



Australian Capital Territory

## **Motor Traffic Act 1936**

**A1936-45**

**Republication No 8**

**Effective: 6 October 1999 – 22 December 1999**

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Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

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This is a republication of the *Motor Traffic Act 1936* effective from 6 October 1999 to 22 December 1999.

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Australian Capital Territory

**MOTOR TRAFFIC ACT 1936**

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Updated as at 14 October 1999

**CONTENTS**

**PART 1—PRELIMINARY**

- 1 Short title
- 2 Repeal and saving
- 4 Interpretation
- 4A Notes
- 5 Position of the Crown
- 6 Registrar of Motor Vehicles
- 6A Deputy Registrars of Motor Vehicles
- 6B Inspectors
- 6C Medical testing officers
- 6D Motor traffic officers
- 6E Vehicle Inspection Manual
- 6F Amendment of Manual
- 6G Copies of Manual and instruments of variation
- 6H Evidence of Manual
- 6J Interpretation of Manual
- 6K Inspection of Manual

**PART 1A—DRIVING LICENCES**

- 7 Classes of licences
- 7A Learner licences and learner licence receipts
- 7B Provisional licences and endorsements
- 8 Full licences
- 8AA Grant of probationary licences

*Motor Traffic Act 1936*

- 8A Grant of full or provisional licence to former probationary licensee
  - 8B Conditions on licences
  - 9 Refusal of licences to certain persons
  - 10 Medical examination of applicants for and persons holding driver's licences
  - 11 Driver wearing corrective lenses
  - 11A Special probationary driving licence
  - 11B Special probationary driving licence—evidence of application inadmissible
  - 11C Special probationary driving licence—grant
  - 11D Special probationary driving licence—contravention of conditions
  - 12 Fees for registration, licences, examinations and inspections
  - 12AA Road rescue fee
  - 12A Cancellation of licence of holder of corresponding licence
  - 13 Driving licence to be signed
  - 13A Interpretation
  - 13B Accreditation
  - 13C Further information
  - 13D Certificate of accreditation
  - 13E Duration of accreditation
  - 13F Production of certificate
  - 13G Display of certificate of accreditation
  - 13H Suspension or cancellation of accreditation
  - 13J Further suspension or cancellation
  - 13K Disqualification
  - 13M Return of certificate of accreditation
  - 13N Further training
  - 13P Use of vehicle for instruction
  - 13Q Insurance
  - 13R Learner driver log books
  - 13S Completion of learner driver log books
  - 13T Holding out
  - 13U Code of practice
  - 13V Notification and commencement of code
  - 13W Public access to code
  - 13X Territory not liable
  - 13Y Approval of training courses
- PART 2—REGISTRATION OF MOTOR VEHICLES**
- 14 Registration of motor vehicles and trailers
  - 14A Design rules

*Motor Traffic Act 1936*

- 15A Manner of determining GCM or GVM of vehicles
- 16 Certificate of registration
- 17A Design of number-plates
- 17B Issue of number-plates upon registration
- 18 Affixing number-plates
- 19 Replacement of number-plates
- 20 Loss, theft or destruction of number-plates
- 20A Return of surplus number-plate for motor cycle
- 21 Use of number-plates restricted
- 22 Sale or disposal of vehicle
- 23 Transferring of number-plates to vehicle of the same class
- 24 Sale of motor vehicle on behalf of other persons
- 25 Alteration in description of motor vehicle or trailer
- 26 Registration of altered motor vehicle or trailer

**PART 2AA—INSPECTION OF MOTOR VEHICLES AND TRAILERS FOR REGISTRATION**

*Division 1—Preliminary*

- 26AA Interpretation 53
- 26AB Issue of identity cards to inspectors
- 26AC Register of authorised examiners

*Division 2—Appointment of authorised examiners*

- 26AD Appointment of authorised examiners
- 26AE Certificates of appointment
- 26AF Revocation of appointment of authorised examiner

*Division 3—Approval of authorised premises*

- 26AG Approval of authorised premises
- 26AH Certificates of approval
- 26AJ Inspection of premises prior to approval
- 26AK Cancellation of approval of premises
- 26AL Cessation of approval

*Division 4—Inspections and tests of motor vehicles and trailers*

- 26AM Motor vehicles and trailers to be inspected on request
- 26AN Duties of authorised examiners when carrying out inspections
- 26AP Certificates of inspection
- 26AQ Persons by whom inspections may be carried out
- 26AR Fees payable by proprietors
- 26AS Fees payable on inspection
- 26AT Offences

*Motor Traffic Act 1936*

*Division 5—General duties of authorised examiners and proprietors of authorised premises*

- 26AU Design rules to be kept at authorised premises
- 26AV Certificate of approval to be exhibited at authorised premises
- 26AW Renewal of authorities
- 26AX Notice to be displayed at authorised premises
- 26AY Proprietor of authorised premises to give notice on ceasing to be proprietor
- 26AZ Change of name of proprietor of authorised premises to be notified
- 26AZA Change of address of authorised examiner to be notified

*Division 6—Review of decisions*

- 26AZB Review of decisions of authorised examiner

*Division 7—Miscellaneous*

- 26AZC Inspections
- 26AZD Issue of copies of certificates
- 26AZE Fees for inspections
- 26AZF Manner of giving notices
- 26AZG Evidence

**PART 2A—RESERVATION OF REGISTRATION NUMBERS**

- 26A Interpretation
- 26B Application for reservation of registration number
- 26C Reservation of registration number
- 26D Issue of number-plates
- 26E Extension of period of reservation
- 26F Manner of giving notice
- 26G Other provisions not affected

**PART 2B—SPECIAL REGISTRATION NUMBERS**

- 26H Interpretation
- 26J Applications
- 26K Nature of rights
- 26L Rights sold by Territory
- 26M Rights granted in respect of certain numbers
- 26N Duration of reserved rights
- 26Q Assignment of rights
- 26R Exercise of rights
- 26S Hire of special number-plates

**PART 3—PUBLIC MOTOR VEHICLES, PRIVATE HIRE CARS AND RESTRICTED HIRE VEHICLES**

- 26T Interpretation

*Motor Traffic Act 1936*

27	Taxi and motor omnibus licences
27A	Rights to be granted licences
27B	Limitation on number of taxi licences
27C	Assignment of rights
27D	Restricted taxi licences
27E	Limitation on number of restricted taxi licences
27F	Variation on application—restricted taxi licences
27G	Variation by Registrar—restricted taxi licences
27H	Display of restricted taxi licence etc
28	Licences for private hire cars
28A	Restricted hire vehicles
28B	Variation on application—restricted hire vehicle licences
28C	Variation by Registrar—restricted hire vehicle licences
28D	Restricted hire vehicles treated as private hire cars
28E	Display of restricted hire vehicle licence etc
29	Licences for the carriage of visitors to the Territory
30	Suspension or cancellation of certain licences
31	Certain persons to have use, control and management of vehicles
31A	Number of passengers
32	Fire extinguisher to be carried
33	Licence to conduct motor omnibus service
34	Visiting motor omnibus licence
35	Disinfection of vehicles
36	Taxi fares
37	Motor omnibus fares
39	Dangerous or offensive articles
PART 4—TRADERS	
40	Trader's licences and trader's plates
41	Vehicles on which trader's plates may be used
42	Use of trader's plates
43	Sale etc of business and transfer of plates
44	Revocation etc of right to use trader's plates
45	Return of trader's plates
46	Affixing trader's plates
47	Record of use of trader's plate
48	Traders to furnish particulars as to sales etc
PART 5—INSURANCE	
49	Interpretation
50	Application of Part to Territory and Commonwealth motor vehicles
51	Use of motor vehicle without third-party insurance

*Motor Traffic Act 1936*

52	Registration etc without evidence of third-party insurance
53	Issue of Certificate and Third-party Policy
54	Policies of insurance
55	Actions for damages in case of death or bodily injury
56	Trader's policy to apply
57	Cancellation of third-party policy
58	Appeal against refusal to issue or against cancellation of policy
59	Authorised insurers
60	Holding out as authorised insurer
61	Recovery of money from insurers
62	Recovery by insurer from owner
63	Recovery by insurer from driver
64	Limitation of amount recoverable
65	Effect of payment by authorised insurer
66	Presumption of agency
67	Right of authorised insurers against unauthorised drivers
68	Authorised insurer may take over proceedings etc
69	No contracting out of Act
70	Notice of accidents
71	Change of ownership of motor vehicle
72	Change of ownership of trader's business
73	Information to be supplied by insurers
74	Emergency treatment
75	Hospital treatment
76	Surgical and medical treatment
77	Apportionment of cost of medical and surgical treatment
78	Reduction of liability
79	Nominal defendant standing for authorised insurer
80	Payment by authorised insurer
81	Actions for damage to be tried without a jury
82	Disqualification of person holding driving licence
83	Insurance of public motor vehicles etc
84	Nominal defendant
85	Claims in respect of uninsured and unidentified motor vehicles
86	Payment by nominal defendant
87	Recovery from owner or driver
88	Maximum rates of premiums may be prescribed
89	Use of motor vehicle where appropriate insurance premium not paid
90	Production of evidence of insurance policy
90A	Evidence of insurance



*Motor Traffic Act 1936*

- 91 Court to apportion damages
- 92 Conviction not to affect civil remedy
- 93 Exemptions relating to insurance

PART 6—GENERAL PROVISIONS RELATING TO  
MOTOR VEHICLES

- 94 Application for registration or licence
- 95 Registration by joint owners and companies
- 97 Change of name or address
- 98 Lost certificate
- 99 Production of certificates and licences
- 100 Return of certificates after cancellation or suspension
- 102 Defaced licence etc
- 103 Fee paid by dishonoured cheque
- 104 Refusal, cancellation or suspension of licences or registration
- 105 Duration of registrations and licences
- 107 Visiting motor drivers
- 107A Residents with interstate licences
- 107B Vehicles registered inter-State
- 108 Driver of Defence Force vehicle

PART 6A—DEFECT NOTICES

- 108A Interpretation
- 108B Defect notices
- 108C Vehicles in dangerous condition
- 108D Service of notice
- 108E Powers of Registrar, inspectors and authorised examiners
- 108F Defect labels
- 108G Offences

PART 7—TRAFFIC SIGNS AND ROAD MARKINGS

- 109A Interpretation
- 109 Traffic signs and road markings
- 110 Traffic islands
- 111 Signs etc deemed to be lawfully erected
- 112 Damage, removal etc of traffic signs etc

PART 7A—TRAFFIC LIGHTS

- 112AA Interpretation
- 112A Driving a motor vehicle at traffic lights
- 112B Meanings indicated by traffic lights
- 112BA Defences
- 112C Left turn at intersection controlled by traffic lights

*Motor Traffic Act 1936*

- 112D Dangerous turns at intersections
- 112F Certain lines not to constitute road markings
- 112G When traffic lanes deemed to be separate public streets
- 112H Intersections or junctions of dual carriageway public streets
- 112J Rules in this Part not to apply when directions are given by police

**PART 8—RULES OF THE ROAD**

- 112K Interpretation
- 113 Vehicles to keep left etc
- 114 One way traffic carriageways
- 115 Vehicles to be driven in traffic lanes
- 115A Declaration of reserved carriageways
- 115B Certain vehicles not to be driven upon reserved carriageways
- 115C Public transport routes
- 116 Unbroken lines marked on carriageway
- 117 Passing on-coming traffic
- 118 Overtaking
- 119 Motorists not to race with another vehicle
- 119A Motor vehicle not to be driven while part of person's body protrudes from vehicle
- 120 Left hand turns
- 121 Right hand turns
- 122 Give way rule at intersection
- 122A Give way rule to be observed at uncontrolled junctions
- 123 Application of sections 121, 122 and 122A
- 123A Slip lane traffic to give way
- 124 Give way signs
- 124A Give way rule to be observed at roundabouts
- 124B Motorists to give way to local services motor omnibuses
- 125 Motorist to make way for fire engine, ambulance or police car
- 126 Pedestrian crossing
- 127 School crossing
- 128 Stop signs
- 128A Traffic signs—NO RIGHT TURN; NO LEFT TURN; NO TURNS
- 128B Traffic sign—NO U TURN
- 128C Traffic sign—NO OVERTAKING OR PASSING
- 128D Traffic sign—NO OVERTAKING ON BRIDGE
- 128E Traffic signs for traffic in traffic lanes
- 128F Road markings on surface of traffic lanes
- 128G Traffic signs—NO ENTRY; NO EXIT
- 129 Dangerous etc driving

*Motor Traffic Act 1936*

- 130 Careless or inconsiderate driving
- 131 Driver to be in control of motor vehicle
- 132 Limitation on travelling backwards
- 133 Bridge load limit signs
- 133A Load limits in public streets
- 133B Road tunnels—vehicles carrying explosives
- 134 Motorist not to obstruct the free passage of any person etc
- 135 Precautions against driving motor vehicles without the owner's consent
- 136 Warnings and signals by drivers
- 137 Extension of offences to acts etc in relation to animals being ridden or led
- 139 Obedience to directions by police etc

PART 9—SPEED LIMITS

- 140 Interpretation
- 141 Speed limits within a public place
- 142 Motorist not to exceed maximum speed applicable
- 143 Maximum speed applicable to public streets
- 144 Speeds regulated by signs
- 147 School zones
- 147A Driving at dangerous speeds
- 147E Testing of speedometers

PART 10—RULES RELATING TO PARKING

*Division 1—Interpretation*

- 149 Interpretation

*Division 2—Certified vehicles*

- 149A Certified vehicles—application for certificate
- 149B Certified vehicles—grant or refusal of certificate
- 149C Certified vehicles—variation of certificate
- 149D Certified vehicles—surrender of certificate
- 149E Certified vehicles—cancellation of certificate
- 149F Certified vehicles—period of certificate
- 150 Certified vehicles—labels

*Division 3—Labels*

- 150A Labels for Class B classes of motor vehicles
- 150B Application for approved label
- 150C Cancellation etc of approved label
- 150D Replacement of approved label
- 150E General offences relating to approved labels

*Motor Traffic Act 1936*

*Division 4—Parking of heavy vehicles*

150F	Interpretation
150G	Parking of specific vehicles and trailers on residential land
150H	Parking of heavy vehicles on land adjoining residential land
150J	Parking of commercial vehicles on leases comprising multi-unit developments
150K	Daily infringement
150L	Controlled activity
150M	Codes of practice
150N	Disallowance
150P	Publication
150Q	Application for existing operator's certificate
150R	Issue of existing operator's certificate
150S	Application for exemption
150T	Grant of exemption
150U	Term of exemption
150V	Endorsement of certificates
150W	Form of existing operator's certificate
150X	Variation of conditions of exemptions
150Y	Further information
150Z	Issue of copy of existing operator's certificate
150ZA	Cancellation of existing operator's certificate or revocation of exemptions
150ZB	Notice to show cause before cancellation of existing operator's certificate
150ZC	Inspections etc
150ZD	Consent to entry
150ZE	Display of identity cards
150ZF	Powers of inspection
150ZG	Search warrants
150ZH	Warrants by telephone or other electronic means

*Division 5—Offences*

151	Stopping etc adjacent to boundary
152	Parking etc in public streets regulated by traffic signs
153	Bus stops
154	Taxis, restricted taxis, private hire cars and restricted hire vehicles
155	Parking in public places
156	Off-street parking and loading zones—further regulation
157	Parking in loading zones
158	Other parking offences

*Motor Traffic Act 1936*

*Division 6—Parking infringements*

- 159 Parking infringements—liability
- 160 Liability
- 161 Evidence of registration of motor vehicle
- 162 Parking infringement notices
- 162A Final notice—non-payment of penalty
- 162B Discharge of liability
- 162C Disputing liability under parking infringement notice or final notice
- 162D Disputed notices—application to Court for declaration
- 162E Suspension of licences, registration etc
- 162EA Effect of suspension
- 162EB Transfer of registration while suspended
- 162F Revocation of suspension
- 162G Statutory declarations—general
- 162H Reinstatement of licences, registration etc
- 162J Bodies corporate—recovery of penalties etc
- 162K Costs of applications to Court
- 162L Evidentiary provision—general
- 162M Applications—how made
- 163 Bar to criminal proceedings

*Division 7—Voucher machines and parking meters*

- 163A Multi-bay parking meter—display of word “expired”
- 163B Authorisation of voucher machines and parking meters
- 163BA Multi-bay parking meters
- 163C Parking fees
- 163D Only 1 vehicle to be parked on designated parking place
- 163E Purchase and display of vouchers
- 163F Expired parking meter
- 163G Interference with displayed parking vouchers
- 163H Abuse of parking meters and voucher machines
- 163J Unauthorised installation of or interference with parking meters and voucher machines etc
- 163K Unauthorised removal of parking meters etc
- 163L Evidence of authorised installation of parking meters and voucher machines
- 163LA Presumption regarding parking meter hoods
- 163M Covering of parking meters
- 163MA Unauthorised removal of parking meter covers
- 163MB Authorised removal of parking meter hoods

*Motor Traffic Act 1936*

*Division 8—Miscellaneous*

- 163N Suspension of operation of certain sections
- 164 Circumstances in which certain provisions not contravened
  - PART 10A—SEAT BELTS AND CHILD RESTRAINTS
- 164A Interpretation
- 164B Wearing of seat belt by driver of prescribed vehicle
- 164C Wearing of seat belts by passengers in prescribed vehicles
- 164D Children and young persons
- 164DA Suitability of child restraints and seat belts
- 164DB Exceptions for the purposes of section 164D
- 164E Defences
- 164F Offence against this Part not to affect damages in respect of death or injury to, child

PART 11—OFFENCES

- 164FA Definitions for Pt XI
- 164G Sale, purchase or use of radar detectors and jammers
- 164H Defences to prosecution
- 164I Surrender of device
- 164J Forfeiture of device
- 165 Vehicles to be registered
- 166 Driving motor vehicle differing from description in certificate
- 167 Owner to require driver to produce licence
- 168 Unauthorised use of motor vehicles as taxis etc
- 169 Unauthorised use of farm vehicles
- 170 Motor vehicles and trailers to bear number-plates
- 171 Number-plates not to be covered
- 171A Unauthorised use of “L” and “P” plates
- 172 Licence and learner licence receipt to be produced on demand
- 173 Driver to stop vehicle when required by an inspector or a member of Police Force
- 174 Driver or owner of vehicle to furnish information when required
- 176 Driver to be licensed etc
- 177 Obtaining licence or certificate etc by misrepresentation
- 178 Driver to stop in case of accident
- 179 Hiring car by fraud
- 180 Production of licence in court

PART 11A—INFRINGEMENT NOTICE FOR CERTAIN OFFENCES

*Division 1—Interpretation*

- 180A Definitions for Pt 11A

*Motor Traffic Act 1936*

*Division 2—Service of documents under this Part generally*

180B Service of documents

*Division 3—Infringement and reminder notices*

180C Purpose and effect of Division

180D Service of infringement notices generally

180E Service of infringement notices on vehicle owners

180F Contents of infringement notices

180G Additional information in infringement notices

180H Time for payment of infringement notice penalty

180I Extension of time to pay penalty

180J Liability for infringement notice offences involving vehicles

180K Illegal user declarations

180L Known user declarations

180M Sold vehicle declarations

180MA Unknown user declarations

180MB Obligation to provide declarations for camera-detected offences

180MC Offence for falsely naming a person as the driver

180MD Effect of payment of infringement notice penalty

180ME Application for withdrawal of infringement notice

180MF Withdrawal of infringement notice

180MG Reminder notices

180MH Contents of reminder notices

180MI Additional information in reminder notices

*Division 4—Enforcement procedures*

180MJ Suspension for nonpayment of infringement notice penalties

180MK Effect of suspension

180ML Transfer of registration while suspended

180MM Revocation of suspension

180MN Revocation of suspension on court order

180MO Effect of revocation of suspension on court order

180MP Failure to revoke suspension on court order

*Division 5—Disputing liability*

180MQ Disputing liability for an infringement notice offence

180MR Extension of time to dispute liability

180MS Procedure if liability disputed

*Division 6—Miscellaneous*

180MT Power of delegation

180MU Declarations by corporations

180MV Evidentiary certificates

*Motor Traffic Act 1936*

- 180MW Costs of application for declaration
- PART 11B—DEMERIT POINTS AND PROBATIONARY LICENCES
- 180NA Interpretation
- 180NB Demerit points
- 180P Recording of demerit points
- 180Q Interstate licensees who obtain licences
- 180R Transfer of recordings on grant of new licence
- 180S Provision of information to interstate Registrars
- 180T Warning notice
- 180U Suspension or cancellation of full licence
- 180V Probationary licences
- 180W Cancellation of probationary licences
- 180WA Effect of cancellation of probationary licence
- 180X Suspension of provisional licences
- 180Y Suspension of learner licences
- 180Z Cancellation of special licences
- 180ZA Suspension of provisional endorsements
- 180ZB Demerit suspension of licence already suspended
- PART 11C—TRAFFIC OFFENCE DETECTION DEVICES
- 180ZD Definitions for Pt 11C
- 180ZE What is a camera detection device?
- 180ZF Regulations about traffic offence detection devices
- 180ZG Evidentiary certificates etc
- 180ZH Interfering with traffic offence detection devices
- 180ZI Inspection and copies of images produced by traffic offence dete devices
- 180ZJ Notice of intention to challenge certain issues
- 180ZK Expiry of Pt 11C
- PART 12—EQUIPMENT AND LOADS
- 181 Vehicles to comply with Part 1 of Schedule 2
- 182 Carriage of lamps and lights
- 183 Positioning of reflectors
- 184 Position of light
- 185 Parking lights
- 186 Towing of vehicles
- 186A Riding in trailers prohibited
- 187 Noise and smoke
- 188 Discharge of sparks, live coals etc from vehicle fitted with gas producer
- 189 Offences relating to equipment etc of motor vehicles



*Motor Traffic Act 1936*

- 190 Width of motor vehicles
- 190A Motorcyclists to wear safety helmets
- 191 Pillion riding

PART 13—PENALTIES

*Division 1—Right to drive after conviction*

- 191A Interpretation
- 191B Culpable driving
- 191C Dangerous driving etc
- 191D Negligent driving and other offences
- 191E Timing of licence cancellation and disqualification
- 191F Disqualification subject to grant of special licence
- 191G Multiple disqualifications—cumulative or concurrent
- 191H Contravening special licence conditions
- 191J Disqualification etc—further special licence
- 191K Extraordinary disqualification by court
- 191L Additional powers of court
- 191M Notice to Registrar
- 191N Quashing of conviction

*Division 1A—Fine defaulters*

- 191NA Suspension of driving licence, registration etc.
- 191NB Duration of suspension of driving licence, registration etc
- 191NC Revocation of suspension of driving licence, registration etc.
- 191ND Revocation of suspension on transfer of registration
- 191NE Renewal etc of driving licence or registration—prohibited
- 191NF Suspension to be concurrent

*Division 2—Ancillary*

- 191P Driving etc while suspended or disqualified
- 191Q Return of suspended or cancelled driving licence
- 191R No refund of driving licence fee
- 192 General offences

PART 14—MISCELLANEOUS

- 194 Record of registration and licences to be kept
- 195 Judicial notice of Registrar's and Deputy Registrar's signature
- 196 Laying of information
- 197 Liability at common law and by statute
- 198 Evidence of registration
- 199 Evidence of ownership of vehicles
- 200 Weight of vehicles
- 201 Recovery of fees unpaid

*Motor Traffic Act 1936*

202	Powers and duties of police, inspectors and officers
203	Name and address to be given
204	Production of motor vehicles and trailers
205	Inspection of motor vehicles and trailers
206	Service of notices
207	Offence due to accident
208	Names on trucks and omnibuses
209	Remission or refund of fees
210	Motor tractor
211	Exemption of special vehicles
212	Exemption of certain vehicles and drivers
212A	Exemption for postal vehicles
213	Licences for the carriage of workers
214	Carriage of passengers on licenced goods vehicles
215	Licence to ply for hire for the carriage of goods
216	Temporary licences
216A	Surrender of licence or other thing
217	Motor vehicle reliability trials and speed tests
217A	Power of Minister to determine fees and amounts
217B	Fees payable
217C	Notice of decision
217D	Review by Administrative Appeals Tribunal
218	Regulations

PART 15—TRANSITIONAL PROVISIONS ABOUT  
TRAFFIC INFRINGEMENT NOTICES

219	Definitions for Pt 15
220	Existing traffic infringement notices
221	Effect of existing traffic infringement notices
222	Existing final notices
223	Existing notices disputing liability under traffic infringement notices
224	Suspension in force under Part XIA of the unamended Act
225	Revocation of suspension on court order etc
226	Application to court for failure to revoke suspension on court order
227	Evidence
228	Modification of Part's operation
229	Expiry of Part

SCHEDULE 2

SCHEDULE 3

SCHEDULE 4

*Motor Traffic Act 1936*

SCHEDULE 5

SCHEDULE 7



Australian Capital Territory

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## **MOTOR TRAFFIC ACT 1936**

An Act relating to Motor Vehicles and Motor Traffic

### **PART 1—PRELIMINARY**

#### **1 Short title**

This Act may be cited as the *Motor Traffic Act 1936*.

#### **2 Repeal and saving**

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

(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.

#### **4 Interpretation**

(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.

*Motor Traffic Act 1936*

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

***Australian Standard E35, Part 2—1970*** means the standard published by the Standards Association of Australia under the number “E35, Part 2—1970”, being that standard as amended before 1 January 1978.

***axle*** means a part of a vehicle consisting of 1 or more shafts, spindles or bearings in the same transverse vertical plane by means of which, in conjunction with the wheels mounted on the shafts, spindles or bearings, the whole or part of the mass of the vehicle and its load may be carried.

***axle group*** means a single axle group, tandem axle group, twinsteer axle group, tri-axle group or quad axle group.

***B-double*** means a combination consisting of prime mover towing 2 semi-trailers.

***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 competency*** means a certificate referred to in paragraph 13R (b).

***certificate of registration*** means a certificate of registration granted under this Act in respect of a motor vehicle or trailer.

*Motor Traffic Act 1936*

**chief police office** 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.

**combination** means a combination consisting of a motor vehicle connected to 1 or more trailers.

**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 a Deputy Registrar of Motor Vehicles under section 6A.

**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 or her normal driving position.

**dolly** means a trailer with 1 axle group, or 1 axle not being part of an axle group, designed to convert a semi-trailer into a dog trailer.

**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.

*Motor Traffic Act 1936*

***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 8 or paragraph 8A (1) (b).

***GCM***, in relation to a motor vehicle, means the greatest possible sum of the maximum loaded mass of the motor vehicle and of any vehicles that may be towed by it at 1 time—

- (a) that, subject to subsection 15A (1) of the Motor Traffic Act, is specified by the manufacturer of the motor vehicle or the Registrar, as the case may be; or
- (b) if the vehicle is registered in a State or another Territory and the registration authority of that State or other Territory has specified the sum—that is specified by that authority.

***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.

***GVM***, in relation to a vehicle, means the maximum loaded mass of the vehicle—

*Motor Traffic Act 1936*

- (a) that, subject to subsection 15A (2) of the Motor Traffic Act, is specified by the manufacturer of the vehicle or the Registrar, as the case may be; or
- (b) if the vehicle is registered in a State or another Territory and the registration authority of that State or other Territory has specified the mass—that is specified by that authority.

***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 GCM that exceeds 24 tonnes; or
- (b) more than 3 axles.

***heavy trailer combination*** means a motor vehicle the GVM of which exceeds 4.5 tonnes to which there is attached 1 trailer—

- (a) the GVM of which exceeds 5 tonnes; or
- (b) if the trailer is exempt from the requirement that its GVM 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.

***identity card*** means an identity card issued by the Registrar.

***inspector*** means an inspector under section 6B.

***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.



*Motor Traffic Act 1936*

**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 driver log book** means a learner driver log book referred to in section 13R.

**learner licence** means a learner licence granted under section 7A.

**learner licence receipt** means a learner licence receipt granted under section 7A.

**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 GVM 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 GVM 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 GVM 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

*Motor Traffic Act 1936*

- (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.

**local services motor omnibus** means a motor omnibus that is engaged in the provision of a motor omnibus service—

- (a) under the *Motor Omnibus Services Act 1955*; or  
(b) in accordance with a motor omnibus service licence that is expressed to be in respect of a local omnibus service.

**Manual** means the Vehicle Inspection Manual prepared and published under section 6E, as in force from time to time.

**marked footcrossing** has the same meaning as in section 26 of the *Traffic Act 1937*.

**medical testing officer** means a medical testing officer under section 6C.

**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 Traffic Act 1936*

**motor tractor** means any motor vehicle constructed principally for the purpose of supplying motive power for machinery, or of hauling any vehicle.

**motor traffic officer** means a motor traffic officer under section 6D.

**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 29 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.

**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— each person whose name is specified in the certificate of registration as an owner of the motor vehicle;

*Motor Traffic Act 1936*

- (b) in the case of a visiting motor vehicle—each person whose name is specified as an owner of the vehicle in the registration records kept under the law of the Commonwealth, State or another Territory under which the 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 an 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

*Motor Traffic Act 1936*

- (b) indicated by a traffic sign in accordance with sign No. R3-1A, R3-1B or R3-1C in Australian Standard 1742.10 as amended from time to time;

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

***prime mover*** means a motor vehicle built to tow a semi-trailer.

***private hire car*** means a motor vehicle (other than a taxi, motor omnibus or restricted hire vehicle) 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 and does not include a special probationary licence granted under section 11C.

***provisional endorsement*** means an endorsement on a licence made under section 7B.

***provisional licence*** means a provisional licence granted under section 7B or paragraph 8A (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

*Motor Traffic Act 1936*

- (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.

**quad axle group** means a group of 4 axles in which the horizontal distance between the centre-lines of the outermost axles is more than 3.2 metres but not more than 4.9 metres.

**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 under section 6.

**registration authority**, in relation to a vehicle registered in a State or another Territory, means a person or body empowered by or under a corresponding law of the Commonwealth, a State or another Territory to regulate the dimensions and mass of vehicles.

**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.

**restricted hire vehicle** means a motor vehicle (other than a taxi or motor omnibus)—

*Motor Traffic Act 1936*

- (a) that does not ply for hire in a public street for the conveyance of passengers;
- (b) that 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; and
- (c) in relation to which a person is licensed under subsection 28A (1).

***restricted hire vehicle licence*** means a licence granted under subsection 28A (1).

***restricted taxi*** means a taxi in relation to which a person is licensed under subsection 27D (1).

***restricted taxi licence*** means a licence granted under subsection 27D (1).

***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 by way of—

- (a) paint;
- (b) adhesive material;
- (c) reflective material; or
- (d) a different road surface;

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.

***road rescue fee*** means a fee determined under section 217A for the purposes of section 12AA;

*Motor Traffic Act 1936*

**road train** means a combination, other than a B-double, consisting of a motor vehicle towing at least 2 trailers (counting as 1 trailer a dolly supporting a semi-trailer).

**semi-trailer** means a trailer that has—

- (a) 1 axle not forming part of an axle group, or 1 axle group, that is toward the rear of the trailer; and
- (b) a means of attachment to a prime mover that would result in some of the mass of the trailer (whether with or without a load) being imposed on the prime mover.

**single axle group** means a group of 2 or more axles in which the horizontal distance between the centre-lines of the outermost axles is less than 1 metre.

**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 GVM 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 probationary licence in force under section 11C.

**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.

**stop line** means a road marking comprising a line that—

- (a) is marked—
  - (i) across a carriageway of a public street; or



*Motor Traffic Act 1936*

(ii) from 1 edge of the carriageway of a public street across the traffic lanes for the passage of vehicles travelling in 1 particular direction; and

(b) is not part of a school crossing (within the meaning of subsection 127 (1)) or a marked footcrossing.

**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 and a restricted taxi.

**taxi licence** means a licence granted by the Registrar to use a motor vehicle as a taxi other than a restricted 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 4.

**trader's plate** means a number-plate issued to the holder of a trader's licence under Part 4.

**traffic island** means—

- (a) an island or dome constructed, placed or erected in accordance with Part 7; or
- (b) an area defined by signs in the form of chevrons placed within unbroken lines marked in accordance with Part 7.

**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.

*Motor Traffic Act 1936*

**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 7.

**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.

**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 that runs on wheels or continuous tracks, but does not include—

- (a) a vehicle that is designed to run solely on a railway or tram track; or
- (b) 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) that is registered under a law of the Commonwealth, a State or another Territory;
- (b) that has affixed to it the numberplates that are required to be affixed to it under that law; and
- (c) except for a motor vehicle or trailer that is registered under a Commonwealth law—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

*Motor Traffic Act 1936*

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 subsection 162E (1) (Suspension of licences, registration etc) or 180MJ (5) (Suspension for nonpayment of infringement notice penalties).

***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.

**(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

*Motor Traffic Act 1936*

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 7A, Part 8, Part 9 or Part 10 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 7, 51, 79, 85, 89, 119, 129, 130, 131, 132, 134, 135, 139, 147A, 165, 166, 168, 176, 180WA, 181, 182, 184, 186, 187, 189, 190A, 191, 191P 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 Part X (Rules relating to parking), the administrative charge is \$25 or such other charge as the Minister, by instrument, determines.

*Motor Traffic Act 1936*

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

**4A Notes**

A note in the text of this Act is explanatory and is not part of the Act.

**5 Position of the Crown**

(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.

**6 Registrar of Motor Vehicles**

(1) There may be a Registrar of Motor Vehicles.

(2) The Chief Executive shall create and maintain an office in the Government Service the duties of which include performing the functions of the Registrar of Motor Vehicles.

(3) The Registrar shall be the public servant for the time being performing the duties of the Government Service office referred to in subsection (2).

**6A Deputy Registrars of Motor Vehicles**

(1) There may be 1 or more Deputy Registrars of Motor Vehicles.

(2) A Deputy Registrar may perform any function of the Registrar, subject to any direction of the Registrar.

(3) The Chief Executive shall create and maintain 1 or more offices in the Government Service the duties of which include performing the functions of a Deputy Registrar.

(4) A Deputy Registrar shall be any public servant for the time being performing the duties of a Government Service office referred to in subsection (3).

*Motor Traffic Act 1936*

**6B Inspectors**

- (1) There may be 1 or more inspectors for the purposes of this Act.
- (2) The Chief Executive shall create and maintain 1 or more offices in the Government Service the duties of which include performing the functions of an inspector.
- (3) The following persons shall be inspectors:
  - (a) any public servant for the time being performing the duties of a Government Service office referred to in subsection (2);
  - (b) any other person appointed in writing by the Chief Executive for the purpose.
- (4) Where a person referred to in subsection (3) ceases to be an inspector the person shall not, without reasonable excuse, fail to return to the Registrar any identity card issued by the Registrar.

Penalty: 1 penalty unit.

**6C Medical testing officers**

- (1) There may be 1 or more medical testing officers.
- (2) The Chief Executive shall create and maintain 1 or more offices in the Government Service the duties of which include performing the functions of a medical testing officer.
- (3) Only a person who is entitled to practise as a medical practitioner under the *Medical Practitioners Act 1930*, or a corresponding law of a State or another Territory, may perform the functions of a medical testing officer.
- (4) Subject to subsection (3), the following persons shall be medical testing officers:
  - (a) any public servant for the time being performing the duties of a Government Service office referred to in subsection (2);
  - (b) any other person appointed in writing by the Chief Executive for the purpose.

**6D Motor traffic officers**

- (1) There may be 1 or more motor traffic officers for the purposes of this Act.
- (2) A motor traffic officer shall only perform such functions of a motor traffic officer as he or she is authorised by the Registrar to perform.

*Motor Traffic Act 1936*

(3) The Chief Executive shall create and maintain 1 or more offices in the Government Service the duties of which include performing the functions of a motor traffic officer.

(4) The following persons shall be motor traffic officers:

- (a) any public servant for the time being performing the duties of a Government Service office referred to in subsection (3);
- (b) any other person appointed in writing by the Chief Executive for the purpose.

**6E Vehicle Inspection Manual**

(1) The Registrar shall cause a manual, called the Vehicle Inspection Manual, to be prepared and maintained for the purposes of this Act.

(2) The Manual shall specify—

- (a) the requirements with which each motor vehicle and trailer is required to comply before it may be registered; and
- (b) the requirements with which parts and equipment of each motor vehicle and trailer are required to comply before the vehicle or trailer, as the case may be, may be registered.

(3) The Manual is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

**6F Amendment of Manual**

(1) The Registrar may, by instrument, amend the Manual.

(2) An instrument under subsection (1) has effect from and including such date as is specified in the instrument, being a date not less than 7 days after the date on which the instrument is made.

(3) An instrument under subsection (1) does not apply in relation to a motor vehicle or trailer in respect of which there is in force a certificate under section 26AP that was issued before the date on which the instrument took effect.

**6G Copies of Manual and instruments of variation**

The Registrar shall—

- (a) within 7 days after completion of the preparation of the Manual furnish a copy of the Manual to the Minister; and

*Motor Traffic Act 1936*

- (b) within 7 days after an instrument is made under subsection 6F (1), furnish a copy of the instrument to the Minister and to the proprietor of premises authorised under Part 2AA.

**6H Evidence of Manual**

(1) In any proceedings evidence of the Manual as in force on a specified date or during a specified period may be given by the production of an office copy of the Manual certified by the Registrar, in writing, to be a true copy of the Manual, as at that date or during that period.

(2) For the purposes of subsection (1), a certificate that purports to have been signed by the Registrar shall be taken to have been so signed unless the contrary is proved.

**6J Interpretation of Manual**

(1) Expressions used in the Manual, or an instrument made under subsection 6F (1), shall, unless the contrary intention appears in the Manual or instrument, have the same respective meanings as they would have if the Manual or instrument, as the case may be, were regulations under this Act.

(2) The Manual, and instruments made under subsection 6F (1), shall not be taken to be regulations within the meaning of the *Interpretation Act 1967*.

**6K Inspection of Manual**

A copy of the Manual shall be kept at each office of the Registrar and may, on request by a person, be inspected at any time during the ordinary business hours of that office.

**PART 1A—DRIVING LICENCES**

**7 Classes of licences**

(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*.



*Motor Traffic Act 1936*

**7A Learner licences and learner licence receipts**

(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.

(1A) Where the Registrar grants a person a learner licence, or a learner licence receipt, in relation to a light vehicle other than a motor tractor or a motor implement, the Registrar shall issue to the person a learner driver log book.

(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

*Motor Traffic Act 1936*

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 GVM 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) if it is towing any other vehicle or trailer;

*Motor Traffic Act 1936*

- (d) if it has a power-to-weight ratio greater than 150 kilowatts per tonne.

(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.

**7B Provisional licences and endorsements**

(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;

*Motor Traffic Act 1936*

- (c) in the case of a provisional licence to drive a rigid truck, rigid motor omnibus, public motor vehicle, private hire car or restricted hire vehicle—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 GCM 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, private hire car or restricted hire vehicle—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.

*Motor Traffic Act 1936*

(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

*Motor Traffic Act 1936*

vehicle of the class specified in the licence or endorsement, as the case requires.

**(14A)** For the purpose of satisfying himself or herself as to the capabilities of an applicant under subsection (14), the Registrar shall have regard to any certificate of competency in relation to the applicant.

