is convicted shall not be made until the licensee's rights of appeal are exhausted and any appeal has been disposed of.

**(4)** Where a person who incurs a demerit point holds a licence on which there is a provisional endorsement, the Registrar shall record the particulars referred to in subsection (2) also in relation to the endorsement.

**(5)** A recording under this section, unless deleted by the Registrar under this Part, is not affected by the expiry of the period for which the relevant licence or provisional endorsement is in force or by the cancellation of the relevant licence on the application of the licensee.

### **Inter-state licensees who obtain licences**

**180Q. (1)** Where a licence is granted to a person who holds or has held a corresponding licence, the Registrar shall—

- (a) notify in writing or by means of a computer the inter-state Registrar for the State or Territory under the law of which the corresponding licence had been granted;
- (b) seek from the inter-state Registrar particulars of any entries in the register kept by that Registrar that are recorded against the corresponding licence, including entries made in relation to offences committed before the commencement of this Part; and
- (c) record such particulars in the register.

**(2)** The Registrar is entitled to rely on information received in response to an enquiry under paragraph (1) (b) that—

- (a) is in writing or received by means of a computer;
- (b) appears to be received from an inter-state Registrar; and
- (c) does not appear to be inaccurate.

### **Transfer of recordings on grant of new licences**

#### **180R. (1) Where—**

- (a) a licence is surrendered for the purpose of obtaining another licence; and
- (b) at the same time, or subsequently, another licence is granted to the same person;

the Registrar shall record in the register, in relation to the new licence, the number and relevant details of any demerit points recorded in the register in relation to the previous licence.

(2) Subsection (1) does not apply where a person surrenders a learner licence in order to obtain a provisional licence.

### **Provision of information to inter-state Registrars**

**180S. (1)** Where an entry is made in the register under subsection 180P (2) in relation to a corresponding licence, the Registrar shall notify the relevant inter-state Registrar of the particulars of the entry.

(2) Upon receiving a request in writing or by means of a computer from an inter-state Registrar, the Registrar shall notify him or her of any particulars that are recorded in the register in relation to a licence specified in the request.

(3) The Registrar shall keep a record of all notifications made under this section.

### **Warning notice**

#### **180T. (1) Where—**

- (a) less than 7 relevant demerit points are recorded in the register in relation to a full licence;
- (b) 1 or more further relevant demerit points are recorded in relation to that licence; and
- (c) as the result of that further recording the number of relevant demerit points recorded in relation to the licence equals or exceeds 7;

the Registrar shall send to the licensee a written notice setting out the particulars recorded in the register in relation to that licence.

(2) The validity of any action or decision of the Registrar is not affected by a failure to comply with subsection (1).

### **Suspension or cancellation of full licences**

**180U. (1)** Where 12 or more relevant demerit points are recorded in the register in relation to a full licence, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars of the relevant demerit points recorded in relation to that licence;
- (b) advises the licensee that the licence and any learner licence receipt held by the licensee will be suspended for 3 months unless the licensee, within 14 days after the date of the notice, attends at the office of the Registrar in order to—
  - (i) have the licence cancelled;
  - (ii) surrender the licence; and
  - (iii) apply for a probationary licence for a period of 12 months; and
- (c) sets out the fee payable on the grant of a probationary licence.

(2) Where a licensee surrenders a full licence and applies for a probationary licence, the Registrar shall—

- (a) cancel the licence; and
- (b) refund to that person the proportionate part of the fee paid on its grant.

(3) At the expiry of the period of 14 days referred to in paragraph (1) (b) the Registrar shall suspend for 3 months the licence and any learner licence receipt held by a licensee who has not surrendered his or her licence for cancellation and applied for a probationary licence.

(4) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1) (a) or (c).

(5) Where a licensee also holds a learner licence receipt—

- (a) if his or her licence is cancelled under paragraph (2) (a)—subject to section 180W, the validity and effectiveness of the learner licence receipt are not affected; and

- (b) if his or her licence is suspended under subsection (3)—the Registrar shall suspend the learner licence receipt for the period of time for which the licence is suspended.

(6) Upon taking action under subsection (2) the Registrar shall delete from the register the relevant demerit points by virtue of which the notice under subsection (1) had been sent.

(7) In paragraph (2) (b) a reference to the proportionate part of the fees paid on the grant of a licence shall be read as a reference to the amount that bears to the fees paid on the grant the same proportion that the number of full months in the period commencing 12 months after the date of the cancellation and ending at the expiry of the period for which the licence had been granted bears to the number of full months in the period for which the licence had been granted.

### **Probationary licences**

**180V.** (1) The Registrar shall grant a probationary licence valid for a period not exceeding 12 months to a person—

- (a) whose full licence is surrendered and cancelled under subsection 180U (2);
- (b) who surrenders a corresponding licence that, in the opinion of the Registrar, is equivalent to a probationary licence; or
- (c) who, being a person whose driving licence has been cancelled by a court, is declared by the Court to be a fit and proper person to hold a driving licence.

(2) A probationary licence shall be granted subject to any conditions that the last licence held by the applicant prior to obtaining the probationary licence or surrendered corresponding licence (as the case requires) had been subject to.

(3) On receipt of an appropriate application, the Registrar shall grant to a person whose probationary licence has been suspended under this Act or any other law of the Territory an extension of the period of validity of that licence for a period of time equal to the period of the suspension.

(4) Where—

- (a) the Registrar grants a probationary licence to a person who surrenders a corresponding licence; and
- (b) the probationary licence is granted for a period of time that is equal to the unexpired period of the surrendered licence;

the fee payable on the grant is an amount that bears the same proportion to the fee determined in respect of the grant of a probationary licence as the number of full months in the period for which the licence is granted bears to 12.

(5) Upon granting a probationary licence to a person referred to in paragraph (1) (c), the Registrar shall delete from the register all demerit points recorded in relation to the cancelled licence.

### **Cancellation of probationary licences**

**180W. (1)** Where 2 or more demerit points are recorded in the register in relation to a probationary licence, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars of the demerit points recorded in the register in relation to that licence;
- (b) advises the licensee that—
  - (i) 14 days after the date of the notice his or her licence and any learner licence receipt held by him or her will be cancelled; and
  - (ii) the licensee will thereupon cease to be licensed and be disqualified from holding a licence or a learner licence receipt for 6 months; and
- (c) requests the licensee to surrender the licence and any learner licence receipt held by him or her to the Registrar as soon as possible after the expiry of the period of 14 days after the date of the notice.

(2) At the expiry of the period of 14 days after the date of the notice the Registrar shall—

- (a) cancel the licence and any learner licence receipt held by the licensee; and
- (b) delete from the register the demerit points by virtue of which the notice under subsection (1) had been sent.

(3) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1) (a).

**Suspension of provisional licences**

**180X. (1)** Where 8 or more relevant demerit points are recorded in the register in relation to a provisional licence, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars recorded in the register in relation to that licence;
- (b) advises the licensee that 14 days after the date of the notice the licence and any learner licence receipt held by the licensee will be suspended for 3 months; and
- (c) requests the licensee to surrender the licence and any learner licence receipt held by him or her to the Registrar as soon as possible after the expiry of the period of 14 days after the date of the notice.

**(2)** At the expiry of the period of 14 days after the date of the notice the Registrar shall—

- (a) suspend for 3 months the licence and any learner licence receipt held by the licensee; and
- (b) delete from the register the relevant demerit points by virtue of which the notice under subsection (1) had been sent.

**(3)** The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1) (a).

**Suspension of learner licences**

**180Y. (1)** Where 12 or more relevant demerit points are recorded in the register in relation to a learner licence, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars of the relevant demerit points recorded in relation to that licence;
- (b) advises the licensee that 14 days after the date of the notice the licence will be suspended for 3 months; and
- (c) requests the licensee to surrender the licence to the Registrar as soon as possible after the expiry of the period of 14 days after the date of the notice.

**(2)** At the expiry of the period of 14 days after the date of the notice the Registrar shall—



- (a) suspend the licence for 3 months; and
- (b) delete from the register the relevant demerit points by virtue of which the notice under subsection (1) had been sent.

(3) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1) (a).

### **Cancellation of special licences**

**180Z. (1)** Where 2 or more demerit points are recorded in the register in relation to a special licence, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars of the demerit points recorded in relation to that licence;
- (b) advises the licensee that 14 days after the date of the notice the licence will be cancelled; and
- (c) requests the licensee to surrender the licence to the Registrar as soon as possible after the expiry of the period of 14 days after the date of the notice.

(2) At the expiry of the period of 14 days after the date of the notice the Registrar shall—

- (a) cancel the special licence; and
- (b) delete from the register the demerit points by virtue of which the notice under subsection (1) had been sent.

(3) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1) (a).

(4) In this section a reference to a special licence shall be read as including a reference to a special licence granted under section 37 of the *Motor Traffic (Alcohol and Drugs) Act 1977*.

### **Suspension of provisional endorsements**

**180ZA. (1)** Where 4 or more demerit points are recorded in the register in relation to a provisional endorsement to a licence, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars recorded in the register in relation to the provisional endorsement;

- (b) advises the licensee that 14 days after the date of the notice the provisional endorsement will be suspended for 3 months; and
- (c) requests the licensee to surrender the licence to the Registrar as soon as possible after the expiry of the period of 14 days after the date of the notice for appropriate amendment.

(2) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1) (a).

(3) At the expiry of the period of 14 days after the date of the notice the Registrar—

- (a) shall suspend the validity of the provisional endorsement for 3 months; and
- (b) if the licence has been surrendered in pursuance of subsection (1)—make an appropriate amendment to the licence and return it to the licensee.

(4) While the validity of a provisional endorsement is suspended the licensee—

- (a) shall not drive a vehicle of the class to which the endorsement relates; and
- (b) shall not obtain another provisional endorsement.

Penalty: \$10,000 or imprisonment for 12 months, or both.

(5) Where a licence has been amended under paragraph (3) (b), upon the expiry of the period of suspension of the validity of a provisional endorsement the Registrar shall, on surrender of the licence for the purpose, reinstate the provisional endorsement.

(6) Upon the expiry of the period of suspension of the validity of a provisional endorsement the Registrar shall delete from the register the demerit points by virtue of which the endorsement had been suspended.

#### **Demerit suspension of licence already suspended by court**

**180ZB.** Where the Registrar is required to send a notice under subsection 180U (1), 180W (1), 180X (1), 180Y (1) or 180ZA (1) to a person whose licence is suspended, the Registrar shall not send the notice until the expiry of the period of suspension of the licence.

#### **Cancellation of probationary licence under this Part**

**180ZC. (1)** Where a probationary licence is cancelled under this Part, the person who had been the licensee is disqualified from holding—

- (a) a driving licence other than a special licence; or
- (b) a learner licence receipt;

for a period of 6 months.

**(2)** Where a probationary licence is cancelled under this Part, the person who had been the licensee shall not, during the period of 6 months immediately following the cancellation—

- (a) obtain a driving licence other than a special licence;
- (b) obtain a learner licence receipt; or
- (c) if he or she does not hold a special licence— drive a motor vehicle.

Penalty: \$10,000 or imprisonment for 12 months, or both.

## **PART XII—EQUIPMENT AND LOADS**

### **Vehicles to comply with Part I of Schedule 2**

**181.** A person shall not drive or leave standing a motor vehicle or trailer upon a public street unless the motor vehicle or trailer, its parts and equipment comply with the requirements prescribed by Part I of Schedule 2 in relation to that motor vehicle or trailer.

### **Carriage of lamps and lights**

**182. (1)** Any person who drives on a public street any motor vehicle, other than a motor cycle, between the hours of sunset and sunrise shall, unless—

- (a) at least 1 lighted headlamp is carried on each side of the front of the motor vehicle in accordance with subsection (1A);
- (b) a lighted lamp of a power not exceeding 7 watts is carried on the centre or off-side, or 1 of 2 or more such lighted lamps is carried on the off-side, of the rear of the motor vehicle or, if a trailer is attached to the motor vehicle, of the trailer, and the lamp is so made and carried as to show a bright red light to persons approaching directly from the rear of the vehicle at a distance of 200 metres on a dark night with a clear atmosphere;
- (ba) a lighted lamp of a power not exceeding 7 watts is carried on the rear of the motor vehicle or, if a trailer is attached to the motor vehicle, on the rear of the trailer, and each lamp or the lamp is so made and

carried as to illuminate with white light and to render easily distinguishable to persons approaching directly from the rear of the vehicle at a distance of 18 metres on a dark night with a clear atmosphere the registration number on the number-plate affixed to the rear of the motor vehicle or trailer; and

- (c) at least 2 reflectors are carried on opposite sides of the rear of the vehicle or, if a trailer is attached to the vehicle, on the rear of the trailer,

be guilty of an offence.

**(1A)** Each headlamp on a side of a motor vehicle other than a motor cycle shall—

- (a) be of approximately the same candela as each other headlamp on the motor vehicle; and
- (b) be so fitted that the centre of the headlamp is—
  - (i) not higher than 1.40 metres from the ground;
  - (ii) the same height from the ground as each other headlamp on the motor vehicle; and
  - (iii) equidistant, from the centre of the front of the motor vehicle, to the centre of a headlamp on the other side of the motor vehicle.

**(2)** Any person who drives on a public street any motor cycle between the hours of sunset and sunrise shall, unless—

- (a) a lighted headlamp is carried in front of the motor cycle not less than 600 millimetres from the ground;
- (b) a lighted lamp of a power not exceeding 7 watts is carried on the rear of the motor cycle and the lamp is so made and carried as to show a bright red light to persons approaching directly from the rear of the motor cycle at a distance of 200 metres on a dark night with a clear atmosphere and to illuminate with white light and to render easily distinguishable to persons so approaching at a distance of 18 metres on such a night the registration number on the number-plate affixed to the rear of the motor cycle;
- (ba) a reflector is carried upon the rear of the motor cycle;
- (c) in the case of a motor cycle to which a side-car is attached, a lighted lamp, in addition to that specified in paragraph (a), is carried upon the

front of the side-car, and the lamp is so made and carried as to show a bright white light in front of the side-car; and

- (d) in the case of a motor cycle to which a side-car is attached, a reflector, in addition to that specified in paragraph (ba), is carried upon the rear of the side-car,

be guilty of an offence.

**(2A)** A person shall not drive a motor vehicle upon a public street between the hours of sunset and sunrise unless—

- (a) the motor vehicle is equipped with a dipping device; or
- (b) if it is not equipped with a dipping device, the light from the headlamps of the motor vehicle, or in the case of a motor cycle the headlamp, is dipped.

**(3)** A person who drives on a public street between the hours of sunset and sunrise a motor vehicle equipped with a dipping device shall, when the vehicle is travelling along a public street and is approached by, and is less than 200 metres from, another vehicle travelling in the opposite direction—

- (a) cause the light projected by any headlamp of the vehicle to be dipped, unless it is already dipped; and
- (b) cause the light to remain dipped until the vehicle has passed the other vehicle.

### **Positioning of reflectors**

**183. (1)** The reflectors shall be so affixed to a motor vehicle other than a motor cycle or to a trailer that—

- (a) each reflector—
  - (i) is at the same height from the ground, not being a height exceeding 1.10 metres; or
  - (ii) in the case of a vehicle which is constructed solely or principally for the carriage of goods and so designed or constructed that it would be impracticable to comply with the requirement specified in subparagraph (i) without affixing the reflector in a position where it would be subject to possible damage in the course of the normal operations of the vehicle, is at the same height from the ground, not being a height exceeding 1.50 metres;
- (b) where the width of the vehicle exceeds 2.2 metres, no part of the vehicle or any loading or equipment on the vehicle, on the side to

which the reflector is affixed, projects more than 250 millimetres laterally from the reflector; and

- (c) where the width of the vehicle is less than 2 metres, no part of the vehicle or any loading or equipment on the vehicle, on the side to which the reflector is affixed, projects more than 410 millimetres laterally from the reflector.

(2) A person who drives a motor vehicle—

- (a) to which reflectors are not affixed in accordance with subsection (1);
- (b) on the front of which a reflector is affixed; or
- (c) on which the reflectors are not kept clean and unobscured,

shall be guilty of an offence.

### **Position of light**

**184. (1)** Any person who drives on a public street any motor vehicle—

- (a) having a lamp carried at the rear of the vehicle so affixed as to be capable of being extinguished by any person while in or on the vehicle while leaving the headlamp or headlamps of the vehicle lighted;

shall be guilty of an offence.

### **Parking lights**

**185. (1)** Subject to this section, a person shall not park a motor vehicle (other than a motor cycle), or park a trailer, upon a public street between the hours of sunset and sunrise unless—

- (a) reflectors are carried on each side of the rear of the motor vehicle or trailer in accordance with section 183;
- (b) a lighted lamp of a power not exceeding 7 watts is carried in accordance with subsection (2) on each side of the front of the motor vehicle or, if the trailer is not attached to a motor vehicle, on each side of the front of the trailer; and
- (c) lighted lamps as provided by paragraphs 182 (1) (b) and (ba) are carried on the rear of the motor vehicle or trailer.

(2) The lamps referred to in paragraph (1) (b) shall be so made and carried that—

- (a) when lighted, each lamp shows a bright white light to persons approaching directly towards the front of the motor vehicle or trailer at a distance of 200 metres on a dark night with a clear atmosphere;

- (b) the centres of the lamps are equidistant from the centre of the front of the motor vehicle or trailer; and
- (c) no part of the motor vehicle or trailer, or its loading or equipment, extends more than 510 millimetres laterally beyond the centre of each lamp on the side of the motor vehicle or trailer on which the lamp is carried.

**(3)** Subject to subsection (4), a person shall not park a motor cycle to which a side-car is attached upon a public street between the hours of sunset and sunrise unless—

- (a) a lighted lamp as provided by paragraph 182 (2) (b), and a reflector, are carried on the rear of the motor cycle; and
- (b) a lighted lamp as provided by paragraph 182 (2) (c) is carried on the front of the side-car, and a reflector is carried on the rear of the side-car.

**(4)** It is not an offence for a person to park a vehicle without the lighted lamps referred to in subsection (1) or (3) if the vehicle is parked under or near a lighted public street lamp or other outside lamp so illuminating the vehicle as to render it clearly visible on a dark night with a clear atmosphere to persons approaching the vehicle at a distance of 200 metres.

### **Towing of vehicles**

**186.** A person shall not, upon a public street, drive any motor vehicle having any other vehicle, not being a trailer, attached thereto for the purpose of being towed, unless the vehicle being towed is in a fit condition to be towed without risk of injury to any person or property and unless the following provisions are complied with:

- (a) The space between the vehicle being towed and the towing vehicle shall not exceed 3.50 metres;
- (b) Where the vehicle being towed is a motor vehicle, a competent person shall be in charge of that vehicle for the purpose of controlling it, so far as the condition of its brakes and mechanism permits, unless the vehicle is in actual contact with the towing vehicle;
- (c) Where the vehicle being towed is not a motor vehicle, that vehicle shall be in actual contact with the towing vehicle;
- (d) Where the vehicles are attached by means of a tow rope, chain or wire, a white flag or cloth shall be displayed on the tow rope, chain or wire, midway between the vehicles; and

- (e) Where the towing takes place between sunset and sunrise, a lighted lamp, showing a bright white light, shall be attached to the front of the towed vehicle in such a manner as to render clearly visible the flag or cloth displayed in accordance with paragraph (d), and a lighted lamp shall be attached to the offside of the rear of the towed vehicle, showing a red light clearly visible to any person approaching the vehicle from the rear:

Provided that where the vehicle being towed is in actual contact with the towing vehicle it shall not be necessary for the white flag or cloth to be displayed or a lighted lamp to be attached to the front of the towed vehicle.

