



AUSTRALIAN CAPITAL TERRITORY

Motor Traffic (Amendment) Act 1996

No. 47 of 1996

An Act to amend the *Motor Traffic Act 1936*

[Notified in ACT Gazette S234: 19 September 1996]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Motor Traffic (Amendment) Act 1996*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Motor Traffic Act 1936*.¹

Trader’s licences and trader’s plates

4. Section 40 of the Principal Act is amended by omitting from subsection (4) “pairs of”.

Vehicles on which trader’s plates may be used

5. Section 41 of the Principal Act is amended by omitting from subsection (1) “a pair of trader’s plates” and substituting “a trader’s plate”.

Return of certificates after cancellation or suspension

6. Section 100 of the Principal Act is amended by adding at the end of subsection (1) the following penalty:

“Penalty: 1 penalty unit.”.

Refusal, cancellation or suspension of licences or registration

7. Section 104 of the Principal Act is amended by adding at the end the following subsection:

“(7) Subsection (6) does not apply to a decision under paragraph (2) (b), (c) or (e).”.

Insertion

8. After section 107A of the Principal Act the following section is inserted:

Vehicles registered inter-State

“107B. (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.”.

Meanings indicated by traffic lights

9. Section 112B of the Principal Act is amended by inserting after item 2 of the table in subsection (1) the following item:

“2A	Flashing amber circular light at a pedestrian crossing that is not at an intersection	The driver may proceed beyond the road marking applicable in relation to the light if no pedestrian is crossing at that light”.
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Maximum speed applicable to public streets

10. Section 143 of the Principal Act is amended by omitting “in the City Area”.

Repeal

11. Section 148 of the Principal Act is repealed.

Suspension of licences, registration etc.

12. Section 162E of the Principal Act is amended by omitting from subsection (2) all the words after “fees” and substituting “in respect of the period of time for which the licence or registration is suspended”.

Exceptions for the purposes of section 164D

13. Section 164DB of the Principal Act is amended—

(a) by omitting paragraph (1) (d) and substituting the following paragraph:

“(d) is a Commonwealth vehicle.”; and

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

“(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.”.

Substitution

14. Section 165 of the Principal Act is repealed and the following section substituted:

Vehicles to be registered

“165. (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—

- (a) trader’s plates are, or a trader’s plate is, lawfully attached to it in accordance with Part IV;
- (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.”.

Suspension of licences, registration etc.

15. Section 180F of the Principal Act is amended by omitting from subsection (2) all the words after “fees” and substituting “in respect of the period of time for which the licence or registration is suspended”.

Suspension or cancellation of full licence

16. Section 180U of the Principal Act is amended by inserting in subsection (6) “or (3)” after “(2)”.

Record of registration and licences to be kept

17. Section 194 of the Principal Act is amended by adding at the end the following subsection:

“(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.”.

Powers and duties of police, inspectors and officers

18. Section 202 of the Principal Act is amended by adding at the end the following subsections:

“(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—

- (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.”.

Temporary licences

19. Section 216 of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(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.

Schedule 2

20. Schedule 2 to the Principal Act is amended by omitting clause 11A of Part I and substituting the following clause:

“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.”.

Schedule 7

21. Schedule 7 to the Principal Act is amended—

(a) by inserting after item 38 of Part II the following item:

“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”;
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and

(b) by inserting after item 42A of Part II the following item:

“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”.
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Transitional

22. The amendments made by sections 5 and 20 do not apply to a person in relation to trader’s plates issued before the commencement of this section.

NOTES
Principal Act

1. Reprinted as at 28 February 1995. See also Acts Nos. 8, 17 and 46, 1995; No. 7, 1996.

Penalty units

See section 33AA of the *Interpretation Act 1967*.

[Presentation speech made in Assembly on 27 June 1996]