**(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, a restricted hire vehicle 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, a restricted hire vehicle 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—

*Motor Traffic Act 1936*

- (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 GVM 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) if it is towing any other vehicle or trailer;
- (c) if it has a power-to-weight ratio greater than 150 kilowatts per tonne.

(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.

## **8 Full licences**

(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.

*Motor Traffic Act 1936*

- (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, private hire car or restricted hire vehicle—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 GCM 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, private hire car or restricted hire vehicle—is at least 21 years of age.



*Motor Traffic Act 1936*

- (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).

*Motor Traffic Act 1936*

(16) The Registrar may refuse to grant a full licence to drive a public motor vehicle, a private hire car, a restricted hire vehicle 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, a restricted hire vehicle 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.

**8AA Grant of probationary licences**

(1) The Registrar shall not grant a licence other than a probationary licence to a person where 12 or more relevant demerit points are recorded on the person's relevant licence record.

(2) In this section—

*relevant demerit points* has the same meaning as in Part 11B.

*relevant licence record* has the same meaning as in Part 11B.

**8A Grant of full or provisional licence to former probationary licensee**

(1) Subject to subsection (1A) and sections 10 and 104, the Registrar shall—

- (a) grant another full licence to a person whose former full license has been cancelled; or
- (b) grant another provisional licence to a person whose former provisional license has been cancelled;

if the person has held a probationary licence for a period of, or periods totalling, at least 12 months after the cancellation.

(1A) Subject to sections 10 and 104, the Registrar shall—

- (a) grant another full licence to a formerly disqualified full licensee; or
- (b) grant another provisional licence to a formerly disqualified provisional licensee;

*Motor Traffic Act 1936*

if the person has held a probationary licence for a period of, or periods totalling, at least 12 months after the end of the period, or the latest period, during which the person was disqualified from holding a driving 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) A licence granted to a person by virtue of subsection (1) or (1A) shall be subject to any provisional endorsement to which the person's former licence was subject immediately before its cancellation.
- (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 7B and 8 do not apply to an applicant referred to in subsection (1).
- (6) For the purposes of this section, a formerly disqualified licensee is a person—
- (a) whose full licence, or provisional licence, has been cancelled by force of, or under, a law of the Territory because of a conviction of an offence; and
  - (b) who has been disqualified by force of, or under, a law of the Territory from holding a driving licence because of that conviction.

**8B Conditions on licences**

- (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

*Motor Traffic Act 1936*

- (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 7A, 7B or 8; or
- (b) enabling the Registrar to grant or vary a licence so as to be inconsistent with any condition or limitation ordered by a court or imposed as a result of a court order.

(8) In this section—

*Motor Traffic Act 1936*

**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.

**9 Refusal of licences to certain persons**

(1) The Registrar may refuse a licence, or the renewal of a licence, to drive a public motor vehicle, a private hire car or a restricted hire vehicle 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 8A 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 subsection 180MJ (3) (Suspension for nonpayment of infringement notice penalties).
- (2) This section does not apply to a special licence.

**10 Medical examination of applicants for and persons holding driver's licences**

(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

*Motor Traffic Act 1936*

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 a private hire car or a restricted hire 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 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, a private hire car or a restricted hire vehicle, the Registrar shall refuse to grant or renew the licence or shall cancel the licence.

**11 Driver wearing corrective lenses**

(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.

**11A Special probationary driving licence**

(1) Any person may apply to the court for an order under subsection (4).

(2) An application for an order under subsection (4) shall be filed with the Registrar of the court together with an affidavit of the applicant setting out the grounds on which the order is sought.

(3) The respondents to an application are—

- (a) the Registrar of Motor Vehicles; and
- (b) the chief police officer.

*Motor Traffic Act 1936*

(4) The court may in exceptional circumstances, and on application in accordance with subsection (2), order the Registrar of Motor Vehicles to grant a special licence in accordance with section 11C to a person in respect of a period during which the person would not otherwise be entitled to drive a motor vehicle because—

- (a) he or she is disqualified from holding a driving licence by force of, or under, a law of the Territory;
- (b) a provisional licence granted to the person is suspended under subsection 180X (2); or
- (c) a driving licence granted to the person is suspended or cancelled by force of, or under, a law of the Territory.

(5) In determining whether exceptional circumstances exist which justify making an order under subsection (4), and without limiting the matters to which the court may have regard, the court shall have regard to the following:

- (a) the likelihood that the applicant, or a person affected by the outcome of the application, would suffer or incur any inconvenience or loss (actual or potential) which would be unreasonable, if the special licence were not granted;
- (b) whether it would be unreasonable for the applicant to use an alternative means of transport, including public transport, if the special licence were not granted;
- (c) the likelihood of the applicant's health, or that of any dependant, suffering or being put at risk if the special licence were not granted;
- (d) the applicant's history concerning any offence or infringement under this Act or any other law in relation to the use of a motor vehicle; and
- (e) the likelihood of the applicant complying with the conditions of a special licence.

(6) In considering an application under subsection (1) by—

- (a) a person who is the holder of a suspended learner licence;
- (b) a person whose driving licence is suspended under paragraph 104 (2) (b);

*Motor Traffic Act 1936*

- (c) a person who is not licensed to drive a motor vehicle following the cancellation of his or her driving licence under paragraph 104 (2) (b);
- (d) a person whose driving licence is suspended under subsection 162E (1);
- (e) a person whose driving licence is suspended under subsection 180MJ (3) (Suspension for nonpayment of infringement notice penalties);
- (f) a person whose full licence is suspended under subsection 180U (3);
- (g) a person whose provisional endorsement of a licence is suspended under subsection 180ZA (3);
- (h) a person who is disqualified from holding a driving licence by force of subsection 180WA (1);
- (j) a person who is disqualified from holding a special licence by force of section 191J; or
- (k) a person who is disqualified from holding a driving licence because of an order under section 191D arising from a conviction of an offence against section 191P;

the court shall make an order under subsection (4) only in the most extraordinary circumstances.

- (7)** The court order shall specify—
  - (a) the class of motor vehicle for which the licence is to be granted, being a class in respect of which the person had previously been licensed to drive; and
  - (b) the period during which the licence is to be in force.
- (8)** A special licence is subject to—
  - (a) any condition to which the last driving licence held by the applicant before the grant of the special licence was subject; and
  - (b) any additional condition specified by the court.
- (9)** The additional conditions which may be specified by the court include conditions about the following matters:
  - (a) the time of day or night at which the licence would be in force;
  - (b) the journeys which may be undertaken;



*Motor Traffic Act 1936*

- (c) the purposes for which the motor vehicle may be driven;
- (d) the consumption of alcohol, or use of a drug, by the applicant;
- (e) any other matter the court thinks fit.

**11B Special probationary driving licence—evidence of application inadmissible**

Evidence of—

- (a) the making of an application under section 11A; or
- (b) the contents of such an application or any supporting affidavit;

is not admissible in proceedings for an offence if, on conviction, the offender's driving licence could be cancelled by force of, or under, any law of the Territory.

**11C Special probationary driving licence—grant**

The Registrar shall, on application and payment of the determined fee, grant a special probationary licence in accordance with an order of the court under subsection 11A (4).

**11D Special probationary driving licence—contravention of conditions**

A special licensee shall not, without reasonable excuse, contravene a condition to which the licence is subject.

Penalty: 50 penalty units or imprisonment for 6 months, or both.

**12 Fees for registration, licences, examinations and inspections**

Before:

- (a) the registration or the renewal of registration of any motor vehicle or trailer;
- (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;

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

*Motor Traffic Act 1936*

**12AA Road rescue fee**

The Registrar shall not register or renew the registration of a motor vehicle in respect of which a road rescue fee is applicable unless that fee has been paid.

**12A Cancellation of licence of holder of corresponding licence**

- (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.

**13 Driving licence to be signed**

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.

**PART 1B—ACCREDITATION OF DRIVING INSTRUCTORS**

**13A Interpretation**

In this Part, unless the contrary intention appears—

*accredited* means accredited under this Part.

*approved training course* means a course approved under section 13Y.

*certificate of accreditation* means a certificate issued under subsection 13D (1).

*light vehicle* does not include a motor tractor or a motor implement.

*medical practitioner* means a person who is entitled to practise as a medical practitioner under the *Medical Practitioners Act 1930* or a corresponding law of a State or another Territory.

*relevant offence* means an offence under—

- (a) the *Motor Traffic (Alcohol and Drugs) Act 1977*;
- (b) a law of the Territory, the Commonwealth, a State or another Territory in relation to dishonesty, bribery, misrepresentation or blackmail;
- (c) a law of the Territory, a State or another Territory, being a sexual offence or an offence in relation to actual or threatened violence;
- (d) this Act, or a law of a State or another Territory, in relation to reckless driving or driving at a speed, or in a manner, dangerous to the public; or
- (e) a law of a State or another Territory in relation to the driving of a motor vehicle while affected by alcohol or drugs.

**13B Accreditation**

(1) On receiving an application in accordance with the approved form, the Registrar shall accredit the applicant, or renew the applicant's accreditation, as a driving instructor if the applicant—

- (a) is not less than 21 years of age;
- (b) holds a full licence for a light vehicle;
- (c) is medically fit to undertake driver instruction and examination;

*Motor Traffic Act 1936*

- (d) has not been convicted of a relevant offence within the period of 3 years immediately preceding the date of application;
  - (e) in relation to an application for accreditation where the applicant has not been accredited within the period of 5 years immediately preceding the date of application—has satisfactorily completed an approved training course; and
  - (f) in relation to an application for accreditation where the applicant has been accredited within the period of 5 years immediately preceding the date of application—
    - (i) is not disqualified from being accredited; and
    - (ii) has satisfactorily completed any course of training required to be undertaken under section 13N.
- (2) A person is not entitled to apply for a renewal of accreditation earlier than 1 month before the expiration of the person's accreditation.
- (3) For the purposes of this section, an applicant is medically fit to undertake driver instruction and examination if—
- (a) he or she has been examined by a medical practitioner during the period of 90 days immediately preceding the date of application; and
  - (b) the medical practitioner certifies that—
    - (i) on a specified date, he or she personally examined the applicant; and
    - (ii) in his or her opinion the applicant is medically fit to undertake driver instruction and examination.

**13C Further information**

The Registrar may require an applicant for accreditation or renewal of accreditation to provide such further information as is necessary for the purposes of this Part.

**13D Certificate of accreditation**

- (1) Where—
- (a) the Registrar accredits an applicant or renews the applicant's accreditation; and
  - (b) in relation to accreditation of a person referred to in paragraph 13B (1) (f) or a renewal—the determined fee is paid;

*Motor Traffic Act 1936*

the Registrar shall issue the applicant with a certificate of accreditation on which appears a recent photograph, and the signature, of the applicant.

- (2) A certificate of accreditation shall include the following particulars:
- (a) a certificate number;
  - (b) the period for which, under section 13E, the accreditation has effect.

**13E Duration of accreditation**

A person's accreditation or renewal of accreditation has effect, unless sooner suspended or cancelled, for a period of 12 months.

**13F Production of certificate**

- (1) An accredited driving instructor shall not, without reasonable excuse, fail to produce his or her certificate of accreditation when required to do so by an officer.

Penalty: 5 penalty units.

- (2) In subsection (1)—

*officer* means—

- (a) the Registrar;
- (b) an inspector;
- (c) a motor traffic officer; or
- (d) a police officer.

**13G Display of certificate of accreditation**

An accredited driving instructor shall not, without reasonable excuse, fail to display his or her certificate of accreditation in any light vehicle used by him or her to instruct or examine a learner.

**13H Suspension or cancellation of accreditation**

- (1) The Registrar may suspend for such period, not exceeding 9 months, as the Registrar thinks fit, or cancel, the accreditation of a driving instructor if satisfied that any of the following circumstances exist:

- (a) the instructor obtained accreditation, or a renewal of accreditation, by a false statement or misrepresentation;
- (b) the instructor failed to comply with section 13G;

*Motor Traffic Act 1936*

- (c) the instructor has, without reasonable excuse, failed to satisfactorily complete any course of training required to be undertaken under section 13N within the period specified;
  - (d) the instructor failed to comply with paragraph 13P (1) (a);
  - (e) the instructor has provided a light vehicle for instruction or examination that does not comply with paragraphs 13P (1) (b), (c) and (d);
  - (f) the instructor has instructed or examined a learner in contravention of section 13Q;
  - (g) the instructor has breached the code of practice.
- (2) The Registrar shall not suspend or cancel a driving instructor's accreditation under subsection (1) unless the Registrar has—
- (a) notified the instructor in writing of the grounds on which the Registrar believes the accreditation should be suspended or cancelled and that the instructor may show cause, within a specified period after the date of the notice (being not less than 14 days), why the accreditation should not be suspended or cancelled; and
  - (b) considered any representation made by the instructor within the specified period.
- (3) A notice under paragraph (2) (a) shall be posted to the accredited driving instructor at his or her last known place of residence.
- (4) A driving instructor's accreditation is, by force of this subsection—
- (a) suspended during any period when the instructor's driving licence is suspended; or
  - (b) cancelled if the instructor's driving licence is cancelled.
- (5) The Registrar shall cancel the accreditation of a driving instructor who is convicted of a relevant offence.
- (6) The Registrar shall cancel a driving instructor's accreditation if the instructor requests the Registrar in writing to do so.
- (7) A suspension or cancellation under subsection (1) takes effect at the expiration of the period of 7 days after the date of the relevant notice under section 217C.

*Motor Traffic Act 1936*

(8) A cancellation under subsection (5) takes effect at the expiration of 7 days after the date of the written notice advising the driving instructor of cancellation.

(9) A person shall not be taken to be accredited while his or her accreditation is suspended.

(10) A person whose accreditation is suspended or cancelled (other than under subsection (6)) is not entitled to a refund of the fee or any part of the fee paid in respect of the issue of the certificate of accreditation.

**13J Further suspension or cancellation**

(1) Where, while a driving instructor's accreditation is suspended, the instructor does a thing, or fails to do a thing, for which his or her accreditation could, had it been in force, have been suspended or cancelled, the Registrar may suspend the instructor's accreditation for a further period not exceeding 9 months or cancel it.

(2) A suspension or cancellation under subsection (1) takes effect at the expiration of the period of 7 days after the date of the relevant notice under section 217C.

**13K Disqualification**

(1) Where the Registrar cancels a person's accreditation, other than in accordance with subsection 13H (6), the Registrar may specify a period, being greater than 12 months but less than 24 months, during which the person shall be disqualified from being accredited.

(2) Where the Registrar does not specify a period in accordance with subsection (1) in relation to a person the person shall be disqualified from being accredited for a period of 12 months.

(3) A period of disqualification under subsection (1) or (2) commences on the date of cancellation.

(4) Where—

- (a) the Registrar suspends a person's accreditation; and
- (b) the person's accreditation expires before the expiration of the suspension;

the person shall be disqualified from being accredited until the expiration of the suspension.

*Motor Traffic Act 1936*

**13M Return of certificate of accreditation**

(1) Where a person's accreditation is suspended or cancelled, the person shall not, without reasonable excuse, fail to return his or her certificate of accreditation to the Registrar within 7 days after the day on which the suspension or cancellation takes effect.

Penalty: 5 penalty units.

(2) After the expiration of a period for which a person's accreditation has been suspended, the Registrar shall, on request, return the person's certificate of accreditation unless—

- (a) the accreditation is further suspended or is sooner cancelled; or
- (b) the period for which the accreditation was in force has expired.

**13N Further training**

(1) The Registrar may, in writing, direct an accredited driving instructor to undertake an approved training course within the period specified.

(2) A direction shall be posted to the accredited driving instructor at his or her last known place of residence.

(3) In subsection (1)—

*approved training course* includes a course that a person could be required to undertake to be accredited.

**13P Use of vehicle for instruction**

(1) Where an accredited driving instructor is instructing or examining a learner in relation to a light vehicle, the instructor shall ensure that—

- (a) a sign is displayed on the vehicle in accordance with paragraph 7A (8) (b);
- (b) the vehicle is registered;
- (c) the vehicle is equipped with—
  - (i) an internal mirror, in addition to a rear-vision mirror, placed so that the instructor can see traffic approaching from the rear; and
  - (ii) controls, in addition to those for use by the learner, that actuate the brake pedal and, in the case of a manual transmission vehicle, the clutch pedal; and



*Motor Traffic Act 1936*

- (d) the vehicle is not equipped with a foot-operated accelerator on the passenger side.
- (2) Subsection (1) applies to an accredited driving instructor whether the learner is being instructed or examined to obtain a certificate of competency or otherwise.
- (3) Paragraph (1) (c) does not apply if the vehicle in which the instruction or examination is taking place is provided by the learner.

**13Q Insurance**

- (1) An accredited driving instructor shall not instruct or examine a learner in relation to a light vehicle unless the instructor maintains an adequate policy of insurance which indemnifies the instructor against any action for damages arising from such instruction or examination by the instructor.
- (2) For the purposes of subsection (1), a policy is adequate if it is for not less than \$5,000,000 in relation to a single claim, or such higher amount as is prescribed.

**13R Learner driver log books**

A learner driver log book shall contain the following:

- (a) the areas, as set out in the code of practice, in which a learner has to demonstrate competence in order to satisfy the Registrar that the learner is capable of driving a light vehicle with safety to the public;
- (b) a form of certificate of competency to be completed by an accredited driving instructor and the learner once the learner has demonstrated proficiency in each area referred to in paragraph (a);
- (c) such other matters as are prescribed.

**13S Completion of learner driver log books**

- (1) A person, other than an accredited driving instructor, shall not complete a part of a learner driver log book required to be completed by an accredited driving instructor.

Penalty: 30 penalty units.

- (2) Subsection (1) does not apply to a learner who completes a part of the log book without intent to obtain fraudulently a certificate of competency.

*Motor Traffic Act 1936*

**13T Holding out**

A person, other than an accredited driving instructor, shall not—

- (a) hold himself or herself out to be accredited; or
- (b) permit his or her name to be used in such a way as to suggest that he or she is accredited.

Penalty: 30 penalty units.

**13U Code of practice**

(1) The Registrar may, by instrument, approve a code of practice relating to accredited driving instructors, their vehicles and the manner and content of instructions and examinations.

(2) The Registrar may, by instrument, vary a code of practice.

(3) An instrument under this section is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

**13V Notification and commencement of code**

(1) Notice of the approval of a code under subsection 13U (1) or variation of a code under subsection 13U (2) shall be published in the *Gazette* together with—

- (a) a statement about the commencement of the code or variation pursuant to subsection (2); and
- (b) a statement indicating where and when the code is available for inspection.

(2) A provision of the code, or of a variation to the code, comes into effect on the day of publication in the *Gazette* of the relevant notice under subsection (1) or, if the relevant instrument specifies a later day for that purpose, the specified day.

**13W Public access to code**

(1) The Registrar shall ensure that the code is available for public inspection free of charge.

(2) On application accompanied by the determined fee, the Registrar shall ensure that a copy of the code or any part of it is made available to the applicant.

*Motor Traffic Act 1936*

**13X Territory not liable**

No action lies against the Territory in relation to an act done or omitted to be done by or on behalf of an accredited driving instructor.

**13Y Approval of training courses**

- (1) The Registrar may, by notice in the *Gazette*, approve a training course for the purposes of this Part.
- (2) The Registrar shall not approve a course under subsection (1) unless satisfied that it will provide an adequate standard of theoretical and practical instruction.

**PART 2—REGISTRATION OF MOTOR VEHICLES**

**14 Registration of motor vehicles and trailers**

- (1) The Registrar may register, and may, from time to time, renew the registration of, a motor vehicle or trailer for the purposes of this Act.
- (2) The Registrar shall not register a motor vehicle or trailer, or transfer the registration of a motor vehicle or trailer that is more than 6 years old, unless—
  - (a) in the case of a motor vehicle or trailer—
    - (i) to which subsection (3) or (4) does not apply;
    - (ii) in respect of which an application for registration in the Territory is being made for the first time;
    - (iii) that has been registered previously in the Territory if the registration has ceased to be in force for a period exceeding 12 months; or
    - (iv) the GVM of which is less than 4.5 tonnes;there is in force in respect of the motor vehicle or trailer—
    - (v) a certificate of inspection under section 26AP certifying that it and its parts and equipment comply with such of the requirements of the Manual as are applicable to that motor vehicle or trailer and its parts and equipment; or
    - (vi) the Registrar is satisfied that the motor vehicle or trailer and its parts and equipment comply with such of the requirements of the Manual as are applicable to that motor vehicle or trailer and its parts and equipment;

*Motor Traffic Act 1936*

- (b) in the case of a motor vehicle or trailer to which subsection (3) or (4) applies—
    - (i) in the case of a motor vehicle referred to in paragraph (3) (a)—unless the Registrar is satisfied that the motor vehicle or trailer and its parts and equipment comply with such of the requirements of the Manual as are applicable to that motor vehicle or trailer and its parts and equipment; or
    - (ii) in the case of a motor vehicle or trailer referred to in paragraph (3) (b) or subsection (4)—unless the Registrar is satisfied that the motor vehicle or trailer and its parts and equipment comply with such of the requirements of the Manual and the provisions of the *Motor Vehicles (Dimensions and Mass) Act 1990* as are applicable to that motor vehicle or trailer and its parts and equipment; or
  - (c) in the case of a motor vehicle or trailer to which subsection (5) applies—unless the Registrar is satisfied that the motor vehicle or trailer and its parts and equipment comply with such of the requirements of the Manual as are applicable to that motor vehicle or trailer and its parts and equipment.
- (3) This subsection applies to—
- (a) a taxi, private hire car and motor omnibus; or
  - (b) a motor vehicle or trailer that has a GVM exceeding 4.5 tonnes.
- (4) This subsection applies to a motor vehicle or trailer in connection with which an application for registration or renewal or transfer of registration is being made, being a motor vehicle or trailer in respect of which a notice under section 108E has, not more than 1 month prior to the date of lodgment of the application for renewal of registration, been revoked by the Registrar.
- (5) This subsection applies to—
- (a) a motor vehicle, or a motor vehicle included in a class of motor vehicles, determined in writing by the Minister (by reference to the particular design, type of construction or condition of the motor vehicle or of the motor vehicles in that class) to be a motor vehicle, or a class of motor vehicles, to which this subsection applies; and
  - (b) a motor vehicle or trailer in respect of which an application has been made under section 26AZB.

*Motor Traffic Act 1936*

(6) For the purposes of determining whether a motor vehicle or trailer to which subsection (3) or (5) applies, and its parts and equipment, comply with such of the requirements of the Manual as are applicable to that motor vehicle or trailer and its parts and equipment, the motor vehicle or trailer shall be produced as directed by the Registrar for inspection or testing by an inspector.

**14A Design rules**

(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 GVM of more than 14.5 tonnes; or

*Motor Traffic Act 1936*

- (b) a rigid truck, an equipment truck or an articulated vehicle having a GVM 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.

**(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, under subsection 14A (6), he or she ordinarily directs vehicles to be produced for examination or inspection by an inspector, a copy of each applicable design rule; and

*Motor Traffic Act 1936*

- (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.

**15A Manner of determining GCM or GVM of vehicles**

(1) Subject to subsection (3), if, in relation to a motor vehicle capable of towing another vehicle, the Registrar is satisfied that—

- (a) the manufacturer has not specified the greatest possible sum of the maximum loaded mass of the vehicle and of any vehicle that may be towed by it at any 1 time;
- (b) the manufacturer's specification of that sum can not reasonably be ascertained; or
- (c) the motor vehicle has been modified to the extent that the manufacturer's specification of that sum is no longer appropriate;

the Registrar shall specify the greatest possible sum of the maximum loaded mass of the vehicle and of any vehicle that may be towed by it at any 1 time.

(2) Subject to subsection (3), if, in relation to a vehicle, the Registrar is satisfied that—

- (a) the manufacturer has not specified the maximum loaded mass;
- (b) the manufacturer's specification of the maximum loaded mass can not reasonably be ascertained; or

*Motor Traffic Act 1936*

- (c) the vehicle has been modified to the extent that the manufacturer's specification of the maximum loaded mass is no longer appropriate;

the Registrar shall specify the maximum loaded mass of the vehicle.

- (3) Subsections (1) and (2) do not apply to—
  - (a) a motor car (other than a motor omnibus);
  - (b) a passenger car derivative; or
  - (c) a motor cycle.
- (4) In determining the sum or mass to be specified under subsection (1) or (2), the Registrar shall have regard to the extent to which use of the vehicle on a public street or in a public place, together with any equipment or load carried on or attached to the vehicle, is likely to cause—
  - (a) danger of the death of, or injury to, any person;
  - (b) damage to the street, the place or any bridge, culvert, structure or installation; or
  - (c) damage to any other property.
- (5) Before making a specification under subsection (1) or (2), the Registrar may cause the motor vehicle or trailer to be examined by a duly qualified mechanical engineer approved by the Minister for the purposes of this subsection.

**16 Certificate of registration**

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.

**17A Design of number-plates**

- (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.



*Motor Traffic Act 1936*

(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.

**17B Issue of number-plates upon registration**

(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 a number-plate in respect of the cycle or trailer to its owner.

**18 Affixing number-plates**

(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.

**19 Replacement of number-plates**

(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;

*Motor Traffic Act 1936*

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).

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

- (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 7 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.

**20A Return of surplus number-plate for motor cycle**

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 1 of those number-plates to the Registrar.

Penalty: 5 penalty units.

*Motor Traffic Act 1936*

**21 Use of number-plates restricted**

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.

**22 Sale or disposal of vehicle**

(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: 5 penalty units.

(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

*Motor Traffic Act 1936*

- (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 authorise 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 authorised 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

*Motor Traffic Act 1936*

- (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.

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

(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 Traffic Act 1936*

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.

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

(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.

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

(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.

*Motor Traffic Act 1936*

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

(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, and, until it is registered as required, it shall be deemed to be an unregistered motor vehicle or trailer.

**PART 2AA—INSPECTION OF MOTOR VEHICLES AND TRAILERS FOR REGISTRATION**

*Division 1—Preliminary*

**26AA Interpretation**

In this Part, unless the contrary intention appears—

*authorised examiner* means a person appointed under section 26AD to be an authorised examiner.

*authorised inspector* means an inspector to whom an identity card has been issued under section 26AB.

*authorised premises* means premises approved under section 26AG to be authorised premises for the purposes of this Act.

*owner*, in relation to premises, means the person who holds a lease of the premises from the Commonwealth.

*prescribed requirements*, in relation to premises and equipment on premises proposed to be used in the inspection or testing, for the purposes of this Act, of motor vehicles or trailers of a particular class or classes, means the requirements prescribed for the purposes of paragraph 26AG (3) (a).

*proprietor*, in relation to premises, means—

- (a) the owner of the premises; or
- (b) where the premises are occupied by a person other than the owner—the occupier of the premises.

*Motor Traffic Act 1936*

**Register** means the register of authorised examiners kept by the Registrar under section 26AC.

**26AB Issue of identity cards to inspectors**

(1) The Minister shall issue to such inspectors as the Registrar thinks fit an identity card that specifies the name of the inspector and the appointment he or she holds and to which is attached a recent photograph.

(2) An inspector to whom an identity card has been issued shall, on ceasing to be an inspector, return the identity card to the Minister.

Penalty: 1 penalty unit.

**26AC Register of authorised examiners**

(1) The Registrar shall keep a register of authorised examiners in which the Registrar shall enter—

- (a) the name and residential address of each person who is an authorised examiner;
- (b) the class or classes of motor vehicles or trailers that the person is, for the purposes of this Act, authorised to inspect or test;
- (c) if the person is the proprietor of authorised premises—the address of the premises;
- (d) if the person is not the proprietor of the authorised premises—the address of the premises at which the person is employed; and
- (e) the date on which the entry is made.

(2) The Registrar shall remove from the Register the name of any person whose appointment as an authorised examiner is revoked.

(3) The Registrar shall, as soon as practicable after receiving notification of a change of address of an authorised examiner under section 26AZA, enter the particulars of the change in the Register.

*Division 2—Appointment of authorised examiners*

**26AD Appointment of authorised examiners**

(1) The Registrar may appoint a person as an authorised examiner for the purposes of carrying out inspections or tests of motor vehicles or trailers of a particular class or classes.



*Motor Traffic Act 1936*

- (2) A person is eligible to be appointed as an authorised examiner in relation to a class or classes of motor vehicles or trailers if the person—
- (a) holds a qualification relating to the mechanics of motor vehicles that is a qualification declared by the Minister, by notice in the *Gazette*, to be an acceptable qualification in relation to that class or those classes of motor vehicles or trailers; and
  - (b) has not, during the period of 5 years preceding the date of the application for appointment, been convicted of an offence that involves fraud or dishonesty, whether in the Territory or elsewhere.
- (4) An application for appointment as an authorised examiner shall—
- (a) be in writing signed by the applicant;
  - (b) be lodged with the Registrar;
  - (c) state the full name and residential address of the applicant;
  - (d) contain such particulars as are necessary to show that the applicant holds a qualification of a kind referred to in paragraph (2) (a);
  - (e) be accompanied by the determined fee; and
  - (f) contain such other information as is prescribed.
- (5) The Registrar shall, on receipt of an application in accordance with this section, appoint a person to be an authorised examiner unless—
- (a) the applicant fails to establish that he or she is eligible for appointment; or
  - (b) the application does not comply with subsection (4).

**26AE Certificates of appointment**

- (1) Where the Registrar appoints a person to be an authorised examiner, the Registrar shall issue to the person a certificate of appointment in which shall be specified—
- (a) the name of the person; and
  - (b) the class or classes of motor vehicles or trailers in relation to which the appointment is made.
- (2) Where, on receipt of an application under section 26AD, the Registrar is satisfied that—

*Motor Traffic Act 1936*

- (a) the authorised examiner holds a qualification of a kind referred to in paragraph 26AD (2) (a); and
- (b) the class or classes of motor vehicles or trailers in relation to which the qualification is declared to be an acceptable qualification for the purposes of that paragraph is not, or are not, specified in the certificate of appointment issued to the authorised examiner under subsection (1);

the Registrar shall—

- (c) on production to the Registrar of the certificate of appointment, amend the class or classes of motor vehicles or trailers in relation to which the appointment of the person as an authorised examiner is expressed to be made by specifying the class or classes referred to in paragraph (b); and
  - (d) as soon as practicable after completion of the amendment, return the certificate to the authorised examiner.
- (3) Subject to this Part, the certificate remains in force for a period of 12 months from the date of issue.

**26AF Revocation of appointment of authorised examiner**

(1) The Registrar may revoke the appointment of an authorised examiner if—

- (a) the appointment was made in error;
- (b) the appointment was made in consequence of a false statement made, or misleading information furnished, by the person;
- (c) the authorised examiner has failed to pay the determined fee for the renewal of his or her appointment pursuant to section 26AW; or
- (d) the person contravenes or fails to comply with the requirements of section 26AN, 26AP or 26AZA.

(2) The Registrar shall, before revoking the appointment of a person as an authorised examiner pursuant to paragraph (1) (a), (b) or (d), give to the person a notice, in writing, requiring the person to show cause why his or her appointment should not be revoked.

(3) A notice under subsection (2) shall contain—

*Motor Traffic Act 1936*

- (a) particulars of the facts and circumstances relied on by the Registrar to establish that a ground referred to in subsection (1) exists; and
- (b) a statement informing the person to whom it is directed that, if he or she wishes to show cause why his or her appointment should not be revoked, the person may, within such period as is specified in the notice, being a period of not less than 7 days after the date of service of the notice, give to the Registrar a notice in writing containing full particulars of the facts and circumstances relied on by the person to show that his or her appointment should not be revoked.

(4) If a person to whom a notice has been given under subsection (2) does not—

- (a) within the time specified in that notice, give to the Registrar a notice in accordance with paragraph (3) (b); or
- (b) in a notice given to the Registrar in accordance with that paragraph, show cause, to the satisfaction of the Registrar, why his or her appointment as an authorised examiner should not be revoked;

the Registrar may revoke the appointment.

(5) Where the Registrar revokes the appointment of a person as an authorised examiner under this section the Registrar shall—

- (a) notify the person in writing of the revocation; and
- (b) if the person is not the proprietor of the authorised premises—give a copy of that notification to the proprietor of the authorised premises at which that person is employed as an authorised examiner.

(6) Subject to subsection (7), the Registrar may, in revoking the appointment of a person as an authorised examiner on a ground referred to in paragraph (1) (b) or (d), specify a period that shall elapse before the person may again apply for appointment and, in that event, the person is not eligible to apply again for appointment until the expiration of that period.

(7) For the purposes of subsection (6) the period is—

- (a) for the first revocation—6 months;
- (b) for a second revocation—12 months; or

*Motor Traffic Act 1936*

(c) for a third or subsequent revocation—2 years.

(8) Where the appointment of a person as an authorised examiner is revoked, the appointment ceases to have effect from and including the day on which it is revoked and the person ceases to be an authorised examiner on and from that day.

(9) Where the appointment of a person as an authorised examiner is revoked, the person shall not, without reasonable excuse, fail to return his or her certificate of appointment to the Registrar within 7 days after the date of revocation.

*Division 3—Approval of authorised premises*

**26AG Approval of authorised premises**

(1) The proprietor of premises may apply to the Registrar for an approval under this section in respect of the premises.

(2) An application under subsection (1) shall—

- (a) be in writing and signed by the applicant;
- (b) be lodged with the Registrar;
- (c) state the full name and address of the applicant;
- (d) specify the address of the premises in respect of which the application is made;
- (e) specify the class or classes of motor vehicles or trailers in respect of which approval is sought;
- (f) in the case of a body corporate—be accompanied by evidence of the due incorporation of the corporation;
- (g) be accompanied by the determined fee; and
- (h) contain such other information as is prescribed.

(3) The Registrar shall approve premises to be authorised premises for the purposes of this Act unless—

- (a) the premises, or the equipment proposed to be used on the premises in or in connection with the inspection or testing of motor vehicles or trailers for the purposes of this Act, do or does not comply with the prescribed requirements for the class or classes of motor vehicles or trailers to which the application relates;

*Motor Traffic Act 1936*

- (c) the Registrar is satisfied that—
  - (i) in the case of an application by a natural person—the applicant; or
  - (ii) in the case of a body corporate—a director of the corporation;has, during the period of 5 years preceding the date of the application, been convicted of an offence that involves fraud or dishonesty, whether in the Territory or elsewhere;
- (d) the application does not comply with the requirements of subsection (2); or
- (e) the applicant refuses or fails to comply with a requirement of the Registrar under subsection (4).

(4) The Registrar may, by notice in writing, require a person by whom an application is made under this section to furnish to the Registrar, either orally or in writing, within such period as is specified in the notice, such further information relating to the premises in respect of which the application is made, or the equipment proposed to be used on the premises in connection with the inspection or testing of motor vehicles or trailers, as the Registrar requires to be furnished.

(5) The Registrar, in approving premises to be authorised premises, shall specify the class or classes of motor vehicles or trailers that may, for the purposes of this Act, be inspected or tested on those premises.

**26AH Certificates of approval**

(1) Where the Registrar approves premises to be authorised premises, the Registrar shall issue to the proprietor of the premises a certificate of approval in which shall be specified—

- (a) the name of the proprietor;
- (b) the address of the premises; and
- (c) the class or classes of motor vehicles or trailers in relation to which approval is given.

(2) Where, on receipt of an application made by a proprietor of authorised premises, the Registrar is satisfied that—

- (a) the premises; or

*Motor Traffic Act 1936*

- (b) the equipment proposed to be used on the premises in or in connection with the inspection or testing of motor vehicles or trailers for the purposes of this Act;

comply with the prescribed requirements for a class of motor vehicles or trailers that is not specified in the certificate of approval issued under subsection (1) in respect of the premises, the Registrar shall—

- (c) on production to the Registrar of the certificate of approval, amend the class or classes of motor vehicles or trailers in relation to which the approval of the authorised premises is expressed to be given by specifying that class; and
- (d) as soon as practicable after completion of the amendment, return the certificate to the proprietor.

(3) Subject to this Part, the certificate remains in force for a period of 12 months from the date of issue.

**26AJ Inspection of premises prior to approval**

(1) An authorised inspector may, with the consent of the occupier, enter premises in respect of which an application has been made under section 26AG and inspect—

- (a) the premises; and
- (b) any equipment on the premises that is proposed to be used in or in connection with the inspection or testing of motor vehicles or trailers for the purposes of this Act;

for the purposes of determining whether the premises and equipment comply with the prescribed requirements for the class or classes of motor vehicles or trailers to which the application relates.

(2) A person shall not, without reasonable excuse, obstruct or hinder an authorised inspector in the exercise of his or her powers under this section.

Penalty:

- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

(3) An authorised inspector who enters premises under this section is not authorised to remain on the premises if, on request by the proprietor or other person apparently in charge of the premises, the inspector does not produce the identity card issued to him or her under subsection 26AB (1).

*Motor Traffic Act 1936*

**26AK Cancellation of approval of premises**

(1) The Registrar may cancel an approval given under section 26AG in respect of premises if—

- (a) the approval was given in error;
- (b) the approval was given in consequence of a false statement made, or misleading information furnished, by the person by whom the application for approval was made;
- (c) the premises cease to comply with the prescribed requirements for the class or classes of motor vehicles or trailers specified in the certificate of approval issued under section 26AH in respect of the premises;
- (d) the proprietor has failed to pay the determined fee for the renewal of the approval of the premises pursuant to section 26AW; or
- (e) the proprietor of the premises—
  - (i) is convicted of an offence against this Part; or
  - (ii) contravenes or fails to comply with the requirements of section 26AM, 26AP, 26AQ, 26AS, 26AU, 26AV, 26AX, 26AY or 26AZ.

(2) The Registrar shall, before cancelling an approval under section 26AG in respect of premises, other than pursuant to paragraph (1) (d), give to the proprietor of the premises a notice in writing requiring the proprietor to show cause why the approval should not be cancelled.

(3) A notice under subsection (2) shall contain—

- (a) particulars of the facts and circumstances relied on by the Registrar to establish that a ground referred to in subsection (1) exists; and
- (b) a statement informing the person to whom it is directed that, if he or she wishes to show cause why his or her approval should not be cancelled, the person may, within such period as is specified in the notice, being a period of not less than 7 days after the date of service of the notice, give to the Registrar a notice in writing containing full particulars of the facts and circumstances relied on by the person to show that the approval should not be cancelled.

(4) If a person to whom a notice has been given under subsection (2) does not—

*Motor Traffic Act 1936*

- (a) within the time specified in that notice, give to the Registrar a notice in accordance with paragraph (3) (b); or
- (b) in a notice given to the Registrar in accordance with that paragraph, show cause, to the satisfaction of the Registrar, why the approval to which the notice relates should not be cancelled;

the Registrar may cancel the approval.

(5) Where the Registrar cancels an approval given under section 26AG, the Registrar shall, in writing, notify the person to whom the notice under subsection (2) was given of the cancellation.

(6) Subject to subsection (7), the Registrar may, in cancelling an approval under section 26AG in respect of premises on a ground referred to in paragraph (1) (b), (c) or (e), specify a period that shall elapse before the person who was the proprietor of the premises at the time the approval was cancelled may again apply for approval under that section and, in that event, the person is not eligible to apply again for approval until the expiration of that period.