### **Riding in trailers prohibited**

**186A. (1)** A person shall not, upon a public street, drive a motor vehicle to which a trailer or camper unit is attached while another person is in or upon the trailer or camper unit.

**(2)** A person shall not wilfully be in or upon a trailer or camper unit that is attached to a motor vehicle while the motor vehicle is being driven upon a public street.

Penalty: \$100.

### **Noise and smoke**

**187.** Any person who, upon a public street—

- (a) drives any motor vehicle—
- (i) unless an efficient silencer is affixed to the exhaust pipe of the vehicle and is used in such a manner that the exhaust is projected through the silencer;
  - (ii) which causes undue noise;
  - (iii) from any part of which an undue amount of smoke is projected; or
- (b) makes or permits to be made any unnecessary noise with the horn or other means of alarm affixed to a motor vehicle or makes or permits to be made, any such noise, other than as a warning of danger,

shall be guilty of an offence.

### **Discharge of sparks, live coals etc. from vehicle fitted with gas producer**



**188.** A person shall not use, drive or have charge of a motor vehicle which carries equipment for generating producer gas from which any flame, spark, live coal or any burning material is being or may be discharged, except as permitted by section 10B of the *Careless Use of Fire Act 1936*, or which permits any leakage of producer gas.

**Offences relating to equipment etc. of motor vehicles**

- 189. (1)** Any person who, upon a public street, drives a motor vehicle—
- (b) past any motor omnibus, for the time being stopped for the purpose of taking up or setting down passengers, to the danger of those passengers; or
  - (c) having more than 1 trailer attached thereto; or
  - (d) having a trailer attached to it unless the trailer is securely fastened close to the rear of the motor vehicle; or
  - (da) having a trailer attached to it unless the registration number of the trailer is in a position clearly visible from the rear or either side of the trailer; or
  - (e) unless an efficient horn or other means of alarm is attached thereto in a convenient position; or
  - (h) apparently used only for exhibiting an advertisement; or
  - (i) unless that motor vehicle (including all its equipment) is in such a condition as not to cause or be likely to cause injury or damage to, or endanger the safety of, any person on the motor vehicle, or any person, animal, property or thing on any public street or other place; or
  - (j) in or on which, or in or on a trailer attached to which, is carried a load or other thing which is so distributed, placed or carried as to cause or be likely to cause injury or damage to, or to endanger the safety of, a person on the vehicle, or persons, animals, property or things on the public street; or
  - (k) from which, or from a trailer attached to which, any article or thing falls to the roadway,

shall be guilty of an offence.

**(1A)** Subsection (1) does not apply to a person who drives a motor vehicle upon a public street with more than 1 trailer attached to it where the motor

vehicle is being so driven in accordance with a permit granted under section 27 of the *Motor Vehicles (Dimensions and Mass) Act 1990*.

(2) For the purposes of paragraph (1) (d), where a trailer is, by virtue of the Regulations, required to be equipped with a safety chain, the trailer shall be deemed not to be securely fastened to the motor vehicle at any time at which the safety chain is not attached to the rear of the motor vehicle.

(3) A person who is guilty of an offence against paragraph (1) (b), (d), (i), (j) or (k) is punishable, on conviction, by a fine not exceeding \$2,000.

### **Width of motor vehicles**

**190. (1)** A person shall not, except in accordance with a permit granted by the Registrar, drive a motor vehicle upon a public street if the width of that vehicle or of a trailer attached thereto (including a load or other thing carried in or on the vehicle or trailer), measured between its extreme projecting points, exceeds 2.50 metres.

(2) A permit under this section may be granted upon payment of the determined fee and on such conditions and for such purposes as are specified in the permit.

(3) A reference in subsection (1) to a motor vehicle does not include a reference to—

- (a) a motor vehicle to which the *Motor Vehicles (Dimensions and Mass) Act 1990* applies;
- (b) a motor vehicle that is part of an articulated vehicle to which that Act applies; or
- (c) a motor vehicle that is part of a combination of vehicles to which that Act applies.

### **Motorcyclists to wear safety helmets**

**190A. (1)** Subject to this section, a person who—

- (a) drives on a public street a motor cycle or a motor cycle to which a side-car is attached; or
- (b) is carried on a public street on a motor cycle or in a side-car attached to a motor cycle,

is guilty of an offence if—

- (c) he or she is not wearing a safety helmet;

- (d) he or she is wearing a safety helmet other than a safety helmet of an approved type; or
- (e) he or she is wearing a safety helmet of an approved type that is not appropriately adjusted on his or her head.

(2) The penalty for an offence against subsection (1) is a fine not exceeding \$80.

(3) It is a defence to a prosecution for an offence against subsection (1) if—

- (b) the defendant establishes that he or she was, at the time of the alleged offence, a resident of a State or another Territory of the Commonwealth and he or she was wearing a safety helmet of a type that was, at that time, approved for the purposes of the provisions of the law of that State or Territory that correspond to this section.

(4) In this section, a reference to a safety helmet of an approved type shall be read as a reference—

- (a) to a helmet that has applied to it the certification trade mark of which the Standards Association of Australia is the registered proprietor under the *Trade Marks Act 1955* of the Commonwealth together with the letter and figures “E33”;
- (b) to a helmet that has applied to it the certification trade mark of which the Standards Association of Australia is the registered proprietor under the *Trade Marks Act 1955* of the Commonwealth together with the letter and figures “E43”;
- (ba) to a helmet that has applied to it the certification trade mark of which the Standards Association of Australia is the registered proprietor under the *Trade Marks Act 1955* of the Commonwealth together with the figures “1698”;
- (c) to a helmet that has applied to it the letters and figures “AS E33” or the letters and figures “AS E43”; or
- (d) to a helmet that is a helmet to which this paragraph applies.

(5) A helmet is a helmet to which paragraph (4) (d) applies if—

- (a) the helmet is a helmet of a kind that is specified by the Registrar by notice published in the *Gazette* as being a kind of helmet that is no less effective in preventing, in the event of accident, injury to its wearer than a helmet of the kind referred to in paragraph (4) (a); or

- (b) the helmet is no less effective in preventing, in the event of accident, injury to its wearer than a helmet of the kind referred to in paragraph (4) (a).

(6) The Registrar shall cause to be kept at each place referred to in paragraph 7A (8) (a) a copy of each notice referred to in paragraph (5) (a) and shall, at the request of a person, make that copy available for inspection by that person at a time when that place is open to the public.

### **Pillion riding**

**191. (1)** The driver of a motor cycle shall not, upon a public street, carry on the motor cycle more than one other person.

(3) The driver of a motor cycle shall not carry on the motor cycle another person unless—

- (a) the motor cycle is equipped with footrests in addition to and independent of the footrests provided for the driver, being footrests which—
  - (i) are securely fixed on each side of the frame of the motor cycle; and
  - (ii) project outwards at right angles to the motor cycle for not less than 100 millimetres and not more than 150 millimetres;
- (b) a seat of a type approved by the Registrar is securely fixed to the motor cycle behind the driver's seat and is in serviceable condition;
- (c) the other person—
  - (i) is sitting astride the motor cycle;
  - (ii) is facing forward;
  - (iii) is seated on the seat referred to in paragraph (b); and
  - (iv) has his or her feet on the footrests referred to in paragraph (a); and
- (d) the driver has held for a period of at least 12 months a licence or other authority to drive a motor cycle, not being a learner licence, issued under this Act or under the law of a State, another Territory or another country.

(4) This section does not apply to or in relation to the carriage of persons in a side-car.

## PART XIII—PENALTIES

### General offences

**192. (1)** A person who contravenes or fails to comply with a provision of this Act, other than section 97, 151, 152, 153, 154, 155, 156, 157, 158, 163D, 163E, 163F or 163M, is guilty of an offence against this Act.

**(2)** A person who commits an offence against this Act, whether by virtue of subsection (1) or otherwise, may be prosecuted summarily before the Magistrates Court and the Court may, where no other penalty is expressly provided, impose a penalty not exceeding \$2,000.

### Cancellation and suspension of licences by court

**192A. (1)** Where a person is convicted of an offence of culpable driving arising out of the driving of a motor vehicle recklessly or negligently, the court by which he or she is convicted shall—

- (a) if the person is the holder of a driving licence—suspend the driving licence for such period, being a period of not less than 3 months, as the court directs or, if the court considers the circumstances so warrant, cancel the licence and direct that the person be disqualified from holding a driving licence until such time as the court otherwise orders; or
- (b) if the person is not the holder of a driving licence (whether or not the person is to be deemed to be licenced to drive a motor vehicle under section 107 or 108)—disqualify the person from holding a driving licence for such period, being a period of not less than 3 months, as the court directs or, if the court considers the circumstances so warrant, disqualify the person from holding a driving licence until such time as the court otherwise orders.

**(2)** The powers conferred on a court by this section are in addition to any other powers of the court.

**(3)** Where the Magistrates Court, in pursuance of section 92A of the *Magistrates Court Act 1930*, commits a person to the Supreme Court for sentence, subsection (1) applies as if the person had been convicted by the Supreme Court.

**(4)** Where a court makes an order under this section, the court shall cause particulars of the order to be forwarded to the Registrar.

**Additional penalty of suspension or cancellation of driving licence****193.**

(2) Where a person is convicted of an offence against subsection 13A (5), the special licence to drive a motor vehicle under that section and his or her suspended driving licence shall, by force of the conviction, be cancelled.

(3) Where a person is convicted of an offence against section 51, the Court may suspend his or her driving licence for a period of 12 months commencing on the date of his or her conviction.

(4) Where a person is convicted of an offence against subsection 129 (1) or section 147A, the Court shall—

- (a) suspend the person's driving licence—
  - (i) in the case of a conviction of a first offence against that subsection or section—for a period of 3 months or such longer period as the Court thinks fit; and
  - (ii) in the case of a conviction of a second or subsequent offence against that subsection or section—for a period of 12 months or such longer period as the Court thinks fit; or
- (b) cancel the person's driving licence.

(4A) For the purposes of subsection (4), where—

- (a) a person has been convicted of an offence against subsection 129 (1) or section 147A;
- (b) the person is subsequently convicted of an offence against the same provision; and
- (c) a period exceeding 5 years has elapsed since the date of commission of the offence of which the person was previously so convicted,

the second or subsequent offence shall be deemed to be a first offence.

(5) Where a person is convicted of an offence against section 129 by reason of driving a motor vehicle negligently upon a public street, or of an offence against any other provision of this Act for which no other penalty is expressly provided, the Court may—

- (a) suspend that person's driving licence for such period as it thinks fit; or
- (b) cancel the driving licence.

(10) Where a person is convicted of an offence against section 193A of driving while his or her driving licence is suspended, the Court may suspend his or her licence for a further period or cancel the licence.

(11) Where a person is convicted of an offence against this Act referred to in this section and he or she does not, otherwise than by reason of a suspension or cancellation under this Act, hold a driving licence (whether or not he or she is to be deemed to be licensed to drive a motor vehicle under section 107 or 108), that person shall, by force of the conviction, be disqualified from holding a driving licence for the period of suspension provided by this section in respect of that offence or, if the additional penalty provided by this section in respect of the offence is cancellation of a driving licence, until such time as the Court, in the same way as it could if he or she had held such a licence, declares him or her to be a fit and proper person to hold such a licence.

(12) A reference in a provision of this section to a first offence against a specified provision of this Act shall be read as a reference to an offence committed by a person who has not previously been convicted of that offence, of an offence against section 129 or 147A, or of an offence of culpable driving.

(13) A reference in a provision of this section to a second or subsequent offence against a specified provision of this Act shall be read as a reference to an offence committed against that specified provision by a person who has previously been convicted of that offence, of an offence against a provision referred to in subsection (12) or of an offence of culpable driving.

(14) The suspension or cancellation of a driving licence or disqualification from holding a driving licence under this section in respect of an offence is in addition to any other penalty imposed by the Court for that offence.

### **Suspension or cancellation of driving licence**

**193A. (1AA)** This section has effect subject to Part XIB.

(1) Where a driving licence is suspended for a period under this Act or under any other law of the Territory, the holder of the licence shall, from the date of the suspension, cease to be licensed to drive a motor vehicle and shall, subject to section 13A, be disqualified from holding a driving licence for the period of the suspension.

(2) Where a driving licence is cancelled under this Act or under any other law of the Territory, the holder of the licence shall, from the date of the cancellation, cease to be licensed to drive a motor vehicle, and be disqualified from holding a driving licence, until such time as the Court declares that he or she is a fit and proper person to hold a driving licence.

(3) A person whose provisional or full licence has been cancelled is not eligible to apply for another provisional or full licence (as the case requires) until he or she has held a probationary licence for a period of, or periods totalling, not less than 12 months.

(4) Where a person's driving licence is suspended for a period or he or she is disqualified for a period from holding a driving licence, that person shall not, during that period—

- (a) obtain a driving licence other than a special licence under section 13A; or
- (b) drive a motor vehicle except in pursuance of such a special licence.

Penalty: \$10,000 or imprisonment for 12 months or both.

(5) Where a person's driving licence is cancelled, or he or she is disqualified from holding a driving licence or ceases to be deemed to be so licensed until such time as the Supreme Court or the Court declares him or her to be a fit and proper person to hold a driving licence, that person shall not, until that time—

- (a) obtain a driving licence; or
- (b) drive a motor vehicle.

Penalty: \$10,000 or imprisonment for 12 months, or both.

(6) Where a person's driving licence is suspended or cancelled under this Act or any other law of the Territory, the person shall, forthwith after the suspension or cancellation, as the case requires, return the licence to the Registrar.

(7) A suspended driving licence shall, unless subsequently cancelled or the period of the licence has expired, be returned after the expiration of the period of suspension by the Registrar to the person to whom it was granted.

(8) A person whose driving licence has been suspended or cancelled is not entitled to a refund of the fee or any part of the fee paid on the grant of the licence.

(9) The Court shall cause particulars of all convictions, cancellations and suspensions of driving licences and disqualifications from holding driving licences and orders of the Court to be forwarded to the Registrar.

(10) Nothing in this section applies to the suspension of a driving licence under section 162E or 180F.



**PART XIV—MISCELLANEOUS****Record of registrations and licences to be kept**

**194. (1)** Particulars of the registration of motor vehicles and trailers and of the grant of certificates and licences shall be recorded at the office of the Registrar.

**(2)** An extract from, or copy of, any entry contained in the record, certified by the Registrar, shall, in all courts and upon all occasions, be received as evidence and deemed sufficient proof of all particulars contained in that entry without requiring the production of the books, licence, requisition, notice or other document upon which the entry was founded.

**Judicial notice of Registrar's and Deputy Registrar's signature**

**195.** All Courts shall take judicial notice—

- (a) of the official signature of any person who holds or has held the office of Registrar or Deputy Registrar;
- (b) of any certificate in writing under the hand of the Registrar or the Deputy Registrar that, on any day or during any period—
  - (i) any person was not licensed or has failed to do something which under this Act a person may be licensed or required to do; or
  - (ii) any motor vehicle or trailer was not registered or licensed in a manner in which a motor vehicle or trailer may be registered or licensed under this Act; and
- (c) of a certificate in writing under the hand of the Registrar or a Deputy Registrar as to approvals or absence of approvals in relation to signalling devices for the purposes of subsection 136 (5),

and such certificate shall be *prima facie* evidence of the matter contained in the certificate.

**Laying of information**

**196. (1)** Subject to section 163, an information or complaint for an offence against or a contravention of any provision of this Act may be laid or made by any person.

**(2)** If any such information or complaint is laid or made by any person other than the Registrar or an officer thereto authorized by the Minister or a member of the Police Force, and the proceedings are dismissed or withdrawn,

the Court may, if it thinks fit, order that person to pay to the defendant, in addition to any costs, such compensation as it thinks reasonable.

### **Liability at common law and by statute**

**197.** Nothing in this Act shall affect any liability of any person by virtue of any other law in force in the Territory.

### **Evidence of registration**

**198.** In any proceedings under this Act, proof that a motor vehicle or trailer has not upon it a number-plate as prescribed, shall be *prima facie* evidence that the vehicle is not registered.

### **Evidence of ownership of vehicles**

**199.** A certificate of registration in respect of a motor vehicle or trailer shall, in all proceedings under this Act, be *prima facie* evidence that the person whose name is specified in the certificate as the owner is the owner of the vehicle or trailer.

### **Weight of vehicles**

**200. (1)** The weight accepted as the weight of a vehicle for the purposes of its most recent registration or renewal of registration under this Act shall, unless another weight is proved to be the weight, be deemed to be the weight of that vehicle for all purposes of this Act at all times.

**(2)** Where a member of the Police Force or an officer in the execution of his or her duty has reasonable cause to believe that an offence has been committed by the driver of a motor vehicle against section 133, 133A or 145 by reason of the laden weight of the motor vehicle, the member or officer may direct the driver or person in charge of the motor vehicle forthwith to drive the loaded motor vehicle to a weighbridge nominated by the member or officer and there cause the motor vehicle and the load on the motor vehicle to be weighed.

**(3)** The driver or person in charge of a motor vehicle to whom such a direction is given shall observe and comply with the direction.

**(4)** In a prosecution for an offence against section 133, 133A or 145 in relation to a motor vehicle to the driver or person in charge of which such a direction was given, a certificate purporting to be signed and issued by the person in charge of a weighbridge specified in the certificate and setting out the results of the weighing of that motor vehicle in pursuance of the direction shall, unless the contrary is proved, be deemed to be signed and issued by the person in charge of that weighbridge, and a certificate so signed and issued is evidence

of the laden weight of the motor vehicle at the time that alleged offence was committed.

### **Recovery of fees unpaid**

**201. (1)** The Registrar may recover in the Magistrates Court from the person liable therefor any fee or other amount payable under this Act to the Territory.

**(2)** In any proceeding under this section for the recovery of any fee or portion of a fee or any other amount, the onus of proof that the fee or portion of a fee or amount has been paid shall be upon the defendant.

### **Powers and duties of police, inspectors and officers**

**202. (1)** Each member of the Police Force, each inspector and each officer thereto authorized by the Minister shall do all things in his or her power to ensure that this Act is duly observed, and, in all cases not expressly provided for, any member of the Police Force in the execution of his or her duty under this Act, an inspector or officer thereto authorized by the Minister may give such reasonable directions to persons driving motor vehicles upon any public street as are in his or her opinion necessary for the safe and efficient regulation of the traffic thereon.

**(2)** For the purposes of subsection (1), the member, inspector or officer may drive, use, ride upon or cause himself or herself to be carried or drawn by any such vehicle and in respect thereof shall not be liable for the payment of any fare ordinarily chargeable for the hire or use of the vehicle.