(7) For the purposes of subsection (6) the period is—

- (a) for the first cancellation—6 months;
- (b) for a second cancellation—12 months; or
- (c) for a third or subsequent cancellation—2 years.

(8) Where an approval given under section 26AG is cancelled, the approval of the premises ceases to have effect from and including the day on which it is cancelled and the premises cease to be authorised premises on and from that day.

(9) Where an approval given under section 26AG is cancelled, the proprietor shall not, without reasonable excuse, fail to return the certificate of approval to the Registrar within 7 days after the date of cancellation.

**26AL Cessation of approval**

If a person who is the proprietor of authorised premises ceases to be the proprietor of the premises, those premises cease to be authorised premises for the purposes of this Act.



*Motor Traffic Act 1936*

*Division 4—Inspections and tests of motor vehicles  
and trailers*

**26AM Motor vehicles and trailers to be inspected on request**

Where—

- (a) the proprietor of authorised premises is requested by the driver of a motor vehicle or trailer to carry out an inspection or test of the motor vehicle or trailer, for the purpose of determining whether the motor vehicle or trailer, as the case requires, and its parts and equipment, comply with such of the requirements of the Manual as are applicable to it and its parts and equipment;
- (b) if the request is made in respect of a motor vehicle or trailer—the motor vehicle or trailer is not of a kind referred to in paragraph 14 (3) (a) or (b) or (5) (a) or (b);
- (c) the motor vehicle or trailer, as the case may be, is included in a class of motor vehicles or trailers that is specified in the certificate of approval issued under section 26AH in respect of the premises; and
- (d) the proprietor of the premises is an authorised examiner, or there is employed at the premises an authorised examiner, in whose certificate of appointment issued under section 26AE there is specified the class of motor vehicles or trailers in which the motor vehicle or trailer in connection with which the request referred to in paragraph (a) was made is included;

the proprietor shall not, without reasonable excuse, refuse or fail to inspect or test the motor vehicle or trailer or refuse or fail to cause the motor vehicle or trailer to be inspected or tested.

**26AN Duties of authorised examiners when carrying out inspections**

An authorised examiner shall not—

- (a) inspect or test, for the purposes of this Act, a motor vehicle or trailer included in a class of motor vehicles or trailers that is not specified in the certificate of appointment issued to the person under section 26AE;
- (b) inspect or test, for the purposes of this Act, a motor vehicle or trailer other than at authorised premises;
- (c) without reasonable excuse, refuse or fail to inspect or test, for the purposes of this Act, a motor vehicle or trailer included in a class

*Motor Traffic Act 1936*

of motor vehicles or trailers that is specified in the certificate of appointment issued to the person under section 26AE; or

- (d) knowing that a motor vehicle or trailer inspected or tested by the person for the purposes of this Act, or a part of any equipment of the motor vehicle or trailer, does not comply with such of the requirements of the Manual as are applicable to it, certify in a certificate issued under section 26AP in respect of the motor vehicle or trailer that it does so comply.

**26AP Certificates of inspection**

(1) Where a motor vehicle or trailer is inspected or tested by an authorised examiner pursuant to section 26AM, the authorised examiner shall complete, in accordance with a form made available by the Registrar for the purpose, a certificate of inspection in respect of the motor vehicle or trailer—

- (a) certifying that the motor vehicle or trailer, as the case may be, and its parts and equipment, comply with such of the requirements of the Manual as are applicable to it and its parts and equipment; or
- (b) certifying that the motor vehicle or trailer, as the case may be, or a part or any equipment of the motor vehicle or trailer, does not so comply and, in that event, specifying the respects in which it does not so comply.

(2) On completion of a certificate of inspection in accordance with subsection (1), the proprietor of the authorised premises at which the inspection or test of the motor vehicle or trailer to which the certificate relates was carried out shall—

- (a) on payment of the determined fee, issue the certificate, or cause the certificate to be issued, to the driver of the motor vehicle, or the driver of the motor vehicle to which the trailer is attached;
- (b) forward a copy of the certificate to the Registrar; and
- (c) retain a copy of the certificate at the premises.

(3) A certificate of inspection remains in force for a period of 1 month commencing on the date on which it was issued.

**26AQ Persons by whom inspections may be carried out**

The proprietor of authorised premises shall not permit a person employed by the proprietor—

*Motor Traffic Act 1936*

- (a) who is not an authorised examiner—to carry out an inspection or test of a motor vehicle or trailer for the purposes of this Act; or
- (b) who is an authorised examiner—to carry out, for the purposes of this Act, an inspection or test of—
  - (i) a motor vehicle or trailer of a class of motor vehicle or trailer that is not specified in the certificate of approval issued to the proprietor under section 26AH in respect of the premises; or
  - (ii) a motor vehicle or trailer included in a class of motor vehicles or trailers that is not specified in the certificate of appointment issued to the authorised examiner under section 26AE.

Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

**26AR Fees payable by proprietors**

The proprietor of authorised premises shall pay to the Territory the determined fee in respect of each motor vehicle or trailer inspected or tested at those premises.

**26AS Fees payable on inspection**

(1) The proprietor of authorised premises shall not charge a fee for the carrying out of an inspection or test of a motor vehicle or trailer for the purposes of this Act that is in excess of the appropriate fee ascertained in accordance with section 26AZE.

(2) A person is not entitled to bring an action to recover any fee in connection with the carrying out of an inspection or test, for the purposes of this Act, of a motor vehicle or trailer unless—

- (a) the inspection or test was carried out by a person who was, at that time, an authorised examiner;
- (b) the inspection or test was carried out at premises that were, at that time, authorised premises; and
- (c) the motor vehicle or trailer was included in a class of motor vehicle or trailer that was, at that time, specified in—
  - (i) the certificate of appointment held by the person referred to in paragraph (a); and

*Motor Traffic Act 1936*

- (ii) the certificate of approval issued in respect of the premises referred to in paragraph (b).

**26AT Offences**

- (1) A person who is not an authorised examiner shall not inspect or test a motor vehicle or trailer for the purposes of this Act.

Penalty: 50 penalty units.

- (2) A person who is not an authorised examiner shall not—
- (a) hold himself or herself out to be an authorised examiner; or
  - (b) permit his or her name to be so used as to suggest that he or she is an authorised examiner.

Penalty: 30 penalty units.

- (3) A person who is the proprietor of premises that are not authorised premises shall not permit a motor vehicle or trailer to be inspected or tested for the purposes of this Act at the premises.

Penalty:

- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

- (4) A person who is the proprietor of premises that are not authorised premises shall not—

- (a) hold the premises out to be authorised premises; or
- (b) permit the premises to be described in such a manner as to suggest that the premises are authorised premises.

Penalty:

- (a) if the offender is a natural person—30 penalty units;
- (b) if the offender is a body corporate—150 penalty units.

***Division 5—General duties of authorised examiners and proprietors of authorised premises***

**26AU Design rules to be kept at authorised premises**

- (1) The proprietor of authorised premises shall keep at the premises an up-to-date copy of—

*Motor Traffic Act 1936*

- (a) the Manual and each Australian Design Rule comprising a part of the Manual;
- (b) each instrument forwarded under section 6F; and
- (c) any document the provisions of which are applied, adopted or incorporated in the Manual or instrument.

(2) The proprietor of authorised premises shall, at the request of a person, make copies of the documents referred to in paragraphs (1) (a), (b) and (c) available for inspection by the person at any reasonable time.

Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

**26AV Certificate of approval to be exhibited at authorised premises**

The proprietor of authorised premises shall, subject to subsection 26AH (2) and section 26AX, cause the certificate of approval issued to the proprietor under subsection 26AH (1) in respect of the premises at all times to be exhibited in a conspicuous position at the premises.

Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

**26AW Renewal of authorities**

(1) The—

- (a) proprietor of authorised premises; and
- (b) an authorised examiner;

may, at any time before the expiration of the period specified in the certificate of approval or certificate of appointment, as the case requires, or the last period of renewal of that certificate, as the case may be, apply to the Registrar for a renewal of the certificate.

(2) An application shall—

- (a) be in writing; and
- (b) be lodged with the Registrar together with the determined fee.

(3) If the Registrar is satisfied that a ground does not exist for the cancellation of the approval or revocation of appointment, the Registrar

*Motor Traffic Act 1936*

shall renew the approval or appointment for a further period of 12 months commencing on the expiration of the period referred to in subsection (1) or the last period of renewal, as the case requires.

**26AX Notice to be displayed at authorised premises**

The proprietor of authorised premises shall exhibit and keep exhibited at the premises so as to be easily visible to a person entering the premises, a notice consisting of letters not less than 5 centimetres in height bearing the words “APPROVED INSPECTION STATION”.

Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

**26AY Proprietor of authorised premises to give notice on ceasing to be proprietor**

Where the proprietor of authorised premises ceases to be the proprietor of the premises, he or she shall, within 7 days of ceasing to be the proprietor—

- (a) notify the Registrar in writing; and
- (b) forward to the Registrar the certificate of approval issued to the proprietor under section 26AH in respect of the premises.

Penalty:

- (a) if the *offender* is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

**26AZ Change of name of proprietor of authorised premises to be notified**

Where the name of the proprietor of authorised premises is changed, the proprietor shall, within 7 days of the change—

- (a) notify the Registrar in writing; and
- (b) forward to the Registrar the certificate of approval issued to the proprietor under section 26AH in respect of the premises.

Penalty: 5 penalty units.

*Motor Traffic Act 1936*

**26AZA Change of address of authorised examiner to be notified**

Where a change occurs in an address entered in the Register in relation to an authorised examiner, the authorised examiner shall, within 14 days of the change, notify the Registrar in writing.

Penalty: 5 penalty units.

*Division 6—Review of decisions*

**26AZB Review of decisions of authorised examiner**

(1) Application may be made to the Registrar for a review of a decision of an authorised examiner certifying that a motor vehicle or trailer, or a part or any equipment of a motor vehicle or trailer, does not comply with such of the requirements of the Manual as are applicable to it.

(2) As soon as practicable after an application is made to the Registrar under subsection (1), the Registrar shall—

- (a) cause the motor vehicle or trailer to which the application relates to be inspected or tested by an inspector at the office of the Registrar;
- (b) satisfy himself or herself whether or not the motor vehicle or trailer, as the case may be, and its parts and equipment comply with such of the requirements of the Manual as are applicable to that motor vehicle or trailer and its parts and equipment; and
- (c) advise the applicant in writing of his or her decision.

*Division 7—Miscellaneous*

**26AZC Inspections**

(1) An authorised inspector may, at any reasonable time, enter authorised premises and—

- (a) inspect the copies of inspections kept in pursuant to subsection 26AP (2) and all accounts, books, documents and other records relating to inspections and tests of motor vehicles or trailers carried out at the premises for the purposes of this Act; and
- (b) for the purposes of paragraph (a), require the proprietor of the premises, or any other person who has the custody or control of those copies, accounts, books, documents and other records, to produce them to the authorised examiner.

*Motor Traffic Act 1936*

(2) A person shall not, without reasonable excuse, refuse or fail to comply with a requirement made of him or her under subsection (1).

Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

(3) An authorised inspector may make copies of, or take extracts from, any copy of a certificate of inspection or account, book, document or other record produced under this section and, for that purpose, may retain the copy, account, book or other record for such period, not exceeding 7 days, as the authorised inspector thinks fit.

(4) An authorised inspector who enters authorised premises under this section is not authorised to remain on the premises if, on request by the proprietor or other person in charge of the premises, the inspector does not produce the identity card issued to him or her under subsection 26AB (1).

**26AZD Issue of copies of certificates**

(1) Where—

- (a) the Registrar is satisfied that a certificate of appointment issued under section 26AE had been lost or destroyed; and
- (b) the person to whom the certificate was issued is a person whose appointment as an authorised examiner has not been revoked;

the Registrar may, on payment of the determined fee, issue to that person a copy of the certificate.

(2) Where—

- (a) the Registrar is satisfied that a certificate of approval issued under section 26AH has been lost or destroyed; and
- (b) the approval of the premises in respect of which the certificate was issued has not been cancelled;

the Registrar may, on payment of the determined fee, issue to the proprietor of those premises, a copy of the certificate.

**26AZE Fees for inspections**

(1) The Minister may, by notice published in the *Gazette*, fix the maximum fees that are payable to a proprietor of authorised premises in



## *Motor Traffic Act 1936*

relation to the carrying out of inspections or tests of motor vehicles or trailers for the purposes of this Act.

(2) For the purposes of subsection (1), the Minister may fix different fees in relation to motor vehicles or trailers included in different classes of motor vehicles or trailers.

### **26AZF Manner of giving notices**

A document that is required or permitted by this Part to be given or sent to a person may be so given or sent by sending it by post to the person at his or her last known place of residence.

### **26AZG Evidence**

(1) In any proceedings before a court, a certificate signed by the Registrar stating that—

- (a) the person specified in the certificate was or was not an authorised examiner on a date or dates or during the period specified in the certificate; or
- (b) the premises specified in the certificate were or were not authorised premises on a date or dates or during the period specified in the certificate;

is evidence of the matters so stated.

(2) For the purposes of subsection (1), a document that purports to have been signed by the Registrar shall be taken to have been so signed unless the contrary is proved.

## **PART 2A—RESERVATION OF REGISTRATION NUMBERS**

### **26A Interpretation**

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.

*Motor Traffic Act 1936*

***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.

**26B Application for reservation of registration number**

- (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.

**26C Reservation of registration number**

- (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—

*Motor Traffic Act 1936*

- (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.

**26D Issue of number-plates**

- (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.

**26E Extension of period of reservation**

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

*Motor Traffic Act 1936*

- (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.

**26F Manner of giving notice**

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.

**26G Other provisions not affected**

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

**PART 2B—SPECIAL REGISTRATION NUMBERS**

**26H Interpretation**

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.

**26J Applications**

An application to the Registrar under this Part shall be—

*Motor Traffic Act 1936*

- (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.

**26K Nature of rights**

A prescribed right is personal property.

**26L Rights sold by Territory**

- (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.

**26M Rights granted in respect of certain numbers**

- (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;

*Motor Traffic Act 1936*

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.

**26N Duration of reserved rights**

(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.

*Motor Traffic Act 1936*

**26Q Assignment of rights**

(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.

**26R Exercise of rights**

(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 1 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;

*Motor Traffic Act 1936*

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.

**26S Hire of special number-plates**

- (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 3—PUBLIC MOTOR VEHICLES, PRIVATE HIRE CARS  
AND RESTRICTED HIRE VEHICLES**

**26T<sup>3</sup> Interpretation**

- (1) In this Part—

*defined right* means a right to be granted a licence to use a motor vehicle as a taxi, other than a restricted 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).
- (3) A reference in subsections 28B (1) and 28C (1) and (2) to the specified criteria is to be read as a reference to—
  - (a) whether there has been, or is likely to be, a change in the use of the restricted hire vehicle from the use for which the licence was originally granted;
  - (b) the likelihood of danger being caused to the public;
  - (c) inconvenience to the public;
  - (d) the extent of any adverse competitive effect on private hire cars and taxis; and
  - (e) any matter the Registrar considers relevant.



*Motor Traffic Act 1936*

**27 Taxi and motor omnibus licences**

**(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, other than a restricted taxi, on payment of the determined fee, a licence to use the vehicle as a taxi, other than a restricted 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.

**(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.

*Motor Traffic Act 1936*

(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.

**27A Rights to be granted licences**

(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.

**27B Limitation on number of taxi licences**

The Registrar shall not—

- (a) grant a taxi licence; or
- (b) auction a defined right;

*Motor Traffic Act 1936*

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.

**27C Assignment of rights**

- (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.

**27D Restricted taxi licences**

- (1) The Registrar may grant to a person who intends to use a motor vehicle as a restricted taxi a licence to operate a specified vehicle as a restricted taxi—
  - (a) if satisfied that the use of the vehicle will meet a community need; and
  - (b) on payment of the determined fee.
- (2) The Registrar may, on payment of the determined fee, renew a restricted taxi licence.
- (3) The Registrar may, in a licence, specify conditions to which the licence is subject.
- (4) A restricted taxi licence entitles the holder to operate a specified motor vehicle as a taxi, subject to the conditions on the licence.
- (5) A person granted a licence under this section shall not, without reasonable excuse, contravene a condition of the licence.

Penalty:

- (a) if the offender is a natural person—50 penalty units;
  - (b) if the offender is a body corporate—250 penalty units.
- (6) A restricted taxi licence is not transferable.

*Motor Traffic Act 1936*

**27E Limitation on number of restricted taxi licences**

(1) The Minister shall, after consulting with a representative of an organisation that the Minister is satisfied represents taxi licensees, by notice published in the *Gazette*, determine the number of restricted taxi licences that may be issued.

(2) The Registrar shall not grant a restricted taxi licence if the number of restricted taxi licences would exceed the number determined by the Minister under subsection (1).

**27F Variation on application—restricted taxi licences**

(1) On application by a licensee, the Registrar shall—

- (a) if satisfied that it is necessary having regard to the actual or predicted demand for the use of restricted taxis—vary or revoke a condition on a restricted taxi licence or impose a new condition; or
- (b) if not so satisfied—refuse to vary or revoke a condition on a restricted taxi licence or to impose a new condition.

(2) Where the Registrar varies a licence under subsection (1), he or she shall give notice to the applicant in writing.

(3) An application under subsection (1) or a notice under subsection (2) may be made by transmitting the application to the Registrar, or the notice to the applicant, by fax.

(4) Where notice under subsection (2) is given by fax, the notice is to be taken to have been given at the time the fax was sent if the correct fax number appears on the fax transmission report generated by the sender's fax machine.

(5) A variation may be effective for a specified period or for the unexpired period for which the licence remains in force.

**27G Variation by Registrar—restricted taxi licences**

(1) Where the Registrar has reasonable grounds for believing that, having regard to the actual or predicted demand for the use of such vehicles, it is necessary to vary or revoke a condition on a restricted taxi licence or to impose a new condition, the Registrar shall give the licensee written notice—

- (a) setting out the grounds on which the Registrar's belief is based; and

*Motor Traffic Act 1936*

- (b) inviting the licensee to show cause within a specified period why—
  - (i) a condition on the licence should not be varied or revoked as specified in the notice; or
  - (ii) a new condition should not be imposed on the licence as specified.

(2) Where, after taking into consideration any representation made by a licensee under subsection (1), the Registrar is satisfied, having regard to the actual or predicted demand for the use of restricted taxis, that—

- (a) a condition specified in a restricted taxi licence should be varied or revoked; or
- (b) a restricted taxi licence should be made subject to a condition;

the Registrar shall, by notice in writing, require the licensee, within 14 days after the date of the notice, to forward his or her licence to the Registrar.

(3) A person shall not, without reasonable excuse, contravene a requirement of the Registrar under subsection (2).

Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

(4) On receipt of a licence, the Registrar shall—

- (a) vary the licence; and
- (b) return it to the licensee.

(5) A variation may be effective for a specified period or for the unexpired period for which the licence remains in force.

**27H Display of restricted taxi licence etc**

A person who holds a restricted taxi licence shall not, without reasonable excuse, fail to display in a prominent place his or her licence, and any notification of variation of a condition where that variation is not marked on the licence, in the vehicle to which it relates while using the vehicle as a restricted taxi.

Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

*Motor Traffic Act 1936*

**28 Licences for private hire cars**

(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 2 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.

(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.

(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.

**28A Restricted hire vehicles**

(1) The Registrar may, on payment of the determined fee, grant to a person a licence to operate a specified motor vehicle as a restricted hire vehicle.

(2) In considering whether or not to grant a licence under subsection (1), the Registrar shall have regard to whether a private hire car can be

*Motor Traffic Act 1936*

operated to provide the services that could be provided by the operation of the vehicle to which the application relates.

(3) The Registrar may, on payment of the determined fee, renew a restricted hire vehicle licence.

(4) The Registrar may, in a licence, specify conditions to which the licence is subject.

(5) The conditions that may be specified in a licence include—

- (a) the hours during which the licensee may use the vehicle as a restricted hire vehicle;
- (b) the routes on which, or the areas within which, the licensee may use the vehicle as a restricted hire vehicle; and
- (c) the types of functions or events in relation to which the vehicle may be used as a restricted hire vehicle.

(6) A person may—

- (a) hold more than 1 restricted hire vehicle licence; and
- (b) hold a taxi or private hire car licence while holding a restricted hire vehicle licence.

(7) A person granted a licence under this section shall not, without reasonable excuse, contravene a condition of the licence.

Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

(8) A restricted hire vehicle licence is not transferable.

(9) Unless sooner cancelled or suspended, a restricted hire vehicle licence remains in force for the period specified in the licence.

**28B Variation on application—restricted hire vehicle licences**

(1) On application by a licensee, the Registrar shall—

- (a) if satisfied that it is necessary, having regard to the specified criteria—vary or revoke a condition on a restricted hire vehicle licence or impose a new condition; or
- (b) in any other case—refuse to vary or revoke a condition on a restricted hire vehicle licence or impose a new condition.

*Motor Traffic Act 1936*

(2) Where the Registrar varies a licence under subsection (1) he or she shall give notice to the applicant in writing.

(3) An application under subsection (1) or a notice under subsection (2) may be made by transmitting the application to the Registrar, or the notice to the applicant, by fax.

(4) Where notice under subsection (2) is given by fax, the notice is to be taken to have been given at the time the fax was sent if the correct fax number appears on the fax transmission report generated by the sender's fax machine.

(5) A variation may be effective for a specified period or for the unexpired period for which the licence remains in force.

**28C Variation by Registrar—restricted hire vehicle licences**

(1) Where the Registrar has reasonable grounds for believing that, having regard to the specified criteria, it is necessary to vary or revoke a condition on a restricted hire vehicle licence or impose a new condition, the Registrar shall give the licensee written notice—

- (a) specifying the relevant specified criteria and stating the facts and circumstances that constitute the basis for the Registrar's belief; and
- (b) inviting the licensee to show cause within a specified period why—
  - (i) a condition on the licence should not be varied or revoked as specified in the notice; or
  - (ii) a new condition should not be imposed on the licence as specified.

(2) Where, after taking into consideration any representation made by a licensee under subsection (1), the Registrar is satisfied that, having regard to the specified criteria, it is necessary that—

- (a) a condition specified in a licence should be varied or revoked; or
- (b) a licence should be made subject to a condition;

the Registrar shall, by notice in writing, require the holder, within 14 days after the date of the notice, to forward his or her licence to the Registrar.

(3) A person shall not, without reasonable excuse, contravene a requirement of the Registrar under subsection (2).



*Motor Traffic Act 1936*

Penalty:

- (a) if the offender is a natural person—5 penalty units;
  - (b) if the offender is a body corporate—25 penalty units.
- (4) On receipt of a licence, the Registrar shall—
- (a) vary the licence; and
  - (b) return it to the licensee.
- (5) A variation may be effective for a specified period or for the unexpired period for which the licence remains in force.

**28D Restricted hire vehicles treated as private hire cars**

- (1) A person who holds a restricted hire vehicle licence may operate the vehicle specified in the licence as a private hire car in accordance with this section.
- (2) A person shall not, without reasonable excuse, operate a restricted hire vehicle as a private hire car unless the Registrar has published a notice under subsection (3).
- (3) The Registrar may, if he or she is satisfied that there are insufficient private hire cars to meet an actual or predicted demand for private hire cars, publish in a daily newspaper published and circulating in the Territory, a notice stating that the holder of a restricted hire vehicle licence may operate the vehicle to which his or her licence relates as a private hire car for the period specified in the notice.
- (4) A restricted hire vehicle operating as a private hire car in accordance with this section shall not be taken to be a private hire car for the purpose of section 28.
- (5) The provisions of the *Taxi and Private Hire Car Regulations* relating to private hire car fares apply to a restricted hire vehicle operating as a private hire car in accordance with this section as though it were a private hire car.

**28E Display of restricted hire vehicle licence etc**

A person who holds a restricted vehicle licence shall not, without reasonable excuse, fail to display his or her licence, and any notification of variation of a condition where that variation is not marked on the licence, in the vehicle to which it relates while using the vehicle as a restricted hire vehicle or a private hire car.

*Motor Traffic Act 1936*

Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

**29 Licences for the carriage of visitors to the Territory**

(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 sightseers 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 sightseers.

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

(6) In this section, a reference to the carriage of sightseers shall be read as a reference to the carriage of persons on a sightseeing tour.

**30 Suspension or cancellation of certain licences**

The Registrar may suspend for any period or cancel a taxi licence, restricted taxi licence, private hire car licence or restricted hire vehicle 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 5.

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

(1) The Registrar may cancel or suspend for any period a taxi licence, restricted taxi licence, private hire car licence or restricted hire vehicle 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, private hire car or restricted hire vehicle.

(2) The Registrar may refuse an application by a person for a licence, or for the renewal of a licence, for a taxi, private hire car or restricted hire vehicle where he or she is not satisfied that at least 1 of the persons who

*Motor Traffic Act 1936*

has or will have the use, control and management of the taxi, private hire car or restricted hire vehicle, 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.

**31A Number of passengers**

(1) A taxi licence, restricted taxi licence, motor omnibus licence, private hire car licence or restricted hire vehicle licence shall specify the number of passengers that the vehicle to which the licence relates may carry.

(2) The licensee or driver of a public motor vehicle, private hire car or restricted hire vehicle shall not carry a number of passengers greater than the number specified in the licence as the maximum number of passengers which the vehicle may carry.

- (3) The licensee of a public motor vehicle shall—
- (a) in the case of a motor omnibus—cause to be painted on the vehicle, in legible letters in a conspicuous place; or
  - (b) in any other case—cause to be displayed in a prominent place in the vehicle;

the maximum number of persons the vehicle is licensed to carry, in the following form:

“Licensed to carry        persons”.

(4) A person who, without reasonable excuse, contravenes subsection (2) or (3) is guilty of an offence punishable, on conviction, by a fine not exceeding—

- (a) if the offender is a natural person—5 penalty units; or
- (b) if the offender is a body corporate—25 penalty units.

*Motor Traffic Act 1936*

**32 Fire extinguisher to be carried**

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

**33 Licence to conduct motor omnibus service**

(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

## *Motor Traffic Act 1936*

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 subsection (8) 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 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.

### **34 Visiting motor omnibus licence**

(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.

### **35<sup>3 and 4</sup> Disinfection of vehicles**

(1) Where the driver of any public motor vehicle, private hire car or restricted hire vehicle knows that any person on his or her vehicle is

## *Motor Traffic Act 1936*

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, private hire car or restricted hire vehicle, it comes to the knowledge of the driver of that public motor vehicle, private hire car or restricted hire vehicle that the person was, while in the public motor vehicle, private hire car or restricted hire vehicle, suffering from any infectious disease, the driver shall report that fact to the Registrar and shall, as required by the Registrar, disinfect the vehicle.

(3) The licensee of the public motor vehicle, private hire car or restricted hire vehicle 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, private hire car or restricted hire vehicle 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.

### **36 Taxi fares**

(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*.

### **37 Motor omnibus fares**

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

### **39 Dangerous or offensive articles**

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

**PART 4—TRADERS**

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

(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 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.

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

(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

## *Motor Traffic Act 1936*

accordance with Schedule 2, a trader's plate 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.

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

(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 section 41;
- (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.

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

(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



*Motor Traffic Act 1936*

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: 5 penalty units.

(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.

**44 Revocation etc of right to use trader's plates**

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.

**45 Return of trader's plates**

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.

Penalty: 5 penalty units.

**46 Affixing trader's plates**

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.

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

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

*Motor Traffic Act 1936*

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

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

(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 following month.

**PART 5—INSURANCE**

**49 Interpretation**

In this Part, unless the contrary intention appears—

*authorised insurer* means a person carrying on the business of insurance who is or has been approved by the Minister as an authorised 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;

*Motor Traffic Act 1936*

- (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.

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

(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.

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

(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.

*Motor Traffic Act 1936*

Penalty—

- (a) for a first offence—5 penalty units; or
- (b) for any subsequent offence—10 penalty units.

(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.

**52 Registration etc without evidence of third-party insurance**

(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 authorised 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 authorised insurer in relation to the use of the motor vehicle.

(1A) Notwithstanding subsection (1) but subject to section 14, 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 authorised insurer in relation to the motor vehicle.

(1B) Where—

*Motor Traffic Act 1936*

- (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 authorised insurer in relation to the motor vehicle,

this Act applies, and the rights, liabilities and obligations of the authorised insurer and of the owner and any driver of the motor vehicle are the same, as if the authorised 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 authorised insurer is a reference to an authorised insurer approved by the Minister for the purposes of those subsections.

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

*Motor Traffic Act 1936*

terminate upon the date of expiration of that period will be issued by that authorised 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 5 penalty units.

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

(1) Where an authorised insurer accepts the appropriate amount of insurance premium in respect of the insurance of a motor vehicle, he or she shall 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 authorised 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 issue to the trader a certificate of the nature referred to in subsection 52 (2) in relation to the motor vehicle.

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

- (a) shall, for all purposes of this Act relating to the liability of authorised 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.

*Motor Traffic Act 1936*

**54 Policies of insurance**

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

- (a) shall be issued by an authorised 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

*Motor Traffic Act 1936*

contained in the prescribed form, but any such term, condition or warranty shall be void and of no effect.

(4) Any authorised 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: 10 penalty units.

(5) A third-party policy issued by an authorised 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 authorised 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 authorised 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 authorised 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 authorised 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



*Motor Traffic Act 1936*

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 authorised 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 authorised 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* 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)—

## *Motor Traffic Act 1936*

***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.

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

(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 authorised 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 authorised 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.

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

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.

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

(1) A third-party policy may be cancelled by the authorised 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.

*Motor Traffic Act 1936*

(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 authorised 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 give to the authorised 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 authorised insurer after a notice specifying a date, not being a date earlier than 30 days after service of the notice, upon which the authorised 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 authorised 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 authorised insurer cancels a third-party policy under this section, he or she shall 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 authorised 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.

*Motor Traffic Act 1936*

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

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

(1) Where an authorised 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.

**59 Authorised insurers**

(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 authorised 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 authorised 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 authorised 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 authorised 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 authorised

*Motor Traffic Act 1936*

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 authorised insurer, been convicted of an offence against this Act.

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

(7A) 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 authorised 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 authorised 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 authorised insurer.

**60 Holding out as authorised insurer**

Any person who, not being an authorised insurer, advertises himself or herself, or holds himself or herself out, to be an authorised 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—150 penalty units; or
- (b) if the offender is a natural person—30 penalty units.

*Motor Traffic Act 1936*

**61 Recovery of money from insurers**

(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 authorised insurer.

(1A) 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.

(1B) Notice of intention to make the application shall be served on the authorised 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 authorised insurer.

(2A) Any judgment so entered may be enforced against the authorised 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 authorised 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

*Motor Traffic Act 1936*

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 authorised insurer or the nominal defendant unless notice of intention to make a claim is given to the authorised 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 authorised insurer or the nominal defendant, as the case may be, allows.

**(4A)** Where the authorised 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 authorised 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 authorised 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 authorised 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;

*Motor Traffic Act 1936*

- (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*, shall be deemed at all times to have applied, to—
- (a) authorise entry against the authorised insurer of any judgment obtained against the estate of a deceased insured person under or by virtue of Part 2 of that Act; and
  - (b) authorise contribution between joint tort-feasors under or by virtue of Part 4 of that Act.
- (10) Notwithstanding anything contained in Part 2 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.
- (11) Subsection (3) permits, and that subsection shall, from and including the date of commencement of the *Law Reform (Miscellaneous Provisions) Act 1955*, be deemed to have permitted, the institution of proceedings of the kind referred to in that subsection against the authorised 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—



*Motor Traffic Act 1936*

- (i) in a case where the insurance is under a third-party policy issued by an authorised insurer—the authorised 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 1 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 authorised insurer or the nominal defendant, as the case may be; and
  - (c) the authorised 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*, be deemed to have applied in the like manner as it applies after its commencement.

**(14)** The right of action against the authorised 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*, shall be deemed at all times to have been, alternative to the right of action conferred under or by virtue of Part 2 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 authorised 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 authorised

*Motor Traffic Act 1936*

insurer or the nominal defendant unless the first-mentioned proceedings have been discontinued; and

- (c) where proceedings against the authorised 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.

**62 Recovery by insurer from owner**

(1) The authorised 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 authorised insurer; or
- (b) any sums which the authorised 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 authorised insurer; and
- (c) the costs of and expenses reasonably incurred by the authorised insurer;

as the authorised 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.

(2) The authorised 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

*Motor Traffic Act 1936*

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 authorised insurer agreed to pay or otherwise become liable to pay the moneys sought to be recovered.

**63 Recovery by insurer from driver**

(1) The authorised 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 authorised insurer; or
- (b) any sums which the authorised 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 authorised insurer; and
- (c) the costs of and expenses reasonably incurred by the authorised insurer;

as the authorised 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*.

(2) The authorised 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 authorised insurer agreed to pay or otherwise became liable to pay the moneys sought to be recovered.

**64 Limitation of amount recoverable**

An authorised 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.

*Motor Traffic Act 1936*

**65 Effect of payment by authorised insurer**

(1) Any payment by an authorised 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 authorised 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 under 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).

**66 Presumption of agency**

(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 or her authority in relation to the motor vehicle.

(1A) 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.

(1B) 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 subsection (1), the presumption of agency under that subsection applies to—

*Motor Traffic Act 1936*

- (a) proceedings against the estate of the deceased owner or driver of the motor vehicle under or by virtue of Part 2 of the *Law Reform (Miscellaneous Provisions) Act 1955*;
- (b) proceedings against the authorised 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 authorised 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 4 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*.

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

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 authorised 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 authorised insurer to the person to whom the liability was incurred; and
- (b) any sum paid by the authorised insurer in or towards the discharge of the liability of any person in respect of the death or bodily

*Motor Traffic Act 1936*

injury shall be recoverable by the authorised insurer from the driver.

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

- (1) The authorised 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 authorised 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 authorised insurer requires for the purpose of enabling the authorised 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 authorised insurer on behalf of that person.
- (3) Nothing said or done by or on behalf of the authorised insurer in connection 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.

**69 No contracting out of Act**

- (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

*Motor Traffic Act 1936*

bodily injury to, any passenger thereon is negatived, limited or modified shall be void.

(3) For the purposes of subsection (2)—

*passenger* includes any person (other than the driver) who is in or upon, entering or getting on to or alighting from the motor vehicle.

**70 Notice of accidents**

(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 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 authorised 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 authorised 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

*Motor Traffic Act 1936*

subsections (1) and (2), and shall take such steps, as the authorised 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 authorised 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 authorised 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 give to the authorised 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, give to the authorised insurer a notification in writing thereof;
- (c) the owner or the driver shall not, without the consent in writing of the authorised 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



*Motor Traffic Act 1936*

- (b) the motor vehicle was at the time of the occurrence being driven by the owner.

**71 Change of ownership of motor vehicle**

(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 authorised 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 authorised 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.

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

(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

## *Motor Traffic Act 1936*

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 authorised 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 authorised insurer.

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

(1) Every authorised 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 authorised 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.

### **74 Emergency treatment**

(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 authorised 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 authorised insurer within 1 month after the occurrence out of which the death or bodily injury arose, the authorised insurer shall make such of the following payments as are applicable to the case:

*Motor Traffic Act 1936*

- (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 subsection (1).

**75 Hospital treatment**

- (1) Where—
- (a) any payment is made (whether or not with an admission of liability) by an authorised 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 authorised insurer;

the authorised 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

*Motor Traffic Act 1936*

made in pursuance of the *Canberra Community Hospital Ordinance 1938*, 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.

(2) The amount payable by the authorised 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 authorised insurer in respect of the injury, whichever is the lesser.

(3) 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.

**76 Surgical and medical treatment**

(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 authorised insurer by the medical practitioner, dentist, nurse or masseur from whom that person received medical, dental or surgical treatment;

the authorised 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.

*Motor Traffic Act 1936*

(1A) The amount payable by the authorised 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 authorised insurer shall be divisible between the claimants in proportion to their respective claims.

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

Where 2 or more authorised 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 2 or more motor vehicles, each such authorised insurer shall pay an equal share of any payments required to be made under sections 74, 75 and 76.

**78 Reduction of liability**

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 authorised insurer to the owner or driver under the policy of insurance;

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

**79 Nominal defendant standing for authorised insurer**

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 authorised insurer shall be read as a reference to the nominal defendant.

**80 Payment by authorised insurer**

Any payment by an authorised 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.

*Motor Traffic Act 1936*

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

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.

**82 Disqualification of person holding driving licence**

An authorised 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.

**83 Insurance of public motor vehicles etc**

(1) The owner of a public motor vehicle, private hire car or restricted hire vehicle shall maintain a policy of insurance against liability to any damages in respect of damage to property caused by or arising out of the use of the public motor vehicle, private hire car or restricted hire vehicle, under a policy of insurance issued by an authorised insurer, for not less than \$5,000,000.

(1A) A policy maintained in accordance with subsection (1), other than a policy that also includes other insurance, shall be in the prescribed form.

(2) The insurance required by subsection (1) 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 public motor vehicle, private hire car or restricted hire vehicle 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 authorised 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 authorised insurer in relation to the public motor vehicle, private hire car or restricted hire vehicle.

(4) Where an authorised insurer accepts the appropriate amount of insurance premium in respect of the insurance under this section of a public motor vehicle, private hire car or restricted hire vehicle, he or she shall issue to the owner a certificate of the nature referred to in subsection (3) in

*Motor Traffic Act 1936*

relation to the public motor vehicle, private hire car or restricted hire vehicle.

- (5) An authorised insurer who issues any such certificate—
- (a) shall, for the purposes of this section relating to the liability of authorised 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 authorised insurer in relation to a public motor vehicle, private hire car or restricted hire vehicle shall commence on the date on which it is expressed to commence and shall continue in force—
- (a) in any case where the authorised 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 authorised insurer in relation to that public motor vehicle, private hire car or restricted hire vehicle 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 authorised insurer issues a renewal of a policy in relation to a public motor vehicle, private hire car or restricted hire vehicle for a period expressed to terminate on the date of expiration of a renewal of the registration of the public motor vehicle, private hire car or restricted hire 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 authorised 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 public motor vehicle, private hire car or

*Motor Traffic Act 1936*

restricted hire 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.

(8) Nothing in subsection (7) shall affect the operation of subsection (6), or exempt any authorised insurer from liability under any policy continued in force by that subsection.

(9) Where, upon the date of commencement of this section, a public motor vehicle, private hire car or restricted hire vehicle is registered and there is in force a policy of insurance in respect of that vehicle or car, which to any extent insures the owner of the vehicle or car against liability to pay compensation in respect of damage to property caused by or arising out of the use of the vehicle or car, the policy shall, until the expiration of the registration of the vehicle 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 authorised 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.

**84 Nominal defendant**

(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 authorised insurers or a majority of them or, in default of nomination, directly by the Minister.



*Motor Traffic Act 1936*

(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.

**85 Claims in respect of uninsured and unidentified motor vehicles**

(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—

*Motor Traffic Act 1936*

- (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 3 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.

**86 Payment by nominal defendant**

(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 authorised 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 authorised insurers shall be apportioned by the Registrar, in proportions determined by him or her, amongst the Territory or Commonwealth and those who were authorised 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 connection 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 authorised 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 authorised 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

### *Motor Traffic Act 1936*

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 authorised insurer concerned of the sum which the Registrar has determined as being payable by the Territory or Commonwealth or by that authorised insurer and shall in the notice require the Territory or Commonwealth or the authorised 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 authorised 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 5 penalty units, and the court, in addition to imposing a penalty, may order that authorised 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.

#### **87 Recovery from owner or driver**

(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.

*Motor Traffic Act 1936*

(2) 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.

(3) 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.

(4) 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 authorised insurers who provided the amount paid by the nominal defendant.

(5) 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 authorised insurer.

**88 Maximum rates of premiums may be prescribed**

(1) The maximum rates of premiums which may be charged by an authorised 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 authorised 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.

*Motor Traffic Act 1936*

**89 Use of motor vehicle where appropriate insurance premium not paid**

(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 has not been paid, be guilty of an offence and shall be liable to a penalty not exceeding 5 penalty units.

(2) The authorised 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.

**90 Production of evidence of insurance policy**

Any owner of a motor vehicle who, on being required by an inspector, motor traffic officer or police officer, 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 required evidence at the Motor Registry, or a Police Station nominated by the owner at the time of the requirement, within 3 days after the production of the evidence was required.

Penalty: 2 penalty units.

**90A Evidence of insurance**

(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

## *Motor Traffic Act 1936*

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.

### **91 Court to apportion damages**

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.

### **92 Conviction not to affect civil remedy**

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.

### **93 Exemptions relating to insurance**

Subsection 51 (1) does not apply in relation to—

- (a) a visiting motor vehicle; or
- (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 6—GENERAL PROVISIONS RELATING TO MOTOR VEHICLES**

**94 Application for registration or licence**

(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.

**95 Registration by joint owners and companies**

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.

**97 Change of name or address**

(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

*Motor Traffic Act 1936*

- (iii) surrender the certificate or licence; and
- (b) in the case of a change in address—notify the Registrar of the change.

Penalty:

- (a) if the offender is a natural person—5 penalty units;
  - (b) if the offender is a body corporate—25 penalty units.
- (2) Where a person complies with subsection (1), the Registrar shall vary the certificate or licence appropriately.

**98 Lost certificate**

(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.

**99 Production of certificates and licences**

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.

**100 Return of certificates after cancellation or suspension**

(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.

Penalty: 1 penalty unit.

(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.



*Motor Traffic Act 1936*

Penalty: 1 penalty unit.

**102 Defaced licence etc**

(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.

**103 Fee paid by dishonoured cheque**

(1) The Registrar shall give a written dishonour notice to a person where the person pays the whole or any part of any of the following fees by cheque and the cheque is dishonoured:

- (a) a determined fee payable in respect of the registration or the renewal of registration of a motor vehicle;
- (b) a determined fee payable in respect of the examination or inspection of a motor vehicle;
- (c) a road rescue fee payable in respect of a motor vehicle;
- (d) a determined fee payable in respect of the registration or the renewal of registration of a trailer;
- (e) a determined fee payable in respect of the examination or inspection of a trailer;
- (f) a determined fee payable in respect of the grant, renewal or extension of a licence;
- (g) a determined fee payable in respect of the grant or renewal of a learner licence receipt.

(2) A dishonour notice shall—

- (a) contain a statement to the effect that the cheque was dishonoured; and

*Motor Traffic Act 1936*

- (b) indicate the consequences under subsection (3) if the amount of the dishonoured cheque is not paid within 14 days after the date of the notice.
- (3) Where a person who has been given a dishonour notice in accordance with subsection (2) does not pay the amount of the dishonoured cheque within 14 days after the date of the notice, the Registrar shall give the person a written suspension notice and shall suspend—
- (a) in the case of a fee referred to in paragraph (1) (a), (b) or (c)—the registration of the relevant motor vehicle;
  - (b) in the case of a fee referred to in paragraph (1) (d) or (e)—the registration of the relevant trailer;
  - (c) in the case of a fee referred to in paragraph (1) (f)—the relevant licence; or
  - (d) in the case of a fee referred to in paragraph (1) (g)—the relevant learner licence receipt.
- (4) A suspension notice shall—
- (a) contain a statement to the effect that payment has not been received in accordance with the dishonour notice;
  - (b) contain a statement to the effect that the Registrar has suspended the relevant motor vehicle registration, trailer registration, licence or learner licence receipt; and
  - (c) indicate the consequences under subsection (5) if the amount of the dishonoured cheque is not paid within 14 days after the date of the notice.
- (5) Where a person who has been given a suspension notice in accordance with subsection (4) does not pay the amount of the dishonoured cheque within 14 days after the date of the notice, the Registrar shall give the person a written cancellation notice and shall cancel—
- (a) in the case of a fee referred to in paragraph (1) (a), (b) or (c)—the registration of the relevant motor vehicle;
  - (b) in the case of a fee referred to in paragraph (1) (d) or (e)—the registration of the relevant trailer;
  - (c) in the case of a fee referred to in paragraph (1) (f)—the relevant licence; or
  - (d) in the case of a fee referred to in paragraph (1) (g)—the relevant learner licence receipt.

*Motor Traffic Act 1936*

- (6) A cancellation notice shall contain a statement to the effect that—
- (a) payment has not been received in accordance with the suspension notice; and
  - (b) the Registrar has cancelled the relevant motor vehicle registration, trailer registration, licence or learner licence receipt.

**104 Refusal, cancellation or suspension of licences or registration**

(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 subsection (1), the Registrar may—

- (a) cancel the registration of any motor vehicle which is not an insured motor vehicle for the purposes of Part 5;
- (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 a motor vehicle or trailer, or cancel or suspend for such period as he or she thinks fit the registration of a motor vehicle or trailer, where—
  - (i) the vehicle or trailer, or any of the parts or equipment of the vehicle or trailer, does not comply with this Act or the Manual; or
  - (ii) by reason of its condition, design or construction, the Registrar considers that the vehicle, trailer, part or equipment 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;
- (da) cancel or suspend, for such period as he or she thinks fit, a licence to ply for hire or restricted hire vehicle licence granted in respect of a restricted hire vehicle if, in the opinion of the Registrar, the licensee has contravened a condition of the licence;
- (e) cancel or suspend, for such period as he or she thinks fit, any licence to ply for hire, private hire car licence or restricted hire vehicle licence granted in respect of any public motor vehicle or, private hire car or restricted hire vehicle, where, in his or her

*Motor Traffic Act 1936*

opinion, that vehicle is not being used, or is not in a fit condition to be used, as a public motor vehicle, private hire car or restricted hire vehicle, 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;
  - (b) for preventing the use on public streets of any motor vehicle or trailer which, in the Registrar's opinion, is a source of danger or annoyance to the public; and
  - (c) for preventing the use on public streets of a public motor vehicle, private hire car or restricted hire vehicle that is not fit to be used as such.

*Motor Traffic Act 1936*

**105 Duration of registrations and licences**

(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 27D, 28A or 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.

**107 Visiting motor drivers**

(1) Subject to this section and Part 13, 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—

*Motor Traffic Act 1936*

- (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 subsection 180MJ (5) (Suspension for nonpayment of infringement notice penalties), 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).

**107A Residents with interstate licences**

(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*.

*Motor Traffic Act 1936*

(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.

(5) A declaration has no effect in respect of a person who is disqualified from holding a driving licence.

**107B Vehicles registered inter-State**

(1) This section applies to a motor vehicle or trailer that is—

- (a) registered in a State or another Territory; and
- (b) owned by a person who resides in the Territory.

(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 motor vehicles or trailers to which this section applies;  
or
- (d) a specified motor vehicle or trailer to which this section applies;

is exempt from the requirement of being registered 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) For the purposes of this section a motor vehicle or trailer shall be taken to be owned by the person whose name is specified in its certificate of registration.

**108 Driver of Defence Force vehicle**

Subject to Part 13, 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 6A—DEFECT NOTICES**

**108A Interpretation**

In this Part—

*authorised examiner* has the same meaning as in Part 2AA.

*officer* means—

- (a) the Registrar;
- (b) an inspector; or
- (c) a police officer.

*vehicle* means a motor vehicle or trailer.

**108B Defect notices**

(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 Manual;

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 Manual;
- (c) require the owner of the vehicle to produce the vehicle to the Registrar or an authorised examiner within 14 days after the date of service of the notice;
- (d) specify the place at which the vehicle is to be produced; 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 an authorised examiner or the registration of the vehicle is cancelled.



*Motor Traffic Act 1936*

**108C Vehicles in dangerous condition**

- (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 Manual; 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 Manual;
  - (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 or an authorised examiner for examination;
  - (e) specify the place at which the vehicle may be produced 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 an authorised examiner or the registration of the vehicle is cancelled.

**108D Service of notice**

A notice under section 108B or 108C may be served upon the owner of a vehicle—

*Motor Traffic Act 1936*

- (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.

**108E Powers of Registrar, inspectors and authorised examiners**

(1) Where a vehicle in respect of which a notice under section 108B or 108C has been served is produced at the place specified in the notice, the vehicle shall be examined by an inspector or authorised examiner, as the case requires.

(2) Where an inspector or authorised examiner 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 Manual, the inspector or authorised examiner 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 or authorised examiner 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 Manual; 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 or authorised examiner, as the case requires, 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.

*Motor Traffic Act 1936*

(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) the Registrar is satisfied that; or
- (b) there is in force in respect of a vehicle a certificate of inspection under section 26AP certifying that;

in relation to a vehicle to which a notice under this section is in force, the vehicle and its parts and equipment comply with such of the requirements of this Act and the Manual as are applicable to it and its parts and equipment, the Registrar shall revoke the notice.

**108F Defect labels**

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).

**108G Offences**

(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 for examination 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.

*Motor Traffic Act 1936*

- (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 connection with the production of the vehicle in accordance with the notice 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 7—TRAFFIC SIGNS AND ROAD MARKINGS**

**109A Interpretation**

For the purposes of this Part, an off-street parking area shall be deemed to be part of a public street.

**109 Traffic signs and road markings**

- (1) The Minister may authorise 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 7A or Part 8; or
  - (d) conveying information or warning to persons using the public street or public place.
- (2) The Minister may authorise 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 8, 9 or 10 and either alone or in combination with a traffic sign erected, placed or displayed under subsection (1).

*Motor Traffic Act 1936*

(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 authorisation 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 authorisation 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 authorisation, determination or suspension in relation to a traffic sign or road marking under this section and, where the authorisation 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.

**110 Traffic islands**

The Minister may authorise 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.

**111 Signs etc deemed to be lawfully erected**

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

*Motor Traffic Act 1936*

- (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.

**112 Damage, removal etc of traffic signs etc**

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 authorisation 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 authorisation 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 authorisation 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 7A—TRAFFIC LIGHTS**

**112AA Interpretation**

For the purposes of this Part, an off-street parking area shall be deemed to be part of a public street.

**112A Driving a motor vehicle at traffic lights**

Where—

- (a) a person driving a motor vehicle on a public street approaches, or stops immediately in front of, traffic lights at a stop line; and
- (b) the traffic lights facing the direction opposite to which the motor vehicle is facing are displaying a light of a description specified in the table in subsection 112B (1);

*Motor Traffic Act 1936*

the person shall not drive the motor vehicle so that there is a contravention of the directions specified in that table corresponding to the description of that light.

**112B Meanings indicated by traffic lights**

(1) The following table applies for the purposes of section 112A:

Item No.	Description of light	Provisions applicable
1	Red circular light	The driver shall not proceed beyond the relevant stop line 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 the relevant stop line
2A	Flashing amber circular light at a marked footcrossing that is not at an intersection	The driver may proceed beyond the relevant stop line if no pedestrian is crossing at that light
3	Arrow in red light pointing vertically	The driver shall not proceed beyond the relevant stop line
4	Arrow in amber light pointing vertically	The driver shall not proceed beyond the relevant stop line
5	Arrow in red light pointing horizontally	The driver shall not proceed beyond the relevant stop line in the direction in which the arrow is pointing
6	Arrow in amber light pointing horizontally	The driver shall not proceed beyond the relevant stop line 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 relevant stop line 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 relevant stop line 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

*Motor Traffic Act 1936*

Item No.	Description of light	Provisions applicable
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
13	Letter “B” in white light	The driver of a motor omnibus may proceed in the direction that is straight ahead, to the left or to the right, notwithstanding any other item in this table
14	Letter “B” in amber light	The driver of a motor omnibus shall not proceed beyond the relevant stop line
15	Letter “B” in red light	The driver of a motor omnibus shall not proceed beyond the relevant stop line

(2) In the table in subsection (1), a reference to the relevant stop line shall be read as a reference to the stop line at, near or below the traffic light referred to in subsection (1).

### **112BA Defences**

(1) It is a defence to a prosecution for an offence against section 112A if the defendant satisfies the Court that—

- (a) while the defendant was approaching the traffic lights facing the direction opposite to the direction in which he or she was proceeding, the traffic lights 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 (including the defendant’s distance from the lights and considerations of his or her safety and the safety of any passengers, the defendant’s motor vehicle and any other person or vehicle in the vicinity), the



*Motor Traffic Act 1936*

defendant could not have reasonably stopped the motor vehicle before reaching the stop line which, together with the traffic lights, forms the traffic sign referred to in that section.

(2) It is a defence to a prosecution for an offence against section 112A if the defendant was driving a motor omnibus at the time of the alleged offence and satisfies the Court that—

- (a) while the defendant was approaching the traffic lights facing the direction opposite to the direction in which he or she was proceeding, the traffic lights changed from displaying a letter B in white light to displaying a letter B of another colour; and
- (b) having regard to all the circumstances of the case (including the defendant's distance from the lights and considerations of his or her safety and the safety of any passengers, the defendant's motor vehicle and any other person or vehicle in the vicinity), the defendant could not have reasonably stopped the motor vehicle before reaching the stop line which, together with the traffic lights, forms the traffic sign referred to in that section.

**112C Left turn at intersection controlled by traffic lights**

(1) Notwithstanding section 112B, but subject to section 112D, where a traffic sign bearing the words "TURN LEFT AT ANY TIME WITH CARE" is erected at an intersection or junction of a public street with another public street at which traffic lights are erected, the driver of a motor vehicle approaching the intersection or junction from the direction in which the sign is facing may turn the motor vehicle to his or her left into another public street.

(2) Notwithstanding section 112B but subject to section 112D, where a traffic sign bearing the words "LEFT TURN ON RED LIGHT PERMITTED AFTER STOPPING" is erected at an intersection or junction of a public street with another public street at which traffic lights are erected, the driver of a motor vehicle approaching the intersection or junction from the direction in which the sign is facing may, after having stopped before the traffic lights, turn the motor vehicle to his or her left into another public street .

**112D Dangerous turns at intersections**

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—

*Motor Traffic Act 1936*

- (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.

**112F Certain lines not to constitute road markings**

A reference in this Part to a stop line 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.

**112G When traffic lanes deemed to be separate public streets**

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.

**112H Intersections or junctions of dual carriageway public streets**

Where—

*Motor Traffic Act 1936*

- (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 a 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.

**112J Rules in this Part not to apply when directions are given by police**

Where a police officer in uniform is giving directions regulating or controlling the movement of traffic—

- (a) entering or passing through an intersection or junction of a 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 8—RULES OF THE ROAD**

### **112K Interpretation**

(1) In this Part—

*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.

**113 Vehicles to keep left etc**

(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.

**114 One way traffic carriageways**

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.

**115 Vehicles to be driven in traffic lanes**

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.

**115A Declaration of reserved carriageways**

(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.

**115B Certain vehicles not to be driven upon reserved carriageways**

(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.

*Motor Traffic Act 1936*

(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

*Motor Traffic Act 1936*

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.

**115C Public transport routes**

- (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.



*Motor Traffic Act 1936*

(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.

**116 Unbroken lines marked on carriageway**

(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.

**117 Passing on-coming traffic**

(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.

**118 Overtaking**

(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, or has stopped, at—

- (a) a marked footcrossing in pursuance of section 112A;
- (b) a pedestrian crossing in pursuance of section 126; or
- (c) a school crossing in pursuance of section 127.

(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) Subject to section 124B, 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.

**119 Motorists not to race with another vehicle**

The driver of a motor vehicle upon a public street shall not race with another vehicle.

**119A Motor vehicle not to be driven while part of person's body protrudes from vehicle**

(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.

**120 Left hand turns**

(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 1 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—

*Motor Traffic Act 1936*

- (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.

**121 Right hand turns**

(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.

*Motor Traffic Act 1936*

**(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.

## **122 Give way rule at intersection**

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 police officer 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.

## **122A Give way rule to be observed at uncontrolled junctions**

Where—

- (a) a motor vehicle upon a public street is approaching, or has entered, the junction of that public street and another public street;

*Motor Traffic Act 1936*

- (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.

**123 Application of sections 121, 122 and 122A**

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 paragraph (a)) 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.

**123A Slip lane traffic to give way**

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.

**124 Give way signs**

(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—

*Motor Traffic Act 1936*

- (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.

**124A Give way rule to be observed at roundabouts**

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.

**124B Motorists to give way to local services motor omnibuses**

(1) Where—

- (a) a motor vehicle on a public street is approaching a local services motor omnibus that—
  - (i) is facing in the same direction as the motor vehicle; and

*Motor Traffic Act 1936*

- (ii) is stopped immediately adjacent to the left boundary of the carriageway of the public street;
- (b) the driver of the local services motor omnibus is giving a signal prescribed for the purposes of subsection 136 (5);
- (c) the maximum speed applicable in relation to the public street is not greater than 80 kilometres per hour; and
- (d) the circumstances are such that there is a reasonable possibility that the local services motor omnibus will not be able to enter the line of traffic in which the motor vehicle is travelling unless the driver of the motor vehicle decreases the speed of the motor vehicle or stops it;

the driver of the motor vehicle shall not, without reasonable excuse, fail to decrease the speed of the motor vehicle or stop it so as to allow the local services motor omnibus to enter the line of traffic.

- (2) Subsection (1) does not apply where—
  - (a) 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
  - (b) the motor vehicle is not travelling in the lane that is furthest to the left.

**125 Motorist to make way for fire engine, ambulance or police car**

(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.

### **126 Pedestrian crossing**

(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.

### **127 School crossing**

(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.

### **128 Stop signs**

(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 stop line 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.

**128A Traffic signs—NO RIGHT TURN; NO LEFT TURN; NO TURNS**

(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.

**128B Traffic sign—NO U TURN**

(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.

**128C Traffic sign—NO OVERTAKING OR PASSING**

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.

**128D Traffic sign—NO OVERTAKING ON BRIDGE**

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.

**128E Traffic signs for traffic in traffic lanes**

(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.

**128F Road markings on surface of traffic lanes**

(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



*Motor Traffic Act 1936*

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.

**128G Traffic signs—NO ENTRY; NO EXIT**

(1) Where a no entry sign is erected near or within a junction or intersection of a public street and—

*Motor Traffic Act 1936*

- (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*.

### **129 Dangerous etc driving**

(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: 100 penalty units 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.

**130 Careless or inconsiderate driving**

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.

**131 Driver to be in control of motor vehicle**

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.

**132 Limitation on travelling backwards**

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.

**133 Bridge load limit signs**

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.

**133A Load limits in public streets**

(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 connection 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.

*Motor Traffic Act 1936*

- (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.

**133B Road tunnels—vehicles carrying explosives**

(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: 30 penalty units.

(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.

**134 Motorist not to obstruct the free passage of any person etc**

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.

**135 Precautions against driving motor vehicles without the owner's consent**

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.

**136 Warnings and signals by drivers**

(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

*Motor Traffic Act 1936*

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 or her 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;

*Motor Traffic Act 1936*

- (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

*Motor Traffic Act 1936*

- (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.

**137 Extension of offences to acts etc in relation to animals being ridden or led**

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.

**139 Obedience to directions by police etc**

Notwithstanding anything contained elsewhere in this Act, the driver of a motor vehicle upon a public street shall comply with a direction given by a police officer in uniform or a motor traffic officer—

- (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 9—SPEED LIMITS**

### **140 Interpretation**

In this Part—

*speed limit sign* means a traffic sign inscribed with figures within a red circle.

### **141 Speed limits within a public place**

A person shall not drive a motor vehicle on any part of a public place at a speed exceeding 20 kilometres per hour.

### **142 Motorist not to exceed maximum speed applicable**

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.

Penalty:

- (a) for an individual—30 penalty units;
- (b) for a body corporate—150 penalty units.

### **143 Maximum speed applicable to public streets**

Subject to this Part, the maximum speed applicable in relation to a public street is 60 kilometres per hour.

### **144 Speeds regulated by signs**

(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.

#### **147 School zones**

(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

*Motor Traffic Act 1936*

- (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.

**147A Driving at dangerous speeds**

(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: 30 penalty units.

(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.

**147E Testing of speedometers**

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.

**PART 10—RULES RELATING TO PARKING**

*Division 1—Interpretation*

**149 Interpretation**

(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

*Motor Traffic Act 1936*

- (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* of the Commonwealth.

***community organisation*** means a body to which the Registrar has issued a label under section 150A by reason of the Registrar being satisfied that the body is a community organisation.

***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.

*Motor Traffic Act 1936*

**disability label** means a label of the kind referred to in paragraph 150A (2) (b).

**disabled person** means a person to whom the Registrar has issued a label under section 150A by reason of the Registrar being satisfied that the person is disabled.

**goods** includes all personal chattels.

**goods vehicle** means—

- (a) a motor vehicle that is constructed primarily for the carriage of goods and is registered as a business vehicle; 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 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

*Motor Traffic Act 1936*

- (b) by road markings marked on the carriageway of the public street adjacent to that part of the kerb.

***multi-bay parking meter*** means a parking meter that applies to more than 1 designated parking place.

***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 section 150, subsections 150Z (3) or 150ZF (2) or sections 163G, 163H, 163J, 163K and 163MA.

***parking meter*** means a parking meter the installation of which is authorised under section 163B.

*Motor Traffic Act 1936*

***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



*Motor Traffic Act 1936*

(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.

(1A) A determination for the purposes of the definition of “Class B class of motor vehicles” is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(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

*Motor Traffic Act 1936*

- (iii) imaginary lines joining the extremities of the lines referred to in subparagraph (ii).

**(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.

**(6B)** For the purposes of section 150E and subsections 152 (3AA), (3AC), (3AD) and (5), 155 (3A), (3B), (3C), (3D) and (5), 163E (8) and (9) and 163F (4) and (5), a disability label or a label issued to a community organisation, as the case may be—

- (a) in the case of a motor vehicle not being a motor cycle—
  - (i) shall be taken not to be affixed to the motor vehicle unless it is affixed in the manner specified in paragraphs (6A) (a), (b) and (c); and
  - (ii) shall be taken not to be displayed on the motor vehicle unless the label 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 label bearing the date of expiry of the label are capable of being clearly read by a person standing beside the vehicle; and
- (b) in the case of a motor cycle or trailer—shall be taken not to be displayed on a motor cycle or trailer unless the label is so attached to the motor cycle or trailer that all writing and imprinted words, figures and symbols appearing on the side of the label bearing the date of expiry of the label are capable of being clearly read by a person standing beside the motor cycle or trailer, as the case may be.

*Motor Traffic Act 1936*

- (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 is to be taken to be near a designated parking place if—
- (a) in the case of a parking meter which applies to a single designated parking place—it is alongside and not more than 1 metre from the designated parking place; or
  - (b) in the case of a multi-bay parking meter—it is the nearest parking meter on the same side of the street in the direction of the arrow marked in or adjacent to the designated parking place under section 163BA.
- (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.

*Division 2—Certified vehicles*

**149A Certified vehicles—application for certificate**

- (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.

**149B Certified vehicles—grant or refusal of certificate**

- (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).

#### **149C Certified vehicles—variation of certificate**

(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).

**149D Certified vehicles—surrender of certificate**

A certificate holder may surrender the certificate by giving to the Registrar a written notice of surrender accompanied by the certificate.

**149E Certified vehicles—cancellation of certificate**

- (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).

**149F Certified vehicles—period of certificate**

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.

**150 Certified vehicles—labels**

(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:

- (a) for a breach of paragraph (a) or (b)—30 penalty units;
- (b) for a breach of paragraph (c)—50 penalty units or imprisonment for 6 months, or both.

(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: 2 penalty units.

(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.

### *Division 3—Labels*

#### **150A Labels for Class B classes of motor vehicles**

(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—

- (a) to a person for affixing to a specified motor vehicle included in a Class B class of motor vehicles;
- (b) to a disabled person, or community organisation whose members provide transport services for disabled persons—for displaying in a motor vehicle in a Class B class of motor vehicles; or
- (c) to a community organisation for displaying in a motor vehicle in a Class B class of motor vehicles;

a label of a kind approved under subsection (1).

(3) Without limiting the generality of paragraph (2) (c), the Registrar may issue a label under that paragraph for use in respect of the parking of a motor vehicle operated by or on behalf of a community organisation in a specified part of a public street or public place while that motor vehicle is being used for the purposes of the organisation.

#### **150B Application for approved label**

(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, except in the case of a disability label or a label to be issued to a community organisation, specify the registration number of the motor vehicle to which the applicant proposes to affix the label;

*Motor Traffic Act 1936*

- (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 (other than an applicant who is a disabled person or community organisation) 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—
- (a) the motor vehicle referred to in the application is included in a Class B class of motor vehicles; or
  - (b) the applicant is entitled to a label as a disabled person or a community organisation;
- as the case requires.
- (4) Where the Registrar approves an application for an approved label, the Registrar shall—
- (a) cause to be inserted in the label—
    - (i) if the label is to be issued for the purpose of paragraph 150A (2) (a)—the registration number of the motor vehicle to which the label may be affixed; and
    - (ii) subject to subsection (9), the expiry date of the label; and
  - (b) cause the label to be issued to the applicant.
- (9) Subject to section 150C, an approved label remains in force—
- (a) in the case of a disability label issued to a person or a community organisation—

*Motor Traffic Act 1936*

- (i) in the case of a natural person, if the Registrar is satisfied that the person to whom it is issued has a permanent disability—until the expiration of 3 years from the date of approval of the application; or
    - (ii) in any other case—until the expiration of the period specified in the label;
  - (b) in the case of a label issued to a community organisation—until the expiration of 3 years from the date of approval of the application; and
  - (c) in the case of a label issued in relation to a specified motor vehicle included in a Class B class of motor vehicles—until the expiration of 12 months from the date of approval of the application.
- (10)** If the Registrar is satisfied that a person is not permanently disabled, the Registrar may issue a disability label for a period of 3, 6, 9 or 12 months, as the Registrar considers appropriate in the circumstances.
- (11)** For the purposes of subsection (10), in determining the period for which a disability label is to be issued, the Registrar shall have regard to—
- (a) the nature of the disability; and
  - (b) the likely duration of the disability.
- (12)** The Registrar—
- (a) shall not issue more than 1 label to a disabled person; and
  - (b) may issue more than 1 label to a community organisation.

**150C Cancellation etc of approved label**

- (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, or would no longer be 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, other than a disability label or label issued to a community organisation, 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.

**150D Replacement of approved label**

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.

**150E General offences relating to approved labels**

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;
- (d) allow to remain affixed to a motor vehicle an approved label that has been cancelled or has otherwise ceased to be in force; or
- (e) display an approved label that has been cancelled.

***Division 4—Parking of heavy vehicles***

**150F Interpretation**

(1) In this Division—

***Code of Practice*** means the code of practice approved under section 150M, as in force from time to time.

*Motor Traffic Act 1936*

**controlled activity** means the activity that is declared by section 150L to be a controlled activity for the purposes of Schedule 5 of the Land Act.

**exemption** means an exemption granted under section 150T.

**existing operator** means—

- (a) a person who is entitled under section 150Q to apply for an existing operator's certificate; or
- (b) a person who is the holder of an existing operator's certificate.

**existing operator's certificate** means a certificate issued under section 150R.

**heavy vehicle** means a vehicle or combination of vehicles—

- (a) whether loaded or unloaded, that is more than 7.5 metres in length and which has a GVM exceeding 4.5 tonnes; and
- (b) that is used for commercial purposes.

**Land Act** means the *Land (Planning and Environment) Act 1991*.

**residential land** means land leased for residential purposes.

**stock truck** means a vehicle or trailer—

- (a) having a GVM exceeding 4.5 tonnes; and
- (b) designed and built for the carriage of livestock.

(2) A reference in this Division to land adjoining residential land shall be read as including a reference to land that would, but for an intervening public street, adjoin that land.

(3) A vehicle to which this Division applies that is parked partly on residential land and partly on adjoining land that is not residential land, shall not be taken for the purposes of this Division to be parked on residential land.

**150G Parking of specific vehicles and trailers on residential land**

(1) A person shall not park on residential land—

- (a) a stock truck;

- (b) a semi-trailer with the load space permanently enclosed by rigid construction or having sides enclosed by non-rigid material and a rigid roof; or
  - (c) a vehicle, whether loaded or unloaded, that—
    - (i) exceeds 3.6 metres in height; and
    - (ii) is used for commercial purposes.
- (2) Subsection (1) does not apply to a vehicle of the kind referred to in that subsection if—
- (a) the parking of the vehicle on the land was such as was reasonably necessary to avoid a contravention of this Act or of another law in force in the Territory; or
  - (b) the parking of the vehicle was for the purposes of the delivery or collection of persons or goods or in the course of the provision of services;

and the vehicle was not permitted to stand on the land for a period longer than was reasonable in all the circumstances.

**150H Parking of heavy vehicles on land adjoining residential land**

(1) A person shall not park a heavy vehicle on land adjoining residential land for a period exceeding 1 hour.

(2) Subsection (1) does not apply—

- (a) if—
  - (i) the parking of the heavy vehicle on land adjoining residential land was such as was reasonably necessary to avoid a contravention of this Act or of another law in force in the Territory; or
  - (ii) the parking of the heavy vehicle was for the purposes of the delivery or collection of persons or goods or in the course of the provision of services;

and the vehicle was not permitted to stand on that land for a period longer than was reasonable in all the circumstances; or

- (b) if the land on which the heavy vehicle is parked is residential land or land leased for commercial purposes.
- (3) In this section—

**heavy vehicle** means a vehicle or combination of vehicles, whether loaded or unloaded, that is more than 7.5 metres in length and which has a GVM exceeding 4.5 tonnes.

**150J Parking of commercial vehicles on leases comprising multi-unit developments**

(1) A person shall not park a vehicle used for commercial purposes, whether loaded or unloaded, that—

- (a) exceeds 6 metres in length;
- (b) exceeds 2.6 metres in height; or
- (c) has a GVM exceeding 3.75 tonnes;

on residential land containing a multi-unit development.

(2) Subsection (1) does not apply to a vehicle of the kind referred to in that subsection if—

- (a) the parking of the vehicle on the land was such as was reasonably necessary to avoid a contravention of this Act or of another law in force in the Territory; or
- (b) the parking of the vehicle was for the purposes of the delivery or collection of persons or goods or in the course of the provision of services;

and the vehicle was not permitted to stand on the land for a period longer than was reasonable in all the circumstances.

(3) In subsection (1)—

**multi-unit development** has the same meaning as in Appendix 6 of the Territory Plan as in force at the commencement of this section.

**150K Daily infringement**

A person commits a parking infringement against section 150G, 150H or 150J in respect of each day during which the person fails to comply with that section, including the day of a conviction for the contravention or any later day.

**150L Controlled activity**

(1) The parking of a heavy vehicle on residential land by a person in contravention of the Code of Practice is declared to be a controlled activity for the purposes of Schedule 5 to the Land Act.

(2) Schedule 5 to the Land Act shall be read as if a reference to the parking of a heavy vehicle by a person on residential land in contravention of the Code of Practice appeared as an item in Column 2 of that Schedule and “20 penalty units” appeared in Column 3 of that Schedule in relation to that item.

**150M Codes of practice**

(1) The Minister may, by instrument, approve a Code of Practice relating to the parking of heavy vehicles on residential land.

(2) Without limiting the generality of subsection (1), a Code of Practice may include provisions relating to—

- (a) requirements for the parking of heavy vehicles by existing operators;
- (b) the number of heavy vehicles that may be parked on residential land at any time; and
- (c) the operation of heavy vehicles while on residential land.

**150N Disallowance**

A Code of Practice is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

**150P Publication**

(1) The Registrar shall cause to be published in a newspaper published and circulating in the Territory, on or before the date of effect of an approval under section 150M, notice of the approval of each Code of Practice—

- (a) specifying the date on which the Code of Practice takes effect;
- (b) specifying a place or places at which copies of the Code of Practice may be purchased;
- (c) containing a statement to the effect that a copy of the Code of Practice may be inspected by members of the public at the office of the Registrar during office hours; and
- (d) containing a statement to the effect that the Code of Practice is subject to disallowance by the Legislative Assembly under the *Subordinate Laws Act 1989*.



(2) The Registrar shall ensure that a copy of the Code of Practice to which an approval under section 150M relates is made available for public inspection at the office of the Registrar during office hours.

(3) In this section—

*code of practice* includes any document (or part of a document) the provisions of which are applied by the Code.

**150Q Application for existing operator's certificate**

(1) A person is entitled to apply for an existing operator's certificate if—

- (a) in the period of 2 years immediately preceding the date of the application, the applicant, on not less than 24 occasions, parked a heavy vehicle on residential land; and
- (b) the period of 12 months after the date of commencement of this section has not expired.

(2) An application for an existing operator's certificate shall be—

- (a) in a form approved by the Registrar;
- (b) signed by the applicant;
- (c) accompanied by the determined fee; and
- (d) lodged with the Registrar.

(3) For the purposes of paragraph (1) (a), a heavy vehicle that is parked on residential land on more than 1 occasion on any 1 day shall be taken to have been so parked on 1 occasion.

**150R Issue of existing operator's certificate**

(1) The Registrar shall, if satisfied that an applicant is a person who is entitled to apply under subsection 150Q (1), issue to the person an existing operator's certificate.

(2) The Registrar shall not issue an existing operator's certificate if the Registrar believes on reasonable grounds that the applicant—

- (a) has failed to comply with subsection 150Q (2) or section 150Y; or
- (b) made a statement that was false or misleading in a material particular—
  - (i) in his or her application; or

- (ii) to the Registrar pursuant to a requirement under section 150Y.

**150S Application for exemption**

- (1) A person who is the holder of an existing operator's certificate may apply for an exemption from all or any of the provisions of the Code of Practice.
- (2) An application for an exemption shall—
  - (a) be in a form approved by the Registrar;
  - (b) be signed by the applicant;
  - (c) be accompanied by—
    - (i) the applicant's existing operator's certificate; and
    - (ii) the determined fee; and
  - (d) be lodged with the Registrar.

**150T Grant of exemption**

- (1) The Registrar may—
  - (a) grant an exemption; or
  - (b) refuse to grant an exemption.
- (2) The Registrar shall, in an exemption, specify the conditions (if any) to which the exemption is subject.
- (3) Before granting an exemption, the Registrar shall, if land adjoining the land to which an application relates—
  - (a) is occupied—give notice by post of the making of the application to the occupier and lessee of each adjoining land at the address of the adjoining land; or
  - (b) is unoccupied—give notice by post to the lessee of the adjoining land at the address of the lessee last known to the Registrar.
- (4) A notice under subsection (3) shall—
  - (a) contain a description of the provisions of the Code of Practice from which exemption is sought;
  - (b) invite the occupier and lessee of the land to which the notice relates to make submissions to the Registrar, within 28 days after the date of the notice, why the exemption sought should not be granted; and

*Motor Traffic Act 1936*

- (c) contain a statement to the effect that, if no submissions are received by the Registrar before the expiry of that period of 28 days, the Registrar may grant the exemption.
- (5) In deciding whether to grant an exemption, the Registrar shall—
- (a) take into account any submissions made under subsection (4); and
  - (b) have regard to whether the occupier or lessee would, if the exemption were granted, be adversely affected by the granting of the exemption.
- (6) For the purposes of paragraph (5) (b), in deciding whether an occupier or lessee of an adjoining land would be adversely affected, the Registrar shall take into account—
- (a) the period for which, and the provisions of the Code of Practice from which, exemption is sought;
  - (b) the likely safety, noise and visual consequences of granting the exemption; and
  - (c) any action taken by the applicant to reduce the safety, noise or visual impact on the occupiers of adjoining land including, for that purpose, any landscaping, parking bays, fencing, noise barriers or garaging arrangements on land occupied by the applicant.
- (7) The Registrar shall not grant an exemption if the Registrar believes on reasonable grounds that the applicant—
- (a) has failed to comply with subsection 150S (2) or section 150Y; or
  - (b) 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 section 150Y.

**150U Term of exemption**

An exemption remains in force, subject to this Division, for such period as is specified in writing by the Registrar commencing on the date on which the exemption was granted.

**150V Endorsement of certificates**

Where the Registrar grants an exemption to the holder of an existing operator's certificate, the Registrar shall endorse the certificate with that exemption.

**150W Form of existing operator's certificate**

An existing operator's certificate shall—

- (a) be in a form approved by the Registrar; and
- (b) specify—
  - (i) the name and address of the person to whom it is granted;
  - (ii) each provision of the Code of Practice from which exemption is granted;
  - (iii) whether or not the exemption is subject to conditions;
  - (iv) the vehicle or vehicles to which the exemption relates; and
  - (v) the residential land on which the vehicle or vehicles may be parked in accordance with the exemption.

**150X Variation of conditions of exemptions**

(1) The Registrar may, on application in writing by the holder of an existing operator's certificate, vary the conditions to which an exemption is subject in the manner specified in the application.

(2) Section 150T applies in relation to an application under this section as if a reference to an exemption were a reference to the variation of a condition to which an exemption is subject.

**150Y Further information**

The Registrar may, by written notice to an applicant under—

- (a) section 150Q or 150S; or
- (b) section 150X in relation to the variation of a condition to which an exemption is subject;

require the applicant to give to the Registrar, either orally or in writing, such further information relating to the application as is specified in the notice.

**150Z Issue of copy of existing operator's certificate**

(1) Where the Registrar is satisfied that an existing operator's certificate in force under this Act has been lost, stolen or destroyed, the Registrar shall, on payment of the determined fee, issue to the holder a copy of the certificate and that copy has, for the purposes of this Act, the same force and effect as the certificate.

(2) The holder of an existing operator's certificate which has been lost, stolen or destroyed shall not, without reasonable excuse, fail to notify the Registrar within 14 days of becoming aware of its being lost, stolen or destroyed.

(3) A person shall not, without reasonable excuse, contravene subsection (2).

Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

**150ZA Cancellation of existing operator's certificate or revocation of exemptions**

- (1) Where the Registrar believes on reasonable grounds that—
- (a) an existing operator's certificate in force under subsection 150R (1) or 150Z (1);
  - (b) an exemption in force under section 150T; or
  - (c) the variation under section 150X of a condition to which an exemption is subject;

was issued or granted, as the case requires, in reliance on information given to the Registrar by the applicant which was false or misleading in a material particular, the Registrar may cancel the certificate.