**(3)** Where an unattended motor vehicle or trailer has been left abandoned, stopped or parked in a public street—

- (a)** at a place where the stopping or parking, as the case may be, of the motor vehicle or trailer is prohibited by or under this Act; or
- (b)** in a place in such a manner that the motor vehicle or trailer is, in the opinion of a member of the Police Force, causing or is likely to cause a danger or obstruction to other persons using the public street,

a member of the Police Force may move the motor vehicle or trailer or cause it to be moved from that place to the nearest convenient place, which is not so prohibited, where the motor vehicle or trailer can be left or where it does not cause or is not likely to cause such a danger or obstruction.

**(4)** For the purposes of subsection (3), a member of the Police Force may, if after reasonable inquiry the driver of a motor vehicle cannot be found or the

person in charge of the motor vehicle does not comply with a request by the member to move the motor vehicle to a place indicated by the member, enter the motor vehicle for the purpose of moving the motor vehicle under that subsection without liability for damage occasioned by the entry.

(5) Any member of the Police Force may take charge of, enter, and drive to a place of safety, a motor vehicle the driver of which—

- (a) has been arrested for an offence against this Act or against the *Motor Traffic (Alcohol and Drugs) Act 1977*; or
- (b) has been taken into custody in pursuance of sections 11, 15 or 16 of the *Motor Traffic (Alcohol and Drugs) Act 1977*.

### **Name and address to be given**

203. A person who, when required by a police officer or inspector in the execution of his or her duty under this Act to state his or her full name or residential address—

- (a) refuses to do so; or
- (b) states a false name or residential address;

is guilty of an offence.

### **Production of motor vehicles and trailers**

204. (1) Notwithstanding any other provision of this Act, the Registrar may, by notice in writing, require the owner or any person having the custody of a motor vehicle or trailer to produce the vehicle to an inspector, at the time and place stated in the notice, for examination or inspection.

(2) Where the owner or any such person refuses or fails, without reasonable cause, to comply with any such notice, he or she shall be guilty of an offence.

### **Inspection of motor vehicles and trailers**

205. The owner or any person having the custody of a motor vehicle or trailer shall, upon request by an inspector or an officer authorized in that behalf by the Registrar or upon request by any member of the Police Force, permit the inspector, officer or member to examine or inspect the vehicle for any purpose of this Act.

### **Service of notices**

**206.** Any notice under this Act shall be deemed to have been duly served upon any person if served personally or if left at the last address specified in or endorsed upon any licence or certificate granted to that person in pursuance of this Act.

#### **Offence due to accident**

**207.** A person shall not be liable to be convicted of an offence against or a contravention of a provision of this Act if he or she proves, to the satisfaction of the court hearing the case, that the offence or contravention could not have been avoided by any reasonable efforts on his or her part.

#### **Names on trucks and omnibuses**

**208.** The owner of a rigid truck, articulated vehicle or motor omnibus shall cause his or her name and address and the weight of the vehicle to be painted in plain block letters, at least 25 millimetres in height, in a conspicuous position on the right-hand side of such vehicle and shall at all times maintain that name and address and the weight of the vehicle on such vehicle.

#### **Remission or refund of fees**

**209. (1)** The Minister may, whenever he or she thinks fit, remit any fee or portion of any fee payable under this Act, or refund to any person any fee under this Act paid by that person or any portion of that fee.

**(2)** Subject to this section, the Registrar may refund to a person—

- (a)** any excess payment made by that person in respect of any matter under this Act;
- (b)** any fee paid by that person in respect of an application for—
  - (i)** the registration, or renewal of a registration, of a motor vehicle or trailer; or
  - (ii)** the grant or renewal of a licence under this Act;

where the application is refused;

- (c)** any fee paid by that person in respect of—
  - (i)** the grant or renewal of a licence that was granted or renewed in error and has been cancelled; or
  - (ii)** a registration, or renewal of a registration, of a motor vehicle or trailer that was registered, or that the registration of which was renewed, in error, being a registration that has been cancelled;

- (d) who holds a driving licence that is cancelled at his or her request, an amount calculated in accordance with subsection (3) in respect of the licence; or
  - (e) being the person in whose name a motor vehicle or trailer is registered or licensed, an amount calculated in accordance with subsection (3), where—
    - (i) on the application of the person the registration or licence is cancelled; or
    - (ii) the motor vehicle or trailer is re-registered on account of an alteration in its construction, equipment or use.
- (3)** For the purposes of paragraph (2) (d) or (e) the amount to be refunded is, subject to subsection (4), the amount obtained by—
- (a) dividing the number of whole months in the unexpired portion of the period of validity of the licence or registration (as the case requires) by the number of whole months in the period for which the licence had been granted or last renewed or the motor vehicle or trailer was last registered or the registration last renewed (as the case requires);
  - (b) multiplying the quotient by the amount of the fee paid when the licence was last granted or renewed, or the motor vehicle or trailer was last registered or its registration last renewed (as the case requires); and
  - (c) deducting from the amount so obtained the amount determined by the Minister.
- (4)** Where a refund is to be made under paragraph (2) (e) in respect of both the registration and the licence of a motor vehicle or trailer, paragraph (3) (c) does not apply to the calculation that is made second.
- (5)** The Registrar shall not make a refund under this section in respect of a licence unless the licence is surrendered to the Registrar.
- (6)** Subject to subsection (7), the Registrar shall not make a refund under this section in respect of a registration unless the applicant surrenders to the Registrar—
- (a) the number-plates issued in connection with the registration; and
  - (b) the certificate of registration.

(7) Where the Registrar is satisfied that an applicant cannot comply with paragraph (6) (a) or (b), the Registrar may make a refund to an applicant who furnishes a written declaration that a number-plate or the certificate of registration (as the case requires) has been lost, stolen or destroyed.

### **Motor tractor**

**210. (1)** Any person who desires to bring into the Territory over any public street, whether for the purpose of travelling through portion of the Territory or otherwise, a motor tractor not registered in the Territory shall forthwith notify the Registrar who may, upon payment by that person to the Territory of the determined fee, grant a licence authorizing the tractor to be brought into and to travel through the Territory:

Provided that this section shall not apply to a motor tractor which is provided with pneumatic or other tyres of a prescribed type or which, being so provided, does not haul a trailer or other vehicle provided with tyres other than pneumatic tyres.

(2) In the event of the owner or driver of the tractor applying for registration of the motor tractor under this Act within 3 days after the date upon which it was brought into the Territory, the Registrar shall apply the amount of the determined fee paid under subsection (1) towards the payment of the registration fee for the registration of the motor tractor, but otherwise the amount of that fee shall be paid into the Consolidated Revenue Fund.

### **Exemption of special vehicles**

**211. (1)** With the exception of sections 115C and 139, nothing in this Act applies in relation to a vehicle if—

- (a) the vehicle is a fire brigade vehicle, an ambulance or a vehicle that is conveying a police officer;
- (b) the vehicle is engaged in connection with an approved purpose; and
- (c) the driver of the vehicle gives such a warning as is, in all the circumstances, adequate to enable way to be made for the vehicle.

(2) Notwithstanding subsection (1), section 139 does not apply in relation to a vehicle of a kind referred to in paragraph (1) (a), being a vehicle that is engaged in connection with an approved purpose unless—

- (a) the direction under that section is given for a purpose affecting public safety; and

- (b) compliance with the direction is not likely to affect unduly the discharge by the driver of his or her duties as the driver of such a vehicle engaged in connection with such a purpose.
- (3) For the purposes of this section, a vehicle shall be taken to be engaged in connection with an approved purpose if—
- (a) in the case of a fire brigade vehicle—
- (i) the vehicle is proceeding to, or is otherwise engaged in connection with, a fire or another emergency; or
  - (ii) the driver of the vehicle believes, on reasonable grounds, that the vehicle is proceeding to, or is otherwise engaged in connection with, a fire or another emergency;
- (b) in the case of an ambulance—
- (i) the vehicle is proceeding to the scene of an accident, is conveying a person to a hospital or other place for medical treatment or is engaged in connection with another emergency; or
  - (ii) the driver of the vehicle believes, on reasonable grounds, that the vehicle is proceeding to the scene of an accident or is engaged in connection with another emergency; and
- (c) in the case of a vehicle that is conveying a police officer—
- (i) the police officer is engaged on urgent business in connection with the prevention or investigation of an offence or suspected offence against a law in force in the Territory or the apprehension of a person who has committed, or is suspected of having committed, an offence against such a law or is engaged in connection with another emergency; or
  - (ii) the police officer believes, on reasonable grounds, that he or she is engaged in connection with an emergency.
- (4) In this section, “fire brigade vehicle” includes a vehicle that is used by any organization or body for a purpose connected with fires or rescues.

### **Exemption of certain vehicles and drivers**

**212.** Nothing in this Act relating to the registration of motor vehicles or the affixing of number-plates thereon shall apply in relation to any mechanical constructional plant belonging to the Territory or Commonwealth; and a person



shall not be guilty of any offence or liable to pay any sum under this Act by reason of such vehicle not being registered, and the driver or any other person shall not be guilty of any offence under this Act by reason only of the driver of any such vehicle, while acting in the performance of his or her duty, not having or producing a licence under this Act to drive a motor vehicle.

### **Exemption for postal vehicles**

**212A. (1)** In this section, “employee”, “officer” and “postal article” have the same respective meanings as in the *Postal Services Act 1975* of the Commonwealth.

**(2)** In this section, a reference to a motor cycle shall be read as a reference to a motor cycle that has an engine capacity that does not exceed 110 millilitres.

**(3)** Subsection 113 (2) does not apply in relation to the riding of a motorcycle on a footpath if the rider of the motorcycle—

- (a) is engaged, as an officer or employee, in the delivery of postal articles;
- (b) does not ride the motorcycle at a speed exceeding 7 kilometres per hour; and
- (c) takes the shortest practical route between points of delivery.

**(4)** Subsection 151 (1), and subsection 158 (2) (insofar as it prohibits the stopping or parking of a motor vehicle, where a kerb is constructed on the boundary of the carriageway of a public street, upon a part of the public street other than the carriageway of the public street or a part reserved for parking by a traffic sign), do not apply in relation to a person who stops or parks a motorcycle on a footpath if that person is engaged, as an officer or employee, in the delivery of postal articles.

### **Special licences for the carriage of workers**

**213. (1)** The Registrar may grant a licence for the use of any motor vehicle for the carriage, for monetary or other material consideration, of workers to and from their work.

**(2)** A licence under subsection (1) may be subject to such conditions as the Minister thinks fit.

**(4)** A person shall not use any motor vehicle, in respect of which a licence is granted under this section, or cause any such motor vehicle to be used, for the carriage, for monetary or other material consideration, of any persons other than workers going to or returning from their work.

(5) Nothing in this Act relating to public motor vehicles or private hire cars shall apply to any vehicle in respect of which a licence is granted under this section.

(6) Prior to the grant or renewal of a licence under this section, the applicant shall pay to the Territory the determined fee.

(7) A person using a motor vehicle in pursuance of a licence granted under this section shall paint or cause to be painted in a conspicuous place on the off-side of the vehicle in legible plain block letters his or her name and address together with the words "Licensed to carry workers".

(8) For the purposes of this section, "worker" means any person who has entered into or works under a contract of service or apprenticeship with any employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing.

#### **Carriage of passengers on licenced goods vehicles**

**214. (1)** The Registrar may, in his or her discretion, grant a permit in respect of a licensed goods motor vehicle authorizing the carriage on the motor vehicle of any persons in such circumstances (other than in the circumstances referred to in section 213) and upon such conditions as to safety or otherwise as are specified in the permit by the Registrar.

(2) A permit may, at the discretion of the Registrar, provide that no monetary or other material consideration shall be charged or received by any person in respect of the carriage of any person on a licensed goods motor vehicle.

(3) A permit shall be in force for such period not exceeding 1 month as is specified therein:

Provided that, in special circumstances, the Registrar may specify a period in excess of 1 month.

(4) A person shall not carry a number of persons greater than the number specified in the permit or in or on an area, district, route or road other than that so specified or contrary to the circumstances and conditions so specified.

(5) The person driving a licensed goods motor vehicle in respect of which a permit is issued shall carry the permit on the motor vehicle and shall, on demand by an inspector or an officer authorized in that behalf by the Registrar or by any member of the Police Force, produce the permit for inspection by the inspector, officer or member.

(6) The holder of a permit shall, if so required by the Registrar, pay, in addition to other moneys payable under this Act, the determined fee.

### **Licence to ply for hire for the carriage of goods**

**215. (1)** The Registrar may grant a licence for any motor vehicle to ply for hire for the carriage of goods (in this Act referred to as a “licensed goods motor vehicle”).

(2) A licence under subsection (1) may be subject to such conditions as the Minister thinks fit.

(3) A person shall not, except in pursuance of a licence granted under this section, ply a motor vehicle for hire for the carriage of goods.

(4) Prior to the grant or renewal of a licence under this section, the applicant shall pay to the Territory the determined fee.

### **Temporary licences**

**216. (1)** Notwithstanding anything contained in this Act but without prejudice to any other powers conferred on him or her by this Act, the Registrar may, upon payment to the Territory of the determined fee, grant to any person who is desirous of obtaining permission—

- (a) to remove an unregistered motor vehicle along the public streets from 1 part of the Territory to another; or
- (b) to operate, upon the public streets, a registered motor vehicle for any purpose prescribed in this Act other than the purpose for which it is registered or licensed,

a licence permitting the vehicle to be so removed or operated, for any period not exceeding 7 days, on a route specified in the licence.

(2) Where, in respect of an unregistered motor vehicle, there is in force an instrument in writing made in pursuance of a law in force in a State or the Northern Territory of Australia permitting the driving of the vehicle upon a public street in that State or Territory, that instrument shall be deemed to be a licence granted under this section permitting the vehicle to be driven along the public streets of the Australian Capital Territory.

(3) A licence that is to be deemed to have been granted under this section has effect—

- (a) for such period as the instrument that is to be deemed to be the licence remains in force; and

- (b) if the instrument is expressed to be subject to conditions, to the extent to which those conditions are capable of application to the driving of a motor vehicle upon a public street of the Territory.

### **Motor vehicle reliability trials and speed tests**

**217. (1)** Where application is made to the Registrar by any person for permission to conduct motor vehicle reliability trials or speed tests upon any public street and the applicant gives notice of his or her application by advertisement in a local newspaper at least 2 clear days before the day in respect of which the permit is desired, and the Registrar is satisfied that permission can be granted without danger to the public, the Registrar may, subject to any directions of the Minister, issue a permit exempting the persons taking part in the trials or tests from the provisions of this Act in relation to the affixing of silencers to the exhaust pipes of motor vehicles, rules of the road and speed limits during those trials or tests.

**(2)** The Registrar shall in any such permit specify the time and place at which the trials or tests are to be conducted and may also state any conditions to be observed in relation to the trials or tests.

**(3)** An application for a permit under this section shall be accompanied by the determined fee.

**(4)** Any person who fails to comply with any condition contained in any permit under this section shall be guilty of an offence.

### **Power of Minister to determine fees and amounts**

**217A.** The Minister may, by notice in writing published in the *Gazette*, determine fees and other amounts for the purposes of this Act.

### **Fees payable**

**217B.** A fee determined under section 217A is payable to the Territory in relation to the relevant matter specified in the notice referred to in that section, being a matter in respect of which the Executive may make regulations.

### **Notice of decision**

**217C. (1)** Where—

- (a) the Minister makes a decision of a kind specified in Part I of Schedule 7; or
- (b) the Registrar makes a decision of a kind specified in Part II of Schedule 7;

the Minister or Registrar, as the case requires, shall give notice in writing of the decision to the person affected.

(2) A notice under subsection (1) shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Tribunal for a review of the decision to which the notice relates; and
- (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 26 of that Act.

(3) The validity of a decision referred to in subsection (1) shall not be taken to have been affected by a failure to comply with subsection (2).

### **Review by Tribunal**

**217D.** Application may be made to the Tribunal for a review of a decision referred to in subsection 217C (1).

### **Regulations**

**218.** The Executive may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular prescribing matters providing for and in relation to—

- (a) the licensing of conductors of motor omnibuses;
- (b) the regulation of the grant of licences to those conductors, and of the renewal, transfer, suspension, cancellation and return of those licences;
- (d) the forms of those licences;
- (e) the qualification of conductors of motor omnibuses;
- (f) the badges, if any, to be worn by the drivers and conductors of public motor vehicles and the form, description, issue, wearing, and return of those badges;
- (g) the form, construction, and equipment of public motor vehicles, private hire cars, and other motor vehicles licensed for the carriage of workmen or goods;

- (h) the provision of number-plates additional to the number-plates required by this Act to be affixed upon public motor vehicles and the affixing and maintaining of those plates on public motor vehicles;
- (i) the amount of luggage and weight of goods to be carried in or upon any prescribed class of public motor vehicles;
- (j) the routes of motor omnibuses;
- (k) the time to be taken by motor omnibuses for performing the whole or any portion of their journeys;
- (l) the publication of time-tables of motor omnibus passenger services;
- (m) the prohibition of the setting down or taking up of passengers by motor omnibuses at prescribed places;
- (n) the payment of the fares fixed by or under this Act for the hire or use of public motor vehicles and private hire cars;
- (q) the pace at which public motor vehicles hired by time may travel;
- (r) the prohibition of misconduct by drivers and conductors of public motor vehicles in any public street;
- (s) the prohibition of any persons from touting or calling out or otherwise importuning any person to hire or use a public motor vehicle;
- (t) the rights, privileges, obligations and liabilities of holders of licences in respect of public motor vehicles of the drivers and conductors of those vehicles and of persons hiring or using those vehicles;
- (u) the qualifications of drivers of motor vehicles and riders of motor cycles;
- (w) trailers;
- (x) the widths and types of tyres of motor vehicles;
- (ab) the provision of labels relating to the registration of motor vehicles and trailers and the affixing and maintaining of those labels on motor vehicles and trailers;
- (ac) the grant of international certificates for motor vehicles or international driving permits in accordance with any convention to which the Commonwealth is a party;
- (ad) visiting motor vehicles;
- (af) the imposition of penalties not exceeding \$200 which may be imposed for breaches of the Regulations;

- (ag) the exemption, subject to such conditions (if any) as are specified, from the operation of all or any of the provisions of this Act of—
    - (i) motor vehicles or specified classes of motor vehicles which are owned by persons ordinarily resident outside the Territory and which are temporarily in the Territory;
    - (ii) motor vehicles of any other specified class;
    - (iii) persons in respect of a specified class or specified classes of motor vehicles (including motor vehicles or specified classes of motor vehicles which are owned by persons ordinarily resident outside the Territory and which are temporarily in the Territory);
  - (ah) the granting of refunds, subject to such conditions as are prescribed, of portion of premiums in cases where third-party policies are cancelled;
  - (aj) the circumstances under which and the conditions subject to which the records kept and documents filed in the Motor Registry for the purposes of this Act may be inspected or the information contained in such records or documents may be made available, or certificates of the Registrar or a prescribed officer may be given;
  - (ak) the furnishing to a prescribed person by any authorized insurer of prescribed particulars, verified as prescribed, which may be necessary or convenient to be ascertained from time to time for the purpose of enabling the Minister to decide what maximum amounts of premiums should be prescribed, or for the purpose of enabling the Registrar to make any determination under section 86 of this Act;
  - (al) the penalties applicable for parking infringements under Part X;
  - (am) the penalties applicable for offences under the *Motor Traffic (Alcohol and Drugs) Act 1977*; and
  - (an) the penalties applicable for offences under the *Traffic Act 1937*.
-