(2) The registrar shall, on request by the holder of an existing operator's certificate, cancel the certificate or revoke an exemption, in accordance with that request.

**150ZB Notice to show cause before cancellation of existing operator's certificate**

(1) The Registrar shall not cancel an existing operator's certificate under subsection 150ZA (1) unless the Registrar has given the person to whom the existing operator's certificate was issued written notice—

- (a) stating the facts and circumstances on which the Registrar relies; and
  - (b) informing the person that he or she may, within 28 days from the date of the notice, by writing given to the Registrar, make submissions to the Registrar concerning any matters stated in the notice.
- (2) In making a decision under section 150ZA, the Registrar shall consider any submissions made in accordance with paragraph (1) (b).
- (3) Subject to this Division, where an application is made under section 217D for the review of a decision by the Registrar under subsection 150ZA (1), the existing operator's certificate is deemed to have continued and to continue in force pending the determination or withdrawal of the appeal.
- (4) Where no application is made under section 217D for the review of a decision by the Registrar under section 150ZA, the cancellation of the existing operator's certificate takes effect at the expiration of 14 days after the day on which the Registrar gives the person to whom the certificate was issued notice in writing of the cancellation under subsection 217C (1).

#### **150ZC Inspections etc**

An inspector may enter land—

- (a) with the consent of the occupier of the land; or
- (b) pursuant to a warrant issued under section 150ZG or 150ZH;

and, subject to section 150ZE, exercise any power referred to in section 150ZF if the inspector has reasonable grounds for believing that the provisions of this Division are not being complied with.

#### **150ZD Consent to entry**

- (1) Before seeking the consent of the occupier of land for the purposes of section 150ZC, an inspector shall inform the occupier that he or she may refuse to give that consent.
- (2) If an inspector obtains the occupier's consent for those purposes, the inspector shall ask the occupier to sign a written acknowledgment—
- (a) that the occupier has been informed that he or she may refuse to give consent, for the purposes of section 150ZC, for the inspector to enter the land and to exercise any power under section 150ZF;
  - (b) that the occupier has given the inspector that consent; and

(c) of the day on which, and the time at which, the consent was given.

(3) Where it is material, in any proceedings, for a court to be satisfied that an occupier has consented for the purposes of section 150ZC and an acknowledgment, in accordance with subsection (2), signed by the occupier, is not produced in evidence, it shall be presumed that the occupier did not consent, but that presumption is rebuttable.

#### **150ZE Display of identity cards**

An inspector who enters land under section 150ZC is not entitled to remain on the land if, on request by the occupier, the inspector does not show his or her identity card to the occupier.

#### **150ZF Powers of inspection**

(1) Subject to this Division, an inspector who enters land under section 150ZC may—

- (a) inspect, examine and take measurements of any vehicle on that land that the inspector has reasonable grounds for believing is a heavy vehicle;
- (b) take such photographs or video recordings, or make such sketches or other recordings, as the inspector believes on reasonable grounds to be necessary;
- (c) require any person in or on the land—
  - (i) to give the inspector such information; or
  - (ii) to produce to the inspector any document containing such information;relating to the use of the land;
- (d) require any person in or on the land to answer questions; and
- (e) require any person on the land to give the inspector such assistance as is reasonable to enable the inspector to exercise his or her powers under this section.

(2) A person shall not, without reasonable excuse, fail to comply with a requirement made of the person under paragraph (1) (c), (d) or (e).

Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

**150ZG Search warrants**

(1) Where an inspector has reasonable grounds for believing that there is, or there will be within the next 72 hours, in or on any land, any evidential material, the inspector may—

- (a) lay before a Magistrate an information on oath setting out those grounds; and
- (b) apply for the issue of a warrant to search the land for that evidential material.

(2) Where an application is made under subsection (1) for a warrant to search land, a Magistrate may, subject to subsection (3), issue a warrant authorising an inspector named in the warrant, with such assistance and by such force as is necessary and reasonable—

- (a) to enter the land;
- (b) to ascertain whether or not a parking infringement has been committed on the land; and
- (c) to search the land for evidential material of the kind specified in the warrant.

(3) A Magistrate shall not issue a warrant under subsection (2) unless—

- (a) the informant or another person has given the Magistrate, either orally or by affidavit, any further information that the Magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
- (b) the Magistrate is satisfied that there are reasonable grounds for issuing the warrant.

(4) A warrant shall include statements of the following matters:

- (a) the parking infringement to which it relates;
- (b) a description of the land to which the warrant relates;
- (c) the kinds of evidential material that are to be searched for under the warrant;
- (d) the name of the inspector who is responsible for executing the warrant;
- (e) the period not exceeding 28 days for which the warrant remains in force;
- (f) subject to subsection (5), the times during which the search is authorised.



(5) If the application for the warrant is made under section 150ZH, this section applies as if—

- (a) subsection (1) referred to 48 hours instead of 72 hours; and
- (b) paragraph (4) (e) referred to 48 hours instead of 28 days.

**150ZH Warrants by telephone or other electronic means**

(1) An inspector may make an application to a Magistrate for a warrant by telephone, telex, facsimile or other electronic means if the delay that would occur if an application were made in person would frustrate the effective execution of the warrant.

(2) The Magistrate may require communication by voice to the extent that is practicable in the circumstances.

(3) An application under this section shall include all information required to be provided in an ordinary application for a warrant, but the application may, if necessary, be made before the information is sworn.

(4) If an application is made to a Magistrate under this section and the Magistrate—

- (a) after considering the application; and
- (b) having received and considered such further information (if any) as the Magistrate required;

is satisfied that the delay that would occur if an application were made in person would frustrate the effective execution of the warrant, the Magistrate may complete and sign the same form of warrant that would be issued under section 150ZG.

(5) If the Magistrate decides to issue the warrant, the Magistrate is to inform the applicant, by telephone, telex, facsimile or other electronic means, of the terms of the warrant and the day on which and the time at which it was signed.

(6) The applicant shall then complete a form of warrant in terms substantially corresponding to those given by the Magistrate, stating on the form the name of the issuing officer and the day on which and the time at which the warrant was signed.

(7) The applicant shall, not later than the day after the day of expiry of the warrant or the day after the day on which the warrant was executed, whichever is the earlier, give or transmit to the Magistrate the form of

*Motor Traffic Act 1936*

warrant completed by the applicant and, if the information referred to in subsection (3) was not sworn, that information duly sworn.

(8) The Magistrate is to attach to the documents provided under subsection (7) the form of warrant completed by the Magistrate.

(9) If—

- (a) it is material, in any proceedings, for a court to be satisfied that the exercise of a power under a warrant issued under this section was duly authorised; and
- (b) the form of warrant signed by the Magistrate is not produced in evidence;

the Court is to assume, unless the contrary is proved, that the exercise of the power was not duly authorised.

(10) A Magistrate may delegate all or any of his or her powers under this section to the Registrar of the Magistrates Court or a Deputy Registrar of that Court.

***Division 5—Offences***

**151 Stopping etc adjacent to boundary**

(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.

**152 Parking etc in public streets regulated by traffic signs**

(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.

(3AA) 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 is not more than 30 minutes, a disabled person shall not park a motor vehicle or trailer in the part of the public street to which the sign relates—

- (a) for a period exceeding 2 hours; and

*Motor Traffic Act 1936*

- (b) unless there is displayed in or on the motor vehicle a disability label.

**(3AB)** 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—

- (a) that parking in the part of the public street to which the sign relates is reserved for motor vehicles displaying a disability label; and
- (b) the period of time for which parking is permitted in the part of the public street to which the sign relates;

a disabled 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.

**(3AC)** A disabled person does not contravene subsection (3) if—

- (a) the sign bears an inscription indicating the period of time for which parking is permitted is more than 30 minutes; and
- (b) there is displayed in or on the motor vehicle a disability label.

**(3AD)** A person does not contravene subsection (3) if—

- (a) the motor vehicle is being used by or on behalf of a community organisation for the purposes of the organisation;
- (b) a label has been issued to the organisation under paragraph 150A (2) (c) specifying the part of a public street or public place to which the label relates;
- (c) the label is displayed in or on the motor vehicle; and
- (d) the motor vehicle is parked in the part of the public street or public place so specified.

**(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—

*Motor Traffic Act 1936*

- (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;
  - (ab) park a motor vehicle in the part of a public street to which the sign relates unless—
    - (i) the person is a disabled person, a disabled person is a passenger in the motor vehicle and the motor vehicle is parked for the purpose of setting down the disabled person, or the vehicle is parked for the purposes of picking up a disabled person; or
    - (ii) the motor vehicle is being used by or on behalf of a community organisation for the purposes of the organisation;and there is displayed in or on the motor vehicle a disability label or label issued to a community organisation, as the case requires; 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

*Motor Traffic Act 1936*

- (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.
- (7) A reference in subsections (3AA), (3AB) and (3AC) to a disabled person shall be read as including a reference to the driver of a motor vehicle—
- (a) in which a disabled person is a passenger; or
  - (b) being parked for the purpose of picking up a disabled person.

**153 Bus stops**

- (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.

**154 Taxis, restricted taxis, private hire cars and restricted hire vehicles**

- (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 or restricted hire vehicle shall not park the private hire car or restricted hire vehicle 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, private hire car or restricted hire vehicle was hired during the period for which it was parked;
  - (b) the driver of the taxi, private hire car or restricted hire vehicle 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, private hire car or restricted hire vehicle was so parked by or at the direction, or with the consent, of a police officer in uniform or a motor traffic officer.

**155 Parking in public places**

(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.

(3A) Where a parking sign bearing an arrow is erected, placed or displayed in a public place and an inscription on the sign indicates the period of time for which parking is permitted is not more than 30 minutes, a disabled person shall not park a motor vehicle or trailer in the part of the public place to which the sign relates—

- (a) for a period of time exceeding 2 hours; and
- (b) unless there is displayed in or on the motor vehicle a disability label.

(3B) Where a parking sign bearing an arrow is erected, placed or displayed in a public place and the sign bears an inscription indicating—

- (a) that parking in the part of the public place to which the sign relates is reserved for motor vehicles displaying a disability label; and
- (b) the period of time for which parking is permitted in the part of the public place to which the sign relates;

*Motor Traffic Act 1936*

a disabled person shall not park a motor vehicle or trailer in the part of the public place to which the sign relates for a period of time exceeding the period so indicated.

- (3C)** A disabled person does not contravene subsection (3) if—
- (a) the sign bears an inscription indicating the period of time for which parking is permitted is more than 30 minutes; and
  - (b) there is displayed in or on the motor vehicle a disability label.
- (3D)** A person does not contravene subsection (3) if—
- (a) the motor vehicle is being used by or on behalf of a community organisation for the purposes of the organisation;
  - (b) a label has been issued to the organisation under paragraph 150A (2) (c) specifying the part of the public street or public place to which the label relates;
  - (c) the label is displayed in or on the motor vehicle; and
  - (d) the motor vehicle is parked in the part of the public street or public place so specified.
- (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;
  - (ab) park a motor vehicle in the part of a public street to which the sign relates unless—



*Motor Traffic Act 1936*

- (i) the person is a disabled person, a disabled person is a passenger in the motor vehicle and the motor vehicle is parked for the purpose of setting down the disabled person, or the vehicle is parked for the purposes of picking up a disabled person; or
    - (ii) the motor vehicle is being used by or on behalf of a community organisation for the purposes of the organisation;  
and there is displayed in or on the motor vehicle a disability label or label issued to a community organisation, as the case requires;  
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.
- (7) A reference in subsections (3A), (3B) and (3C) to a disabled person shall be read as including a reference to the driver of a motor vehicle—
- (a) in which a disabled person is a passenger; or
  - (b) being parked for the purpose of picking up a disabled person.

**156 Off-street parking and loading zones—further regulation**

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.

**157 Parking in loading zones**

(1) A person shall not—

- (a) stop or park a motor vehicle, other than a goods vehicle; 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.

**158 Other parking offences**

(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;

*Motor Traffic Act 1936*

- (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;
  - (ja) within 6 metres of a marked footcrossing;
  - (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.

***Division 6—Parking infringements***

**159 Parking infringements—liability**

(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;

*Motor Traffic Act 1936*

- (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

*Motor Traffic Act 1936*

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.

**160 Liability**

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.

**161 Evidence of registration of motor vehicle**

(1) For the purposes of this Part, a document issued—

- (a) by the Registrar; or
- (b) by an officer having duties in connection 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.

**162 Parking infringement notices**

(1) Where a police officer or a motor traffic 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.

*Motor Traffic Act 1936*

- (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;



*Motor Traffic Act 1936*

- (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.

**162A Final notice—non-payment of penalty**

**(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

*Motor Traffic Act 1936*

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.

#### **162B Discharge of liability**

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.

**162C Disputing liability under parking infringement notice or final notice**

(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.

**162D Disputed notices—application to Court for declaration**

(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.

### **162E Suspension of licences, registration etc**

(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; or
- (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;

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;

*Motor Traffic Act 1936*

- (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 in respect of the period of time for which the licence or registration is suspended.

(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.

**162EA Effect of suspension**

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).

**162EB Transfer of registration while suspended**

Where—

- (a) the registration of a motor vehicle is suspended under subparagraph 162E (1) (e) (ii) or (f) (i); and
- (b) the registration is transferred under section 22 so that the former owner ceases to own the vehicle;

the Registrar shall, on the transfer of registration, revoke the suspension.

**162F Revocation of suspension**

The Registrar shall revoke 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.

**162G Statutory declarations—general**

(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.

**162H Reinstatement of licences, registration etc**

(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

*Motor Traffic Act 1936*

- (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 the Court declares that a person is not liable in respect of a parking infringement, the Registrar shall revoke the relevant suspension by notice in writing given to the person.

(5) The Registrar shall not take action under subsection (4) 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 revoked 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 revocation.

(7) Where a suspension under section 162E is revoked 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.

**162J Bodies corporate—recovery of penalties etc**

- (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 revoke the suspension under subparagraph 162E (1) (f) (ii).

**162K Costs of applications to Court**

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.

**162L Evidentiary provision—general**

- (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

*Motor Traffic Act 1936*

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.

**162M Applications—how made**

An application under section 162D or 162H shall be made pursuant to subsection 22 (2) of the *Magistrates Court (Civil Jurisdiction) Act 1982*.

**163 Bar to criminal proceedings**

A criminal proceeding does not lie against a person for a contravention of section 150G, 150H, 150J, 151, 152, 153, 154, 155, 156, 157, 158, 163D, 163E, 163F or 163M.

*Division 7—Voucher machines and parking meters*

**163A Multi-bay parking meter—display of word “expired”**

In this Division, a reference to the display by a parking meter of the word “expired”, where it applies to a multi-bay parking meter, is to be taken to include a reference to the display of the word “expired” upon the pressing of a button that relates to a particular designated parking place.

**163B Authorisation of voucher machines and parking meters**

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.

**163BA Multi-bay parking meters**

(1) A designated parking place to which a multi-bay parking meter applies shall be marked—

- (a) with a number; and
- (b) with an arrow indicating the direction of the parking meter;

in or adjacent to the relevant designated parking place.

(2) A multi-bay parking meter shall identify by number each designated parking place to which it applies.

**163C Parking fees**

(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).

**163D Only 1 vehicle to be parked on designated parking place**

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.

**163E Purchase and display of vouchers**

(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—

*Motor Traffic Act 1936*

- (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 as 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.

**(8)** Subsection (1) does not apply to the standing or parking of a motor vehicle or trailer on a public place or in a public street in or near which a voucher machine is installed which, or in relation to which, a parking sign specifies the maximum period for which a motor vehicle may be parked—

- (a) where the period specified is not more than 30 minutes, if—
  - (i) the period of 2 hours has not expired from the time at which the motor vehicle was so stood or parked; and

- (ii) there is displayed in or on the motor vehicle a disability label;
  - (b) where the period specified is more than 30 minutes—if there is displayed in or on the motor vehicle a disability label; or
  - (c) in the case of a motor vehicle being used by or on behalf of a community organisation for the purposes of the organisation—
    - (i) where the period specified is not more than 2 hours—
      - (A) the period so specified has not expired; and
      - (B) there is displayed in or on the motor vehicle a label issued to the organisation under paragraph 150A (2) (c); or
    - (ii) where the period specified is more than 2 hours, if—
      - (A) the period of 2 hours has not expired from the time at which the motor vehicle was so stood or parked; and
      - (B) there is displayed in or on the motor vehicle a label issued to the organisation under paragraph 150A (2) (c).
- (9) A person does not contravene subsection (1) if—
- (a) the motor vehicle is being used by or on behalf of a community organisation for the purposes of the organisation;
  - (b) a label has been issued to the organisation under paragraph 150A (2) (c) specifying the part of a public street or public place to which the label relates;
  - (c) the label is displayed in or on the motor vehicle; and
  - (d) the motor vehicle is parked in the part of the public street or public place so specified.

**163F Expired parking meter**

(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 in respect of that designated parking place.

(2) Where—

- (a) a person stands or parks a motor vehicle or trailer upon a designated parking place during controlled parking hours;

*Motor Traffic Act 1936*

- (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” in respect of that designated parking place; and
- (c) the person 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).

**(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.

**(4)** Subsection (1) does not apply to the standing or parking of a motor vehicle or trailer on a public place or in a public street in or near which a parking meter is installed which, or in relation to which, a parking sign specifies the maximum period for which a motor vehicle may be parked—

- (a) where the period specified is not more than 30 minutes, if—
  - (i) the period of 2 hours has not expired from the time at which the motor vehicle was so stood or parked; and
  - (ii) there is displayed in or on the motor vehicle a disability label; or
- (b) where the period specified is more than 30 minutes—if there is displayed in or on the motor vehicle a disability label; or
- (c) in the case of a motor vehicle being used by or on behalf of a community organisation for the purposes of the organisation—
  - (i) where the period specified is not more than 2 hours—
    - (A) the period so specified has not expired; and
    - (B) there is displayed in or on the motor vehicle a label issued to the organisation under paragraph 150A (2) (c); or
  - (ii) where the period specified is more than 2 hours, if—
    - (A) the period of 2 hours has not expired from the time at which the motor vehicle was so stood or parked; and
    - (B) there is displayed in or on the motor vehicle a label issued to the organisation under paragraph 150A (2) (c).

- (5) A person does not contravene subsection (1) if—
- (a) the motor vehicle is being used by or on behalf of a community organisation for the purposes of the organisation;
  - (b) a label has been issued to the organisation under paragraph 150A (2) (c) specifying the part of a public street or public place to which the label relates;
  - (c) the label is displayed in or on the motor vehicle; and
  - (d) the motor vehicle is parked in the part of the public street or public place so specified.

**163G Interference with displayed parking vouchers**

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: 1 penalty unit.

**163H Abuse of parking meters and voucher machines**

- (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.
- (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: 5 penalty units.

**163J Unauthorised installation of or interference with parking meters and voucher machines etc**

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: 5 penalty units.

**163K Unauthorised removal of parking meters etc**

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: 30 penalty units.

**163L Evidence of authorised installation of parking meters and voucher machines**

- (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.

**163LA Presumption regarding parking meter hoods**

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.

**163M Covering of parking meters**

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”.

**163MA Unauthorised removal of parking meter covers**

A person shall not, without the authority of the Minister, remove a parking meter hood from a parking meter.

Penalty: 5 penalty units.

**163MB Authorised removal of parking meter hoods**

Where—

- (a) a parking meter hood bearing 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 a designated parking place to which the parking meter applies;

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 in respect of that designated parking place upon the insertion of coins on any 1 occasion.

*Division 8—Miscellaneous*

**163N Suspension of operation of certain sections**

(1) If, for any reason, the Minister is satisfied that the operation of any provision of section 150G, 150H, 150J, 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.

**164 Circumstances in which certain provisions not contravened**

(1) A person shall not be taken to contravene section 150G, 150H, 150J, 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 (1) (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 150G, 150H, 150J, 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 150G, 150H, 150J, 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 10A—SEAT BELTS AND CHILD RESTRAINTS**

### **164A Interpretation**

(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.

**164B Wearing of seat belt by driver of prescribed vehicle**

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.

**164C Wearing of seat belts by passengers in prescribed vehicles**

(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.

**164D Children and young persons**

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.

#### **164DA Suitability of child restraints and seat belts**

(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.

#### **164DB Exceptions for the purposes of section 164D**

(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, private hire car or restricted hire vehicle;
- (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 a Commonwealth vehicle.

(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.

(3) In this section—

**Commonwealth vehicle** means a motor vehicle that is owned by the Commonwealth and—

- (a) that bears a label on its windscreen that—
  - (i) is attached by authority of the Commonwealth; and
  - (ii) displays the letter “C” followed by a 7-pointed star, both in white against a blue background, and the word “COMCAR” in blue against a white background; or
- (b) that is, or is within a class of motor vehicles that is, declared by the Minister by instrument published in the *Gazette* to be a Commonwealth vehicle for the purposes of this section.

#### **164E Defences**

(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.

*Motor Traffic Act 1936*

- (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.



*Motor Traffic Act 1936*

(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.

**164F Offence against this Part not to affect damages in respect of death of, or injury to, child**

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.

**PART 11—OFFENCES**

**164FA Definitions for Pt XI**

(1) In this Part—

*radar detecting device* means a device designed to be fitted to, or carried in, a motor vehicle for the purpose of detecting electromagnetic radiation from a traffic offence detection device.

**radar jamming device** means a device designed to be fitted to, or carried in, a motor vehicle for the purpose of interfering with the receiving by a traffic offence detection device of reflected electromagnetic radiation.

(2) In this section—

**designed** includes adapted or apparently designed or adapted.

### **164G Sale, purchase or use of radar detectors and jammers**

(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: 20 penalty units.

### **164H Defences to prosecution**

(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.

**164I Surrender of device**

- (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.
- (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: 20 penalty units.

**164J Forfeiture of device**

- (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 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.
- (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.

**165 Vehicles to be registered**

- (1) A person shall not, on a public street, drive or leave standing a motor vehicle or trailer that is not registered under this Act.
- (2) It is a defence to proceedings for a breach of subsection (1) that, in the case of a motor vehicle—

*Motor Traffic Act 1936*

- (a) trader's plates are, or a trader's plate is, lawfully attached to it in accordance with Part 4;
- (b) the vehicle is a visiting motor vehicle;
- (c) the vehicle—
  - (i) is registered under the law of a State or another Territory;
  - (ii) bears the number plates that, under the law of its place of registration, it is required to bear, and they are affixed in accordance with the requirements of that law; and
  - (iii) is owned by a person who is not a resident of the Territory or who has resided in the Territory for less than 3 months;
- (d) the vehicle is exempted under section 107B from the requirement of being registered under this Act;
- (e) the vehicle is proceeding to the office of the Registrar for the purpose of being registered; or
- (f) the vehicle is being removed or operated under a licence referred to in section 216.

(3) For the purposes of this section a motor vehicle or trailer shall be taken to be owned by the person whose name is specified in its certificate of registration.

**166 Driving motor vehicle differing from description in certificate**

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.

**167 Owner to require driver to produce licence**

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.

**168 Unauthorised use of motor vehicles as taxis etc**

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 public motor vehicle, private hire car or restricted hire vehicle;

*Motor Traffic Act 1936*

- (b) for the carriage of goods for monetary or other material consideration;
- (c) for the carriage of a person or of persons for monetary or other 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: 50 penalty units.

**169 Unauthorised use of farm vehicles**

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: 50 penalty units.

**170 Motor vehicles and trailers to bear number-plates**

(1) 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.

(2) A visiting motor vehicle may bear the number-plate allotted or authorised 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.

(3) 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.

**171 Number-plates not to be covered**

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.

**171A Unauthorised use of “L” and “P” plates**

(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 7A (8) (b).

(2) A person, other than a person referred to in subsection 7B (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 7B (21).

**172 Licence and learner licence receipt to be produced on demand**

(1) Any driver of a motor vehicle who, when required by an officer 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 officer.

(2) Any driver of a motor vehicle who, when required by an officer 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.

*officer* means—

- (a) the Registrar;
- (b) an inspector;
- (c) a motor traffic officer; or
- (d) a police officer.

**173 Driver to stop vehicle when required by an inspector or a member of Police Force**

The driver of a motor vehicle who, upon being requested so to do by an inspector or a police officer, fails to stop the vehicle shall be guilty of an offence.

**174 Driver or owner of vehicle to furnish information when required**

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 an inspector, a motor traffic officer or a police officer 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.

**176 Driver to be licensed etc**

(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 authorised by the Registrar in connection 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.

*Motor Traffic Act 1936*

(4) This section does not apply to or in respect of a learner who complies with section 7A.

(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 GCM 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.

### **177 Obtaining licence or certificate etc by misrepresentation**

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.

**178 Driver to stop in case of accident**

(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 a motor traffic officer;
  - (iv) by a police officer; 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 or her name and place of abode to a police officer 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.

**179 Hiring car by fraud**

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.

**180 Production of licence in court**

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 11A—INFRINGEMENT NOTICES FOR CERTAIN OFFENCES**

*Division 1—Interpretation*

**180A Definitions for Pt 11A**

In this Part—

*administering authority*, for an infringement notice offence, means the person or unincorporated body that, under the regulations, is the administering authority for the offence.

*authorised person* means—

- (a) for an infringement notice for an infringement notice offence—
  - (i) the administering authority; or
  - (ii) a person who is authorised, in writing, by the administering authority to serve an infringement notice for the offence; or
  - (iii) anyone else who, under the regulations, may serve an infringement notice for the offence; or
- (b) for a reminder notice for an infringement notice offence—
  - (i) the administering authority; or
  - (ii) a person who is authorised, in writing, by the administering authority to serve a reminder notice for the offence; or
  - (iii) anyone else who, under the regulations, may serve a reminder notice for the offence.

*Motor Traffic Act 1936*

**camera-detected offence** means an offence detected by an approved camera detection device within the meaning given by section 180ZD (Definitions for Pt 11C).

**corporation** includes a body politic or corporate.

**date of service**, of an infringement notice or reminder notice that has been, or is to be, served on a person, means the date the notice is served on the person.

**executive officer**, of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

**illegal user declaration** means a statutory declaration mentioned in section 180K.

**infringement notice** means a notice under section 180D (Service of infringement notices generally) or 180E (Service of infringement notices on vehicle owners).

**infringement notice declaration** means an illegal user declaration, known user declaration, sold vehicle declaration or unknown user declaration.

**infringement notice offence** means an offence (other than an indictable offence) declared under the regulations to be an offence to which this Part applies.

**infringement notice penalty**, for a person for an infringement notice offence, means—

- (a) the amount prescribed under the regulations as the penalty payable by the person for the offence under an infringement notice for the offence; or
- (b) if a reminder notice has also been served on the person for the offence—the total of the amount mentioned in paragraph (a) and the amount prescribed under the regulations as the amount payable by the person for the cost of serving the reminder notice.

**known user declaration** means a statutory declaration mentioned in section 180L.

**reminder notice** means a notice under section 180MG.

*Motor Traffic Act 1936*

***sold vehicle declaration*** means a statutory declaration mentioned in section 180M.

***unknown user declaration*** means a statutory declaration mentioned in section 180MA.

***vehicle*** includes anything that, under the regulations, is to be treated as a vehicle for this Part.

***Division 2—Service of documents under this Part generally***

**180B Service of documents**

(1) Sections 17A and 18 of the *Interpretation Act 1967* apply to the service of a document on a person under this Part (whether the word ‘serve’, ‘give’ or ‘send’ or any other word is used).

(2) However, section 18 of the *Interpretation Act 1967* does not affect the operation of section 160 of the *Evidence Act 1995* of the Commonwealth.

*Note* Interpretation Act s 17A is about service of documents generally, and s 18 is about service of documents by post. Cwlth Evidence Act s 160 provides a rebuttable presumption that a postal article sent by prepaid post addressed to a person at an address in Australia or an external Territory was received at that address on the 4th working day after posting.

***Division 3—Infringement and reminder notices***

**180C Purpose and effect of Division**

(1) The purpose of this Division is to create a system of infringement notices for certain offences as an alternative to prosecution.

(2) This Division does not—

- (a) require an infringement or reminder notice to be served on a person; or
- (b) affect the liability of a person to be prosecuted for an offence if an infringement or reminder notice is not served on the person for the offence; or
- (c) prevent the service of 2 or more infringement notices on a person for an offence; or
- (d) affect the liability of a person to be prosecuted for an offence if—
  - (i) the person does not comply with an infringement or reminder notice served on the person for the offence; or

- (ii) an infringement notice served on the person is withdrawn;  
or
- (e) limit or otherwise affect the penalty that may be imposed by a court on a person convicted of an offence.

**180D Service of infringement notices generally**

If an authorised person believes, on reasonable grounds, that a person has committed an infringement notice offence, the authorised person may serve a notice (an ‘infringement notice’) on the person for the offence.

**180E Service of infringement notices on vehicle owners**

- (1) This section applies if an authorised person believes, on reasonable grounds, that an infringement notice offence involving a vehicle has been committed.
- (2) The authorised person may serve an infringement notice on—
  - (a) the owner of the vehicle at the time of the offence; or
  - (b) if there are 2 or more owners of the vehicle at that time—each or any of the owners.
- (3) If an infringement notice is to be served on a person under this section by post, the notice may be addressed to the person—
  - (a) at the person’s last home or business address known to the registrar; or
  - (b) if the vehicle is registered under a law of the Commonwealth, a State or another Territory corresponding to Part 2 (Registration of Motor Vehicles)—at the latest home or business address of the person in the registration records kept under that law.
- (4) As an alternative to the ways permitted under section 17A of the *Interpretation Act 1967*, an infringement notice for an offence involving a vehicle may be served under this section by securely placing or attaching the notice, addressed to ‘the owner’ (without further description), on or to the vehicle in a conspicuous position.
- (5) If an infringement notice is served in the way mentioned in subsection (4), it is taken to have been served, on the day that it is placed on or attached to the vehicle, on—
  - (a) the owner of the vehicle; or

- (b) if there are 2 or more owners of the vehicle on that day—each of the owners.

(6) A person must not remove, deface or interfere with an infringement notice placed on, or attached to, a vehicle unless the person is the driver or the owner (or an owner) of the vehicle.

Penalty: 20 penalty units.

(7) The regulations may provide that an infringement notice for an infringement notice offence may only be served on a person under this section within the prescribed period after the day on which the offence was committed.

(8) To remove any doubt, this section does not prevent an infringement notice being served on a person under section 180D (Service of infringement notices generally) for an infringement notice offence involving a vehicle.

#### **180F Contents of infringement notices**

(1) An infringement notice served on a person by an authorised person for an infringement notice offence must—

- (a) be identified by a unique number; and
- (b) state the date of service of the notice; and
- (c) state—
  - (i) the full name, or surname and initials, and address of the person; or
  - (ii) the particulars that are, under the regulations, identifying particulars for the person; and
- (d) give brief details of the offence, including the law and provisions of the law contravened by the person and—
  - (i) if the offence took place over a period and did not involve a vehicle—the period when the offence was committed; or
  - (ii) in a case prescribed under the regulations—the particulars that are, under the regulations, identifying particulars for the offence; or
  - (iii) in any other case—the place where the offence was committed and the date and approximate time of the offence; and

- (e) if the offence involved a vehicle—state the particulars (if any) that are, under the regulations, identifying particulars for the vehicle; and
  - (f) if the offence involved an animal—state the particulars (if any) that are, under the regulations, identifying particulars for the animal; and
  - (g) state the infringement notice penalty payable by the person for the offence; and
  - (h) contain the information required by section 180G (Additional information in infringement notices) and any additional information that the administering authority considers appropriate; and
  - (i) identify the authorised person in accordance with the regulations; and
  - (j) include anything else prescribed under the regulations.
- (2) Paragraph (1) (c) does not apply to the infringement notice if the notice is served in the way mentioned in subsection 180E (4) (Service of infringement notices on vehicle owners) or the regulations provide that the paragraph does not apply to the infringement notice.

**180G Additional information in infringement notices**

- (1) The infringement notice must also tell the person on whom it is served that—
- (a) the person may pay the infringement notice penalty for the offence or dispute liability for the offence within 28 days after the day on which the notice is served on the person (the ‘date of service’ of the notice); and
  - (b) the person may apply to the administering authority for longer time in which to pay the penalty or dispute liability for the offence; and
  - (c) the notice may be withdrawn before or after the penalty is paid; and
  - (d) if the person pays the penalty within the 28 days (or any longer time allowed by the administering authority), then, unless the infringement notice is withdrawn and any penalty refunded—
    - (i) any liability of the person for the offence is discharged; and



*Motor Traffic Act 1936*

- (ii) the person will not be prosecuted in court for the offence;  
and
  - (iii) the person will not be taken to have been convicted of the offence; and
  - (e) if the person wishes to dispute liability for the offence, the matter may be referred to the Magistrates Court; and
  - (f) if the Magistrates Court finds against the person or the person is prosecuted in court for the offence, the person may be convicted of the offence and ordered to pay a penalty and costs, and be subject to other court orders; and
  - (g) if the person does not pay the infringement notice penalty, or dispute liability for the offence within the 28 days (or any longer time allowed by the administering authority), a reminder notice may be served on the person for the offence or the person may be prosecuted in court for the offence; and
  - (h) if a reminder notice is served on the person, the infringement notice penalty is increased by the amount payable by the person for the cost of serving the reminder notice; and
  - (i) if the offence involved a vehicle and the person does not pay the infringement notice penalty, or dispute liability for the offence, within 28 days after the reminder notice is served on the person (or any longer time allowed by the administering authority) payment of the penalty may be enforced under Division 4.
- (2) In addition, the infringement notice must—
- (a) explain how the person may pay the infringement notice penalty or dispute liability for the offence; and
  - (b) explain how the person may apply for longer time to pay the infringement notice penalty or dispute liability for the offence; and
  - (c) if the offence involved a vehicle—
    - (i) tell the person how many demerit points will be incurred if the person pays the infringement notice penalty or is convicted of the offence; and
    - (ii) tell the person, in general terms, about the enforcement procedures under Division 4; and

- (d) if the offence involved a vehicle and the infringement notice is served under section 180E (Service of infringement notices on vehicle owners)—tell the person, in general terms, about section 180J (Liability for infringement notice offences involving vehicles), and explain how the person may make and give to the administering authority the infringement notice declarations mentioned in section 180J; and
- (e) if the offence is a camera-detected offence—state that the offence is a camera-detected offence, and tell the person—
  - (i) how to inspect and obtain a copy of the image taken by the traffic offence detection device; and
  - (ii) that, if the person is a corporation or was not the driver of the vehicle at the time of the offence, the person must make and give an infringement notice declaration to the administering authority.

**180H Time for payment of infringement notice penalty**

The infringement notice penalty payable by a person under an infringement notice or reminder notice is payable—

- (a) within 28 days after the date of service; or
- (b) if the person applies to the administering authority within the 28 days for additional time to pay and the additional time is allowed—within the additional time allowed by the administering authority; or
- (c) if the person applies to the administering authority within the 28 days for additional time to pay and the application is refused—within 7 days after the day the person is told of the refusal or 28 days after the date of service, whichever is later.

**180I Extension of time to pay penalty**

(1) The person on whom an infringement notice or reminder notice is served may apply, in writing, to the administering authority, within 28 days after the notice is served on the person, for additional time of not longer than 6 months in which to pay the infringement notice penalty.

(2) The administering authority must—

- (a) allow or refuse to allow the additional time; and

- (b) tell the person in writing of the decision and, if the decision is a refusal, the reasons for it.

**180J Liability for infringement notice offences involving vehicles**

(1) If an infringement notice for an infringement notice offence is served on a person under section 180E (Service of infringement notices on vehicle owners), the person on whom the notice is served is liable for the offence, and may be convicted of and punished for the offence, even though the person who actually committed the offence (the ‘actual offender’) may have been someone else.

(2) If the actual offender is not the owner (or an owner) of the vehicle at the time of the offence, subsection (1) does not affect the liability of the actual offender, but—

- (a) an additional penalty for the offence may not be recovered from or imposed on the actual offender if an infringement notice penalty for the offence has been paid by, or a penalty has been imposed on, the owner (or an owner) of the vehicle at that time; and
- (b) an additional penalty for the offence may not be recovered from or imposed on the owner (or an owner) of the vehicle at that time if an infringement notice penalty for the offence has been paid by, or a penalty has been imposed on, the actual offender.

(3) However, in a prosecution against an owner for an infringement notice offence involving a vehicle, the Magistrates Court must not find a person liable for the offence because of subsection (1) if—

- (a) the court is satisfied (whether or not because of statements in an illegal user declaration made and given to the administering authority by the person in accordance with section 180K) that the vehicle was stolen or illegally taken or used at the time of the offence; or
- (b) the person made and gave to the administering authority a known user declaration in accordance with section 180L for the offence and, if the person is an individual, the court is satisfied (whether or not because of statements in the known user declaration) that someone else was the driver of the vehicle at the time of the offence; or
- (c) the court is satisfied (whether or not because of statements in a sold vehicle declaration made and given to the administering

authority by the person in accordance with section 180M) that the vehicle or all of the person's interest in the vehicle had been sold or disposed of by the person before the time of the offence, and that at that time the person did not have an interest in the vehicle; or

- (d) the court is satisfied (whether or not because of statements in an unknown user declaration made and given to the administering authority by the person in accordance with section 180MA) that—
- (i) the person was not the driver of the vehicle at the time of the offence; and
  - (ii) the person does not know, and could not with reasonable diligence have found out, the name and address of the person who was the driver of the vehicle at that time.

**180K Illegal user declarations**

(1) This section applies if—

- (a) an infringement notice for an infringement notice offence is served on a person under section 180E (Service of infringement notices on vehicle owners); and
- (b) the person makes a statutory declaration (an 'illegal user declaration') stating that the vehicle was stolen, or illegally taken or used, at the time of the offence and providing all relevant facts supporting that statement, including details of where and when the matter was reported to the police; and
- (c) the person gives the illegal user declaration to the administering authority within 28 days after the day on which the infringement notice, or a reminder notice for the offence, is served on the person (or any longer time allowed by the administering authority).

(2) An infringement notice for the offence may be served under section 180D (Service of infringement notices generally) on the person (if any) stated in the illegal user declaration as the person (the 'named offender') who was illegally in charge of the vehicle at the time of the offence.

(3) If a document (including an infringement notice or reminder notice) is to be served on the named offender under this Part by post in relation to the offence, the document may be addressed to the named offender at his or her home or business address (if any) stated in the illegal user declaration.

(4) Sections 180J (Liability for infringement notice offences involving vehicles) and 180L (Known user declarations) apply as if the named offender were the owner of the vehicle at the time of the offence and the infringement notice had been served on the named offender under section 180E (Service of infringement notices on vehicle owners).

(5) However, a proceeding for the offence may be commenced in a court against the named offender only if a copy of the illegal user declaration has been served on the named offender by an authorised person.

(6) In a proceeding against the named offender for the offence, the illegal user declaration is evidence that the named offender was the driver of the vehicle at the time of the offence.