**SCHEDULE 2****PART I**

## Section 7

**CONDITIONS TO BE COMPLIED WITH BEFORE A MOTOR VEHICLE IS REGISTERED**

1. The particulars required to be inserted on the application form shall be inserted by the applicant.
2. The motor vehicle shall be produced as directed by the Registrar for examination or inspection by an inspector.
3. The motor vehicle shall be capable of being so worked that it may travel either backwards or forwards and be capable of being readily steered.
4. The steering arms and connexions shall be of sufficient length and as far as possible protected from damage by collision.
5. All brake and steerage connexions shall be secured with bolts, the bolts shall be fitted with nuts, and the nuts shall be locked or pinned.
6. Clauses 3 to 5 (both inclusive) shall not apply to motor cycles.
7. (1) The motor vehicle, if other than a motor cycle, shall have—
  - (a) 2 independent and efficient braking systems, 1 of which shall act directly on not less than half of the road wheels, or, where the vehicle has less than 4 wheels, on 1 wheel, and each system shall be capable of stopping the vehicle within a reasonable distance under the most adverse conditions. 1 of these systems shall be operated by a foot pedal and the other by a hand lever; or
  - (b) an efficient braking system comprising brakes—
    - (i) fitted to all the wheels with 2 separate means of actuation, 1 by a foot pedal and the other by a hand lever; and
    - (ii) so arranged that, in the event of failure of any part of the system, there will remain effective braking on not less than 2 wheels.
- (2) In the case of a motor cycle without a side-car, the motor cycle shall have at least 1 efficient braking system capable of stopping and holding the vehicle.
- (3) In the case of a motor cycle with a side-car, the motor cycle and the side-car shall have—
  - (a) 2 independent and efficient braking systems, 1 of which shall be operated by a foot pedal and the other by a hand lever or other appliance for holding the brake in the “on” position; or
  - (b) 1 efficient braking system capable of being held in the “on” position, acting directly on at least 2 wheels and so arranged that, in the event of failure of any part, there will remain effective braking on at least 1 wheel.
8. All fittings shall be in such condition as not to be likely to cause annoyance by bad smell or otherwise, or danger to any person upon the motor vehicle or upon a public street.
- 8A. (1) This clause applies to a motor vehicle the road wheels of which are fitted with pneumatic tyres.
  - (2) Those tyres and the rims to which they are fitted shall be of such a type, and in such condition, as not to be likely to cause danger to any person or goods upon the motor vehicle or to any person or other vehicle upon a public street.
  - (3) The tread of each of those tyres—
    - (a) shall have in its surface grooves, being—
      - (i) grooves the depth of no portion of which is less than 1.50 millimetres; and
      - (ii) grooves that, in the case of a tyre fitted to a motor vehicle that is a passenger car or a passenger car derivative within the meaning of section 7A, have not been formed otherwise than by moulding of the tread; or



**SCHEDULE 2—continued**

- (b) shall be formed by ridges protruding not less than 1.50 millimetres from the adjacent surface of the case of the tyre.
- (4) Subclause (3) does not apply in relation to the tyres fitted to a vehicle that is constructed primarily for use as a road-roller.
- (5) Tyres in relation to which this clause applies shall not be fitted with cleats, studs or other gripping devices of a material other than rubber.
- (6) Subclause (5) shall not be taken to prohibit the use, where necessary for the safe operation of a motor vehicle, of chains fitted around the tyres of the vehicle.
9. The lubrication of the engine and the carburation of the working mixture shall be so controlled that smoke is not projected with the exhaust, or from any other part.
10. Lamps and reflectors shall be carried and affixed to a motor vehicle or trailer to enable such of the provisions of sections 182, 183, 184 and 185 as are applicable to the motor vehicle or trailer to be complied with at any time.
11. (1) A suitable attachment of an approved size shall be fastened securely in an approved position for the purpose of affixing each required number-plate.
- (2) The lamp bracket shall be so affixed as not to obscure any portion of the rear number-plate.
- 11A. A pair of trader's plates used on a motor vehicle (other than a motor cycle) shall be so affixed that 1 is clearly visible to the front of the motor vehicle and the other is clearly visible to the rear of the motor vehicle, and a trader's plate used on a motor cycle or trailer shall be so affixed that it is clearly visible to the rear of the vehicle.
12. An efficient horn or other means of alarm shall be attached to the motor vehicle in a convenient position.
13. The motor vehicle shall not exceed 2.50 metres in width, measured between its extreme projecting points.
14. The motor vehicle shall have an effective silencer so made and affixed that the exhaust will be projected through the silencer.
15. A side-car shall not be affixed upon the right-hand side of any motor cycle.
16. In the application for registration of a motor vehicle, the weight unladen, and the width and material of the tyres, when other than rubber tyres, shall be stated.
- If the Registrar so requires the vehicle shall be weighed in the presence of an inspector.
17. The name and address of the owner and weight of the vehicle shall be painted on every rigid truck, articulated vehicle or omnibus in plain block letters, at least 25 millimetres in height, in a conspicuous position on the right-hand side of the vehicle.
18. The motor vehicle (not being a motor cycle) shall be equipped with a reflector or periscope so arranged as to enable the driver to be aware, without turning his or her head, of the existence or approach of any other vehicle on the right-hand side behind the driver.
19. The motor vehicle shall, if fitted with a windscreen, be equipped with a device capable of effectively removing rain, snow or other moisture from the portion of the windscreen immediately in front of the driver and so constructed and situated that it can be controlled or operated by the driver from the driver's seat of the vehicle.
20. Where a motor vehicle is propelled by producer gas, the equipment which generates the gas shall—
- (a) be securely attached to the vehicle or to a trailer drawn by the vehicle, and shall be so mounted that there is no danger of igniting the woodwork of the vehicle, or other combustible material (including, in the case of a vehicle propelled partly by petrol, the petrol in the tank, pipes and carburettor);

**SCHEDULE 2**—continued

- (b) be so constructed and mounted that gas cannot enter the body of the vehicle whilst the vehicle is stationary or travelling; and
- (c) be so mounted that the driver's view of the road and the visibility of the rear number plate and rear lamp is not obstructed by the equipment.

21. Where the engine of a motor vehicle does not have a maker's number stamped on it, the engine shall have stamped on it such number as the Registrar allots in respect of that engine.

22. (1) This clause applies to a motor vehicle manufactured on or after 1 July 1970—

- (a) that is not a motor cycle or a motor tractor; and
- (b) the motive power of which is provided by a reciprocating internal-combustion engine other than a diesel engine.

(2) The motor vehicle shall be so constructed or equipped as to prevent the escape from the crank-case of gases otherwise than in such a manner as will ensure that, when the engine is running, those gases are drawn into the combustion chambers of the engine of the motor vehicle.

**SCHEDULE 3**

Paragraph 47 (a)

## THE AUSTRALIAN CAPITAL TERRITORY

*Motor Traffic Act 1936*

## TRADERS' PLATES

Record of use of Traders' Plates issued to

of

Date	No. of Trader's Plate Issued	Driver's Name	Time Vehicle Left Premises of Trader	Time Vehicle Returned to Premises of Trader	Make of Vehicle	Purpose for which Vehicle Used	Remarks

*Motor Traffic Act 1936*

**SCHEDULE 4**

Section 112K

In a design set out in column 3 of an item of this Schedule—

- (a) a black part of the design, other than a part referred to in paragraph (b), represents a black part of the relevant traffic sign;
- (b) a part of the design consisting of stipple and a black outline surrounding the stipple represents a red part of the traffic sign; and
- (c) a part of the design not referred to in paragraph (a) or (b) represents a white part of the traffic sign.

Column 1	Column 2	Column 3
Item	Name of traffic sign	Design of traffic sign
1	NO RIGHT TURN	



*Motor Traffic Act 1936*

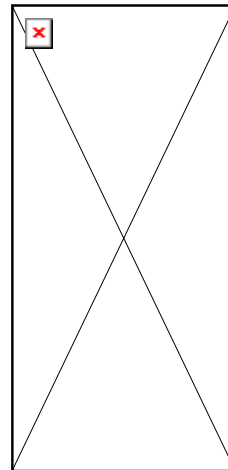
**SCHEDULE 4—continued**

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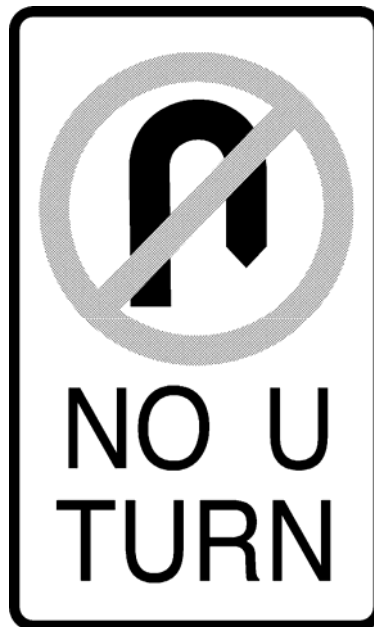
Column 1	Column 2	Column 3
Item	Name of traffic sign	Design of traffic sign

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2 NO LEFT TURN

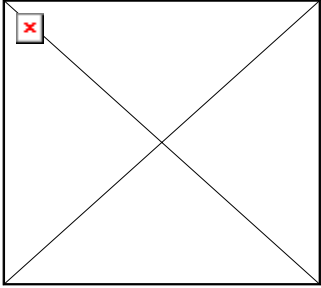
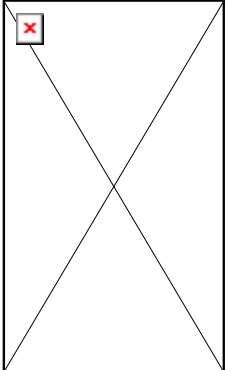


3 NO U TURN



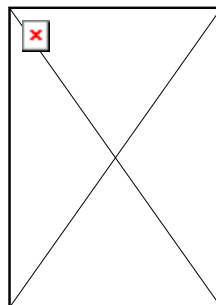
*Motor Traffic Act 1936*

**SCHEDULE 4—continued**

Column 1	Column 2	Column 3
Item	Name of traffic sign	Design of traffic sign
4	ROUNDBABOUT	
4A	NO ENTRY	

**SCHEDULE 4**—continued

Column 1	Column 2	Column 3
Item	Name of traffic sign	Design of traffic sign
5	NO EXIT	



**SCHEDULE 5**

Section 112K

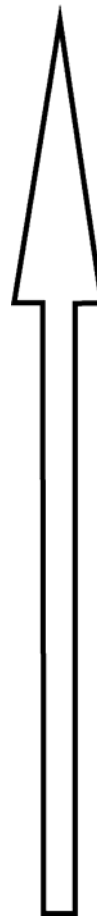
In a design set out in column 3 of an item of this Schedule, a part of the design contained within the outline of the design represents a white part of the road marking.

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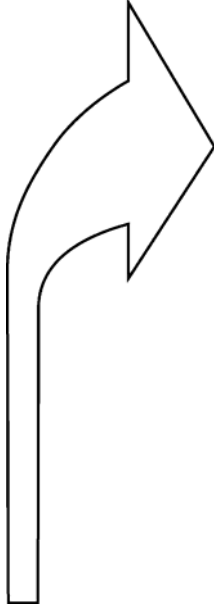

Column 1 Item	Column 2 Name of road marking	Column 3 Design of road marking
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1 STRAIGHT AHEAD ARROW



**SCHEDULE 5**—continued

Column 1 Item	Column 2 Name of road marking	Column 3 Design of road marking
2	RIGHT TURN ARROW	 A black outline of a right-turn arrow. It starts as a vertical line at the bottom, curves to the right, and ends in a triangular arrowhead pointing to the right.
3	LEFT TURN ARROW	 A black outline of a left-turn arrow. It starts as a vertical line at the bottom, curves to the left, and ends in a triangular arrowhead pointing to the left.



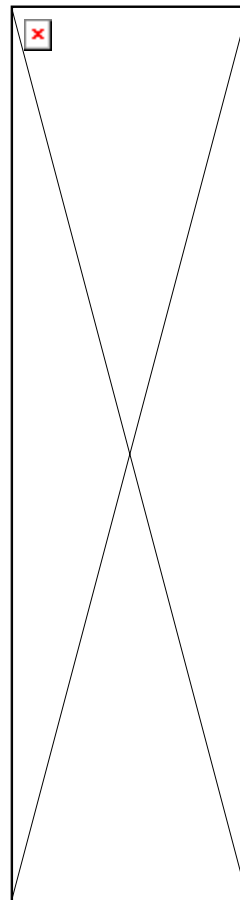
**SCHEDULE 5**—continued

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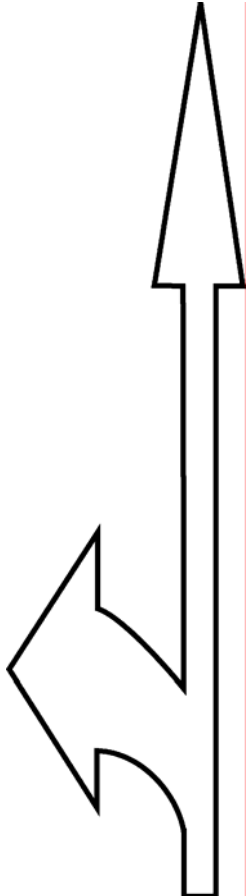
Column 1 Item	Column 2 Name of road marking	Column 3 Design of road marking
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4                    STRAIGHT AHEAD OR RIGHT TURN  
                         ARROW



**SCHEDULE 5**—continued

Column 1 Item	Column 2 Name of road marking	Column 3 Design of road marking
5	STRAIGHT AHEAD OR LEFT TURN ARROW	

**SCHEDULE 7**

Subsection 217C (1)

## REVIEWABLE DECISIONS

## Part I—Decisions of the Minister

Item	Provision	Decision
1	Subsection 7A (6) (b)	Refusing to exempt a specified motor vehicle or trailer from compliance, in whole or in part, with an applicable design rule
2	Subsection 29 (1)	Imposing conditions on a licence for carriage of tourists
3	Subsection 33 (6)	Refusing to approve a scale of charges for a motor omnibus service
4	Subsection 33 (8)	Refusing to approve the variation or suspension of conditions on a motor omnibus service licence
5	Subsection 59 (2)	Refusing to grant an application for approval as an authorised insurer, or granting such an application subject to conditions
6	Subsections 59 (4) and (6)	Cancelling an approval of a person as an authorised insurer
7	Paragraph 128G (3) (a)	Refusing to exempt a specified vehicle from subsection 128G (1) or (2)
7A	Subsection 147CA (1)	Refusing to approve a device designed for use in measuring the speed of motor vehicles
8	Subsection 209 (1)	Refusing to remit or refund any fee or portion of any fee
9	Subsection 213 (2)	Imposing conditions on a licence for the carriage of workers
10	Subsection 215 (2)	Imposing conditions on licence to ply for hire for carriage of goods

## Part II—Decisions of the Registrar

Item	Provision	Decision
1	Subsection 7 (1)	Refusing to register or renew the registration of a motor vehicle
2	Subsection 7A (4)	Refusing to register or renew the registration of a motor vehicle or trailer
3	Subsection 8 (1)	Refusing to register or renew the registration of a trailer
4	Subsection 9A (1)	Refusing to grant or renew a learner licence or a learner licence receipt
4A	Subsection 9A (4)	Refusing to grant a learner licence to drive in special circumstances
4B	Subsection 9A (5)	Imposing a condition on a learner licence to drive in special circumstances
5	Paragraph 9B (1) (a)	Refusing to grant or renew a provisional licence

**SCHEDULE 7**—continued

Item	Provision	Decision
5A	Paragraph 9B (1) (b)	Refusing to make or renew a provisional endorsement on a licence
5B	Subsection 9B (3)	Deciding that a corresponding licence is not equivalent to a provisional licence
6	Subsection 9B (11)	Refusing to grant a provisional licence to drive in special circumstances
6A	Subsection 9B (12)	Imposing a condition on a provisional licence to drive in special circumstances
6AA	Subsection 9B (19)	Refusing to grant a provisional licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle
6B	Subsection 9B (20)	Refusing to grant a provisional licence because applicant is not a fit and proper person and lacks sufficient knowledge of English
7	Subsection 10 (1)	Refusing to grant or renew a full licence
7A	Subsection 10 (4)	Deciding that a corresponding licence is not equivalent to a full licence
7B	Subsection 10 (8)	Refusing to grant a full licence to drive in special circumstances
8	Subsection 10 (9)	Imposing a condition on a full licence to drive in special circumstances
8A	Subsection 10 (12)	Requiring applicant to undergo a driving test
8AA	Subsection 10 (16)	Refusing to grant a full licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle
8B	Subsection 10 (17)	Refusing to grant a full licence because applicant is not a fit and proper person or lacks sufficient knowledge of English
8C	Subsection 10B (2)	Granting a conditional licence or imposing a condition on a licence
8D	Subsection 10B (5)	Refusing to vary a licence on application
9	Subsection 12 (1)	Requiring a person to submit to a medical examination
10	Subsection 12 (2)	Requiring a person to submit to a medical examination
10A	Subsection 14A (3)	Giving notice to holder of a corresponding licence
11	Subsection 20 (2)	Refusing to issue to the owner a number plate or number plates
12	Subsection 22 (5)	Transferring or refusing to transfer registration
13	Subsection 22 (6)	Cancelling registration
14	Subsection 26 (2)	Requiring registration of an altered motor vehicle or trailer
15	Subsection 26C (2)	Refusing to approve an application for reservation of a previously used registration number