**180L Known user declarations**

(1) This section applies if—

- (a) an infringement notice for an infringement notice offence is served on a person under section 180E (Service of infringement notices on vehicle owners); and
- (b) the person makes a statutory declaration (a ‘known user declaration’) stating—
  - (i) if the person is an individual—
    - (A) that the person was not the driver of the vehicle at the time of the offence; and
    - (B) the name and home or business address of the person (the ‘named offender’) who was the driver of the vehicle at the time of the offence; and
    - (C) all relevant facts supporting those statements; or
  - (ii) if the person is a corporation—the name and home or business address of the person (the ‘named offender’) who was the driver of the vehicle at the time of the offence and all relevant facts supporting that statement; and
- (c) the person gives the known user declaration to the administering authority within 28 days after the day on which the infringement notice, or a reminder notice for the offence, is served on the person (or any longer time allowed by the administering authority).

(2) An infringement notice for the offence may be served under section 180D (Service of infringement notices generally) on the named offender.

(3) If a document (including an infringement notice or reminder notice) is to be served on the named offender under this Part by post in relation to the offence, the document may be addressed to the named offender at his or her home or business address stated in the known user declaration.

(4) Section 180J (Liability for infringement notice offences involving vehicles) and this section apply as if the named offender were an owner of the vehicle at the time of the offence and the infringement notice had been served on the named offender under section 180E (Service of infringement notices on vehicle owners).

(5) However, a proceeding for the offence may be commenced in a court against the named offender only if a copy of the known user declaration has been served on the named offender by an authorised person.

(6) In a proceeding against the named offender for the offence, the known user declaration is evidence that the named offender was the driver of the vehicle at the time of the offence.

#### **180M Sold vehicle declarations**

(1) This section applies if—

- (a) an infringement notice for an infringement notice offence is served on a person under section 180E (Service of infringement notices on vehicle owners); and
- (b) the person makes a statutory declaration (a ‘sold vehicle declaration’) stating that the vehicle (or all of the person’s interest in the vehicle) had been sold or otherwise disposed of by the person before the time of the offence and providing all relevant facts supporting that statement, including—
  - (i) the name and home or business address of the person (the ‘buyer’) to whom the vehicle (or the person’s interest in the vehicle) was sold or disposed of by the person; and
  - (ii) the date and, if relevant to the offence, time of the sale or disposal; and
  - (iii) if an agent made the sale or disposal for the person—the name and home or business address of the agent; and

- (iv) whether the person had any interest in the vehicle at the time of the offence; and
  - (c) the person gives the sold vehicle declaration to the administering authority within 28 days after the day on which the infringement notice, or a reminder notice for the offence, is served on the person (or any longer time allowed by the administering authority).
- (2) An infringement notice for the offence may be served under section 180D (Service of infringement notices generally) on the buyer.
- (3) If a document (including an infringement notice or reminder notice) is to be served on the buyer under this Part by post in relation to the offence, the document may be addressed to the buyer at his or her home or business address stated in the sold vehicle declaration.
- (4) Sections 180J (Liability for infringement notice offences involving vehicles), 180L (Known user declarations) and this section apply as if the buyer were an owner of the vehicle at the time of the offence and the infringement notice had been served on the buyer under section 180E (Service of infringement notices on vehicle owners).
- (5) However, a proceeding for the offence may be commenced in a court against the buyer only if a copy of the sold vehicle declaration has been served on the buyer by an authorised person.
- (6) In a proceeding against the buyer for the offence, the sold vehicle declaration is evidence that the buyer was the owner of the vehicle at the time of the offence.

**180MA Unknown user declarations**

- (2) This section applies if—
- (a) an infringement notice for an infringement notice offence is served on a person under section 180E (Service of infringement notices on vehicle owners); and
  - (b) the person makes a statutory declaration (an ‘unknown user declaration’) stating—
    - (i) if—
      - (A) the person is an individual—that the person was not the driver of the vehicle at the time of the offence; or

- (B) the person is a corporation—that the vehicle was not being used for the corporation’s purposes at the time of the offence; and
  - (ii) that the person has made inquiries to find out who was the driver of the vehicle at that time; and
  - (iii) that the person does not know, and has not been able to find out, who was the driver of the vehicle at that time; and
  - (iv) in sufficient detail the inquiries made by the person; and
- (c) the person gives the unknown user declaration to the administering authority within 28 days after the day on which the infringement notice, or a reminder notice for the offence, is served on the person (or any longer time allowed by the administering authority).

**180MB Obligation to provide declarations for camera-detected offences**

- (1) This section applies if—
  - (a) an infringement notice for an infringement notice offence is served on a person under section 180E (Service of infringement notices on vehicle owners); and
  - (b) the notice states that the offence is a camera-detected offence; and
  - (c) the person was not the driver of the vehicle at the time of the offence.
- (2) The person must make and give to the administering authority—
  - (a) an illegal user declaration in accordance with section 180K for the offence; or
  - (b) a known user declaration in accordance with section 180L for the offence; or
  - (c) a sold vehicle declaration in accordance with section 180M for the offence; or
  - (d) an unknown user declaration in accordance with section 180MA for the offence.

**Penalty:**

- (a) for an individual—30 penalty units;
- (b) for a corporation—150 penalty units.



(3) However, in a prosecution of a person for an offence against subsection (2) in relation to a vehicle, the Magistrates Court must not find a person guilty of the offence if the court is satisfied—

- (a) that the vehicle was stolen, or illegally taken or used, at the time of the offence; or
- (b) that the vehicle (or all of the person's interest in the vehicle) had been sold or disposed of by the person before the time of the offence, and that at that time the person did not have an interest in the vehicle; or
- (c) that the person did not know, and could not with reasonable diligence have found out, the name and address of the person who was the driver of the vehicle at the time of the offence.

**180MC Offence for falsely naming a person as the driver**

A person must not, in an infringement notice declaration, falsely name someone as the driver of a vehicle.

Penalty:

- (a) for an individual—50 penalty units;
- (b) for a corporation—250 penalty units.

**180MD Effect of payment of infringement notice penalty**

(1) This section applies if—

- (a) an infringement notice has been served on a person for an infringement notice offence; and
- (b) the person pays the infringement notice penalty for the offence in accordance with this Part; and
- (c) at the time the payment is made, the infringement notice had not been withdrawn and an information had not been laid in the Magistrates Court against the person for the offence.

(2) If this section applies—

- (a) any liability of the person for the offence is discharged; and
- (b) the person must not be prosecuted in a court for the offence; and
- (c) the person is not taken to have been convicted of the offence.

(3) If 2 or more infringement notices were served on the person for the offence, then, unless all the infringement notices have been withdrawn,

subsection (2) applies to the person in relation to the offence if the person pays, in accordance with this Part, the infringement notice penalty in relation to any of the notices (together with any costs and disbursements payable under this Part in relation to the notice).

(4) If the offence involved a vehicle and the person was 1 of 2 or more owners of the vehicle at the time of the offence, subsection (2) also applies to each of the other owners.

**180ME Application for withdrawal of infringement notice**

(1) The person on whom an infringement notice for an infringement notice offence is served may apply to the administering authority, in writing, for the withdrawal of the notice within 28 days after the day on which the infringement notice, or a reminder notice for the offence, is served on the person (or any longer time allowed by the administering authority).

(2) The administering authority must—

- (a) withdraw the notice or refuse to withdraw the notice; and
- (b) tell the person, in writing, of the decision and, if the decision is a refusal, the reasons for it.

(3) For this section, an infringement notice declaration made and given to the administering authority by the person in relation to the offence is taken to be an application made by the person to the administering authority for the withdrawal of the notice.

**180MF Withdrawal of infringement notice**

(1) This section applies to an infringement notice that has been served on a person for an infringement notice offence.

(2) The administering authority may, by notice served on the person, withdraw the infringement notice, whether or not—

- (a) the person has made an application for the withdrawal of the infringement notice; or
- (b) the infringement notice penalty (or part of it) has been paid for the offence.

(3) The notice must—

- (a) include the infringement notice number and the date of service of the infringement notice; and

- (b) tell the person that the infringement notice is withdrawn and, in general terms, about subsection (4).
- (4) On service of the notice—
- (a) this Part ceases to apply to the infringement notice; and
  - (b) if the infringement notice penalty (or part of it) has been paid—the amount paid must be repaid by the administering authority; and
  - (c) if section 180MD (Effect of payment of infringement notice penalty) applies to the offence—the section ceases to apply, and is taken never to have applied, to the offence; and
  - (d) a proceeding for the offence may be taken against anyone (including the person) as if the infringement notice had not been served on the person.

**180MG Reminder notices**

- (1) An authorised person may serve a notice (a ‘reminder notice’) on a person if—
- (a) an infringement notice has been served on the person for an infringement notice offence; and
  - (b) the infringement notice has not been withdrawn; and
  - (c) the infringement notice penalty has not been paid to the administering authority within the time in which it is required to be paid under this Part; and
  - (d) if the infringement notice offence involved a vehicle and the infringement notice was served under section 180E (Service of infringement notices on vehicle owners)—the person has not given an infringement notice declaration to the administering authority in accordance with this Part; and
  - (e) written notice disputing liability has not been given to the administering authority in accordance with this Part; and
  - (f) a reminder notice has not previously been served on the person for the offence.
- (2) If the infringement notice was served on the person under section 180E (Service of infringement notices on vehicle owners), subsection 180E (3) applies to the service of the reminder notice on the

person in the same way as it applies to the service under that section of an infringement notice on the person.

**180MH Contents of reminder notices**

A reminder notice served on a person by an authorised person for an infringement notice offence must—

- (a) be identified by a unique number; and
- (b) include the following information:
  - (i) brief details of the offence;
  - (ii) the number of the infringement notice served on the person for the offence;
  - (iii) the date of service of the infringement notice; and
- (c) state the date of service of the reminder notice; and
- (d) state the infringement notice penalty that is now payable by the person for the offence; and
- (e) contain the information required by section 180MI (Additional information in reminder notices) and any additional information that the administering authority considers appropriate; and
- (f) identify the authorised person in accordance with the regulations; and
- (j) include anything else prescribed under the regulations.

**180MI Additional information in reminder notices**

(1) The reminder notice must also tell the person on whom it is served that—

- (a) the infringement notice penalty for the offence has not been paid; and
- (b) the infringement notice has not been withdrawn; and
- (c) if the infringement notice offence involved a vehicle and the infringement notice was served under section 180E (Service of infringement notices on vehicle owners)—the administering authority has not received an infringement notice declaration from the person for the offence; and
- (d) written notice disputing liability has not been received by the administering authority from the person for the offence; and

*Motor Traffic Act 1936*

- (e) the infringement notice penalty for the offence has been increased by the amount payable by the person for the cost of serving the reminder notice; and
  - (f) the person may pay the infringement notice penalty that is now payable by the person for the offence or dispute liability for the offence within 28 days after the day on which the reminder notice is served on the person (the 'date of service' of the notice); and
  - (g) the person may apply to the administering authority for longer time in which to pay the penalty or dispute liability for the offence; and
  - (h) the notice may be withdrawn before or after the penalty is paid; and
  - (i) if the person pays the penalty within the 28 days (or any longer time allowed by the administering authority), then, unless the infringement notice is withdrawn and any penalty refunded—
    - (i) any liability of the person for the offence is discharged; and
    - (ii) the person will not be prosecuted in court for the offence; and
    - (iii) the person will not be taken to have been convicted of the offence; and
  - (j) if the person wishes to dispute liability for the offence, the matter may be referred to the Magistrates Court; and
  - (k) if the Magistrates Court finds against the person or the person is prosecuted in court for the offence, the person may be convicted of the offence and ordered to pay a penalty and costs, and be subject to other court orders; and
  - (l) if the person does not pay the infringement notice penalty, or dispute liability for the offence, within the 28 days (or any longer time allowed by the administering authority), the person may be prosecuted in court for the offence or, if the offence involved a vehicle, payment of the penalty may be enforced under Division 4.
- (2) In addition, the reminder notice must—
- (a) explain how the person may pay the infringement notice penalty or dispute liability for the offence; and

*Motor Traffic Act 1936*

- (b) explain how the person may apply for longer time to pay the infringement notice penalty or dispute liability for the offence; and
- (c) if the offence involved a vehicle—
  - (i) tell the person how many demerit points will be incurred if the person pays the infringement notice penalty or is convicted of the offence; and
  - (ii) tell the person, in general terms, about the enforcement procedures under Division 4; and
- (d) if the offence involved a vehicle and the infringement notice was served under section 180E (Service of infringement notices on vehicle owners)—tell the person, in general terms, about section 180J (Liability for infringement notice offences involving vehicles), and explain how the person may make and give to the administering authority the infringement notice declarations mentioned in section 180J; and
- (e) if the offence is a camera-detected offence—state that the offence is a camera-detected offence, and tell the person how to inspect and obtain a copy of the image taken by the traffic offence detection device.

***Division 4—Enforcement procedures***

**180MJ Suspension for nonpayment of infringement notice penalties**

- (1) This section applies if—
  - (a) an infringement notice and a reminder notice have been served on a person by an authorised person under this Part for an infringement notice offence; and
  - (b) the offence involved a vehicle; and
  - (c) the infringement notice has not been withdrawn; and
  - (d) the infringement notice penalty has not been paid to the administering authority within the time in which it is required to be paid under this Part; and
  - (e) notice disputing liability has not been given to the administering authority in accordance with this Part.
- (2) If this section applies, the registrar must, by notice served on the person, take the action mentioned in subsection (3), (4) or (5).

*Motor Traffic Act 1936*

- (3) If the person is licensed in the Territory, the registrar must suspend each driving licence issued to the person.
- (4) If the person is not licensed in the Territory but the vehicle involved in the offence is registered in the Territory and the person is specified in the certificate of registration as the owner (or an owner) of the vehicle, the registrar must suspend the vehicle's registration.
- (5) In any other case, the registrar must do 1 of the following:
- (a) suspend the person's right to drive the vehicle involved in the offence in the Territory;
  - (b) suspend the person's right to drive any vehicle in the Territory;
  - (c) suspend the right of all persons to drive the vehicle involved in the offence in the Territory.
- (6) A suspension under this section takes effect on the date stated in the notice served on the person under subsection (2).
- (7) However, the date stated in the notice must not be earlier than 10 days after the day on which the notice is served on the person.

**180MK Effect of suspension**

- (1) The registrar must not issue a driving licence to a person or register a vehicle in the name of a person if the person's right to drive any vehicle in the Territory is suspended under this Division.
- (2) The registrar must not register a vehicle if the right of all persons to drive the vehicle in the Territory is suspended under this Division.

**180ML Transfer of registration while suspended**

- (1) This section applies if a vehicle's registration is suspended under this Division because of an infringement notice offence for which an infringement notice has been served on a person.
- (2) The registrar must revoke the suspension if—
- (a) the vehicle's registration is transferred under this Act to someone else; and
  - (b) the registrar is satisfied that the person no longer has any interest in the vehicle.

**180MM Revocation of suspension**

- (1) This section applies if—

*Motor Traffic Act 1936*

- (a) a suspension is in force under this Division because of an infringement notice offence for which an infringement notice has been served on a person; and
  - (b) the infringement notice penalty payable by the person for the offence is paid to the administering authority.
- (2) If this section applies, the registrar must revoke the suspension and tell the person, in writing, that the suspension has been revoked.
- (3) However, the registrar must not revoke the suspension if the registrar would then be required to take action under this Division in relation to the person for another infringement notice offence and the action would result in a suspension having the same effect.

**180MN Revocation of suspension on court order**

- (1) This section applies if—
- (a) a suspension is in force under this Division because of an infringement notice offence for which an infringement notice has been served on a person; or
  - (b) a notice has been served on a person under this Division because of an infringement notice offence, but the suspension made by the notice is not yet in force; or
  - (c) the registrar would be required to take action under this Division because of an infringement notice offence if a suspension were not in force under this Division in relation to the person.
- (2) If this section applies, the person may apply to the Magistrates Court for a declaration that—
- (a) the person did not actually commit the offence; and
  - (b) if the offence involved a vehicle—the person is not liable for the offence under section 180J (Liability for infringement notice offences involving vehicles).
- (3) If relevant to the proceeding, the administering authority has the onus of proving the following:
- (a) that the person actually committed the offence;
  - (b) that an infringement notice for the offence was served on the person under section 180E (Service of infringement notices on vehicle owners).



- (4) The court may make or refuse to make the declaration.
- (5) If the court makes the declaration, the registrar must revoke the suspension (or, if the suspension is not yet in force, the notice) and tell the person, in writing, of the action taken under this subsection.
- (6) However, the registrar must not take action under subsection (5) if—
  - (a) for a suspended licence or registration under this Act—the registrar is satisfied on reasonable grounds that another ground exists on which the registrar may suspend or cancel the licence or registration; or
  - (b) for a suspended right to drive in the Territory—the registrar is satisfied on reasonable grounds that another ground exists on which the registrar may suspend the right to drive.
- (7) If the registrar decides not to take action under subsection (5), the registrar must immediately tell the person, in writing, of the decision and the reasons for the decision.

**180MO Effect of revocation of suspension on court order**

- (1) This section applies if the registrar revokes a suspension in force under this Division because of a declaration made by the Magistrates Court.
- (2) The suspended licence, registration or right to drive in the Territory is taken never to have been suspended under this Division.

**180MP Failure to revoke suspension on court order**

- (1) This section applies if—
  - (a) the Magistrates Court declares under section 180MN (Revocation of suspension on court order) that a person did not commit an infringement notice offence; and
  - (b) the registrar decides not to take action under subsection 180MN (5) in relation to the person.
- (2) The person may apply to the Magistrates Court under subsection 22 (2) of the *Magistrates Court (Civil Jurisdiction) Act 1982* for an order setting aside the registrar's decision.
- (3) The registrar is the respondent to the application.

(4) The registrar has the onus of proving that a ground existed for the registrar to decide not to take action under subsection 180MN (5) in relation to the person.

***Division 5—Disputing liability***

**180MQ Disputing liability for an infringement notice offence**

(1) A person on whom an infringement notice or reminder notice has been served for an infringement notice offence may dispute liability for the offence by written notice given to the administering authority.

(2) The notice must set out the grounds on which the person relies.

(3) The notice must be given to the administering authority—

- (a) within 28 days after the date of service of the infringement notice or reminder notice; or
- (b) if the person applies to the administering authority within the 28 days for a longer time to dispute liability for the offence and the longer time is allowed—within the longer time allowed by the administering authority; or
- (c) if the person applies to the administering authority within the 28 days for a longer time to dispute liability for the offence and the application is refused—within 7 days after the day the person is told of the refusal or 28 days after the date of service, whichever is later.

**180MR Extension of time to dispute liability**

(1) The person on whom an infringement notice or reminder notice is served may apply, in writing, to the administering authority, within 28 days after the notice is served on the person, for a stated longer time in which to dispute liability for the offence.

(2) The administering authority must—

- (a) allow or refuse to allow the longer period; and
- (b) tell the person in writing of the decision and, if the decision is a refusal, the reasons for it.

**180MS Procedure if liability disputed**

(1) This section applies if a person disputes liability for an infringement notice offence by giving the administering authority notice in accordance with section 180MQ (Disputing liability for infringement notice offence).

(2) The administering authority may lay an information in the Magistrates Court against the person for the offence within 60 days after being given the notice.

(3) The administering authority must discontinue a proceeding begun against the person for the offence if, before the hearing of the proceeding, the person pays the total of—

- (a) the infringement notice penalty; and
- (b) the costs (if any) prescribed under the regulations for beginning the proceeding; and
- (c) the disbursements (if any) made by the administering authority up to the day payment is made.

(4) If subsection (3) applies, section 180MD (Effect of payment of infringement notice penalty) also applies in relation to the person in relation to the offence, even though the person paid the infringement notice penalty for the offence after an information had been laid in the Magistrates Court against the person for the offence.

(5) If the administering authority does not lay an information in the Magistrates Court against the person for the offence within 60 days after being given the notice, the administering authority must—

- (a) tell the person, in writing, that no further action will be taken against the person for the offence; and
- (b) take no further action in relation to the person for the offence.

***Division 6—Miscellaneous***

**180MT Power of delegation**

(1) The administering authority for an infringement notice offence may delegate any of the authority's powers under this Part to an authorised person or a person prescribed under the regulations.

(2) A person prescribed under the regulations for subsection (1) may delegate a power delegated to the person under that subsection to anyone else.

**180MU Declarations by corporations**

A statutory declaration is made by a corporation for this Part only if the statutory declaration is made by an executive officer of the corporation.

**180MV Evidentiary certificates**

- (1) This section applies to a proceeding for an infringement notice offence.
- (2) A certificate purporting to be signed by or on behalf of the administering authority and stating any matter relevant to anything done or not done under this Part in relation to the infringement notice offence is evidence of the matter.
- (3) Without limiting subsection (2), a certificate given under that subsection may state any of the following:
  - (a) a stated infringement notice or reminder notice was served by a stated authorised person in a stated way on a stated person for a stated infringement notice offence;
  - (b) the administering authority did not allow further time, or allowed a stated further time, for payment of the infringement notice penalty;
  - (c) the infringement notice penalty was not paid within the time in which it was required to be paid under this Part;
  - (d) the infringement notice has not been withdrawn or was withdrawn on a stated date;
  - (e) the offence involved a stated vehicle or animal;
  - (f) a stated person was the owner (or an owner) of the vehicle or animal on a stated date (and, if relevant, at a stated time on that date);
  - (g) a stated address was on a stated date the last home or business address of a stated person known to the registrar;
  - (h) a stated address was on a stated date the latest home or business address of a stated person in the record kept under a law of the Commonwealth, a State or another Territory corresponding to Part 2 (Registration of Motor Vehicles);
  - (i) a stated person has not given the administering authority an illegal user declaration, a known user declaration, a sold vehicle declaration or an unknown user declaration;

*Motor Traffic Act 1936*

- (j) a stated person has given the administering authority a stated statutory declaration mentioned in paragraph (i) on a stated date;
- (k) a copy of a stated statutory declaration mentioned in paragraph (i) was served by a stated authorised person in a stated way on a stated person;
- (l) an infringement notice penalty has not been paid by, or a penalty has not been imposed on, a stated person or anyone for the offence.

**180MW Costs of application for declaration**

- (1) If the Magistrates Court makes a declaration under section 180MN (Revocation of suspension on court order) in relation to a person, the registrar must pay the person's costs in the proceeding.
- (2) If the court refuses to make a declaration under section 180MN in relation to a person, the person must pay the registrar's costs in the proceeding.
- (3) If the court makes an order under section 180MP (Failure to revoke suspension on court order) setting aside the registrar's decision not to take action under section 180MN in relation to a person, the registrar must pay the person's costs in the proceeding.
- (4) If the court refuses to make an order under section 180MP setting aside the registrar's decision not to take action under section 180MN in relation to a person, the person must pay the registrar's costs in the proceeding.
- (5) This section has effect subject to any order made by the court.

**PART 11B—DEMERIT POINTS AND PROBATIONARY LICENCES**

**180NA Interpretation**

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.

**licence record** means the record kept by the Registrar under section 194 in respect of the grant of a licence or licences to a person.

**offence** means an offence committed after the commencement of this Part.

**relevant demerit points**, in relation to a licence record, means the demerit points incurred by the person who holds, or has held, the licence in relation to offences that have occurred within any period of 3 years, being demerit points that have been recorded on the licence record.

**relevant licence record** means—

- (a) in the case of a person who is unlicensed—the record relating to the licence most recently held by that person; and
- (b) in the case of a person who is licensed—the record relating to that licence.

### **180NB Demerit points**

(1) A person who has held a licence and does not hold a corresponding licence, or a person who holds 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 person who does not hold, and has not held, a licence and does not reside in the Territory, or a person who holds 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.

**180P Recording of demerit points**

(2) Where a person incurs 1 or more demerit points under subsection 180NB (1) the Registrar shall record on the relevant licence record—

- (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 person is convicted shall not be made until the person'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 a relevant licence or provisional endorsement is in force or by the cancellation of a relevant licence on the application of the licensee.

**180Q Interstate licensees who obtain licences**

(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 interstate Registrar particulars of any demerit points that are recorded by that Registrar against the corresponding licence, including particulars in relation to offences committed before the commencement of this Part; and
- (c) record such particulars on the relevant licence record.

(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.

**180R Transfer of recordings on grant of new licence**

- (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 on the new licence record the number and relevant details of any demerit points recorded on the previous licence record.

(2) Subsection (1) does not apply where a person surrenders a learner licence in order to obtain a provisional licence.

(3) Where a licence is granted to a person who has held a licence, the Registrar shall record on the new licence record the number and relevant details of any demerit points recorded on the previous licence record.

**180S Provision of information to interstate Registrars**

(1) Where a person who holds a corresponding licence incurs demerit points under subsection 180NB (2), the Registrar shall notify the relevant interstate Registrar of—

- (a) the date of the commission of the offence in respect of which the demerit points are 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.

(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 on a person's licence record specified in the request.

(3) The Registrar shall keep a record of all notifications made under this section.

**180T Warning notice**

- (1) Where—
- (aa) a person is the holder of a full licence;
  - (a) less than 7 relevant demerit points are recorded on the relevant licence record;



*Motor Traffic Act 1936*

- (b) 1 or more further relevant demerit points are recorded on that licence record; and
- (c) as the result of that further recording the number of relevant demerit points recorded on the licence record equals or exceeds 7;

the Registrar shall send to the licensee a written notice setting out the particulars recorded on that licence record.

(2) The validity of any action or decision of the Registrar is not affected by a failure to comply with subsection (1).

**180U Suspension or cancellation of full licence**

(1) Where a person is a full licensee and 12 or more relevant demerit points are recorded on the relevant licence record, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars of those demerit points;
- (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.

(3A) The Registrar shall give written notice of a suspension under subsection (3) to the licensee concerned.

- (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) or (3) the Registrar shall delete from the relevant licence record the 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.

#### **180V Probationary licences**

- (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); or
  - (b) who surrenders a corresponding licence that, in the opinion of the Registrar, is equivalent to a probationary licence.
- (1A) After a person ceases to be disqualified from holding a driving licence, the Registrar may, on application and payment of the determined fee, grant a probationary licence to the person for not more than 12 months.
- (1B) The Registrar may, on application and payment of the determined fee, grant a probationary licence to a person for not more than 12 months where—
- (a) the person's relevant licence record relates to a full licence;

*Motor Traffic Act 1936*

- (b) 12 or more relevant demerit points are recorded on that licence record; and
- (c) the person was not the holder of a full licence at the date on which the twelfth such demerit point was incurred.

(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 under subsection (1A) or (1B), the Registrar shall delete all relevant demerit points from the relevant licence record.

**180W Cancellation of probationary licences**

(1) Where a person is a probationary licensee and 2 or more relevant demerit points are recorded on the relevant licence record, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars of the relevant demerit points recorded on that licence record;
- (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

*Motor Traffic Act 1936*

- (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 former licensee's relevant licence record 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).

**180WA Effect of cancellation of probationary licence**

(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; 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;
- (b) obtain a learner licence receipt; or
- (c) drive a motor vehicle on a public street.

Penalty: 100 penalty units or imprisonment for 12 months, or both.

**180X Suspension of provisional licences**

(1) Where a person is a provisional licensee and 8 or more relevant demerit points are recorded on the relevant licence record, the Registrar shall send to the licensee a written notice that—

*Motor Traffic Act 1936*

- (a) sets out the particulars of the relevant demerit points recorded on that licence record;
  - (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 relevant licence record 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).

**180Y Suspension of learner licences**

- (1) Where a person is a learner licensee and 12 or more relevant demerit points are recorded on the relevant licence record, the Registrar shall send to the licensee a written notice that—
- (a) sets out the particulars of the relevant demerit points recorded on that licence record;
  - (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 relevant licence record 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).

**180Z Cancellation of special licences**

(1) Where a person is a special licensee and 2 or more relevant demerit points are recorded on the relevant licence record, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars of the relevant demerit points recorded on that licence record;
- (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 relevant licence record 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) Where a person's special licence is cancelled under subsection (2), then, by force of this subsection, any suspended licence granted to the person is cancelled together with the special licence.

**180ZA Suspension of provisional endorsements**

(1) Subject to sections 180U and 180X, where a person holds a licence on which there is a provisional endorsement and 4 or more relevant demerit points are recorded on the relevant licence record after the date on which the endorsement was granted, the Registrar shall send to the licensee a written notice that—

- (a) sets out the particulars of the relevant demerit points recorded on that licence record;
- (b) advises the licensee that 14 days after the date of the notice the provisional endorsement will be suspended for 3 months; and

*Motor Traffic Act 1936*

- (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: 100 penalty units 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 relevant licence record the demerit points by virtue of which the endorsement had been suspended.

**180ZB Demerit suspension of licence already suspended**

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.

**PART 11C—TRAFFIC OFFENCE DETECTION DEVICES**

**180ZD Definitions for Pt 11C**

In this Part—

*approved camera detection device* means a camera detection device (within the meaning given by section 180ZE) approved under the regulations.

*approved speed measuring device* means a speed measuring device approved under the regulations.

*speed measuring device* means a device designed to measure the speed at which vehicles are travelling.

*traffic light signal* means a light of any description mentioned in the table in subsection 112B (1) that is displayed by traffic lights.

*traffic offence detection device* means an approved camera detection device or approved speed measuring device.

**180ZE What is a camera detection device?**

(1) A ‘camera detection device’ is a device that is designed to do either or both of the following:

- (a) take images complying with subsection (2) (except subparagraph (b) (iv)) of vehicles being driven in contravention of traffic light signals;
- (b) measure the speed at which vehicles are travelling and take images complying with subsection (2) (except subparagraph (b) (iii)) of vehicles being driven over speed limits.

(2) An image of a vehicle taken by a device complies with this subsection if—

- (a) it is a photograph, or an electronic image recorded on a magneto-optical write once read many (WORM) disk; and
- (b) the image (either by itself or with other images of that kind taken by the device)—
  - (i) indicates (by a code or other information)—
    - (A) the device; and
    - (B) the date and time when, and place where, the image was taken; and



- (C) the person responsible for the use of the device when the image was taken; and
  - (ii) shows the vehicle and its numberplate; and
  - (iii) if the vehicle is being driven in contravention of a traffic light signal—indicates the direction and lane in which the vehicle is travelling and the number of seconds for which the signal has been displayed when the image is taken; and
  - (iv) if the vehicle is being driven over the speed limit—indicates the speed limit and the speed of the vehicle.
- (3) Subsection (2) does not limit the matters that may be indicated or shown by an image taken by a camera detection device.

**180ZF Regulations about traffic offence detection devices**

(1) The regulations may make provision for or with respect to the testing, sealing, maintenance and use of traffic offence detection devices, including the approval by the registrar of people to test, seal, maintain or use traffic offence detection devices.

(2) The regulations may also make provision about the meaning of codes and other information indicated on images produced by approved camera detection devices.

**180ZG Evidentiary certificates etc**

(1) This section applies to a proceeding against a person for an offence against this Act involving a vehicle.

(2) A certificate purporting to be signed by a police officer or the registrar and stating any matter relevant to either of the following is evidence of the matter:

- (a) the use of a device in relation to the detection of the offence;
- (b) anything done or not done in relation to the device under the regulations made for this Part.

(3) Without limiting subsection (2), a certificate given under that subsection may state any of the following:

- (a) that the device is—
  - (i) an approved camera detection device; or
  - (ii) an approved speed measuring device; or

*Motor Traffic Act 1936*

- (iii) a traffic offence detection device;
  - (b) that the device has been maintained, tested, sealed or used as required or permitted under the regulations made for this Part;
  - (c) the condition of the device at a stated time or at any time during a stated period, including, for example, that it was accurate (or accurate to a stated extent) and operating properly at that time or during that period;
  - (d) if the device is an approved camera detection device—that a stated image is an accurate copy of an image taken by the device at a stated date, time and place or is an accurate copy of 1 of a series of images taken by the device at a stated place during a stated period;
  - (e) if the device is an approved speed measuring device—any measurement of speed obtained by the use of the device.
- (4)** An image that is stated by a certificate given under subsection (2) to be an accurate copy of an image taken by an approved camera detection device is evidence of everything indicated or shown in the image.
- (5)** Without limiting subsection (4), the image is evidence of the following matters:
- (a) that the vehicle shown in the image was being driven when and where (the ‘relevant time and place’) the image was taken by the device;
  - (b) if the image indicates a speed limit—that the speed limit applied to the person driving the vehicle at the relevant time and place;
  - (c) if the image indicates the speed of the vehicle—that the vehicle was driven at that speed at the relevant time and place;
  - (d) if the image indicates the direction or lane in which the vehicle was travelling—that the vehicle was travelling in that direction or lane;
  - (e) if the image indicates the number of seconds for which a traffic light signal had been displayed—that the traffic light signal had been displayed for that number of seconds before the image was taken.
- (6)** If an image mentioned in subsection (4) is a copy of 1 of a series of images taken by an approved camera detection device during a period,

subsections (4) and (5) apply to the image considered by itself and to the image considered with other images in the series.

(7) If the defendant is the owner (or an owner) of the vehicle, it is to be presumed (unless evidence to the contrary is presented) that the defendant was the driver of the vehicle at the relevant time and place.

(8) Evidence of the condition of a traffic offence detection device is necessary only if evidence is given that the device was not accurate or operating properly.

**180ZH Interfering with traffic offence detection devices**

A person must not, without lawful authority, knowingly or recklessly interfere with—

- (a) a traffic offence detection device or its operation; or
- (b) a seal on a traffic offence detection device; or
- (c) anything produced by a traffic offence detection device.

Penalty:

- (a) for an individual—30 penalty units;
- (b) for a body corporate—150 penalty units.

**180ZI Inspection and copies of images produced by traffic offence detection devices**

(1) This section applies to—

- (a) an owner of a vehicle shown in an image taken by a traffic offence detection device; or
- (b) a person nominated under section 180K (Illegal user declarations), 180L (Known user declarations) or 180M (Sold vehicle declarations) by an owner of a vehicle shown in an image taken by a traffic offence detection device.

(2) The registrar must—

- (a) make a copy of the image available for inspection by a person to whom this section applies; and
- (b) give a copy of the image to the person on payment of the determined fee.

**180ZJ Notice of intention to challenge certain issues**

- (1) This section applies if a defendant in a proceeding for an offence against this Act intends to challenge the maintenance, testing, sealing, use, accuracy or operating condition of a traffic offence detection device.
- (2) The defendant must give written notice of the challenge to the prosecution at least 7 days before the day fixed for the hearing.
- (3) The notice must—
  - (a) state the defendant's full name and address; and
  - (b) state—
    - (i) if an infringement notice for the offence has been served on the person—the number of the infringement notice and the date of service of the infringement notice; or
    - (ii) if an infringement notice for the offence has not been served on the person—sufficient details of the offence to enable the prosecution to identify the offence to which the notice relates; and
  - (c) provide the grounds on which the defendant intends to challenge the maintenance, testing, sealing, use or condition of the traffic offence detection device.

**180ZK Expiry of Pt 11C**

This Part expires 2 years after the day it commences.

**PART 12—EQUIPMENT AND LOADS**

**181 Vehicles to comply with Part 1 of Schedule 2**

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 1 of Schedule 2 in relation to that motor vehicle or trailer.

**182 Carriage of lamps and lights**

- (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);

*Motor Traffic Act 1936*

- (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

*Motor Traffic Act 1936*

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.

**183 Positioning of reflectors**

**(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

*Motor Traffic Act 1936*

- (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.

**184 Position of light**

Any person who drives on a public street any motor vehicle 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.

**185 Parking lights**

- (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 Traffic Act 1936*

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.

### **186 Towing of vehicles**

(1) A person shall not, upon a public street, drive any motor vehicle having any other vehicle, not being a trailer, attached 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:



*Motor Traffic Act 1936*

- (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.
- (2) 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.

**186A Riding in trailers prohibited**

- (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: 5 penalty units.

**187 Noise and smoke**

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.

**188 Discharge of sparks, live coals etc from vehicle fitted with gas producer**

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 *Bushfire Act 1936*, or which permits any leakage of producer gas.

**189 Offences relating to equipment etc of motor vehicles**

- (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; 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 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

*Motor Traffic Act 1936*

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 20 penalty units.

**190 Width of motor vehicles**

**(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 (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.

**190A Motorcyclists to wear safety helmets**

(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 1 penalty unit.

(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

*Motor Traffic Act 1936*

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 14A (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.

**191 Pillion riding**

- (1) The driver of a motor cycle shall not, upon a public street, carry on the motor cycle more than 1 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;

*Motor Traffic Act 1936*

- (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 13—PENALTIES**

### ***Division 1—Right to drive after conviction***

#### **191A Interpretation**

In this Division—

*driving licence* includes a learner licence receipt.

#### **191B Culpable driving**

- (1) Where a court convicts a person of an offence of culpable driving, then, by force of this subsection—
- (a) any driving licence held by the person is cancelled; and
  - (b) the person is disqualified from holding a driving licence, other than a special licence, for—
    - (i) 6 months; or
    - (ii) if the court specifies a longer period of disqualification—the longer period.

(2) Where, under section 92A of the *Magistrates Court Act 1930*, the Court commits a person to the Supreme Court for sentence, subsection (1) applies as if the Supreme Court had convicted the person.

### **191C Dangerous driving etc**

(1) Where a court convicts a person of an offence against subsection 129 (1) or section 147A, then, by force of this subsection—

- (a) any driving licence held by the person is cancelled;
- (b) in the case of a first offender—the person is disqualified from holding a driving licence, other than a special licence, for—
  - (i) 3 months; or
  - (ii) if the court specifies a longer period of disqualification—the longer period; and
- (c) in the case of a repeat offender—the person is disqualified from holding a driving licence, other than a special licence, for—
  - (i) 12 months; or
  - (ii) if the court specifies a longer period of disqualification—the longer period.

(2) In subsection (1)—

*first offender*, in relation to an offence against subsection 129 (1) or section 147A, means a person convicted of the offence other than a repeat offender.

*repeat offender*, in relation to an offence against subsection 129 (1) or section 147A, means a person convicted of the offence who, during the 5 years ending on the date of the conviction, has been convicted of—

- (a) any other offence against that provision; or
- (b) an offence of culpable driving.

### **191D Negligent driving and other offences**

Where a court convicts a person of an offence against—

- (a) subsection 129 (1A) (negligent driving);
- (b) section 191P (driving etc. while suspended or disqualified); or
- (c) this Act, by virtue of subsection 192 (1) (general offence);

the court may cancel any driving licence held by the person and disqualify the person from holding a driving licence, other than a special licence, for—

- (d) a period specified by the court; or
- (e) if the person is already disqualified—a further period specified by the court.

**191E Timing of licence cancellation and disqualification**

(1) Where a driving licence is cancelled, and the former licensee is disqualified from holding a driving licence, by force of, or under, section 191B, 191C or 191D, the cancellation and disqualification take effect—

- (a) on the relevant conviction by the court; or
- (b) if the court specifies a later date of effect—on the later date.

(2) Where a person who is not the holder of a driving licence is disqualified from holding a driving licence by force of, or under section 191B, 191C or 191D, the disqualification takes effect on the relevant conviction by the court.

**191F Disqualification subject to grant of special licence**

Where a person, other than a special licensee, is disqualified from holding a driving licence by force of, or under, section 191B, 191C or 191D, the disqualification has effect subject to the grant of a special licence.

**191G Multiple disqualifications—cumulative or concurrent**

Where, by force of, or under, a law of the Territory—

- (a) a person is disqualified from holding a driving licence for a period; and
- (b) while so disqualified, the person is again disqualified from holding a driving licence for a period;

the periods are cumulative unless a court orders otherwise.

**191H Contravening special licence conditions**

(1) Where a special licensee is convicted of an offence against section 11D, unless the court specifies to the contrary, the special licence is cancelled by force of this section.

(2) The cancellation takes effect—



- (a) on the conviction by the court; or
- (b) if the court specified a later date of effect—on the later date.

**191J Disqualification etc—further special licence**

(1) Where a person's special licence is cancelled by force of, or under, section 191B, 191C, 191D or 191H, then, by force of this subsection—

- (a) any suspended licence granted to the person is cancelled together with the special licence; and
- (b) the person is disqualified from holding another special licence during the remainder of the period for which the person was originally disqualified.

(2) A disqualification by force of subsection (1) is in addition to any other disqualification from holding a driving licence imposed on the person by force of, or under, section 191B, 191C or 191D or any other law of the Territory.

(3) For the purposes of subsection (1), the period for which a person was originally disqualified is the period during which the person was disqualified from holding a driving licence, disregarding the period for which the special licence was granted.

**191K Extraordinary disqualification by court**

(1) This section applies where—

- (a) a court convicts a person of an offence against a law of the Territory; and
- (b) because of the conviction, or that conviction and any other conviction, the person is disqualified from holding a driving licence for a period of, or periods totalling, at least 12 months (in this section called “compulsory disqualification period”).

(2) Where the court is satisfied that it is necessary in the public interest, it may, by order, disqualify the person from holding a driving licence from the end of the compulsory disqualification period until the order is set aside under subsection (3).

(3) Where a court is satisfied that a disqualification under subsection (2) is no longer necessary in the public interest, it may, by order and on application in accordance with subsection (4), set aside the order under that paragraph.

- (4) An application for an order under subsection (3) shall be filed with the Registrar of the court with an affidavit of the applicant setting out the grounds on which the order is sought.
- (5) The respondents to an application are—
- (a) the Registrar of Motor Vehicles; and
  - (b) the chief police officer.
- (6) For the purposes of subsection (2) or (3), the matters to which the court shall have regard include the following:
- (a) the period during which the applicant is, or has been, disqualified from holding a driving licence;
  - (b) the applicant's history concerning any offence or infringement under this Act or any other law in relation to the use of a motor vehicle;
  - (c) any relevant rehabilitation or remedial action undertaken, or to be undertaken, by the applicant;
  - (d) the risk to the safety of other road users if the applicant were to be granted a driving licence.

**191L Additional powers of court**

The powers of a court under this Division are in addition to any other powers of the court.

**191M Notice to Registrar**

The Registrar of a court shall give to the Registrar of Motor Vehicles particulars of—

- (a) each conviction by the court of a person of an offence to which this Division applies;
- (b) each period of disqualification specified by the court under this Division; and
- (c) each disqualification ordered by the court under section 191K.

**191N Quashing of conviction**

A disqualification from holding a driving licence imposed by force of, or under, a law of the Territory because of a conviction of an offence ceases to have effect if the conviction is quashed or set aside.

***Division 1A—Fine defaulters***

**191NA Suspension of driving licence, registration etc.**

(1) Where the Registrar is notified under subsection 153 (1) of the *Magistrates Court Act 1930* that a person has defaulted in payment of an outstanding fine, the Registrar shall—

- (a) suspend each driving licence held by the person;
- (b) if the person is not the holder of a driving licence but is the sole registered owner of 1 or more motor vehicles—
  - (i) in the case of only 1 vehicle—suspend the registration of the vehicle; or
  - (ii) in the case of 2 or more vehicles—in respect of each outstanding fine, suspend the registration of 1 of those vehicles; or
- (c) if the person is not the holder of a driving licence and is not the sole registered owner of a motor vehicle—disqualify the person from holding a driving licence.

(2) Where subparagraph (1) (b) (ii) applies, the Registrar shall, as far as practicable, suspend the registration of the motor vehicle having the shorter or shortest unexpired period of registration.

**191NB Duration of suspension of driving licence, registration etc**

(1) A suspension or disqualification under subsection 191NA (1) takes effect in respect of a person on the day on which written notice of the action is given to the person by the Registrar.

(2) A suspension of a driving licence under paragraph 191NA (1) (a) remains in force until—

- (a) the suspension is revoked under subsection 191NC (1); or
- (b) the licence expires or is cancelled or revoked;

whichever occurs first.

(3) A suspension of a motor vehicle registration under paragraph 191NA (1) (b) remains in force until—

- (a) the suspension is revoked under subsection 191NC (1);

- (b) the suspension is revoked under section 162EB, 180ML (Transfer of registration while suspended) or 191ND on the transfer of the registration; or
- (c) the registration expires or is cancelled or revoked;

whichever occurs first.

(4) A disqualification of a person from holding a driving licence under paragraph 191NA (1) (c) remains in force until the disqualification is revoked under subsection 191NC (1).

(5) A person whose motor vehicle registration is suspended under paragraph 191NA (1) (b), is not entitled to a refund of the registration fee, or any part of the fee, in respect of the period of suspension.

**191NC Revocation of suspension of driving licence, registration etc.**

(1) Where—

- (a) the Registrar is notified under subsection 153 (2) of the *Magistrates Court Act 1930* that an arrangement for the payment of an outstanding fine has been approved; or
- (b) the Registrar is notified under subsection 153 (3) of the *Magistrates Court Act 1930* that—
  - (i) an outstanding fine has been paid;
  - (ii) a fine has been remitted;
  - (iii) a person has completed serving a period of imprisonment in relation to an outstanding fine; or
  - (iv) the conviction or order which gave rise to a person's liability to pay a fine has been quashed or set aside;

the Registrar shall revoke the relevant suspension or disqualification under subsection 191NA (1) and give the person written notice accordingly.

(2) Revocation under subsection (1) of a suspension or disqualification does not affect—

- (a) any suspension of a driving licence;
- (b) any suspension of a motor vehicle registration; or
- (c) any disqualification from holding a driving licence;

in respect of the person concerned under any other law of the Territory.

**191ND Revocation of suspension on transfer of registration**

Where—

- (a) the registration of a motor vehicle is suspended under paragraph 191NA (1) (b); and
- (b) the registration is transferred under section 22 so that the fine defaulter ceases to own the vehicle;

the Registrar shall, on the transfer of registration, revoke the suspension.

**191NE Renewal etc of driving licence or registration—prohibited**

(1) Where a person's driving licence is suspended under paragraph 191NA (1) (a), the Registrar shall not renew the licence or grant another driving licence to the person unless the Registrar has subsequently been given a notice referred to in paragraph 191NC (1) (a) or (b) in respect of the person.

(2) Where a motor vehicle registration in the name of a person is suspended under paragraph 191NA (1) (b), the Registrar shall not renew the registration of that vehicle in the name of the person unless the Registrar has subsequently been given a notice referred to in paragraph 191NC (1) (a) or (b) in respect of the person.

(3) Where a person is disqualified from holding a driving licence under paragraph 191NA (1) (c), the Registrar shall not—

- (a) grant a driving licence to the person; or
- (b) register a motor vehicle in the name of the person;

unless the Registrar has subsequently been given a notice referred to in paragraph 191NC (1) (a) or (b) in respect of the person.

(4) A person who is not entitled to the grant or renewal of a driving licence because of subsection (1) or (3) is not entitled to a special licence.

**191NF Suspension to be concurrent**

(1) The period for which a person's driving licence is suspended under paragraph 191NA (1) (a) shall run concurrently with any uncompleted period of a driving licence suspension ordered in respect of the person under any other law of the Territory, subject to any order by a court in respect of the last mentioned suspension.

(2) The period for which the registration of a motor vehicle is suspended under paragraph 191NA (1) (b) shall run concurrently with any

*Motor Traffic Act 1936*

uncompleted period for which the registration of that motor vehicle is suspended under any other law of the Territory, subject to any order by a court in respect of the last mentioned suspension.

(3) The period for which a person is disqualified from holding a driving licence under paragraph 191NA (1) (c) shall run concurrently with any uncompleted period for which the person is so disqualified under any other law of the Territory, subject to any order by a court in respect of the last mentioned disqualification.

*Division 2—Ancillary*

**191P Driving etc while suspended or disqualified**

- (1) This section applies to a person—
- (a) who is disqualified from holding a driving licence by force of, or under, a law of the Territory; or
  - (b) whose driving licence is suspended under a law of the Territory;
- and who is not the holder of a special licence.
- (2) Such a person shall not—
- (a) drive a motor vehicle on a public street; or
  - (b) obtain a driving licence, other than a special licence for which the person is entitled to apply.

Penalty: 100 penalty units or imprisonment for 12 months, or both.

**191Q Return of suspended or cancelled driving licence**

A person whose driving licence is cancelled or suspended by force of, or under, this Act or any other law of the Territory shall not, without reasonable excuse, fail to return the licence to the Registrar.

Penalty: 1 penalty unit.

**191R No refund of driving licence fee**

- (1) A person whose driving licence is cancelled or suspended by force of, or under, this Act or any other law of the Territory is not entitled to a refund of the fee, or any part of the fee, paid in relation to the grant or renewal of the licence.
- (2) Subsection (1) does not apply to—

*Motor Traffic Act 1936*

- (a) a cancellation under section 10 or 104 on the ground that the person is not fit to hold a driving licence because of a physical or mental condition; or
- (b) a cancellation under section 180U.

**192 General offences**

(1) A person who contravenes or fails to comply with a provision of this Act, other than section 13G, 13N, 13P, 26AM, 26AN, 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—

- (a) for an individual—20 penalty units; or
- (b) for a body corporate—100 penalty units.

(3) Nothing in subsection (1) applies in relation to a duty imposed on the Registrar under this Act.

**PART 14—MISCELLANEOUS**

**194 Record of registration and licences to be kept**

(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.

(3) The Registrar shall not make any entry or record of, and is not affected by, any notice of trust, whether express, implied or constructive.

**195 Judicial notice of Registrar's and Deputy Registrar's signature**

All Courts shall take judicial notice—

*Motor Traffic Act 1936*

- (a) of the official signature of any person who performs, or who has performed, the functions of the Registrar or a 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.

**196 Laying of information**

(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, a motor traffic officer or a police officer, 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.

**197 Liability at common law and by statute**

Nothing in this Act shall affect any liability of any person by virtue of any other law in force in the Territory.

**198 Evidence of registration**

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.



**199 Evidence of ownership of vehicles**

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.

**200 Weight of vehicles**

(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 motor traffic officer or police officer 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 officer may direct the driver or person in charge of the motor vehicle to drive the loaded motor vehicle to a weighbridge nominated by the 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.

**201 Recovery of fees unpaid**

(1) The Registrar may recover in the Magistrates Court from the person liable 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.

**202 Powers and duties of police, inspectors and officers**

(1) An inspector, motor traffic officer or police officer 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, 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 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 police officer, causing or is likely to cause a danger or obstruction to other persons using the public street,

a police officer 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 police officer 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) A police officer 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*.

(6) Where a motor vehicle has been taken to a place of safety under subsection (5), the member of the Police Force who has charge of the motor vehicle is not required to release it—

*Motor Traffic Act 1936*

- (a) to the person who has been arrested or taken into custody, as the case requires, unless satisfied on reasonable grounds that the person is capable of driving the vehicle without committing an offence against the *Motor Traffic (Alcohol and Drugs) Act 1977*; or
- (b) to a person who appears to be authorised for the purpose by the person arrested or in custody, unless satisfied, on reasonable grounds, that the person who appears to have given the authority has understood the nature of the authority claimed to have been given.

(7) A member of the Police Force who has charge of a motor vehicle that has been taken to a place of safety under subsection (5) is not liable, while the vehicle is in his or her charge, for—

- (a) any damage caused to the vehicle unless the damage is caused by the member's negligence or deliberate action; or
- (b) the loss of the vehicle due to its theft by another person unless the member has assisted in the commission of the theft.

**203 Name and address to be given**

A person who, when required by a police officer or inspector 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.

**204 Production of motor vehicles and trailers**

(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.

**205 Inspection of motor vehicles and trailers**

The owner or any person having the custody of a motor vehicle or trailer shall, upon request by an inspector, a motor traffic officer or a police

officer, permit the inspector or officer to examine or inspect the vehicle for any purpose of this Act.

**206 Service of notices**

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.

**207 Offence due to accident**

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.

**208 Names on trucks and omnibuses**

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.

**209 Remission or refund of fees**

(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

*Motor Traffic Act 1936*

- (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;
  - (ca) any road rescue fee paid by that person if—
    - (i) the application for the registration or renewal of registration of the relevant motor vehicle is refused; or
    - (ii) the relevant motor vehicle was registered, or its registration was renewed, in error and the registration 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;
  - (da) who is accredited under Part 1B and whose accreditation is cancelled under subsection 13H (6), an amount calculated in accordance with subsection (3) in respect of the accreditation; 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), (da) 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, accreditation or registration (as the case requires) by the number of whole months in the period for which the licence or accreditation 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 or accreditation 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.

(5A) The Registrar shall not make a refund under this section in respect of accreditation unless—

- (a) the certificate of accreditation is surrendered to the Registrar; or
- (b) the applicant—
  - (i) satisfies the Registrar that he or she cannot comply with paragraph (a); and
  - (ii) furnishes a written declaration that the certificate of accreditation has been lost, stolen or destroyed.

(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.

## **210 Motor tractor**

(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 notify the Registrar who may, upon payment by that person to the Territory of the determined fee, grant a licence authorising the tractor to be brought into and to travel through the Territory.

(1A) 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.

**211 Exemption of special vehicles**

(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

*Motor Traffic Act 1936*

- (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 organisation or body for a purpose connected with fires or rescues.

## **212 Exemption of certain vehicles and drivers**

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.

### **212A Exemption for postal vehicles**

- (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—



*Motor Traffic Act 1936*

- (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.

**213 Licences for the carriage of workers**

(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.

**214 Carriage of passengers on licenced goods vehicles**

(1) The Registrar may, in his or her discretion, grant a permit in respect of a licensed goods motor vehicle authorising 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.

(3A) 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, a motor traffic officer authorised for the purpose by the Registrar or a police officer, produce the permit for inspection by the inspector or officer.

(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.

**215 Licence to ply for hire for the carriage of goods**

(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.

## **216 Temporary licences**

(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.

(1A) Where a licence is granted under subsection (1) in relation to a vehicle, the licensee shall ensure that, while the licence is in force, the licence, or any portion of the licence specified in it, is displayed in accordance with the instructions on the licence.

Penalty:

- (a) if the offender is a natural person—2 penalty units;
- (b) if the offender is a body corporate—10 penalty units.

(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.

**216A Surrender of licence or other thing**

Where a provision of this Act requires that a licence or other thing be surrendered, a person is to be taken to have surrendered the licence or other thing for the purposes of the provision if the person satisfies the Registrar that the licence or other thing has been lost, stolen or destroyed or that it is otherwise impracticable in the circumstances to surrender the licence or other thing.

**217 Motor vehicle reliability trials and speed tests**

(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.

(5) The Registrar shall give the Environment Management Authority notice in writing of a permit issued under subsection (1).

**217A Power of Minister to determine fees and amounts**

The Minister may, by notice in writing published in the *Gazette*, determine fees and other amounts for the purposes of this Act.

**217B Fees payable**

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.

**217C Notice of decision**

(1) Where—

- (a) the Minister makes a decision of a kind specified in Part 1 of Schedule 7; or
- (b) the Registrar makes a decision of a kind specified in Part 2 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 be in accordance with the requirements of the Code of Practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

**217D Review by Administrative Appeals Tribunal**

Application may be made to the Administrative Appeals Tribunal for a review of a decision referred to in subsection 217C (1).

**218 Regulations**

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;

*Motor Traffic Act 1936*

- (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;

*Motor Traffic Act 1936*

- (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—
  - (i) if the offender is a natural person—10 penalty units;
  - (ii) if the offender is a body corporate—50 penalty units;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 motor traffic officer may be given;
- (ak) the furnishing to a prescribed person by any authorised 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 10;

*Motor Traffic Act 1936*

- (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*.

**PART 15—TRANSITIONAL PROVISIONS ABOUT TRAFFIC INFRINGEMENT NOTICES**

**219 Definitions for Pt 15**

In this Part—

*amended Act* means the *Motor Traffic Act 1936* as in force immediately after the commencement of this section.

*unamended Act* means the *Motor Traffic Act 1936* as in force immediately before the commencement of this section.

**220 Existing traffic infringement notices**

A traffic infringement notice served on a person in accordance with section 180A (Traffic infringement notices) of the unamended Act is taken to be, on and after the commencement of this section, an infringement notice served on the person in accordance with section 180D (Service of infringement notices generally) of the amended Act.

**221 Effect of existing traffic infringement notices**

- (1) This section applies in relation to a person if a traffic infringement notice was served on the person in accordance with section 180A of the unamended Act.
- (2) An information for an offence arising out of the circumstances on which the traffic infringement notice was based may be laid only if the notice has been withdrawn under the unamended Act, or is withdrawn under the amended Act, within 28 days after the date of the notice.

**222 Existing final notices**

A final notice served on a person in accordance with section 180B of the unamended Act is taken to be, on and after the commencement of this section, a reminder notice served on the person in accordance with section 180MG of the amended Act.



**223 Existing notices disputing liability under traffic infringement notices**

A notice lodged by a person in accordance with section 180D (Disputing liability under traffic infringement notice) of the unamended Act is taken to be, on and after the commencement of this section, a notice given by the person in accordance with section 180MQ (Disputing liability for an infringement notice offence) of the amended Act.

**224 Suspension in force under Part XIA of the unamended Act**

(1) A notice under subsection 180F (3) (Suspension of licences, registration etc) of the unamended Act is taken to be, on and after the commencement of this section, a notice under subsection 180MJ (2) (Suspension for nonpayment of infringement notice penalties) of the amended Act.

(2) A suspension in force under Part XIA of the unamended Act immediately before the commencement of this section is taken to be, on and after the commencement, a suspension in force under Division 4 of Part 11A of the amended Act.

(3) To remove any doubt, the nature of the suspension, the date when the suspension began, and the duration of the suspension, are not affected by this section.

**225 Revocation of suspension on court order etc**

(1) An application made by a person in accordance with subsection 180H (1) (Reinstatement of licences, registration etc) of the unamended Act that has not been finally dealt with by the Magistrates Court before the commencement of this section is taken to be, on and after the commencement, an application made by the person under section 180MN (Revocation of suspension on court order) of the amended Act.

(2) A declaration made by the Magistrates Court under section 180H of the unamended Act is taken to be, on and after the commencement of this section, a declaration made by the court under section 180MN of the amended Act.

(3) A decision made by the registrar not to take action under subsection 180H (4) of the unamended Act is taken to be, on and after the commencement of this section, a decision made by the registrar not to take action under subsection 180MN (5) of the amended Act.

**226 Application to court for failure to revoke suspension on court order**

An application made by a person in accordance with subsection 180H (8) (Reinstatement of licences, registration etc) of the unamended Act that has not been finally dealt with by the Magistrates Court before the commencement of this section is taken to be, on and after the commencement, an application made by the person under section 180MP (Failure to revoke suspension on court order) of the amended Act.

**227 Evidence**

Section 180MV (Evidentiary certificates) of the amended Act applies, with all necessary changes, to things done or not done under Part XIA of the unamended Act as if the reference in subsection 180MV (2) to Part 11A of the amended Act included a reference to Part XIA of the unamended Act.

**228 Modification of Part's operation**

(1) The regulations may modify the operation of this Part to make provision with respect to any matter that is not already, or is not adequately, dealt with in this Part.

(2) A regulation that is expressed to modify the operation of this Part may take the form of a change to the text of this Part (whether by omission, insertion, addition or substitution) so that this Part operates as modified but the regulation does not amend its text.

(3) A regulation made under this section ceases to have effect 6 months after the day on which it commences.

**229 Expiry of Part**

This Part ceases to have effect 6 months after it commences.

## **SCHEDULE 2**

### **PART 1**

Section 14

#### **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 connections shall be of sufficient length and as far as possible protected from damage by collision.
5. All brake and steering connections 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.

*Motor Traffic Act 1936*

**SCHEDULE 2—continued**

(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

(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 trader's plate used on a motor vehicle or trailer shall be affixed so that it is clearly visible to the rear of the vehicle or trailer.

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.

*Motor Traffic Act 1936*

**SCHEDULE 2—continued**

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);
- (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.

*Motor Traffic Act 1936*

**SCHEDULE 3**

Paragraph 47 (a)

The Australian Capital Territory

*Motor Traffic Act 1936*

**TRADERS' PLATES**

Record of use of Traders' Plates issued to

of

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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
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**SCHEDULE 4**

Section 112K

**Designs of certain traffic signs**

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.

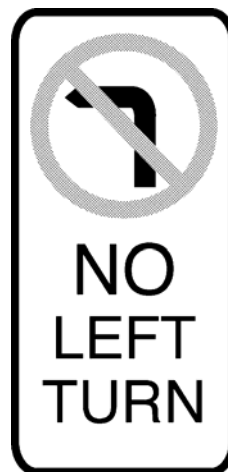
Column 1	Column 2	Column 3
Item	Name of traffic sign	Design of traffic sign
1	NO RIGHT TURN	



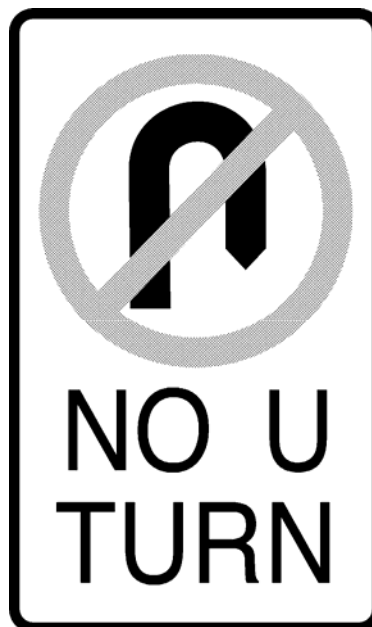
**SCHEDULE 4**—continued

Column 1	Column 2	Column 3
Item	Name of traffic sign	Design of traffic sign

2 NO LEFT TURN

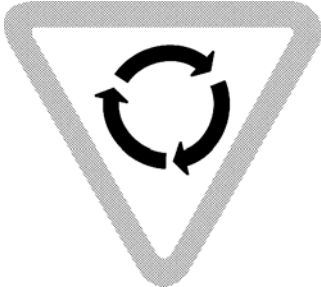
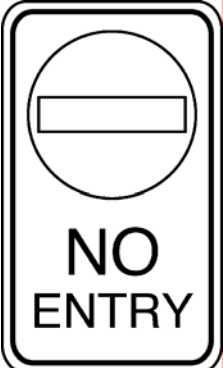


3 NO U TURN





**SCHEDULE 4—continued**

Column 1	Column 2	Column 3
Item	Name of traffic sign	Design of traffic sign
4	ROUNDAABOUT	
4A	NO ENTRY	

*Motor Traffic Act 1936*

**SCHEDULE 4**—continued

Column 1	Column 2	Column 3
Item	Name of traffic sign	Design of traffic sign
5	NO EXIT	

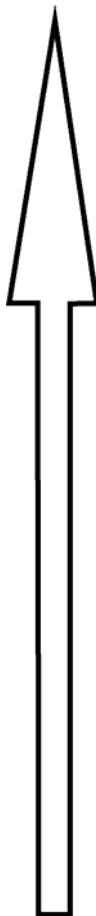


**SCHEDULE 5**

Section 112K

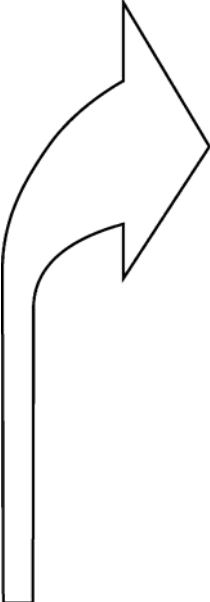

**DESIGNS OF CERTAIN ROAD MARKINGS**

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.

Column 1 Item	Column 2 Name of road marking	Column 3 Design of road marking
1	STRAIGHT AHEAD ARROW	

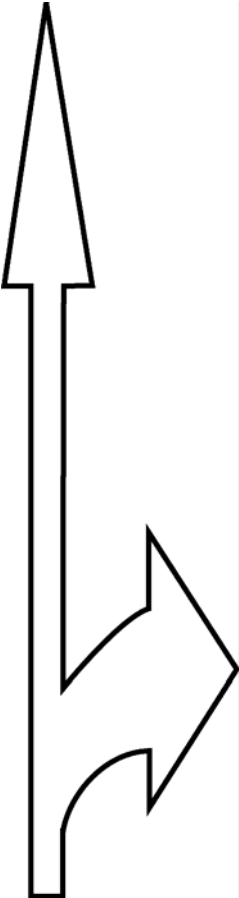
*Motor Traffic Act 1936*

**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 consists of a vertical stem at the bottom, a curved arrowhead pointing to the right, and a smaller arrowhead pointing to the right at the top of the curve.
3	LEFT TURN ARROW	 A black outline of a left-turn arrow. It consists of a vertical stem at the bottom, a curved arrowhead pointing to the left, and a smaller arrowhead pointing to the left at the top of the curve.

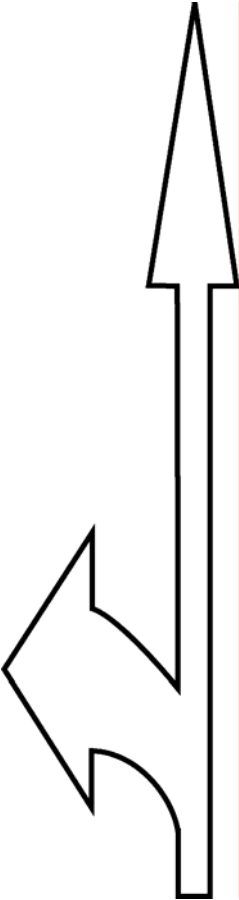
*Motor Traffic Act 1936*

**SCHEDULE 5—continued**

Column 1 Item	Column 2 Name of road marking	Column 3 Design of road marking
4	STRAIGHT AHEAD OR RIGHT TURN ARROW	

*Motor Traffic Act 1936*

**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	

*Motor Traffic Act 1936*

**SCHEDULE 7**

Subsection 217C (1)

**REVIEWABLE DECISIONS**

**Part 1—Decisions of the Minister**

Item	Provision	Decision
1	Subsection 14A (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)
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

*Motor Traffic Act 1936*

**SCHEDULE 7—continued**

Part 2—Decisions of the Registrar

Item	Provision	Decision
1	Subsection 7A (1)	Refusing to grant or renew a learner licence or a learner licence receipt
1A	Subsection 7A (4)	Refusing to grant a learner licence to drive in special circumstances
1B	Subsection 7A (5)	Imposing a condition on a learner licence to drive in special circumstances
2	Paragraph 7B (1) (a)	Refusing to grant or renew a provisional licence
2A	Paragraph 7B (1) (b)	Refusing to make or renew a provisional endorsement on a licence
2B	Subsection 7B (3)	Deciding that a corresponding licence is not equivalent to a provisional licence
3	Subsection 7B (11)	Refusing to grant a provisional licence to drive in special circumstances
3A	Subsection 7B (12)	Imposing a condition on a provisional licence to drive in special circumstances
3AA	Subsection 7B (19)	Refusing to grant a provisional licence to drive a public motor vehicle, a private hire car, a restricted hire vehicle or a licensed goods motor vehicle
3B	Subsection 7B (20)	Refusing to grant a provisional licence because applicant is not a fit and proper person and lacks sufficient knowledge of English
4	Subsection 8 (1)	Refusing to grant or renew a full licence
4A	Subsection 8 (4)	Deciding that a corresponding licence is not equivalent to a full licence
4B	Subsection 8 (8)	Refusing to grant a full licence to drive in special circumstances
5	Subsection 8 (9)	Imposing a condition on a full licence to drive in special circumstances
5A	Subsection 8 (12)	Requiring applicant to undergo a driving test
5AA	Subsection 8 (16)	Refusing to grant a full licence to drive a public motor vehicle, a private hire car, a restricted hire vehicle or a licensed goods motor vehicle
5B	Subsection 8 (17)	Refusing to grant a full licence because applicant is not a fit and proper person or lacks sufficient knowledge of English
5C	Subsection 8B (2)	Granting a conditional licence or imposing a condition on a licence
5D	Subsection 8B (5)	Refusing to vary a licence on application
6	Subsection 10 (1)	Requiring a person to submit to a medical examination
7	Subsection 10 (2)	Requiring a person to submit to a medical examination



*Motor Traffic Act 1936*

**SCHEDULE 7—continued**

Item	Provision	Decision
7A	Subsection 12A (3)	Giving notice to holder of a corresponding licence
7B	Paragraph 13B (1) (e), Subparagraph 13B(1) (f) (ii)	Refusing to accredit a person because he or she has not satisfactorily completed a course
7C	Subsection 13H (1)	Suspending or cancelling accreditation
7D	Subsection 13J (1)	Further suspending or cancelling accreditation
7E	Subsection 13K (1)	Specifying a period of disqualification
7F	Subsection 13N (1)	Directing an accredited driving instructor to undertake training
8	Subsection 14 (1)	Refusing to register or renew the registration of a motor vehicle
10A	Subsection 15A (1)	Specifying, or refusing to specify, the greatest possible sum of the maximum loaded mass of a motor vehicle and of any vehicles that may be towed by it at any 1 time
10B	Subsection 15A (2)	Specifying, or refusing to specify, the maximum loaded mass of a vehicle
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
14A	Subsection 26AD (1)	Refusing to appoint a person as an authorised examiner
14B	Section 26AE	Refusing to amend a class or classes of motor vehicles or trailers in respect of which an appointment under section 26AD is made
14C	Section 26AF	Revoking the appointment of a person as an authorised examiner
14D	Section 26AG	Refusing an application for approval in respect of premises
14E	Section 26AG	Cancelling an approval in respect of premises
14F	Subsection 26AG (5)	Refusing to specify a class or classes of motor vehicles or trailers
14G	Section 26AH	Refusing to amend a class or classes of motor vehicles or trailers in respect of which an approval under section 26AG is made
15	Subsection 26C (2)	Refusing to approve an application for reservation of a previously used registration number

*Motor Traffic Act 1936*

**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
20A	Subsection 27D (1)	Refusing to grant a restricted taxi licence
20B	Subsection 27D (2)	Refusing to renew a restricted taxi licence
20C	Subsection 27D (3)	Specifying that a restricted taxi licence be subject to a condition
20D	Paragraph 27F (1) (a)	Varying or revoking a condition on a restricted taxi licence
20E	Paragraph 27F (1) (a)	Imposing a new condition on a restricted taxi licence
20F	Paragraph 27F (1) (a)	Varying or revoking a condition on a restricted taxi licence for a period other than that applied for
20G	Paragraph 27F (1) (a)	Imposing a new condition on a restricted taxi licence for a period other than that applied for
20H	Paragraph 27F (1) (b)	Refusing to vary or revoke a condition on a restricted taxi licence
20J	Paragraph 27F (1) (b)	Refusing to impose a new condition on a restricted taxi licence
20K	Paragraph 27G (2) (a)	Varying or revoking a condition on a restricted taxi licence
20L	Paragraph 27G (2) (b)	Imposing a new condition on a restricted taxi licence
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
22A	Subsection 28A (1)	Refusing to grant a restricted hire vehicle licence
22B	Subsection 28A (2)	Refusing to renew a restricted hire vehicle licence
22C	Subsection 28A (3)	Specifying that a restricted hire vehicle licence be subject to a condition
22D	Paragraph 28B (1) (a)	Varying or revoking a condition on a restricted hire vehicle licence
22E	Paragraph 28B (1) (a)	Imposing a new condition on a restricted hire vehicle licence
22F	Paragraph 28B (1) (a)	Varying or revoking a condition on a restricted hire vehicle licence for a period other than the period applied for

*Motor Traffic Act 1936*

**SCHEDULE 7—continued**

Item	Provision	Decision
22G	Paragraph 28B (1) (a)	Imposing a new condition on a restricted hire vehicle licence for a period other than the period applied for
22H	Paragraph 28B (1) (b)	Refusing to vary or revoke a condition on a restricted hire vehicle licence
22J	Paragraph 28B (1) (b)	Refusing to impose a new condition on a restricted hire vehicle licence
22K	Paragraph 28C (2) (a)	Varying or revoking a condition on a restricted hire vehicle licence
22L	Paragraph 28C (2) (b)	Imposing a new condition on a restricted hire vehicle 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, a restricted taxi licence, a private hire car licence or a restricted hire vehicle licence
25	Subsection 31 (1)	Cancelling or suspending a taxi licence, a restricted taxi licence, a private hire car licence or a restricted hire vehicle licence
26	Subsection 31 (2)	Refusing an application for, or the renewal of, a taxi licence, restricted taxi licence, private hire car licence or restricted hire vehicle 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
37A	Paragraph 104 (2) (da)	Cancelling or suspending a restricted taxi licence or restricted hire vehicle licence for a breach of the licence conditions

*Motor Traffic Act 1936*

**SCHEDULE 7—continued**

Item	Provision	Decision
38	Paragraph 104 (2) (e)	Cancelling or suspending a public motor vehicle licence, a private hire car licence or a restricted hire vehicle licence
38A	Paragraph 104 (2) (ea)	Cancelling a driving licence that has been granted or renewed in error or a provisional endorsement that has been made in error
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
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
42B	Paragraph 107B (2) (d)	Refusing to exempt from the requirement to register a vehicle or trailer the owner of a vehicle or trailer registered in a State or another Territory
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
48A	Subparagraph 150B (9) (a) (i)	That the Registrar is not satisfied that a person has a permanent disability
48B	Subsection 150B (10)	Issuing or refusing to issue a label for a period of 3, 6, 9 or 12 months
49	Subsection 150C (1)	Cancelling an approved label
50	Section 150D	Refusing to issue replacement label
50A	Subsection 150R (1)	Refusing to issue a certificate
50B	Subsection 150T (1)	Granting or refusing to grant an exemption
50C	Subsection 150T (1)	Granting a conditional exemption
50D	Subsection 150U (1)	The period specified for which an exemption remains in force
50E	Subsection 150X (1)	Refusing to vary an exemption
50F	Subsection 150Z (1)	Refusing to issue a copy of a certificate
50G	Subsection 150ZA(1)	Cancelling a certificate
51	Subsection 164E (1)	Revoking or refusing to give a certificate
52	Subsection 176 (6)	Refusing to give authority to drive

*Motor Traffic Act 1936*

**SCHEDULE 7—continued**

Item	Provision	Decision
52A	Subsection 180V (1A)	Refusing to grant a probationary licence
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 1 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
61A	Section 216A	Failing to be satisfied that a licence or other thing has been lost, stolen or destroyed or that it is otherwise impracticable in the circumstances to surrender the licence or other thing
62	Section 217	Refusing to issue a permit exempting persons from provisions of Act or granting a conditional permit

*Motor Traffic Act 1936*

**NOTES**

1. The *Motor Traffic Act 1936* in this reprint is 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.

2. The *Legislation (Republication) Act 1996* authorises the Parliamentary Counsel in preparing a law for republication, to make certain editorial and other formal amendments in accordance with current legislative drafting practice. The amendments do not change the law. Amendments made under the Act do not appear in the Table of Amendments but details may be obtained on request from the Parliamentary Counsel's Office.