**SCHEDULE 7—continued**

Item	Provision	Decision
16	Subsection 26N (2)	Extending reserved right for period shorter than that applied for
17	Subsection 27 (1)	Refusing to grant a taxi licence or motor omnibus licence
18	Subsection 27 (1B)	Refusing to renew or transfer a taxi licence or motor omnibus licence
19	Subsection 27 (7)	Refusing to transfer a transferable taxi licence or motor omnibus licence
20	Subsection 27A (5)	Refusing to extend or further extend the term of a defined right
21	Subsection 28 (1)	Refusing to grant a private hire car licence
22	Subsection 28 (1A)	Refusing to renew or transfer a private hire car licence
23	Subsection 29 (1)	Refusing to grant or renew a licence for carriage of tourists
24	Section 30	Cancelling or suspending a taxi licence or a private hire car licence
25	Subsection 31 (1)	Cancelling or suspending a taxi licence or a private hire car licence
26	Subsection 31 (2)	Refusing an application for, or the renewal of, a taxi licence or private hire car licence
27	Subsection 33 (1)	Refusing to grant or renew a licence to conduct a motor omnibus service or granting a motor omnibus service licence subject to conditions
28	Subsection 33 (8)	Refusing to vary or suspend conditions of a motor omnibus service licence
29	Subsection 33 (11)	Refusing to transfer omnibus service licence
30	Subsection 34 (1)	Refusing to grant or renew a visiting motor omnibus licence
31	Subsection 40 (1)	Refusing to grant a trader's licence
32	Subsection 43 (2)	Refusing to transfer a trader's licence
33	Subsection 98 (2)	Refusing to issue a certified copy of a certificate of registration or a licence
34	Paragraph 104 (2) (a)	Cancelling the registration of a motor vehicle
35	Paragraph 104 (2) (b)	Cancelling or suspending a licence
36	Paragraph 104 (2) (c)	Refusing to register, or cancelling or suspending the registration of, a motor vehicle or trailer
37	Paragraph 104 (2) (d)	Cancelling or suspending a trader's licence
38	Paragraph 104 (2) (e)	Cancelling or suspending a public motor vehicle licence or a private hire car licence
39	Paragraph 104 (2) (f)	Cancelling the registration or licence of any motor vehicle or trailer
40	Paragraph 104 (2) (g)	Refusing to renew the registration of a motor cycle

**SCHEDULE 7—continued**

Item	Provision	Decision
41	Subsection 105 (3)	Registering a motor vehicle, or granting a licence or renewing any such registration or licence for a period of less than 12 months
42	Section 106	Refusing to grant a visiting motorist's pass and label
42A	Paragraph 107A (2) (d)	Refusing to grant an exemption from holding a licence to the holder of a corresponding licence
43	Subsection 108E (8)	Refusing to revoke a defect notice
44	Subsection 149B (1)	Refusing to give a certificate or giving a certificate subject to limitations as to time
45	Subsection 149C (4)	Refusing to vary a certificate
46	Subsection 149E (1)	Cancelling a certificate permitting parking in a loading zone
47	Subsection 150 (5)	Refusing to issue a duplicate label
48	Subsection 150B (2)	Refusing an application for an approved label
49	Subsection 150C (1)	Cancelling an approved label
50	Section 150D	Refusing to issue replacement label
51	Subsection 164E (1)	Revoking or refusing to give a certificate
52	Subsection 176 (6)	Refusing to give authority to drive
53	Paragraph 209 (2) (a)	Refusing to refund an excess payment
54	Paragraph 209 (2) (b)	Refusing to refund a fee paid in respect of registration or a licence that is refused
54A	Paragraph 209 (2) (c)	Refusing to refund a fee paid in respect of a licence granted or registration made in error
55	Paragraph 209 (2) (d)	Refusing to refund a proportion of a fee paid for a driving licence that is cancelled on application
55A	Paragraph 209 (2) (e)	Refusing to refund a proportion of a fee paid for registration of a motor vehicle or trailer where the registration is cancelled on application or the motor vehicle or trailer is re-registered
56	Section 210	Refusing to grant a motor tractor licence
57	Subsection 213 (1)	Refusing to grant a licence for the carriage of workmen
58	Subsection 214 (1)	Refusing to grant a permit or granting a permit in respect of a licensed goods motor vehicle subject to conditions
59	Subsection 214 (3)	Refusing to issue a permit for a period in excess of one month in special circumstances
60	Subsection 215 (1)	Refusing to grant a licence for a licensed goods motor vehicle
61	Subsection 216 (1)	Refusing to grant a temporary licence
62	Section 217	Refusing to issue a permit exempting persons from provisions of Act or granting a conditional permit

## NOTES

1. The *Motor Traffic Act 1936* (a) as shown in this reprint comprises Act No. 45, 1936 amended as indicated in the Tables below.

The *Motor Traffic Act 1936* was amended by the Motor Traffic Regulations. The amendment made by these Regulations was repealed by Regulations 1965 No. 5.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

(A Table showing renumbered Parts and sections follows the Notes for the reader's convenience.)

Table 1  
Table of Ordinances

Ordinance	Number and year	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
<i>Motor Traffic Ordinance 1936</i>	45, 1936	29 Oct 1936	29 Oct 1936	
<i>Motor Traffic Ordinance 1938</i>	41, 1938	30 Dec 1938	30 Dec 1938	S. 47
<i>Motor Traffic Ordinance 1941</i>	16, 1941	30 Oct 1941	30 Oct 1941	—
<i>Motor Traffic Ordinance 1942</i>	14, 1942	10 July 1942	10 July 1942	—
<i>Motor Traffic Ordinance 1943</i>	2, 1943	14 Jan 1943	14 Jan 1943	—
<i>Motor Traffic Ordinance (No. 2) 1943</i>	13, 1943	2 Dec 1943	2 Dec 1943	—
<i>Motor Traffic Ordinance 1945</i>	3, 1945	8 Mar 1945	8 Mar 1945	—
<i>Motor Traffic Ordinance 1947</i>	6, 1947	29 July 1947	2 Feb 1948 (see Gazette 1947, p. 3474)	—
<i>Motor Traffic Ordinance (No. 2) 1947</i>	13, 1947	27 Nov 1947	27 Nov 1947	—
<i>Motor Traffic Ordinance 1950</i>	7, 1950	26 Oct 1950	26 Oct 1950	S. 4
<i>Motor Traffic Ordinance 1951</i>	17, 1951	14 Dec 1951	14 Dec 1951	—
<i>Motor Traffic Ordinance 1955</i>	1, 1955	17 Mar 1955	17 Mar 1955	Ss. 3 (2), 18 (2) and 22 (2)
<i>Motor Traffic Ordinance (No. 2) 1955</i>	7, 1955	30 Aug 1955	30 Aug 1955	S. 4
<i>Motor Traffic Ordinance 1956</i>	6, 1956	19 Apr 1956	Ss. 4 (d)-(f), (h), 5, 6, 13-16, 19, 21, 28, 36, 38 and 39: 21 May 1956 (see Gazette 1956, p. 1213) Ss. 29-31: 19 July 1956 (see s. 2) Remainder: 19 Apr 1956	S. 2 (4)
<i>Motor Traffic Ordinance 1957</i>	19, 1957	19 Dec 1957	19 Dec 1957	S. 3
<i>Motor Traffic Ordinance 1958</i>	10, 1958	5 June 1958	5 June 1958	—
<i>Motor Traffic Ordinance (No. 2) 1958</i>	15, 1958	25 Sept 1958	25 Sept 1958	—
<i>Motor Traffic Ordinance 1959</i>	7, 1959	3 July 1959	3 July 1959	—
<i>Ordinances Revision Ordinance 1959</i>	21, 1959	23 Dec 1959	31 Dec 1959	—
<i>Motor Traffic Ordinance 1960</i>	11, 1960	19 Dec 1960	19 Dec 1960	S. 18
<i>Motor Traffic Ordinance 1962</i>	16, 1962	19 Dec 1962	19 Dec 1962	—

## NOTES—continued

## Table of Ordinances—continued

Ordinance	Number and year	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
<i>Motor Traffic Ordinance (No. 2) 1962</i>	17, 1962	19 Dec 1962	25 Mar 1963 (see <i>Gazette</i> 1963, p. 1007)	—
<i>Motor Traffic Ordinance 1963</i>	21, 1963	24 Dec 1963	1 Jan 1964	S. 19
<i>Motor Traffic Ordinance 1964</i>	8, 1964	21 Aug 1964	14 Sept 1964	—
<i>Motor Traffic Ordinance 1965</i>	9, 1965	21 June 1965	5 Aug 1965 (see <i>Gazette</i> 1965, p. 3412)	S. 42 (2)
<i>Motor Traffic Ordinance (No. 2) 1965</i>	13, 1965	9 Sept 1965	9 Sept 1965	S. 5
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
	as amended by			
	36, 1967	30 Nov 1967	23 Dec 1966	—
<i>Motor Traffic Ordinance 1968</i>	2, 1968	22 Feb 1968	22 Feb 1968	—
<i>Motor Traffic Ordinance 1969</i>	27, 1969	30 Dec 1969	30 Dec 1969	—
<i>Motor Traffic Ordinance (No. 2) 1969</i>	29, 1969	31 Dec 1969	31 Dec 1969	—
<i>Motor Traffic Ordinance 1970</i>	27, 1970	13 Aug 1970	13 Aug 1970	—
<i>Motor Traffic Ordinance 1971</i>	13, 1971	10 June 1971	Ss. 1, 2, 4 (2)-(5), 6, 12, 13 and 15-17: 10 June 1971 Remainder: 25 Nov 1971 (see <i>Gazette</i> 1971, p. 7094)	S. 2 (3)
<i>Motor Traffic Ordinance (No. 2) 1971</i>	17, 1971	2 Sept 1971	2 Sept 1971	—
<i>Motor Traffic Ordinance (No. 3) 1971</i>	37, 1971	17 Dec 1971	17 Dec 1971	S. 5 (2)
<i>Motor Traffic Ordinance (No. 4) 1971</i>	39, 1971	17 Dec 1971	1 Jan 1972	—
<i>Motor Traffic Ordinance 1972</i>	3, 1972	3 Feb 1972	3 Feb 1972	—
<i>Motor Traffic Ordinance (No. 2) 1972</i>	10, 1972	23 Mar 1972	23 Mar 1972	—
<i>Motor Traffic Ordinance 1973</i>	1, 1973	18 Jan 1973	18 Jan 1973	—
<i>Motor Traffic Ordinance (No. 2) 1973</i>	32, 1973	9 Aug 1973	9 Aug 1973	—
<i>Motor Traffic Ordinance (No. 3) 1973</i>	38, 1973	6 Sept 1973	6 Sept 1973	—
<i>Motor Traffic Ordinance (No. 4) 1973</i>	41, 1973	11 Oct 1973	11 Oct 1973	—
<i>Motor Traffic Ordinance (No. 5) 1973</i>	42, 1973	11 Oct 1973	1 Nov 1973	—
<i>Motor Traffic Ordinance (No. 6) 1973</i>	57, 1973	19 Dec 1973	19 Dec 1973	—
<i>Motor Traffic Ordinance 1974</i>	4, 1974	15 Mar 1974	15 Mar 1974	—



## NOTES—continued

## Table of Ordinances—continued

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Motor Traffic Ordinance (No. 2) 1974</i>	12, 1974	11 Apr 1974	11 Apr 1974	—
<i>Motor Traffic Ordinance (No. 3) 1974</i>	23, 1974	1 July 1974	1 July 1974	—
<i>Motor Traffic Ordinance (No. 4) 1974</i>	37, 1974	3 Oct 1974	3 Oct 1974	—
<i>Motor Traffic Ordinance (No. 5) 1974</i>	48, 1974	24 Oct 1974	24 Oct 1974	—
<i>Motor Traffic Ordinance (No. 6) 1974</i>	49, 1974	24 Oct 1974	24 Oct 1974	—
<i>Motor Traffic Ordinance 1976 (No. 2) 1976</i>	3, 1976	6 Feb 1976	6 Feb 1976	—
<i>Motor Traffic Ordinance (No. 2) 1976</i>	16, 1976	21 Apr 1976	21 Apr 1976	—
<i>Motor Traffic Ordinance (No. 3) 1976</i>	23, 1976	10 June 1976	10 June 1976	—
<i>Motor Traffic Ordinance (No. 4) 1976</i>	31, 1976	28 July 1976	28 July 1978	—
<i>Motor Traffic Ordinance (No. 5) 1976</i>	52, 1976	26 Oct 1976	26 Oct 1976	—
<i>Motor Traffic (Amendment) Ordinance 1976</i>	54, 1976	27 Oct 1976	27 Oct 1976	S. 10 (2)
<i>Motor Traffic (Amendment) Ordinance 1977</i>	16, 1977	21 June 1977	1 Dec 1977 (see s. 3 and <i>Gazette</i> 1977, No. S242)	Ss. 15-18
<i>Motor Traffic (Amendment) Ordinance (No. 2) 1977</i>	23, 1977	30 June 1977	4 July 1977 (see <i>Gazette</i> 1977, No. S104)	—
<i>Motor Traffic (Amendment) Ordinance (No. 3) 1977</i>	30, 1977	8 July 1977	8 July 1977	—
<i>Motor Traffic (Amendment) Ordinance (No. 4) 1977</i>	37, 1977	17 Aug 1977	17 Aug 1977	—
<i>Motor Traffic (Amendment) Ordinance (No. 5) 1977</i>	51, 1977	27 Sept 1977	27 Sept 1977	S. 3 (2)
<i>Motor Traffic (Amendment) Ordinance (No. 6) 1977</i>	59, 1977	15 Nov 1977	5 Dec 1977 (see <i>Gazette</i> 1977, No. S277)	—
<i>Motor Traffic (Amendment) Ordinance 1978</i>	2, 1978	2 Feb 1978	2 Feb 1978	—
<i>Motor Traffic (Amendment) Ordinance (No. 2) 1978</i>	31, 1978	10 Oct 1978	10 Oct 1978	—
<i>Ordinances Revision Ordinance 1978</i>	46, 1978	28 Dec 1978	28 Dec 1978	—
<i>Motor Traffic (Amendment) Ordinance 1979</i>	32, 1979	31 Oct 1979	2 Nov 1979 (see <i>Gazette</i> 1979, No. S224)	—
<i>Motor Traffic (Amendment) Ordinance 1980</i>	33, 1980	30 Sept 1980	30 Sept 1980	—
<i>Motor Traffic (Amendment) Ordinance 1981</i>	3, 1981	19 Feb 1981	1 Mar 1981	—
<i>Motor Traffic (Amendment) Ordinance (No. 2) 1981</i>	8, 1981	9 Apr 1981	9 Apr 1981	—
<i>Motor Traffic (Amendment) Ordinance (No. 3) 1981</i>	30, 1981	24 Sept 1981	24 Sept 1981	—

## NOTES—continued

## Table of Ordinances—continued

Ordinance	Number and year	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
<i>Motor Traffic (Amendment) Ordinance (No. 4) 1981</i>	31, 1981	24 Sept 1981	24 Sept 1981	—
<i>Motor Traffic (Amendment) Ordinance (No. 5) 1981</i>	33, 1981	30 Sept 1981	30 Sept 1981	—
<i>Motor Traffic (Amendment) Ordinance (No. 6) 1981</i>	40, 1981	2 Nov 1981	2 Nov 1981	—
as amended by <i>Motor Traffic (Amendment) Ordinance (No. 7) 1981</i>	43, 1981	17 Nov 1981	2 Nov 1981	—
<i>Motor Traffic (Amendment) Ordinance 1982</i>	6, 1982	19 Mar 1982	19 Mar 1982	—
<i>Motor Traffic (Amendment) Ordinance (No. 2) 1982</i>	49, 1982	2 July 1982	2 July 1982	—
<i>Motor Traffic (Amendment) Ordinance (No. 3) 1982</i>	50, 1982	2 July 1982	2 July 1982	—
<i>Motor Traffic (Amendment) Ordinance (No. 4) 1982</i>	64, 1982	18 Aug 1982	18 Aug 1982	—
<i>Motor Traffic (Amendment) Ordinance (No. 5) 1982</i>	96, 1982	31 Dec 1982	31 Dec 1982	—
<i>Motor Traffic (Amendment) Ordinance 1983</i>	14, 1983	27 July 1983	27 July 1983	—
<i>Motor Traffic (Amendment) Ordinance (No. 2) 1983</i>	18, 1983	19 Aug 1983	1 Nov 1983 (see Gazette 1983, No. S224)	—
<i>Motor Traffic (Amendment) Ordinance (No. 3) 1983</i>	21, 1983	24 Aug 1983	24 Aug 1983	—
<i>Motor Traffic (Amendment) Ordinance 1984</i>	1, 1984	8 Feb 1984	8 Feb 1984	—
<i>Motor Traffic (Amendment) Ordinance (No. 2) 1984</i>	15, 1984	25 May 1984	6 June 1984 (see Gazette 1984, No. S202)	—
<i>Motor Traffic (Amendment) Ordinance (No. 3) 1984</i>	44, 1984	21 Aug 1984	21 Aug 1984	—
<i>Motor Traffic (Amendment) Ordinance (No. 4) 1984</i>	45, 1984	21 Aug 1984	22 Aug 1984	—
<i>Motor Traffic (Amendment) Ordinance (No. 5) 1984</i>	54, 1984	5 Oct 1984	5 Oct 1984	—
<i>Motor Traffic (Amendment) Ordinance 1985</i>	2, 1985	8 Feb 1985	8 Feb 1985	—
<i>Motor Traffic (Amendment) Ordinance (No. 2) 1985</i>	30, 1985	6 Aug 1985	6 Aug 1985	—
<i>Motor Traffic (Amendment) Ordinance (No. 3) 1985</i>	31, 1985	6 Aug 1985	15 Oct 1985 (see Gazette 1985, No. S424)	—
<i>Motor Traffic (Amendment) Ordinance (No. 4) 1985</i>	35, 1985	20 Aug 1985	1 Sept 1985 (see Gazette 1985, No. S351)	—
<i>Motor Traffic (Amendment) Ordinance (No. 5) 1985</i>	49, 1985	19 Sept 1985	19 Sept 1985	—

## NOTES—continued

## Table of Ordinances—continued

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Motor Traffic (Amendment) Ordinance (No. 6) 1985</i>	50, 1985	19 Sept 1985	19 Sept 1985	—
<i>Motor Traffic (Amendment) Ordinance (No. 7) 1985</i>	63, 1985	28 Nov 1985	28 Nov 1985	S. 13
<i>Magistrates Court Ordinance 1985</i>	67, 1985	19 Dec 1985	1 Feb 1986 (see <i>Gazette</i> 1986, No. G3, p. 265)	S. 36
<i>Motor Traffic (Amendment) Ordinance (No. 8) 1985</i>	73, 1985	19 Dec 1985	19 Dec 1985	—
<i>Motor Traffic (Amendment) Ordinance 1986</i>	3, 1986	27 Mar 1986	27 Mar 1986	—
<i>Motor Traffic (Amendment) Ordinance (No. 2) 1986</i>	6, 1986	24 Apr 1986	24 Apr 1986	—
<i>Motor Traffic (Amendment) Ordinance (No. 3) 1986</i>	34, 1986	7 Aug 1986	7 Aug 1986	—
<i>Motor Traffic (Amendment) Ordinance (No. 4) 1986</i>	58, 1986	3 Oct 1986	3 Oct 1986	—
<i>Motor Traffic (Amendment) Ordinance (No. 5) 1986</i>	77, 1986	3 Dec 1986	3 Dec 1986	—
<i>Motor Traffic (Amendment) Ordinance (No. 6) 1986</i>	78, 1986	3 Dec 1986	3 Dec 1986	—
<i>Motor Traffic (Amendment) Ordinance (No. 7) 1986</i>	81, 1986	19 Dec 1986	1 Jan 1987	—
<i>Motor Traffic (Amendment) Ordinance (No. 8) 1986</i>	87, 1986	22 Dec 1986	1 Jan 1987	S. 8
<i>Motor Traffic (Amendment) Ordinance 1987</i>	50, 1987	16 Sept 1987	16 Sept 1987	—
<i>Motor Traffic (Amendment) Ordinance (No. 2) 1987</i>	63, 1987	6 Nov 1987	6 Nov 1987	S. 8
<i>Motor Traffic (Amendment) Ordinance 1988</i>	9, 1988	9 Mar 1988	9 Mar 1988	—
<i>Motor Traffic (Amendment) Ordinance (No. 2) 1988</i>	10, 1988	9 Mar 1988	9 Mar 1988	—
<i>Motor Traffic (Amendment) Ordinance (No. 3) 1988</i>	11, 1988	9 Mar 1988	9 Mar 1988	—
<i>Motor Traffic (Amendment) Ordinance (No. 4) 1988</i>	15, 1988	14 Apr 1988	14 Apr 1988	—
<i>Motor Traffic (Amendment) Ordinance (No. 5) 1988</i>	16, 1988	14 Apr 1988	14 Apr 1988	S. 14
<i>Motor Traffic (Amendment) Ordinance (No. 6) 1988</i>	20, 1988	4 May 1988	1 July 1988	—
<i>Motor Traffic (Amendment) Ordinance (No. 7) 1988</i>	70, 1988	21 Sept 1988	21 Sept 1988	—
<i>Motor Traffic (Amendment) Ordinance 1989</i>	6, 1989	8 Mar 1989	8 Mar 1989	S. 12
<i>Motor Traffic (Amendment) Ordinance (No. 2) 1989</i>	8, 1989	8 Mar 1989	8 Mar 1989	—