(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 <i>Gazette</i>	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 <i>Gazette</i> 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 <i>Gazette</i> 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	—

*Motor Traffic Act 1936*

**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>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	—
<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	—

*Motor Traffic Act 1936*

**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. 6) 1973</i>	57, 1973	19 Dec 1973	19 Dec 1973	—
<i>Motor Traffic Ordinance 1974 (No. 2) 1974</i>	4, 1974	15 Mar 1974	15 Mar 1974	—
<i>Motor Traffic Ordinance (No. 3) 1974</i>	12, 1974	11 Apr 1974	11 Apr 1974	—
<i>Motor Traffic Ordinance (No. 4) 1974</i>	23, 1974	1 July 1974	1 July 1974	—
<i>Motor Traffic Ordinance (No. 5) 1974</i>	37, 1974	3 Oct 1974	3 Oct 1974	—
<i>Motor Traffic Ordinance (No. 6) 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. 3) 1976</i>	16, 1976	21 Apr 1976	21 Apr 1976	—
<i>Motor Traffic Ordinance (No. 4) 1976</i>	23, 1976	10 June 1976	10 June 1976	—
<i>Motor Traffic Ordinance (No. 5) 1976</i>	31, 1976	28 July 1976	28 July 1978	—
<i>Motor Traffic Ordinance (Amendment) Ordinance 1976</i>	52, 1976	26 Oct 1976	26 Oct 1976	—
<i>Motor Traffic (Amendment) Ordinance 1977</i>	54, 1976	27 Oct 1976	27 Oct 1976	S. 10 (2)
<i>Motor Traffic (Amendment) Ordinance (No. 2) 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. 3) 1977</i>	23, 1977	30 June 1977	4 July 1977 (see <i>Gazette</i> 1977, No. S104)	—
<i>Motor Traffic (Amendment) Ordinance (No. 4) 1977</i>	30, 1977	8 July 1977	8 July 1977	—
<i>Motor Traffic (Amendment) Ordinance (No. 5) 1977</i>	37, 1977	17 Aug 1977	17 Aug 1977	—
<i>Motor Traffic (Amendment) Ordinance (No. 6) 1977</i>	51, 1977	27 Sept 1977	27 Sept 1977	S. 3 (2)
<i>Motor Traffic (Amendment) Ordinance 1978</i>	59, 1977	15 Nov 1977	5 Dec 1977 (see <i>Gazette</i> 1977, No. S277)	—
<i>Motor Traffic (Amendment) Ordinance (No. 2) 1978</i>	2, 1978	2 Feb 1978	2 Feb 1978	—
<i>Ordinances Revision Ordinance 1978</i>	31, 1978	10 Oct 1978	10 Oct 1978	—
<i>Motor Traffic (Amendment) Ordinance 1979</i>	46, 1978	28 Dec 1978	28 Dec 1978	—
<i>Motor Traffic (Amendment) Ordinance 1980</i>	32, 1979	31 Oct 1979	2 Nov 1979 (see <i>Gazette</i> 1979, No. S224)	—
<i>Motor Traffic (Amendment) Ordinance 1981</i>	33, 1980	30 Sept 1980	30 Sept 1980	—
	3, 1981	19 Feb 1981	1 Mar 1981	—



*Motor Traffic Act 1936*

**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. 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	—
<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 <i>Gazette</i> 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 <i>Gazette</i> 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 <i>Gazette</i> 1985, No. S424)	—

*Motor Traffic Act 1936*

**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. 4) 1985</i>	35, 1985	20 Aug 1985	1 Sept 1985 (see <i>Gazette</i> 1985, No. S351)	—
<i>Motor Traffic (Amendment) Ordinance (No. 5) 1985</i>	49, 1985	19 Sept 1985	19 Sept 1985	—
<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	—

*Motor Traffic Act 1936*

**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	—

*Motor Traffic Act 1936*

**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)	—

*Motor Traffic Act 1936*

**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
<i>Bushfire (Amendment) Act 1993</i>	74, 1993	22 Oct 1993	22 Oct 1993	—
<i>Motor Traffic (Amendment) Act (No. 3) 1993</i>	84, 1993	3 Dec 1993	Ss. 1-3: 3 Dec 1993 Ss. 4 (d) (in part) and 25-31: 13 Dec 1993 (see <i>Gazette</i> 1993, No. S256, p. 2). S. 22: 7 Feb 1994 (see <i>Gazette</i> 1994, No. S20) Remainder: 3 June 1994	—
<i>Administrative Appeals (Consequential Amendments) Act 1994</i>	60, 1994	11 Oct 1994	Ss. 1 and 2: 11 Oct 1994 Remainder: 14 Nov 1994 (see s. 2 (2) and <i>Gazette</i> 1994, No. S250)	—
<i>Statute Law Revision (Penalties) Act 1994</i>	81, 1994	29 Nov 1994	Ss. 1 and 2: 29 Nov 1994 Remainder: 29 Nov 1994 (see <i>Gazette</i> 1994, No. S269, p. 2)	—
<i>Statutory Offices (Miscellaneous Provisions) Act 1994</i>	97, 1994	15 Dec 1994	Ss. 1 and 2: 15 Dec 1994 Remainder: 15 Dec 1994 (see <i>Gazette</i> 1994, No. S293)	Part III (ss. 4-9)

(Reprinted as at 28 February 1995)

*Motor Traffic Act 1936*

**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 1995</i>	8, 1995	30 June 1995	Ss. 1-3: 30 June 1995 Remainder: 18 Oct 1995 (see <i>Gazette</i> 1995, No. S261, p. 2)	—
<i>Motor Traffic (Amendment) Act (No. 2) 1995</i>	17, 1995	30 June 1995	30 June 1995	S. 4
<i>Statute Law Revision Act 1995</i>	46, 1995	18 Dec 1995	18 Dec 1995	—
<i>Motor Traffic (Consequential Provisions) Act 1996</i>	7, 1996	10 Apr 1996	Ss. 1-3: 10 Apr 1996 Remainder: 12 Sept 1996 (see s. 2 (2))	—
<i>Financial Management and Audit (Consequential and Transitional Provisions) Act 1996</i>	26, 1996	1 July 1996	1 July 1996	—
<i>Motor Traffic (Amendment) Act 1996</i>	47, 1996	19 Sept 1996	19 Sept 1996	S. 22
<i>Motor Traffic (Amendment) Act (No. 2) 1996</i>	76, 1996	20 Dec 1996	Ss. 1-3: 20 Dec 1996 Remainder: 1 Jan 1997 (a)	—
<i>Motor Traffic (Amendment) Act (No. 3) 1996</i>	83, 1996	20 Dec 1996	Ss. 1-3: 20 Dec 1996 Remainder: 1 Jan 1997 (see <i>Gazette</i> 1996, No. S353)	—
<i>Motor Traffic (Amendment) Act 1997</i>	8, 1997	22 Apr 1997	Ss. 1-3: 22 Apr 1997 Ss. 4-7 and 10 (in part): 20 May 1997 (see <i>Gazette</i> 1997, No. S128) Remainder: 22 Oct 1997	S. 16
<i>Motor Traffic (Amendment) Act (No. 2) 1997</i>	52, 1997	19 Sept 1997	Ss. 1-3: 19 Sept 1997 Remainder: 2 Mar 1998 (see s. 2 (2) and <i>Gazette</i> 1997, No. S427)	Part III (ss. 17-21)

*Motor Traffic Act 1936*

**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. 3) 1997</i>	55, 1997	19 Sept 1997	Ss. 1-3: 19 Sept 1997 Ss. 4, 5, 10, 11, 16 and 17: 4 Nov 1997 (see <i>Gazette</i> 1997, No. S337) Remainder: 1 Dec 1997 (see <i>Gazette</i> 1997, No. S337)	—
<i>Motor Traffic (Amendment) Act (No. 4) 1997</i>	59, 1997	9 Oct 1997	Ss. 1-3: 9 Oct 1997 Ss. 4 (a) and 11: 7 Nov 1997 (see <i>Gazette</i> 1997, No. S351) Remainder: 5 Jan 1998 (see <i>Gazette</i> 1997, No. S425)	—
<i>Public Health (Miscellaneous Provisions) Act 1997</i>	70, 1997	9 Oct 1997	Ss. 1-3: 9 Oct 1997 Remainder (ss. 4-44): (see Note 4)	—
<i>Environment Protection (Consequential Provisions) Act 1997</i>	93, 1997	1 Dec 1997	Ss. 1 and 2: 1 Dec 1997 Remainder: 1 June 1998	—
<i>Motor Traffic (Amendment) Act (No. 5) 1997</i>	123, 1997	24 Dec 1997	24 Dec 1997	—
<b>(Reprinted as at 2 March 1998)</b>				
<i>Motor Traffic (Amendment) Act 1998</i>	26, 1998	10 July 1998	Ss. 1 and 2: 10 July 1998 Remainder: 1 Jan 1999 (see s. 2 (2) and <i>Gazette</i> 1998, No. 50, p. 1095)	S. 16
<i>Statute Law Revision (Penalties) Act 1998</i>	54, 1998	27 Nov 1998	Ss. 1 and 2: 27 Nov 1998 Remainder: 9 Dec 1998 (see <i>Gazette</i> 1998, No. 49, p. 1078)	—

*Motor Traffic Act 1936*

**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 1999</i>	16, 1999	14 Apr 1999	Ss. 1-3: 14 Apr 1999 Ss. 5, 6, 47 (1) and (2): 16 Aug 1999 (see <i>Gazette</i> 1999, No. 32, p. 421) Remainder: 18 June 1999 (see <i>Gazette</i> 1999, No. 24, p. 275)	S. 47
<i>Public Health (Consequential Amendments) Act 1999</i>	20, 1999	14 Apr 1999	(see s. 2 and Note 3)	—
<i>Motor Traffic (Amendment) Act (No 2) 1999</i>	1999 No 50	17 Sept 1999	ss 1-3: 17 Sept 1999 ss 4-19: 6 Oct 1999 (see <i>Gazette</i> 1999, No. S58, p. 2)	—

(a) Section 8 of the *Fees and Charges (Validation) Act 1997* provides as follows:

**Act No. 76 of 1996—commencement**

“8. Notwithstanding subsection 2 (2) of the *Motor Traffic (Amendment) Act (No. 2) 1996*, sections 4, 5 and 6 of that Act shall be deemed to have commenced on 1 January 1997.”

This section supersedes the commencement notice notified in *Gazette* No. S45, 1997.



*Motor Traffic Act 1936*

**NOTES**—continued

**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**

Provision	How affected
S. 19A.....	ad. No. 41, 1938 rep. No. 6, 1956
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

*Motor Traffic Act 1936*

**NOTES—continued**

**Table of Amendments—continued**

The amendment history of the *Motor Traffic Act 1936* after renumbering by the *Motor Traffic Ordinance 1965* appears in Table 2 below.

**Table 2**

Provision	How affected
	ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted
S. 2 .....	am. No. 9, 1965; Act No. 51, 1996
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. 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, 57 and 84, 1993; Nos. 60 and 97, 1994; Nos. 7, 76 and 83, 1996; Nos. 8, 52 and 55, 1997; No. 26, 1998; 1999 No. 16 s 4; 1999 No 50 s 4
S. 4A .....	ad. 1999 No 50 s 5
S. 5 .....	am. No. 41, 1938 rs. No. 38, 1989 am. Act No. 44, 1993
S. 6 .....	am. Act No. 47, 1993 rs. No. 97, 1994
S. 6A .....	ad. Act No. 97, 1994
S. 6B .....	ad. Act No. 97, 1994 am. No. 17, 1995; No. 83, 1996
Ss. 6C, 6D .....	ad. Act No. 97, 1994 am. No. 17, 1995
Ss. 6E-6K.....	ad. Act No. 55, 1997
Heading to Part II.....	rep. Act No. 8, 1997
Heading to Part IA .....	ad. Act No. 8, 1997
S. 7 .....	rs. No. 41, 1938; No. 9, 1965 am. No. 9, 1965; No. 3, 1972; Act No. 14, 1990; No. 47, 1993; No. 7, 1996 (relocated and renumbered s. 14 by No. 8, 1997)
S. 7 .....	Renumbered by No. 8, 1997
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; No. 7, 1996 (relocated and renumbered s. 14A by No. 8, 1997)

*Motor Traffic Act 1936*

**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. 7A .....	Renumbered by No. 8, 1997 am. No. 8, 1997; 1999 No 16 s 5
Ss. 7B, 7C.....	ad. Act No. 37, 1990 rep. No. 42, 1991
S. 7B .....	Renumbered by No. 8, 1997 am. No. 8, 1997; 1999 No 16 s 6
S. 8 .....	ad. No. 9, 1965 am. No. 21, 1983; Act No. 14, 1990; No. 7, 1996 (relocated and renumbered s. 15 by No. 8, 1997)
S. 8 .....	Renumbered by No. 8, 1997
S. 8AA.....	ad. 1999 No. 16 s 7
S. 8A .....	ad. Act No. 7, 1996 (relocated and renumbered s. 15A by No. 8, 1997)
Ss. 8A, 8B.....	Renumbered by No. 8, 1997 am. No. 52, 1997
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 (renumbered s. 7 by No. 8, 1997)
S. 9 .....	Renumbered by No. 8, 1997 am. No. 52, 1997; 1999 No 50 s 6
S. 9A .....	ad. Act No. 57, 1993 am. No. 7, 1996 (renumbered s. 7A by No. 8, 1997)
S. 9B.....	ad. Act No. 57, 1993 am. No. 84, 1993; No. 7, 1996 (renumbered s. 7B by No. 8, 1997)
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 am. No. 84, 1993; No. 7, 1996 (renumbered s. 8 by No. 8, 1997)
S. 10 .....	Renumbered by No. 8, 1997
Ss. 10A, 10B.....	ad. Act No. 57, 1993 (renumbered ss. 8A, 8B by No. 8, 1997)
S. 11 .....	ad. No. 6, 1956 am. No. 13, 1971; No. 16, 1977; Act No. 20, 1989; No. 109, 1991; Nos. 47, 57 and 84, 1993 (renumbered s. 9 by No. 8, 1997)
S. 11 .....	Renumbered by No. 8, 1997
S. 11A.....	Renumbered by No. 8, 1997 rs. No. 52, 1997 am. 1999 No. 16 s 8; 1999 No 50 s 7
Ss. 11B-11D .....	ad. Act No. 52, 1997
S. 12 .....	rs. No. 6, 1956 am. Acts Nos. 47, 57 and 84, 1993 (renumbered s. 10 by No. 8, 1997)

*Motor Traffic Act 1936*

**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. 12 .....	Renumbered by No. 8, 1997 am. No. 55, 1997
S. 12AA.....	Renumbered by No. 8, 1997
S. 12A.....	Renumbered by No. 8, 1997
S. 13 .....	am. No. 41, 1938; Act No. 57, 1993 (renumbered s. 11 by No. 8, 1997)
S. 13 .....	Renumbered by No. 8, 1997
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 (renumbered s. 11A by No. 8, 1997)
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 am. No. 38, 1989; Act No. 57, 1993; No. 76, 1996 (renumbered s. 12 by No. 8, 1997)
S. 14 .....	Renumbered by No. 8, 1997 am. No. 55, 1997
S. 14AA.....	ad. Act No. 76, 1996 (renumbered s. 12AA by No. 8, 1997)
S. 14A.....	ad. Act No. 57, 1993 (renumbered s. 12A by No. 8, 1997)
S. 14A.....	Renumbered by No. 8, 1997 am. No. 55, 1997
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 (renumbered s. 13 by No. 8, 1997)
S. 15 .....	Renumbered by No. 8, 1997 rep. No. 55, 1997
S. 15A.....	Renumbered by No. 8, 1997
Part IB (ss. 13A-13V).....	ad. Act No. 8, 1997
Ss. 13A-13V.....	ad. Act No. 8, 1997
Heading to Part II.....	ad. Act No. 8, 1997
S. 16 .....	ad. No. 6, 1956 am. No. 9, 1965; Act No. 47, 1993
S. 17 .....	am. No. 9, 1965 rep. Act No. 55, 1997
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

*Motor Traffic Act 1936*

**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. 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 am. Act No. 81, 1994
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; No. 81, 1994
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 IIAA (ss. 26AA-26AZ, 26AZA-26AZG)	ad. Act No. 55, 1997
Ss. 26AA-26AC .....	ad. Act No. 55, 1997
S. 26AD .....	ad. Act No. 55, 1997 am. No. 123, 1997
Ss. 26AE, 26AF .....	ad. Act No. 55, 1997
S. 26AG .....	ad. Act No. 55, 1997 am. No. 123, 1997
Ss. 26AH-26AZ .....	ad. Act No. 55, 1997
Ss. 26AZA-26AZG .....	ad. Act No. 55, 1997
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
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

*Motor Traffic Act 1936*

**NOTES—continued**

**Table of Amendments—continued**

**Table 2—continued**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
	rep. Act No. 42, 1991
Ss. 26Q-26S .....	ad. No. 16, 1988
	am. No. 38, 1989
Heading to Part III .....	rs. Act No. 84, 1993
S. 26T .....	ad. Act No. 42, 1990
	am. No. 84, 1993
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; Nos. 47 and 84, 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. 27D .....	ad. Act No. 84, 1993
	am. No. 54, 1998
Ss. 27E, 27F .....	ad. Act No. 84, 1993
Ss. 27G, 27H .....	ad. Act No. 84, 1993
	am. No. 54, 1998
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; Acts Nos. 47 and 84, 1993
S. 28A .....	ad. Act No. 84, 1993
	am. No. 54, 1998
S. 28B .....	ad. Act No. 84, 1993
S. 28C .....	ad. Act No. 84, 1993
	am. No. 54, 1998
S. 28D .....	ad. Act No. 84, 1993
S. 28E .....	ad. Act No. 84, 1993
	am. No. 54, 1998
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; Act No. 84, 1993
S. 30 .....	ad. No. 6, 1956
	am. No. 9, 1965; Acts Nos. 47 and 84, 1993
S. 31 .....	ad. No. 6, 1956
	rs. Act No. 42, 1990
	am. Nos. 47 and 84, 1993
S. 31A .....	ad. Act No. 84, 1993
	am. No. 54, 1998
S. 32 .....	am. Act No. 42, 1990; No. 84, 1993

*Motor Traffic Act 1936*

**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. 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; Nos. 47 and 84, 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
S. 39 .....	am. Act No. 84, 1993
Ss. 39A, 39B .....	ad. Act No. 42, 1990 rep. No. 42, 1991
Heading to Part IV .....	rs. No. 21, 1963
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; No. 47, 1996
S. 41 .....	rs. No. 21, 1963 am. No. 9, 1965; Act No. 47, 1993; No. 47, 1996
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; No. 81, 1994
S. 44 .....	am. No. 21, 1963
S. 45 .....	am. No. 21, 1963; No. 19, 1966; No. 1, 1984; Act No. 47, 1993; No. 81, 1994
S. 46 .....	am. No. 21, 1963; No. 9, 1965; Act No. 47, 1993
S. 47 .....	am. No. 9, 1965; Act No. 47, 1993; No. 97, 1994
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; No. 81, 1994
S. 52 .....	ad. No. 6, 1947 am. No. 19, 1966; No. 12, 1974; No. 1, 1984; Act No. 47, 1993; No. 81, 1994
S. 53 .....	ad. No. 6, 1947

*Motor Traffic Act 1936*

**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. 54 .....	am. No. 9, 1965; Act No. 47, 1993 ad. No. 6, 1947
S. 55 .....	am. No. 13, 1965; No. 19, 1966 (as am. by No. 36, 1967); No. 1, 1984; Act No. 106, 1991; No. 47, 1993; No. 81, 1994 ad. No. 6, 1947
S. 56 .....	am. No. 30, 1985 ad. No. 6, 1947
S. 57 .....	ad. No. 6, 1947
S. 58 .....	am. No. 9, 1965; Act No. 47, 1993 ad. No. 6, 1947
S. 59 .....	am. Act No. 47, 1993 ad. No. 6, 1947
S. 60 .....	am. Act No. 42, 1991; No. 47, 1993 ad. No. 6, 1947
S. 61 .....	am. No. 19, 1966; No. 1, 1984; Act No. 47, 1993; No. 81, 1994 ad. No. 6, 1947
Ss. 62, 63.....	am. No. 16, 1962; Nos. 9 and 13, 1965; No. 30, 1985; Act No. 47, 1993 ad. No. 6, 1947
Ss. 64, 65.....	am. No. 16, 1977; No. 46, 1978; Act No. 47, 1993 ad. No. 6, 1947
S. 66 .....	am. No. 9, 1965; Act No. 47, 1993 ad. No. 6, 1947
Ss. 67, 68.....	am. No. 13, 1965; Act No. 47, 1993 ad. No. 6, 1947
S. 69 .....	am. Act No. 47, 1993 ad. No. 6, 1947
S. 70 .....	ad. No. 6, 1947
Ss. 71-73 .....	am. No. 9, 1965; Act No. 47, 1993 ad. No. 6, 1947
S. 74 .....	am. Act No. 47, 1993 ad. No. 6, 1947
S. 75 .....	am. No. 19, 1966; Act No. 47, 1993 ad. No. 6, 1947
S. 76 .....	am. No. 9, 1965; No. 19, 1966; Act No. 47, 1993 ad. No. 6, 1947
Ss. 77, 78.....	am. No. 19, 1966; Act No. 47, 1993 ad. No. 6, 1947
S. 79 .....	am. No. 9, 1965; Act No. 47, 1993 ad. No. 6, 1947
S. 80 .....	am. No. 27, 1969 ad. No. 6, 1947
Ss. 81, 82.....	am. No. 9, 1965; Act No. 47, 1993 ad. No. 6, 1947



*Motor Traffic Act 1936*

**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. 83 .....	ad. No. 6, 1947 am. No. 6, 1956; No. 19, 1966 (as am. by No. 36, 1967); Acts Nos. 47 and 84, 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; No. 81, 1994
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; No. 81, 1994
S. 90 .....	ad. No. 6, 1947 am. No. 19, 1966; No. 1, 1984; No. 38, 1989; Act No. 47, 1993; Nos. 81 and 97, 1994
S. 90A .....	ad. No. 27, 1969 am. Act No. 47, 1993
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 am. No. 54, 1998
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; No. 81, 1994; No. 47, 1996
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

*Motor Traffic Act 1936*

**NOTES—continued**

**Table of Amendments—continued**

**Table 2—continued**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
	rep. No. 3, 1976 ad. 1999 No. 16 s 9
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, 57 and 84, 1993; No. 47, 1996; 1999 No. 16 s 10
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, 57 and 84, 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; No. 26, 1998; 1999 No 50 s 8
S. 107A .....	ad. Act No. 57, 1993 am. No. 52, 1997
S. 107B .....	ad. Act No. 47, 1996
S. 108 .....	am. No. 13, 1971; Act No. 47, 1993
Part VIA (ss. 107A-107G) ..	ad. No. 37, 1974
Ss. 107A-107C .....	ad. No. 37, 1994 (relocated and renumbered ss. 108A-108C by No. 54, 1976)
S. 107D .....	ad. No. 37, 1974 am. No. 54, 1976 (relocated and renumbered s. 108D by No. 54, 1976)
S. 107E .....	ad. No. 37, 1974 am. Nos. 31 and 54, 1976 (relocated and renumbered s. 108E by No. 54, 1976)
Ss. 107F, 107G .....	ad. No. 37, 1974 am. No. 54, 1976 (relocated and renumbered ss. 108F, 108G by No. 54, 1976)
S. 108A .....	Renumbered by No. 54, 1976 am. Act No. 97, 1994; No. 55, 1997
S. 108B .....	Renumbered by No. 54, 1976 am. Act No. 47, 1993; No. 55, 1997; 1999 No. 16 s 11
S. 108C .....	Renumbered by No. 54, 1976 am. Act No. 55, 1997; 1999 No. 16 s 12
S. 108D .....	Renumbered by No. 54, 1976 am. Act No. 47, 1993
S. 108E .....	Renumbered by No. 54, 1976 am. Act No. 47, 1993; No. 55, 1997; 1999 No. 16 s 13
S. 108F .....	Renumbered by No. 54, 1976
S. 108G .....	Renumbered by No. 54, 1976 am. Act No. 47, 1993; No. 55, 1997
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

*Motor Traffic Act 1936*

**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. 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 rs. 1999 No. 16 s 14
S. 112B .....	ad. No. 37, 1971 am. No. 54, 1976; Acts Nos. 47 and 84, 1993; No. 47, 1996; 1999 No. 16 s 15
S. 112BA.....	ad. Act No. 84, 1993 am. 1999 No. 16 s 16
S. 112C .....	ad. No. 37, 1971 am. Act No. 47, 1993 rs. No. 8, 1995
S. 112D .....	ad. No. 37, 1971 am. No. 44, 1984; Act No. 47, 1993
S. 112E .....	ad. No. 37, 1971 am. Act No. 47, 1993 rep. No. 84, 1993
Ss. 112F .....	ad. No. 37, 1971 am. Act No. 47, 1993; 1999 No. 16 s 17
Ss. 112G-112I .....	ad. No. 37, 1971 am. Act No. 47, 1993
S. 112J.....	ad. No. 37, 1971 am. Act No. 47, 1993; No. 97, 1994
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; Act No. 84, 1993
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
S. 115 .....	ad. No. 11, 1960 am. Act No. 47, 1993
Ss. 115A, 115B.....	ad. No. 49, 1974

*Motor Traffic Act 1936*

**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. 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; Acts Nos. 47 and 84, 1993; 1999 No. 16 s 18
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; No. 97, 1994
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. 124B	ad. Act No. 84, 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; 1999 No. 16 s 19
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; Act No. 81, 1994
S. 130	ad. No. 11, 1960

*Motor Traffic Act 1936*

**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
	am. Act No. 81, 1994
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; No. 97, 1994
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; 1999 No 50 s 9

*Motor Traffic Act 1936*

**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. 141 .....	ad. No. 11, 1960 rs. No. 8, 1964 am. No. 23, 1974
S. 142 .....	ad. No. 11, 1960 1999 No 50 s 10
S. 143 .....	ad. No. 11, 1960 am. No. 8, 1964 rs. No. 2, 1968 am. No. 13, 1971; No. 23, 1974; Act No. 47, 1996
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; Act No. 81, 1994
S. 147B .....	ad. No. 13, 1971 am. Act No. 46, 1992 rep 1999 No 50 s 11
S. 147C .....	ad. No. 13, 1971 am. No. 23, 1974; Act No. 46, 1992; No. 47, 1993 rep 1999 No 50 s 11
Ss. 147CA, 147CB.....	ad. Act No. 46, 1992 rep 1999 No 50 s 11
S. 147D .....	ad. No. 13, 1971 am. No. 1, 1984 rs. Act No. 46, 1992 am. No. 81, 1994 rep 1999 No 50 s 11
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

*Motor Traffic Act 1936*

**NOTES—continued**

**Table of Amendments—continued**

**Table 2—continued**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
	rep. No. 47, 1996
Part X (ss. 149, 151-153, 155, 158, 159)	ad. No. 11, 1960
Heading to Div. 1 of Part X	ad. Act No. 83, 1996
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; Act No. 84, 1993; No. 83, 1996; No. 59, 1997; 1999 No. 16 s 20
Heading to Div. 2 of Part X	ad. Act No. 83, 1996
S. 149A .....	ad. No. 38, 1973 am. No. 37, 1977, No. 21, 1983 rs. No. 63, 1987
Ss. 149B-149D .....	ad. No. 63, 1987
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; No. 81, 1994
Heading to Div. 3 of Part X	ad. Act No. 83, 1996
S. 150A .....	ad. No. 50, 1982 am. Act No. 59, 1997
S. 150B .....	ad. No. 50, 1982 am. No. 50, 1987; No. 38, 1989; Act No. 42, 1991; No. 47, 1993; No. 59, 1997
S. 150C .....	ad. No. 50, 1982 am. No. 38, 1989; Act No. 42, 1991; No. 47, 1993; No. 59, 1997
S. 150D .....	ad. No. 50, 1982 am. Act No. 47, 1993
S. 150E .....	ad. No. 50, 1982 am. Act No. 47, 1993; No. 59, 1997
Div. 4 of Part X (ss.150F-150Z, 150ZA-150ZH)	ad. Act No. 83, 1996
Ss. 150F-150Z, .....	ad. Act No. 83, 1996
Ss. 150ZA-150ZH .....	ad. Act No. 83, 1996
Heading to Div. 5 of Part X	ad. Act No. 83, 1996
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

*Motor Traffic Act 1936*

**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. 8, 1964; No. 19, 1966; No. 50, 1982; No. 58, 1986; Act No. 20, 1989; No. 47, 1993; No. 59, 1997
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; Nos. 47 and 84, 1993; No. 97, 1994
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; No. 59, 1997
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; 1999 No. 16 s 21
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; No. 59, 1997
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; 1999 No. 16 s 22
Heading to Div. 6 of Part X	ad. Act No. 83, 1996
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
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; No. 97, 1994
Ss. 162A, 162B.....	ad. Act No. 20, 1989 am. No. 47, 1993
S. 162C.....	ad. Act No. 20, 1989
S. 162D.....	ad. Act No. 20, 1989 am. No. 47, 1993
S. 162E .....	ad. Act No. 20, 1989 am. No. 47, 1993; No. 47, 1996; No. 26, 1998
S. 162EA.....	ad. Act No. 47, 1993



*Motor Traffic Act 1936*

**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. 162EB.....	ad. Act No. 26, 1998
S. 162F .....	ad. Act No. 20, 1989 rs. No. 47, 1993 am. No. 26, 1998
S. 162G.....	ad. Act No. 20, 1989
S. 162H.....	ad. Act No. 20, 1989 am. No. 47, 1993; No. 26, 1998
S. 162J.....	ad. Act No. 20, 1989 am. No. 26, 1998
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 am. No. 46, 1995
S. 163 .....	ad. No. 8, 1964 am. No. 38, 1989 rs. Act No. 20, 1989 am. No. 83, 1996
Heading to Div. 7 of Part X	ad. Act No. 83, 1996
S. 163A .....	ad. No. 41, 1973 rep. No. 6, 1989 ad. 1999 No. 16 s 23
S. 163B .....	ad. No. 41, 1973 am. No. 23, 1977 rs. No. 6, 1989
S. 163BA.....	ad. 1999 No. 16 s 24
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; No. 59, 1997
S. 163F .....	ad. No. 41, 1973 am. No. 50, 1982; No. 44, 1984; No. 58, 1986; No. 6, 1989; Act No. 20, 1989; No. 59, 1997; 1999 No. 16 s 25
S. 163G.....	ad. No. 41, 1973 am. No. 6, 1989; Act No. 47, 1993; No. 81, 1994
S. 163H.....	ad. No. 41, 1973 am. Act No. 47, 1993; No. 81, 1994

*Motor Traffic Act 1936*

**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. 163I .....	ad. No. 41, 1973 am. Act No. 47, 1993
Ss. 163J, 163K .....	ad. No. 41, 1973 am. Act No. 47, 1993; No. 81, 1994
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 am. Act No. 81, 1994
S. 163MB .....	ad. No. 44, 1984 am. Act No. 47, 1993; 1999 No. 16 s 26
Heading to Div. 8 of Part X	ad. Act No. 83, 1996
S. 163N .....	ad. No. 41, 1973 am. Act No. 47, 1993; No. 83, 1996
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; No. 83, 1996; 1999 No. 16 s 27
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
S. 164DA .....	ad. Act No. 46, 1992
S. 164DB .....	ad. Act No. 46, 1992 am. No. 84, 1993; No. 47, 1996
S. 164E .....	ad. No. 32, 1979 am. Act No. 38, 1990; No. 46, 1992; No. 47, 1993
S. 164F .....	ad. No. 32, 1979
S. 164FA .....	ad. 1999 No 50 s 12
S. 164G .....	ad. No. 32, 1979

*Motor Traffic Act 1936*

**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 rep. Act No. 42, 1991 ad. No. 46, 1992 am. No. 81, 1994
S. 164H.....	ad. Act No. 46, 1992
S. 164I.....	ad. Act No. 46, 1992 am. Nos. 81 and 97, 1994
S. 164J.....	ad. Act No. 46, 1992 am. No. 97, 1994
S. 165.....	rs. No. 21, 1963 am. No. 9, 1965; No. 6, 1982 rs. Act No. 47, 1996
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; Act No. 84, 1993; No. 81, 1994
S. 169.....	ad. No. 41, 1938 am. No. 7, 1955; No. 9, 1965; No. 19, 1966 rs. No. 1, 1984 am. Acts Nos. 47 and 57, 1993; No. 81, 1994
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; No. 97, 1994
S. 173.....	am. Act No. 97, 1994
S. 174.....	am. Act No. 47, 1993; No. 97, 1994
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; No. 7, 1996
S. 177.....	am. No. 9, 1965; Act No. 47, 1993
S. 178.....	am. No. 13, 1943; Act No. 47, 1993; No. 97, 1994
S. 180.....	am. Act No. 47, 1993
Heading to Part XIA.....	ad. Act No. 109, 1991
Part XIA (ss.180A-180F, 180FA, 180FB, 180G, 180H, 180L-180N)	rep. 1999 No 50 s 13
Part 11A (ss 180A-180M, 180MA-180MW)	ad. 1999 No 50 s 13
S. 180A.....	ad. No. 18, 1983 am. Act No. 41, 1990; Nos. 88 and 109, 1991; No. 44, 1992; No. 47, 1993; No. 97, 1994 rs. 1999 No 50 s 13

*Motor Traffic Act 1936*

**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. 180B-180E.....	ad. Act No. 109, 1991 am. No. 47, 1993 rs. 1999 No 50 s 13
S. 180F .....	ad. Act No. 109, 1991 am. No. 47, 1993; No. 47, 1996; No. 26, 1998 rs. 1999 No 50 s 13
S. 180FA.....	ad. Act No. 47, 1993 rep. 1999 No 50 s 13
S. 180FB.....	ad. Act No. 26, 1998 rep. 1999 No 50 s 13
S. 180G.....	ad. Act No. 109, 1991 rs. No. 47, 1993 am. No. 26, 1998 rs. 1999 No 50 s 13
S. 180H.....	ad. Act No. 109, 1991 am. No. 47, 1993; No. 26, 1998 rs. 1999 No 50 s 13
S. 180I .....	ad. 1999 No 50 s 13
Ss. 180J, 180K .....	ad. Act No. 109, 1991 rep. No. 47, 1993 ad. 1999 No 50 s 13
S. 180L .....	ad. Act No. 109, 1991 am. No. 47, 1993 rs. 1999 No 50 s 13
S. 180M .....	ad. Act No. 109, 1991 am. No. 47, 1993; No. 46, 1995 rs. 1999 No 50 s 13
Ss. 180MA-180MW.....	ad. 1999 No 50 s 13
S. 180N.....	ad. Act No. 47, 1993 rep. 1999 No 50 s 13
Part XIB (ss. 180NA, 180NB,180P-180Z, 180ZA-180ZC)	ad. Act No. 57, 1993
S. 180NA .....	ad. Act No. 57, 1993 am. 1999 No. 16 s 28
S. 180NB .....	ad. Act No. 57, 1993 am. 1999 No. 16 s 29
S. 180P .....	ad. Act No. 57, 1993 am. 1999 No. 16 s 30
S. 180Q .....	ad. Act No. 57, 1993 am. 1999 No. 16 s 31
S. 180R .....	ad. Act No. 57, 1993 am. 1999 No. 16 s 32

*Motor Traffic Act 1936*

**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. 180S .....	ad. Act No. 57, 1993 am. 1999 No. 16 s 33
S. 180T .....	ad. Act No. 57, 1993 am. 1999 No. 16 s 34
S. 180U .....	ad. Act No. 57, 1993 am. No. 47, 1996; No. 52, 1997; 1999 No. 16 s 35
S. 180V .....	ad. Act No. 57, 1993 am. No. 52, 1997; 1999 No. 16 s 36
S. 180W .....	ad. Act No. 57, 1993 am. 1999 No. 16 s 37
S. 180WA .....	Renumbered by 1999 No. 16 s 42
S. 180X .....	ad. Act No. 57, 1993 am. 1999 No. 16 s 38
S. 180Y .....	ad. Act No. 57, 1993 am. 1999 No. 16 s 39
S. 180Z .....	ad. Act No. 57, 1993 am. No. 52, 1997; 1999 No. 16 s 40
S. 180ZA .....	ad. Act No. 57, 1993 am. No. 54, 1998; 1999 No. 16 s 41
S. 180ZB .....	ad. Act No. 57, 1993
S. 180ZC .....	ad. Act No. 57, 1993 am. No. 52, 1997; No. 54, 1998 (relocated and renumbered s. 180WA by 1999 No. 16 s 42)
Part 11C (ss. 180ZD- 180ZK)	ad. 1999 No 50 s 14
Ss. 180ZD-180ZK .....	ad. 1999 No. 50 s 14
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 rs. 1999 No. 16 s 43
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; Act No. 81, 1994

*Motor Traffic Act 1936*

**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. 187 .....	am. No. 41, 1938; No. 11, 1960; No. 41, 1973
S. 188 .....	ad. No. 2, 1943 am. Acts Nos. 47 and 74, 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; No. 81, 1994
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; No. 81, 1994
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
Div. 1 of Part XIII (ss. 191A-191N)	ad. Act No. 52, 1997
Ss. 191A-191N .....	ad. Act No. 52, 1997
Div. 1A of Part XIII (ss. 191NA-191NF)	ad. Act No. 26, 1998
S. 191NA .....	ad. Act No. 26, 1998
Ss. 191NB .....	ad. Act No. 26, 1998 am. 1999 No 50 s 15
Ss. 191NC-191NF .....	ad. Act No. 26, 1998
Heading to Div. 2 of Part XIII	ad. Act No. 52, 1997
Ss. 191P, 191Q .....	ad. Act No. 52, 1997
S. 191R .....	ad. Act No. 52, 1997 am. 1999 No. 16 s 44
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; No. 81, 1994; Nos. 8 and 55, 1997; 1999 No 50 s 16
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 rep. No. 52, 1997
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 rep. No. 52, 1997

*Motor Traffic Act 1936*

**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. 193A	ad. No. 13, 1971 am. No. 16, 1977; No. 2, 1985; Act No. 20, 1989; No. 109, 1991; Nos. 47 and 57, 1993; No. 81, 1994 rep. No. 52, 1997
S. 194	am. No. 9, 1965; Act No. 47, 1996
S. 195	am. No. 1, 1955; No. 8, 1964; No. 9, 1965; Act No. 47, 1993; No. 97, 1994
S. 196	am. Act No. 20, 1989; No. 97, 1994
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; No. 97, 1994
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; No. 97, 1994; No. 47, 1996
S. 203	rs. Act No. 23, 1989 am. No. 97, 1994
S. 204	am. No. 9, 1965; Act No. 47, 1993
S. 205	am. No. 9, 1965; Act No. 97, 1994
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; No. 76, 1996; No. 8, 1997
S. 210	am. No. 19, 1966; No. 21, 1983; No. 38, 1989; Act No. 47, 1993; No. 26, 1996
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; No. 97, 1994
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; No. 47, 1996
S. 216A	ad. 1999 No. 16 s 45
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; No. 93, 1997

*Motor Traffic Act 1936*

**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. 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 am. No. 60, 1994
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; No. 97, 1994; No. 54, 1998
Part 15 (ss. 219-229) .....	ad. 1999 No 50 s 17
Ss. 219-229 .....	ad. 1999 No 50 s 17
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 Schedule	rep. Act No. 47, 1993
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; No. 47, 1996
Heading to The Third Schedule	rep. Act No. 47, 1993
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, 57 and 84, 1993; Nos. 7, 47 and 83, 1996; Nos. 8, 52, 55 and 59, 1997; 1999 No. 16 s 46; No. 2, 1999; 1999 No 50 s 18



*Motor Traffic Act 1936*

**NOTES—continued**

**Table of Amendments—continued**

3. Subsection 26T (2) and section 35 of the *Motor Traffic Act 1936* are amended by subsection 3 (1) and Schedule 1 only of the *Public Health (Consequential Amendments) Act 1999*. The provisions of the *Public Health (Consequential Amendments) Act 1999* applicable to this Act provide as follows:

**“Subsection 26T (2)—**

Omit “, section 32 and subsections 35 (3) and (4)”, substitute “and section 32,”.

**“Section 35—**

Repeal the section.”

Section 2 of the *Public Health (Consequential Amendments) Act 1999* provides as follows:

**“2. Commencement**

This Act commences immediately after the commencement of section 44 of the *Public Health (Miscellaneous Provisions) Act 1997*.”

As at 14 October 1999 no date had been fixed in pursuance of section 2 and the amendments are not incorporated in this reprint.

4. Section 35 of the *Motor Traffic Act 1936* is amended by section 44 and Schedule 3 only of the *Public Health (Miscellaneous Provisions) Act 1997*. The provisions of Schedule 3 applicable to this Act provide as follows [NOTE]:

**“Subsection 35 (1)—**

Omit ‘is suffering from any infectious disease’, substitute ‘has a transmissible notifiable condition’.

**“Subsection 35 (2)—**

Omit ‘was, while in the public motor vehicle, private hire car or restricted hire vehicle, suffering from any infectious disease’, substitute ‘, while travelling therein, had a transmissible notifiable condition’.

**“Subsection 35 (3)—**

Omit ‘was suffering from the infectious disease’, substitute ‘had the transmissible notifiable condition’.

**“Subsection 35 (4)—**

Omit ‘suffering from any infectious disease’, substitute ‘while the person had a transmissible notifiable condition’.

**“Section 35—**

Add at the end the following subsection:

‘(5) In this section—

“transmissible notifiable condition” has the same meaning as in the *Public Health Act 1997*.’.”

Subsection 2 (2) of the *Public Health (Miscellaneous Provisions) Act 1997* provides as follows:

“(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.”

*Motor Traffic Act 1936*

**NOTES**—continued

As at 14 October 1999 no date had been fixed for the commencement of section 44 and Schedule 3 and the amendments are not incorporated in this reprint.

[NOTE]: Section 3 (1) and Schedule 1 of the *Public Health (Consequential Amendments) Act 1999* provide for the repeal of section 35 immediately after the commencement of the abovementioned amendments.

*Motor Traffic Act 1936*

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	Section	Section	Section	Section	Section
7A	8	41A	49	41AV	91
8	9	41B	50	41AW	92
9	10	41C	51	41AX	93
9A	11	41F	52	Part V	Part V
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

*Motor Traffic Act 1936*

Part IVA      Part V      41AU      90      56M      126

*Motor Traffic Act 1936*

**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		

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