## NOTES—continued

## Table of Ordinances—continued

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

## Self-Government day 11 May 1989

Table 2

## Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Motor Traffic (Amendment) Act (No. 3) 1989</i>	20, 1989	14 Nov 1989	14 Feb 1990 (see <i>Gazette</i> 1990, No. 5)	S. 30
<i>Motor Traffic (Amendment) Act (No. 4) 1989</i>	21, 1989	22 Nov 1989	22 Nov 1989	—
<i>Acts Revision (Arrest Without Warrant) Act 1989</i>	23, 1989	1 Dec 1989	1 Dec 1989	—
<i>Motor Traffic (Amendment) Act 1990</i>	4, 1990	9 Mar 1990	9 Mar 1990	—
<i>Motor Traffic (Amendment) Act (No. 2) 1990</i>	14, 1990	21 June 1990	Ss. 1-3: 21 June 1990 Remainder: 21 Dec 1990 (see s. 2 (2))	—
<i>Motor Traffic (Amendment) Act (No. 3) 1990</i>	37, 1990	30 Oct 1990	30 Oct 1990	—
<i>Motor Traffic (Amendment) Act (No. 4) 1990</i>	38, 1990	30 Oct 1990	Ss. 1-3: 30 Oct 1990 Remainder: 30 Jan 1991 (see s. 2 (2))	—
<i>Motor Traffic (Amendment) Act (No. 5) 1990</i>	40, 1990	7 Nov 1990	Ss. 1 and 2: 7 Nov 1990 Remainder: 19 Apr 1991 (see <i>Gazette</i> 1991, No. S25, p. 4)	—
<i>Motor Traffic (Amendment) Act (No. 6) 1990</i>	41, 1990	7 Nov 1990	7 Nov 1990	—
<i>Motor Traffic (Amendment) Act (No. 7) 1990</i>	42, 1990	7 Nov 1990	7 Nov 1990	—

## NOTES—continued

## Table of Acts—continued

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Motor Traffic (Amendment) Act (No. 8) 1990</i>	51, 1990	11 Dec 1990	1 Jan 1991	S. 5
<i>Motor Traffic (Amendment) Act 1991</i>	42, 1991	20 Sept 1991	Ss. 1 and 2: 20 Sept 1991 Remainder: 4 Nov 1991 (see <i>Gazette</i> 1991, No. S123)	S. 15
<i>Magistrates and Coroner's Courts (Registrar) Act 1991</i>	44, 1991	20 Sept 1991	Ss. 1 and 2: 20 Sept 1991 Remainder: 25 Sept 1991 (see <i>Gazette</i> 1991, No. S103, p. 2)	—
<i>Motor Traffic (Amendment) Act (No. 2) 1991</i>	88, 1991	20 Dec 1991	20 Dec 1991	—
<i>Workers' Compensation (Consequential Amendments) Act 1991</i>	106, 1991	15 Jan 1992	Ss. 1 and 2: 15 Jan 1992 Remainder: 22 Jan 1992 (see s. 2 (2) and <i>Gazette</i> 1992, No. S9)	—
<i>Motor Traffic (Amendment) Act (No. 3) 1991</i>	109, 1991	10 Jan 1992	Ss. 1 and 2: 10 Jan 1992 Remainder: 18 May 1992 (see <i>Gazette</i> 1992, No. S57)	S. 12
<i>Motor Traffic (Amendment) Act 1992</i>	44, 1992	8 July 1992	8 July 1992	—
<i>Motor Traffic (Amendment) Act (No. 2) 1992</i>	46, 1992	1 Sept 1992	Ss. 5 and 6: 21 Sept 1992 (see <i>Gazette</i> 1992, No. S165, p. 2) Ss. 12 and 14: 30 Nov 1992 (see s. 2 (3)) S. 15: 1 Oct 1992 (see s. 2 (4)) Remainder: 1 Sept 1992	—
<i>Acts Revision (Position of Crown) Act 1993</i>	44, 1993	27 Aug 1993	27 Aug 1993 (see s. 2)	—

## NOTES—continued

## Table of Acts—continued

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Motor Traffic (Amendment) Act 1993</i>	47, 1993	27 Aug 1993	Ss. 1 and 2: 27 Aug 1993 Ss. 3, 5, 6, 8 (a) and (b), 30, 31 and 32: 1 Sept 1993 (see <i>Gazette</i> 1993, No. S177, p. 4) Remainder: 27 Sept 1993 (see <i>Gazette</i> 1993, No. S201, p. 2)	S. 33
<i>Motor Traffic (Amendment) Act (No. 2) 1993</i>	57, 1993	6 Sept 1993	Ss. 1 and 2: 6 Sept 1993 Remainder: 27 Sept 1993 (see <i>Gazette</i> 1993, No. 201, p. 3)	S. 35

- (a) The *Motor Traffic Act 1936* was also amended by the *Seat of Government (Designation) Ordinance 1938* (No. 25, 1938) as amended by the *Ordinances Revision Ordinances 1938* and *1959* (No. 35, 1938 and No. 21, 1959).

Section 2 of the *Seat of Government (Designation) Ordinance 1938*, as amended, provides as follows:

“2. Where, in any Ordinance, not being an Ordinance specified in the Schedule to this Ordinance, or in any regulation or rule made under an Ordinance, the words ‘Territory for the Seat of Government’ or ‘Territory for the Seat of Government of the Commonwealth’ or ‘Territory for the Seat of Government of the Commonwealth of Australia’ or ‘Federal Capital Territory’ appear, the Ordinance, regulation or rule (as the case may be) is amended by omitting those words and inserting in their stead the words ‘Australian Capital Territory’.”.

The amendments have been incorporated in this reprint but do not appear in the Table of Amendments.

## Table of Amendments

Certain provisions of the *Motor Traffic Act 1936* were repealed either prior to renumbering by the *Motor Traffic Ordinance 1965* (No. 9, 1965) or by that Ordinance. The amendment history of the repealed provisions appears in Table 1 below.

TABLE 1

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 19A .....	ad. No. 41, 1938 rep. No. 6, 1956

## NOTES—continued

## Table of Amendments—continued

## Table 1—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 34 .....	rep. No. 21, 1963
S. 38 .....	rep. No. 21, 1963
Ss. 41D, 41E.....	ad. No. 6, 1947
	rep. No. 9, 1965
S. 41AT .....	ad. No. 6, 1947
	rep. No. 9, 1965
S. 63 .....	am. No. 13, 1943; No. 3, 1945
	rep. No. 11, 1960
S. 63A.....	ad. No. 1, 1955
	rep. No. 11, 1960
S. 71 .....	rep. No. 41, 1938
S. 78A.....	ad. No. 41, 1938
	rep. No. 11, 1960
S. 78B.....	ad. No. 13, 1943
	rep. No. 11, 1960
S. 82A.....	ad. No. 1, 1955
	rep. No. 11, 1960
S. 94 .....	am. No. 41, 1938
	rs. No. 1, 1955; No. 7, 1959
	rep. No. 11, 1960
S. 102B.....	ad. No. 15, 1958
	rep. No. 11, 1960
First Schedule.....	am. No. 41, 1938; No. 17, 1951; No. 1, 1955
	rep. No. 6, 1956
	rep. No. 9, 1965

The amendment history of the *Motor Traffic Act 1936* after renumbering by the *Motor Traffic Ordinance 1965* appears in Table 2 below.

## TABLE 2

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 2 .....	am. No. 9, 1965
S. 3 .....	am. No. 6, 1947
	rs. No. 6, 1956
	am. No. 11, 1960; No. 21, 1963; No. 8, 1964
	rs. No. 9, 1965
	am. Nos. 13, 37 and 39, 1971
	rep. No. 37, 1974
S. 4 .....	am. No. 41, 1938; No. 16, 1941; No. 17, 1951; No. 1, 1955; No. 6, 1956; No. 15, 1958; No. 11, 1960; No. 17, 1962; No. 21, 1963; No. 8, 1964; No. 9, 1965; No. 2, 1968; No. 27, 1969; Nos. 13 and 37, 1971; No. 38, 1973; No.

**NOTES**—continued**Table of Amendments**—continued**Table 2**—continued

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
	23, 1974; Nos. 16 and 37, 1977; No. 2, 1978; No. 32, 1979; No. 33, 1980; Nos. 8 and 40, 1981; No. 49, 1982; No. 21, 1983; Nos. 50, 63 and 67, 1985; No. 87, 1986; Nos. 10, 11 and 16, 1988; No. 38, 1989; Acts Nos. 20 and 21, 1989; No. 109, 1991; No. 46, 1992; Nos. 47 and 57, 1993
S. 5 .....	am. No. 41, 1938 rs. No. 38, 1989 am. Act No. 44, 1993
S. 6 .....	am. Act No. 47, 1993
S. 7 .....	rs. No. 41, 1938; No. 9, 1965 am. No. 9, 1965; No. 3, 1972; Act No. 14, 1990; No. 47, 1993
S. 7A .....	ad. No. 29, 1969 am. No. 27, 1970 rs. No. 17, 1971 am. No. 3, 1972; No. 38, 1973; No. 23, 1974; No. 54, 1976; No. 40, 1981; No. 73, 1985; No. 11, 1988 rs. Act No. 37, 1990 am. No. 51, 1990; Nos. 47 and 57, 1993
Ss. 7B, 7C .....	ad. Act No. 37, 1990 rep. No. 42, 1991
S. 8 .....	ad. No. 9, 1965 am. No. 21, 1983; Act No. 14, 1990
S. 9 .....	rs. No. 1, 1955 am. No. 19, 1966; No. 2, 1968; No. 42, 1973; No. 23, 1974; No. 40, 1981; No. 64, 1982; No. 21, 1983; No. 87, 1986; Act No. 4, 1990; No. 47, 1993 rs. No. 57, 1993
Ss. 9A, 9B .....	ad. Act No. 57, 1993
S. 10 .....	am. No. 13, 1947 rs. No. 1, 1955 am. No. 6, 1956; No. 13, 1971; No. 38, 1973; No. 23, 1974; No. 3, 1976; Nos. 16 and 37, 1977; Nos. 30 and 40, 1981; No. 64, 1982; No. 21, 1983; No. 87, 1986; No. 38, 1989; Act No. 47, 1993 rs. No. 57, 1993
Ss. 10A, 10B .....	ad. Act No. 57, 1993
S. 11 .....	ad. No. 6, 1956 am. No. 13, 1971; No. 16, 1977; Act No. 20, 1989; No. 109, 1991; Nos. 47 and 57, 1993
S. 12 .....	rs. No. 6, 1956 am. Acts Nos. 47 and 57, 1993
S. 13 .....	am. No. 41, 1938; Act No. 57, 1993
S. 13A .....	ad. No. 13, 1971 am. No. 37, 1971; No. 42, 1973; Nos. 16 and 37, 1977; No. 64, 1982; No. 21, 1983; No. 2, 1985; Act No. 20, 1989; Nos. 44 and 109, 1991; Nos. 47 and 57, 1993
S. 14 .....	am. No. 1, 1955; No. 6, 1956; No. 9, 1965; No. 23, 1974; No. 37, 1977; No. 21, 1983 rs. No. 50, 1987



## NOTES—continued

## Table of Amendments—continued

## Table 2—continued

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
	am. No. 38, 1989; Act No. 57, 1993
S. 14A .....	ad. Act No. 57, 1993
S. 15 .....	rs. No. 41, 1938
	am. No. 1, 1955
	rs. No. 6, 1956
	am. No. 9, 1965; No. 19, 1966; No. 18, 1983; Act No. 41, 1990; No. 47, 1993
S. 16 .....	ad. No. 6, 1956
	am. No. 9, 1965; Act No. 47, 1993
S. 17 .....	am. No. 9, 1965
S. 17A .....	ad. No. 31, 1985
	rs. No. 16, 1988
S. 17B .....	ad. No. 16, 1988
S. 18 .....	am. No. 41, 1938; No. 13, 1947; No. 9, 1965; No. 27, 1969; No. 37, 1977; No. 21, 1983; No. 31, 1985; No. 16, 1988; Act No. 47, 1993
S. 19 .....	am. No. 9, 1965; No. 19, 1966
	rs. No. 27, 1969
	am. No. 3, 1976; No. 37, 1977; No. 21, 1983; No. 31, 1985; No. 16, 1988
S. 20 .....	am. No. 41, 1938; No. 9, 1965; No. 19, 1966; No. 3, 1976; No. 64, 1982; No. 21, 1983; No. 31, 1985; No. 16, 1988; No. 38, 1989; Act No. 47, 1993
S. 20A .....	ad. No. 31, 1985
S. 21 .....	am. No. 9, 1965; Act No. 47, 1993
S. 22 .....	rs. No. 41, 1938
	am. No. 6, 1956; No. 9, 1965; No. 19, 1966; No. 3, 1976; No. 37, 1977; No. 18, 1983; No. 1, 1984
	rs. No. 63, 1985
	am. No. 16, 1988; Act No. 41, 1990
S. 23 .....	am. No. 41, 1938; No. 27, 1969; No. 37, 1977; No. 21, 1983; Nos. 31 and 63, 1985; Act No. 47, 1993
S. 24 .....	am. No. 41, 1938; No. 1, 1955; No. 27, 1969; Nos. 31 and 63, 1985
S. 25 .....	am. No. 41, 1938; No. 6, 1956; No. 19, 1966; No. 3, 1976; No. 37, 1977; No. 63, 1985
S. 26 .....	am. Act No. 47, 1993
Part IIA (ss. 26A-26G) .....	ad. No. 14, 1983
S. 26A .....	ad. No. 14, 1983
	am. No. 16, 1988
S. 26B .....	ad. No. 14, 1983
	am. No. 16, 1988; Act No. 47, 1993
S. 26C .....	ad. No. 14, 1983
	am. No. 21, 1983; Act No. 47, 1993
S. 26D .....	ad. No. 14, 1983
	am. No. 16, 1988; Act No. 47, 1993
S. 26E .....	ad. No. 14, 1983
	am. No. 21, 1983; No. 38, 1989
S. 26F .....	ad. No. 14, 1983
	am. Act No. 47, 1993

**NOTES—continued****Table of Amendments—continued****Table 2—continued**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 26G.....	ad. No. 14, 1983
Part IIB (ss. 26H-26S).....	ad. No. 16, 1988
Ss. 26H-26K .....	ad. No. 16, 1988
Ss. 26L-26N.....	ad. No. 16, 1988 am. No. 38, 1989
S. 26P .....	ad. No. 16, 1988 am. No. 38, 1989 rep. Act No. 42, 1991
Ss. 26Q-26S .....	ad. No. 16, 1988 am. No. 38, 1989
S. 26T .....	ad. Act No. 42, 1990
S. 27 .....	am. No. 6, 1947; No. 17, 1951; No. 6, 1956; No. 9, 1965; No. 19, 1966; No. 32, 1973; No. 3, 1976; No. 37, 1977; No. 64, 1982; No. 21, 1983; No. 3, 1986; No. 9, 1988; Nos. 8 and 38, 1989; Act No. 42, 1990; No. 47, 1993
Ss. 27A, 27B.....	ad. No. 8, 1989 am. No. 38, 1989 rs. Act No. 42, 1990 rep. No. 42, 1991 ad. No. 47, 1993
S. 27C.....	ad. Act No. 42, 1990
S. 28 .....	am. No. 17, 1951; No. 6, 1956; No. 9, 1965; No. 19, 1966; No. 37, 1977; No. 64, 1982; No. 21, 1983; No. 3, 1986; Nos. 8 and 38, 1989; Act No. 47, 1993
S. 29 .....	ad. No. 41, 1938 am. No. 6, 1947; No. 6, 1956; No. 19, 1966; No. 42, 1973; No. 37, 1977; No. 21, 1983; No. 38, 1989
S. 30 .....	ad. No. 6, 1956 am. No. 9, 1965; Act No. 47, 1993
S. 31 .....	ad. No. 6, 1956 rs. Act No. 42, 1990 am. No. 47, 1993
S. 32 .....	am. Act No. 42, 1990
S. 33 .....	am. No. 6, 1947; No. 6, 1956; No. 19, 1966; No. 42, 1973; No. 3, 1976; No. 37, 1977; No. 64, 1982; No. 21, 1983; No. 38, 1989; Act No. 47, 1993
S. 34 .....	ad. No. 17, 1951 am. No. 6, 1956; No. 9, 1965; No. 21, 1983; No. 38, 1989
S. 35 .....	am. Act No. 42, 1990; No. 47, 1993
S. 36 .....	ad. No. 6, 1956 rs. Act No. 40, 1990
S. 37 .....	ad. No. 6, 1956
S. 38 .....	am. No. 41, 1938; No. 2, 1943; No. 21, 1959; No. 41, 1973 rep. No. 2, 1978
Ss. 39A, 39B.....	ad. Act No. 42, 1990 rep. No. 42, 1991
Heading to Part IV .....	rs. No. 21, 1963

**NOTES—continued****Table of Amendments—continued****Table 2—continued**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
S. 40 .....	am. No. 6, 1956 rs. No. 21, 1963 am. No. 19, 1966; No. 27, 1969; No. 42, 1973; No. 64, 1982; No. 21, 1983; Act No. 47, 1993
S. 41 .....	rs. No. 21, 1963 am. No. 9, 1965; Act No. 47, 1993
S. 42 .....	rs. No. 21, 1963 am. Act No. 47, 1993
S. 43 .....	am. No. 21, 1963; No. 19, 1966; No. 42, 1973; No. 37, 1977; No. 64, 1982; No. 21, 1983; No. 1, 1984; No. 38, 1989; Act No. 47, 1993
S. 44 .....	am. No. 21, 1963
S. 45 .....	am. No. 21, 1963; No. 19, 1966; No. 1, 1984; Act No. 47, 1993
S. 46 .....	am. No. 21, 1963; No. 9, 1965; Act No. 47, 1993
S. 47 .....	am. No. 9, 1965; Act No. 47, 1993
S. 48 .....	am. No. 1, 1955; No. 23, 1974; Act No. 47, 1993
Part V (ss. 49-93).....	ad. No. 6, 1947
S. 49 .....	ad. No. 6, 1947 am. No. 8, 1964; No. 9, 1965; No. 38, 1989
S. 50 .....	ad. No. 6, 1947 am. No. 9, 1965 rs. No. 38, 1989
S. 51 .....	ad. No. 6, 1947 am. No. 1, 1955; No. 9, 1965; No. 19, 1966; No. 13, 1971; No. 1, 1984; Act No. 47, 1993
S. 52 .....	ad. No. 6, 1947 am. No. 19, 1966; No. 12, 1974; No. 1, 1984; Act No. 47, 1993
S. 53 .....	ad. No. 6, 1947 am. No. 9, 1965; Act No. 47, 1993
S. 54 .....	ad. No. 6, 1947 am. No. 13, 1965; No. 19, 1966 (as am. by No. 36, 1967); No. 1, 1984; Act No. 106, 1991; No. 47, 1993
S. 55 .....	ad. No. 6, 1947 am. No. 30, 1985
S. 56 .....	ad. No. 6, 1947
S. 57 .....	ad. No. 6, 1947 am. No. 9, 1965; Act No. 47, 1993
S. 58 .....	ad. No. 6, 1947 am. Act No. 47, 1993
S. 59 .....	ad. No. 6, 1947 am. Act No. 42, 1991; No. 47, 1993
S. 60 .....	ad. No. 6, 1947 am. No. 19, 1966; No. 1, 1984; Act No. 47, 1993
S. 61 .....	ad. No. 6, 1947 am. No. 16, 1962; Nos. 9 and 13, 1965; No. 30, 1985; Act No. 47, 1993
Ss. 62, 63.....	ad. No. 6, 1947

**NOTES**—continued**Table of Amendments**—continued**Table 2**—continued

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
	am. No. 16, 1977; No. 46, 1978; Act No. 47, 1993
Ss. 64, 65.....	ad. No. 6, 1947
	am. No. 9, 1965; Act No. 47, 1993
S. 66 .....	ad. No. 6, 1947
	am. No. 13, 1965; Act No. 47, 1993
Ss. 67, 68.....	ad. No. 6, 1947
	am. Act No. 47, 1993
S. 69 .....	ad. No. 6, 1947
S. 70 .....	ad. No. 6, 1947
	am. No. 9, 1965; Act No. 47, 1993
Ss. 71-73 .....	ad. No. 6, 1947
	am. Act No. 47, 1993
S. 74 .....	ad. No. 6, 1947
	am. No. 19, 1966; Act No. 47, 1993
S. 75 .....	ad. No. 6, 1947
	am. No. 9, 1965; No. 19, 1966; Act No. 47, 1993
S. 76 .....	ad. No. 6, 1947
	am. No. 19, 1966; Act No. 47, 1993
Ss. 77, 78.....	ad. No. 6, 1947
	am. No. 9, 1965; Act No. 47, 1993
S. 79 .....	ad. No. 6, 1947
	am. No. 27, 1969
S. 80 .....	ad. No. 6, 1947
	am. No. 9, 1965; Act No. 47, 1993
Ss. 81, 82.....	ad. No. 6, 1947
S. 83 .....	ad. No. 6, 1947
	am. No. 6, 1956; No. 19, 1966 (as am. by No. 36, 1967); Act No. 47, 1993
S. 84 .....	ad. No. 6, 1947
	am. No. 31, 1976; No. 51, 1977; Act No. 47, 1993
S. 85 .....	ad. No. 6, 1947
	am. No. 9, 1965; No. 27, 1969; No. 30, 1985; Act No. 47, 1993
S. 86 .....	ad. No. 6, 1947
	am. No. 6, 1956; No. 19, 1966 (as am. by No. 36, 1967); No. 96, 1982; No. 67, 1985; No. 38, 1989; Act No. 47, 1993
S. 87 .....	ad. No. 6, 1947
	am. No. 10, 1988; No. 38, 1989; Act No. 47, 1993
S. 88 .....	ad. No. 6, 1947
	am. No. 9, 1965; Act No. 47, 1993
S. 89 .....	ad. No. 6, 1947
	am. No. 19, 1966; No. 1, 1984; Act No. 47, 1993
S. 90 .....	ad. No. 6, 1947
	am. No. 19, 1966; No. 1, 1984; No. 38, 1989; Act No. 47, 1993
S. 90A .....	ad. No. 27, 1969
	am. Act No. 47, 1993

## NOTES—continued

## Table of Amendments—continued

## Table 2—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
Ss. 91, 92.....	ad. No. 6, 1947
S. 93 .....	ad. No. 6, 1947
	am. No. 6, 1956; No. 16, 1962; No. 9, 1965; No. 6, 1982
S. 94 .....	am. No. 41, 1938; No. 1, 1955; No. 9, 1965; No. 23, 1974; Act No. 47, 1993
S. 95 .....	am. No. 9, 1965
S. 96 .....	rep. No. 63, 1985
S. 97 .....	am. No. 41, 1938; No. 6, 1956; No. 63, 1985
	rs. Act No. 57, 1993
S. 98 .....	am. No. 41, 1938; No. 19, 1966; No. 2, 1968; No. 3, 1976; No. 37, 1977; No. 64, 1982; No. 21, 1983; No. 38, 1989; Acts Nos. 47 and 57, 1993
S. 99 .....	am. Act No. 47, 1993
S. 100 .....	rs. No. 41, 1938
	am. No. 6, 1956; No. 8, 1964; No. 9, 1965; No. 19, 1966; No. 13, 1971; No. 1, 1984; No. 63, 1985; Act No. 47, 1993
S. 101 .....	ad. No. 41, 1938
	am. No. 21, 1963
	rep. No. 63, 1985
S. 102 .....	am. No. 19, 1966; No. 3, 1976; No. 37, 1977; No. 21, 1983; No. 38, 1989; Act No. 47, 1993
S. 103 .....	rs. No. 41, 1938
	am. No. 9, 1965; No. 19, 1966
	rep. No. 3, 1976
S. 104 .....	am. No. 41, 1938; No. 1, 1955; No. 6, 1956; No. 21, 1963; No. 9, 1965; No. 37, 1971; No. 38, 1973; No. 31, 1985; Act No. 42, 1990; No. 42, 1991; Nos. 47 and 57, 1993
S. 105 .....	am. No. 41, 1938; No. 7, 1950; No. 10, 1958; No. 21, 1963; No. 9, 1965; No. 19, 1966; No. 2, 1968; No. 23, 1976; No. 37, 1977; No. 21, 1983; No. 63, 1985; No. 16, 1988; No. 38, 1989; Acts Nos. 47 and 57, 1993
S. 106 .....	rep. Act No. 57, 1993
S. 107 .....	am. No. 41, 1938; No. 1, 1955; No. 6, 1956; No. 13, 1971; Act No. 20, 1989; No. 109, 1991; No. 47, 1993
S. 107A .....	ad. Act No. 57, 1993
S. 108 .....	am. No. 13, 1971; Act No. 47, 1993
Part VIA (ss. 107A-107G) ..	ad. No. 37, 1974
S. 107A .....	ad. No. 37, 1974
Renumbered s. 108A.....	No. 54, 1976
S. 107B .....	ad. No. 37, 1974
Renumbered s. 108B.....	No. 54, 1976
	am. Act No. 47, 1993
S. 107C .....	ad. No. 37, 1974
Renumbered s. 108C.....	No. 54, 1976
S. 107D .....	ad. No. 37, 1974
	am. No. 54, 1976
Renumbered s. 108D.....	No. 54, 1976
	am. Act No. 47, 1993

**NOTES—continued****Table of Amendments—continued****Table 2—continued**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 107E .....	ad. No. 37, 1974 am. Nos. 31 and 54, 1976
Renumbered s. 108E .....	No. 54, 1976 am. Act No. 47, 1993
S. 107F .....	ad. No. 37, 1974 am. No. 54, 1976
Renumbered s. 108F .....	No. 54, 1976
S. 107G .....	ad. No. 37, 1974 am. No. 54, 1976
Renumbered s. 108G .....	No. 54, 1976 am. Act No. 47, 1993
Part VII (ss. 109-112).....	ad. No. 11, 1960
S. 109A .....	ad. No. 2, 1978
S. 109 .....	ad. No. 11, 1960 am. No. 8, 1964; No. 9, 1965; No. 27, 1969; No. 37, 1971; No. 38, 1989; Act No. 47, 1993
S. 110 .....	ad. No. 11, 1960 am. No. 37, 1971
S. 111 .....	ad. No. 11, 1960 am. No. 8, 1964
S. 112 .....	ad. No. 11, 1960 am. No. 8, 1964; No. 9, 1965; Act No. 47, 1993
Part VIIA (ss. 112A-112J) ..	ad. No. 37, 1971
S. 112AA .....	ad. No. 2, 1978
S. 112A .....	ad. No. 37, 1971 am. Act No. 47, 1993
S. 112B .....	ad. No. 37, 1971 am. No. 54, 1976; Act No. 47, 1993
S. 112C .....	ad. No. 37, 1971 am. Act No. 47, 1993
S. 112D .....	ad. No. 37, 1971 am. No. 44, 1984; Act No. 47, 1993
Ss. 112E-112J .....	ad. No. 37, 1971 am. Act No. 47, 1993
Part VIII (s. 113).....	rep. No. 11, 1960
Part VIII (ss. 113-122, 124-137, 139)	ad. No. 11, 1960
S. 112K .....	ad. No. 49, 1974 am. No. 31, 1978; No. 33, 1980; Nos. 15 and 44, 1984
S. 113 .....	am. No. 41, 1938; No. 1, 1955; No. 15, 1958 rs. No. 11, 1960 am. No. 8, 1964; No. 31, 1978; No. 34, 1986; Act No. 47, 1993
S. 114 .....	ad. No. 11, 1960 rs. No. 17, 1962

**NOTES**—continued**Table of Amendments**—continued**Table 2**—continued

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
S. 115 .....	ad. No. 11, 1960 am. Act No. 47, 1993
Ss. 115A, 115B.....	ad. No. 49, 1974
S. 115C.....	ad. No. 31, 1978 rs. No. 6, 1986 am. Act No. 47, 1993
Ss. 116, 117.....	ad. No. 11, 1960 am. No. 8, 1964; No. 9, 1965; No. 31, 1978; Act No. 47, 1993
S. 118 .....	ad. No. 11, 1960 am. No. 9, 1965; Act No. 47, 1993
S. 119 .....	ad. No. 11, 1960
S. 119A .....	ad. No. 54, 1976 am. Act No. 47, 1993
S. 120 .....	ad. No. 11, 1960 am. No. 31, 1978; Act No. 46, 1992; No. 47, 1993
S. 121 .....	ad. No. 11, 1960 am. No. 17, 1962; No. 8, 1964; No. 9, 1965; No. 31, 1978; No. 33, 1980; Act No. 47, 1993
S. 122 .....	ad. No. 11, 1960 am. No. 17, 1962; No. 37, 1971; No. 48, 1974; No. 3, 1981; No. 15, 1984; Act No. 47, 1993
S. 122A .....	ad. No. 3, 1981 am. Act No. 47, 1993
S. 123 .....	ad. No. 17, 1962 am. No. 9, 1965; No. 3, 1981; Act No. 47, 1993
S. 123A .....	ad. Act No. 46, 1992
S. 124 .....	ad. No. 11, 1960 am. No. 17, 1962; No. 48, 1974; No. 31, 1978; No. 15, 1984; Act No. 47, 1993
S. 124A .....	ad. No. 15, 1984 am. Act No. 47, 1993
S. 125 .....	ad. No. 11, 1960 am. No. 9, 1965; Act No. 47, 1993
S. 126 .....	ad. No. 11, 1960 am. Act No. 21, 1989
S. 127 .....	ad. No. 11, 1960 am. No. 54, 1976; Act No. 47, 1993
S. 128 .....	ad. No. 11, 1960 am. No. 48, 1974; No. 15, 1984; Act No. 47, 1993
Ss. 128A-128F.....	ad. No. 33, 1980
S. 128G.....	ad. No. 44, 1984 am. Act No. 42, 1991
S. 129 .....	ad. No. 11, 1960 am. No. 13, 1971; No. 18, 1983; No. 2, 1985; No. 78, 1986
S. 130 .....	ad. No. 11, 1960

**NOTES**—continued**Table of Amendments**—continued**Table 2**—continued

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
	am. No. 19, 1966; No. 18, 1983; Act No. 41, 1990
Ss. 131, 132.....	ad. No. 11, 1960
	am. Act No. 47, 1993
S. 133 .....	ad. No. 11, 1960
	am. No. 23, 1974
S. 133A.....	ad. No. 4, 1974
	am. No. 33, 1981; No. 38, 1989; Act No. 57, 1993
S. 133B.....	ad. No. 9, 1988
S. 134 .....	ad. No. 11, 1960
S. 135 .....	ad. No. 11, 1960
	am. Act No. 47, 1993
S. 136 .....	ad. No. 11, 1960
	am. No. 38, 1973; No. 23, 1974; Act No. 47, 1993
S. 137 .....	ad. No. 11, 1960
S. 138 .....	ad. No. 8, 1964
	am. No. 13, 1971
	rep. No. 37, 1971
S. 139 .....	ad. No. 11, 1960
	am. No. 37, 1971; Act No. 47, 1993
Part VIIIA (ss. 139A-139H)	ad. No. 13, 1971
	rep. No. 16, 1977
Ss. 139A, 139B.....	ad. No. 13, 1971
	rep. No. 16, 1977
S. 139C.....	ad. No. 13, 1971
	am. No. 57, 1973
	rep. No. 16, 1977
S. 139D.....	ad. No. 13, 1971
	rep. No. 16, 1977
S. 139E.....	ad. No. 13, 1971
	am. No. 57, 1973; No. 23, 1974
	rep. No. 16, 1977
S. 139F .....	ad. No. 13, 1971
	rep. No. 16, 1977
S. 139G.....	ad. No. 13, 1971
	am. No. 57, 1973
	rep. No. 16, 1977
S. 139H.....	ad. No. 13, 1971
	rep. No. 16, 1977
Part IX (ss. 140-148).....	ad. No. 11, 1960
S. 140 .....	ad. No. 11, 1960
	am. No. 8, 1964; No. 2, 1968; No. 13, 1971; No. 23, 1974; No. 54, 1976; Act No. 46, 1992
S. 141 .....	ad. No. 11, 1960
	rs. No. 8, 1964



**NOTES**—continued**Table of Amendments**—continued**Table 2**—continued

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
	am. No. 23, 1974
S. 142 .....	ad. No. 11, 1960
S. 143 .....	ad. No. 11, 1960
	am. No. 8, 1964
	rs. No. 2, 1968
	am. No. 13, 1971; No. 23, 1974
S. 144 .....	ad. No. 11, 1960
	am. No. 8, 1964; No. 2, 1968; No. 23, 1974
S. 145 .....	ad. No. 11, 1960
	am. No. 8, 1964; No. 10, 1972
	rs. No. 23, 1974; No. 54, 1984
	am. No. 81; 1986; No. 20, 1988
	rep. Act No. 57, 1993
S. 146 .....	ad. No. 11, 1960
	am. No. 23, 1974
	rep. No. 33, 1981
S. 147 .....	ad. No. 11, 1960
	am. No. 23, 1974
	rs. No. 35, 1985
S. 147A .....	ad. No. 13, 1971
	am. No. 2, 1985
S. 147B .....	ad. No. 13, 1971
	am. Act No. 46, 1992
S. 147C .....	ad. No. 13, 1971
	am. No. 23, 1974; Act No. 46, 1992; No. 47, 1993
Ss. 147CA, 147CB .....	ad. Act No. 46, 1992
S. 147D .....	ad. No. 13, 1971
	am. No. 1, 1984
	rs. Act No. 46, 1992
S. 147E .....	ad. No. 13, 1971
	am. Act No. 47, 1993
S. 148 .....	ad. No. 11, 1960
	rs. No. 8, 1964
	am. No. 2, 1968; Act No. 47, 1993
Part X (ss. 149, 151-153, 155, 158, 159)	ad. No. 11, 1960
S. 149 .....	ad. No. 11, 1960
	am. No. 8, 1964; Nos. 38 and 41, 1973; No. 54, 1976; Nos. 23 and 51, 1977; No. 50, 1982; No. 44, 1984; No. 49, 1985; No. 63, 1987; Nos. 6 and 38, 1989; Act No. 20, 1989; No. 47, 1993
S. 149A .....	ad. No. 38, 1973
	am. No. 37, 1977, No. 21, 1983
	rs. No. 63, 1987
Ss. 149B-149D .....	ad. No. 63, 1987

**NOTES**—continued**Table of Amendments**—continued**Table 2**—continued

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 149E .....	ad. No. 63, 1987 am. Act No. 42, 1991
S. 149F .....	ad. No. 63, 1987
Ss. 149G, 149H .....	ad. No. 63, 1987 rep. Act No. 42, 1991
S. 150 .....	ad. No. 8, 1964 am. No. 19, 1966; No. 38, 1973; No. 50, 1982; No. 1, 1984; No. 63, 1987; Act No. 47, 1993
S. 150A .....	ad. No. 50, 1982
S. 150B .....	ad. No. 50, 1982 am. No. 50, 1987; No. 38, 1989; Act No. 42, 1991; No. 47, 1993
S. 150C .....	ad. No. 50, 1982 am. No. 38, 1989; Act No. 42, 1991; No. 47, 1993
Ss. 150D, 150E .....	ad. No. 50, 1982 am. Act No. 47, 1993
S. 151 .....	ad. No. 11, 1960 rs. No. 8, 1964 am. No. 19, 1966; No. 50, 1982; No. 58, 1986; Act No. 20, 1989
S. 152 .....	ad. No. 11, 1960 am. No. 8, 1964; No. 19, 1966; No. 50, 1982; No. 58, 1986; Act No. 20, 1989; No. 47, 1993
S. 153 .....	ad. No. 11, 1960 am. No. 19, 1966; No. 38, 1973; No. 50, 1982; No. 58, 1986; Act No. 20, 1989
S. 154 .....	ad. No. 8, 1964 am. No. 9, 1965; No. 19, 1966; No. 50, 1982; No. 58, 1986; Act No. 20, 1989; No. 47, 1993
S. 155 .....	ad. No. 11, 1960 rs. No. 8, 1964 am. No. 19, 1966; No. 50, 1982; No. 58, 1986; Act No. 20, 1989; No. 47, 1993
S. 156 .....	ad. No. 8, 1964 am. No. 19, 1966; No. 41, 1973; No. 50, 1982; No. 44, 1984; No. 58, 1986; Act No. 20, 1989; No. 47, 1993
S. 157 .....	ad. No. 8, 1964 am. No. 19, 1966; No. 50, 1982; No. 58, 1986 rs. No. 63, 1987 am. No. 38, 1989; Act No. 20, 1989
S. 158 .....	ad. No. 11, 1960 am. No. 8, 1964; No. 9, 1965; No. 19, 1966; No. 23, 1974; No. 50, 1982; No. 58, 1986; Act No. 20, 1989; No. 47, 1993
S. 159 .....	ad. No. 11, 1960 rs. No. 8, 1964 am. No. 9, 1965; No. 2, 1968; No. 52, 1976; Act No. 20, 1989; No. 47, 1993
S. 160 .....	ad. No. 8, 1964 rs. Act No. 20, 1989 am. No. 47, 1993

**NOTES—continued****Table of Amendments—continued****Table 2—continued**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
S. 161 .....	ad. No. 8, 1964 am. Act No. 20, 1989; No. 47, 1993
S. 162 .....	ad. No. 8, 1964 am. No. 9, 1965; No. 19, 1966; No. 2, 1968; No. 52, 1976; No. 50, 1982; No. 58, 1986; No. 63, 1987; Act No. 20, 1989; No. 47, 1993
Ss. 162A, 162B.....	ad. Act No. 20, 1989 am. No. 47, 1993
S. 162C.....	ad. Act No. 20, 1989
Ss. 162D, 162E.....	ad. Act No. 20, 1989 am. No. 47, 1993
S. 162EA.....	ad. Act No. 47, 1993
S. 162F .....	ad. Act No. 20, 1989 rs. No. 47, 1993
S. 162G.....	ad. Act No. 20, 1989
S. 162H.....	ad. Act No. 20, 1989 am. No. 47, 1993
S. 162J.....	ad. Act No. 20, 1989
S. 162K .....	ad. Act No. 20, 1989 rs. No. 47, 1993
S. 162L .....	ad. Act No. 20, 1989 am. No. 47, 1993
S. 162M .....	ad. Act No. 20, 1989
S. 163 .....	ad. No. 8, 1964 am. No. 38, 1989 rs. Act No. 20, 1989
S. 163A .....	ad. No. 41, 1973 rep. No. 6, 1989
S. 163B .....	ad. No. 41, 1973 am. No. 23, 1977 rs. No. 6, 1989
S. 163C.....	ad. No. 41, 1973 am. Nos. 23 and 59, 1977 rs. No. 49, 1985 am. No. 6, 1989
S. 163D.....	ad. No. 41, 1973 am. No. 50, 1982; No. 58, 1986; No. 6, 1989; Act No. 20, 1989
S. 163E .....	ad. No. 41, 1973 am. No. 23, 1977; No. 50, 1982; No. 58, 1986; No. 6, 1989; Act No. 20, 1989
S. 163F .....	ad. No. 41, 1973 am. No. 50, 1982; No. 44, 1984; No. 58, 1986; No. 6, 1989; Act No. 20, 1989
S. 163G.....	ad. No. 41, 1973 am. No. 6, 1989; Act No. 47, 1993
Ss. 163H-163K .....	ad. No. 41, 1973 am. Act No. 47, 1993

**NOTES**—continued**Table of Amendments**—continued**Table 2**—continued

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 163L .....	ad. No. 41, 1973 am. No. 6, 1989
S. 163LA .....	ad. No. 44, 1984
S. 163M .....	ad. No. 41, 1973 am. No. 50, 1982; No. 44, 1984; No. 58, 1986; Act No. 20, 1989
S. 163MA .....	ad. No. 44, 1984
S. 163MB .....	ad. No. 44, 1984 am. Act No. 47, 1993
S. 163N .....	ad. No. 41, 1973 am. Act No. 47, 1993
S. 164 .....	ad. No. 8, 1964 am. No. 9, 1965; No. 41, 1973; No. 23, 1974; No. 46, 1978; Act No. 20, 1989; No. 47, 1993
Part XA (ss. 164A-164D) .....	ad. No. 39, 1971 rep. No. 32, 1979
Heading to Part XA .....	am. Act No. 46, 1992
Part XA (ss. 164A-164G) .....	ad. No. 32, 1979
S. 164A .....	ad. No. 39, 1971 am. No. 38, 1973; No. 23, 1974 rs. No. 32, 1979 am. Acts Nos. 37 and 38, 1990; No. 46, 1992
Ss. 164B, 164C .....	ad. No. 39, 1971 rs. No. 32, 1979 am. No. 18, 1983; Act No. 41, 1990; No. 47, 1993
S. 164D .....	ad. No. 39, 1971 am. No. 1, 1973; No. 23, 1974 rs. No. 32, 1979 am. No. 18, 1983; Acts Nos. 37, 38 and 41, 1990 rs. No. 46, 1992
Ss. 164DA, 164DB .....	ad. Act No. 46, 1992
S. 164E .....	ad. No. 32, 1979 am. Act No. 38, 1990; No. 46, 1992; No. 47, 1993
S. 164F .....	ad. No. 32, 1979
S. 164G .....	ad. No. 32, 1979 am. No. 38, 1989 rep. Act No. 42, 1991 ad. No. 46, 1992
Ss. 164H-164J .....	ad. Act No. 46, 1992
S. 165 .....	rs. No. 21, 1963 am. No. 9, 1965; No. 6, 1982
S. 167 .....	am. Act No. 47, 1993
S. 168 .....	am. No. 41, 1938; No. 6, 1956; No. 19, 1966; No. 30, 1977; No. 1, 1984
S. 169 .....	ad. No. 41, 1938 am. No. 7, 1955; No. 9, 1965; No. 19, 1966

**NOTES**—continued**Table of Amendments**—continued**Table 2**—continued

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
	rs. No. 1, 1984
	am. Acts Nos. 47 and 57, 1993
S. 170 .....	am. No. 27, 1969; No. 38, 1989
S. 171 .....	am. No. 9, 1965
S. 171A .....	ad. Act No. 57, 1993
S. 172 .....	am. Acts Nos. 47 and 57, 1993
S. 174 .....	am. Act No. 47, 1993
S. 175 .....	am. No. 41, 1938; No. 11, 1960; No. 19, 1966
	rep. No. 13, 1971
S. 176 .....	am. No. 41, 1938
	rs. No. 1, 1955
	am. No. 27, 1969; No. 23, 1974; No. 87, 1986; Acts Nos. 47 and 57, 1993
S. 177 .....	am. No. 9, 1965; Act No. 47, 1993
S. 178 .....	am. No. 13, 1943; Act No. 47, 1993
S. 180 .....	am. Act No. 47, 1993
Heading to Part XIA .....	ad. Act No. 109, 1991
S. 180A .....	ad. No. 18, 1983
	am. Act No. 41, 1990; Nos. 88 and 109, 1991; No. 44, 1992; No. 47, 1993
Ss. 180B-180F .....	ad. Act No. 109, 1991
	am. No. 47, 1993
S. 180FA .....	ad. Act No. 47, 1993
S. 180G .....	ad. Act No. 109, 1991
	rs. No. 47, 1993
S. 180H .....	ad. Act No. 109, 1991
	am. No. 47, 1993
S. 180J, 180K .....	ad. Act No. 109, 1991
	rep. No. 47, 1993
Ss. 180L, 180M .....	ad. Act No. 109, 1991
	am. No. 47, 1993
S. 180N .....	ad. Act No. 47, 1993
Part XIB (ss. 180NA, 180NB, 180P-180Z, 180ZA-180ZC)	ad. Act No. 57, 1993
Ss. 180NA, 180NB .....	ad. Act No. 57, 1993
Ss. 180P-180Z .....	ad. Act No. 57, 1993
Ss. 180ZA-180ZC .....	ad. Act No. 57, 1993
Heading to Part XII .....	ad. No. 9, 1965
S. 181 .....	ad. No. 9, 1965
	am. No. 9, 1965; No. 3, 1972; Act No. 47, 1993
S. 182 .....	am. No. 1, 1955; No. 6, 1956; No. 9, 1965; No. 27, 1969; No. 23, 1974; No. 31, 1985; Act No. 47, 1993
S. 183 .....	ad. No. 6, 1956
	am. No. 9, 1965; No. 23, 1974; Act No. 47, 1993
S. 184 .....	am. No. 1, 1955; No. 9, 1965

**NOTES—continued****Table of Amendments—continued****Table 2—continued**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 185 .....	am. No. 6, 1956 rs. No. 9, 1965 am. No. 9, 1965; No. 23, 1974; Act No. 47, 1993
S. 186 .....	ad. No. 41, 1938 am. No. 23, 1974; Act No. 47, 1993
S. 186A .....	ad. No. 11, 1988 am. No. 70, 1988
S. 187 .....	am. No. 41, 1938; No. 11, 1960; No. 41, 1973
S. 188 .....	ad. No. 2, 1943 am. Act No. 47, 1993
S. 189 .....	am. No. 41, 1938; No. 13, 1947; No. 17, 1951; No. 6, 1956; No. 11, 1960; No. 9, 1965; No. 27, 1969; No. 4, 1974; Nos. 11 and 15, 1988; Act No. 14, 1990; No. 47, 1993
S. 190 .....	ad. No. 17, 1951; Act No. 14, 1990 am. No. 19, 1966; No. 38, 1973; No. 23, 1974; No. 3, 1976; No. 37, 1977; No. 64, 1982; No. 21, 1983; Act No. 14, 1990
S. 190A .....	ad. No. 1, 1973 am. No. 23, 1974; No. 49, 1982; No. 18, 1983; Act No. 37, 1990; Nos. 47 and 57, 1993
S. 191 .....	rs. No. 1, 1955 am. No. 23, 1974; No. 49, 1982; Acts Nos. 47 and 57, 1993
Heading to Part XIII .....	ad. No. 9, 1965
S. 192 .....	am. No. 41, 1938; No. 3, 1945; No. 1, 1955 rs. No. 11, 1960 am. No. 19, 1966; No. 1, 1984; No. 67, 1985; Act No. 20, 1989; No. 41, 1990; No. 88, 1991; No. 57, 1993
S. 192A .....	ad. No. 27, 1969 am. No. 13, 1971 rs. No. 16, 1976 am. No. 16, 1977; No. 31, 1981; No. 67, 1985; Act No. 47, 1993
S. 193 .....	ad. No. 11, 1960 am. No. 9, 1965; No. 27, 1969 rs. No. 13, 1971 am. No. 16, 1977; No. 2, 1985; Act No. 47, 1993
S. 193A .....	ad. No. 13, 1971 am. No. 16, 1977; No. 2, 1985; Act No. 20, 1989; No. 109, 1991; Nos. 47 and 57, 1993
S. 194 .....	am. No. 9, 1965
S. 195 .....	am. No. 1, 1955; No. 8, 1964; No. 9, 1965; Act No. 47, 1993
S. 196 .....	am. Act No. 20, 1989
S. 198 .....	am. No. 9, 1965
S. 199 .....	rs. No. 41, 1938; No. 6, 1956 am. No. 8, 1964
S. 200 .....	ad. No. 1, 1955 am. No. 11, 1960; No. 9, 1965; No. 4, 1974; Act No. 47, 1993

## NOTES—continued

## Table of Amendments—continued

## Table 2—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 201	am. No. 67, 1985; No. 38, 1989
S. 202	am. No. 41, 1938; No. 11, 1960; No. 16, 1977; Act No. 47, 1993
S. 203	rs. Act No. 23, 1989
S. 204	am. No. 9, 1965; Act No. 47, 1993
S. 205	am. No. 9, 1965
S. 207	am. Act No. 47, 1993
S. 208	am. No. 23, 1974; Acts Nos. 47 and 57, 1993
S. 209	am. No. 41, 1938; No. 9, 1965; No. 19, 1966; No. 37, 1977; No. 64, 1982; No. 21, 1983; No. 38, 1989; Acts Nos. 47 and 57, 1993
S. 210	am. No. 19, 1966; No. 21, 1983; No. 38, 1989; Act No. 47, 1993
S. 211	am. No. 1, 1955; No. 31, 1978 rs. No. 6, 1986
S. 212	am. No. 38, 1989; Act No. 47, 1993
S. 212A	ad. No. 34, 1986
S. 213	am. No. 6, 1947; No. 6, 1956; No. 9, 1965; No. 21, 1983; No. 38, 1989; Act No. 47, 1993
S. 214	ad. No. 13, 1947 am. No. 9, 1965; No. 21, 1983; Act No. 47, 1993
S. 215	am. No. 13, 1947; No. 6, 1956; No. 9, 1965; No. 21, 1983; No. 38, 1989; Act No. 47, 1993
S. 216	am. No. 19, 1966; No. 42, 1973; No. 4, 1964; No. 3, 1976; No. 37, 1977; Nos. 6 and 64, 1982; No. 21, 1983; No. 38, 1989; Act No. 47, 1993
S. 217	ad. No. 41, 1938 am. No. 19, 1966 (as am. by No. 36, 1967); No. 3, 1976; No. 37, 1977; No. 64, 1982; No. 21, 1983; Act No. 47, 1993
S. 217A	ad. No. 21, 1983 am. Act No. 57, 1993
S. 217B	ad. No. 45, 1984 am. No. 38, 1989
Ss. 217C, 217D	ad. Act No. 42, 1991
S. 218	am. No. 6, 1947; No. 6, 1956; No. 11, 1960; No. 21, 1963; No. 9, 1965; No. 19, 1966 (as am. by No. 36, 1967); No. 21, 1983; No. 1, 1984; No. 38, 1989; Act No. 47, 1993
Heading to The Schedules	rep. Act No. 47, 1993
The First Schedule	am. No. 41, 1938; No. 16, 1941; No. 14, 1942; No. 13, 1947; No. 7, 1950; No. 17, 1951; No. 7, 1955; No. 6, 1956; No. 19, 1957; No. 19, 1966 (as am. by No. 36, 1967); No. 2, 1968 rep. No. 42, 1973
First Schedule	ad. No. 42, 1973 am. No. 23, 1974 rep. No. 3, 1976
Schedule 1	ad. No. 3, 1976 rs. No. 37, 1977 am. No. 40, 1981; No. 64, 1982 rep. No. 21, 1983
Heading to The Second	rep. Act No. 47, 1993

**NOTES**—continued**Table of Amendments**—continued**Table 2**—continued

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
Schedule	
Heading to Schedule 2 .....	ad. Act No. 47, 1993
The Second Schedule .....	am. No. 16, 1941; No. 2, 1943; No. 21, 1963; No. 9, 1965; No. 3, 1972; No. 38, 1973; No. 23, 1974; No. 54, 1976; No. 32, 1979; Nos. 31 and 73, 1985; Act No. 37, 1990; No. 47, 1993
Schedule 2 .....	am. Act No. 57, 1993
Heading to The Third Schedule	rep. Act No. 47, 1993
Schedule	
Heading to Schedule 3 .....	ad. Act No. 47, 1993
Schedule 4 .....	ad. No. 33, 1980 am. Nos. 15 and 44, 1984; No. 2, 1985
Schedule 5 .....	ad. No. 33, 1980
Schedule 6 .....	ad. No. 18, 1983 am. No. 3, 1986; No. 77, 1986; Acts Nos. 38 and 41, 1990 rep. No. 88, 1991
Schedule 7 .....	ad. Act No. 42, 1991 am. No. 46, 1992; Nos. 47 and 57, 1993

2. Ss. 54 (9), 61 (9), (10), (11), (13) and (14) and 66 (3)—The date of commencement of the *Law Reform (Miscellaneous Provisions) Act 1955* was 31 March 1955.



TABLE SHOWING NEW PART AND SECTION NUMBERS OF THE *MOTOR TRAFFIC ACT 1936* AFTER RENUMBERING BY THE *MOTOR TRAFFIC ORDINANCE 1965* (No. 9, 1965)

**NOTE—This Table does not form part of the *Motor Traffic Act 1936* and is printed for convenience of reference only.**

Old number	New number	Old number	New number	Old number	New number
Section 7A	Section 8	Section 41A	Section 49	Section 41AV	Section 91
8	9	41B	50	41AW	92
9	10	41C	51	41AX	93
9A	11	41F	52	Part V	Part VI
10	12	41G	53	Section	Section
11	13	41H	54	42	94
12	14	41J	55	43	95
13	15	41K	56	44	96
13A	16	41L	57	45	97
14	17	41M	58	46	98
15	18	41N	59	47	99
16	19	41O	60	48	100
17	20	41P	61	48A	101
18	21	41Q	62	49	102
19	22	41R	63	50	103
20	23	41S	64	51	104
21	24	41T	65	52	105
22	25	41U	66	53	106
23	26	41V	67	54	107
24	27	41W	68	55	108
25	28	41X	69	Part VA	Part VII
25A	29	41Y	70	Section	Section
25B	30	41Z	71	55A	109
25C	31	41AA	72	55B	110
26	32	41AB	73	55C	111
27	33	41AC	74	55D	112
27A	34	41AD	75	Part VI	Part VIII
28	35	41AE	76	Section	Section
28A	36	41AF	77	56	113
28B	37	41AG	78	56A	114
29	38	41AH	79	56B	115
30	39	41AJ	80	56C	116
31	40	41AK	81	56D	117
32	41	41AL	82	56E	118
33	42	41AM	83	56F	119
35	43	41AN	84	56G	120
36	44	41AO	85	56H	121
37	45	41AP	86	56J	122
39	46	41AQ	87	56JA	123
40	47	41AR	88	56K	124
41	48	41AS	89	56L	125
Part IVA	Part V	41AU	90	56M	126

**Table showing new Part and section numbers of the *Motor Traffic Act 1936* after renumbering by the *Motor Traffic Ordinance 1965* (No. 9, 1965)—continued**

Old number	New number	Old number	New number	Old number	New number
Section	Section	Section	Section	Section	Section
56N	127	56AS	160	80	192
56P	128	56AT	161	80A	193
56Q	129	56AU	162	Part VIII	Part XIV
56R	130	56AV	163	Section	Section
56S	131	56AW	164	81	194
56T	132	Part VII	Part XI	82	195
56U	133	Section	Section	83	196
56V	134	57	165	84	197
56W	135	58	166	85	198
56X	136	59	167	86	199
56Y	137	60	168	86A	200
56YA	138	60A	169	87	201
56Z	139	61	170	88	202
Part VIA	Part IX	62	171	89	203
Section	Section	64	172	90	204
56AA	140	65	173	91	205
56AB	141	66	174	92	206
56AC	142	67	175	93	207
56AD	143	68	176	95	208
56AE	144	69	177	96	209
56AF	145	70	178	97	210
56AG	146	72	179	98	211
56AH	147	73	180	99	212
56AJ	148	Part VIIA	Part XII	100	213
Part VIB	Part X	Section	Section	100A	214
Section	Section	73A	181	101	215
56AK	149	74	182	102	216
56AKA	150	74A	183	102A	217
56AL	151	75	184	103	218
56AM	152	76	185	Second Schedule	First Schedule
56AN	153	76A	186	Fourth Schedule	Second Schedule
56AO	154	77	187	Fifth Schedule	Third Schedule
56AP	155	77A	188		
56APA	156	78	189		
56APB	157	78C	190		
56AQ	158	79	191		
56AR	159	Part VIIB	Part XIII		