

Queensland



MOTOR VEHICLES CONTROL ACT 1975

**Reprinted as in force on 21 June 1994
(includes amendments up to Act No. 32 of 1993)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This Act is reprinted as at 21 June 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- update references (Pt 4, Div 3)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use different spelling consistent with current legislative drafting practice (s 26(2))
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use expressions consistent with current legislative drafting practice (s 29)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (ss 39 and 40)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44).

Also see Endnotes for—

- **details about when provisions commenced**
- **any provisions that have not commenced and are not incorporated in the reprint**
- **further information about editorial changes made in the reprint, including—**
 - **Table of changed names and titles**
 - **Table of obsolete and redundant provisions**
 - **Table of corrected minor errors**
 - **Table of renumbered provisions.**

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[as amended by all amendments that commenced on or before 21 June 1994²]

An Act to provide for the registration of certain motor vehicles used elsewhere than on roads and to regulate the use of such vehicles in public places; to provide with respect to the use of motor vehicles for the carriage of passengers and within declared areas and with respect to the dangerous driving of motor vehicles; to provide for matters incidental to the foregoing matters

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Motor Vehicles Control Act 1975*³⁻⁹.

Commencement of Act

2. This Act or the several provisions of this Act, as specified by proclamation, shall come into operation on the date appointed in relation to the Act or, as the case may be, those provisions by the proclamation.

Meaning of terms

4. In this Act—

“**motor vehicle**” means any vehicle propelled wholly or partly by gas, motor spirit, oil, electricity, steam or like motive power and includes a trailer but does not include a fire engine, fire reel or any machinery designed specially for road-making or road-maintenance, or any machinery designed for cutting grass or foliage and used for no other purpose;

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“owner” includes—

- (a) in respect of a motor vehicle registered under the *Transport Infrastructure (Roads) Act 1991* or under corresponding legislation of any other State or Territory of the Commonwealth or under the regulations made pursuant to this Act—every person so registered as owner;
- (b) in respect of a motor vehicle the subject of a hiring agreement or a hire-purchase agreement—the person who has the use of the vehicle as hirer under the agreement;
- (c) in respect of any motor vehicle—a joint owner or a part owner of the vehicle;

“public place” means a place of public resort open to or used by the public as of right, and a place for the time being used for a public purpose or open to access by the public, whether on payment or otherwise, or open to access by the public by the express or tacit consent or sufferance of the owner of that place, whether the place is or is not so open at all times, and a place for the time being declared by regulation to be a public place for the purposes of this Act, but does not include—

- (a) a track which at the material time is being used as a course for racing or testing motor vehicles and from which other traffic is excluded during that use; or
- (b) a place that is a road within the meaning of the *Transport Infrastructure (Roads) Act 1991* or the *Traffic Act 1949*; or
- (c) a place that is declared under section 25 not to be a public place;

“recreation vehicle” means a motor vehicle in respect of which—

- (a) there exists a current certificate of registration or of renewal of registration issued under and in accordance with this Act; and
- (b) there does not exist a current certificate of registration or of renewal of registration issued under the *Transport Infrastructure (Roads) Act 1991* or under and in accordance with corresponding legislation of any other State or Territory of the Commonwealth;

“road” means any way, whether surveyed or unsurveyed dedicated to public use as a road and any track used by the public as a road through any vacant Crown land, pastoral holding or reserve, the boundaries of

which track are not defined by survey and the area of which track is not dedicated for public use as a road, and includes a bridge, culvert, ferry and ford;

“tractor” means a motor vehicle that is used or intended to be used for haulage purposes and that is not designed for the carriage of passengers or loads other than fuel or water for its own consumption;

“trailer” means a vehicle without motive power attached to a motor vehicle.

Authorised officers

5.(1) For the purposes of this Act an authorised officer is—

- (a) a police officer; or
- (b) any person appointed as such pursuant to subsection (2), within the area of jurisdiction entrusted to the person by the appointment; or
- (c) any person appointed as such pursuant to subsection (3), within the area of jurisdiction entrusted to the person by the appointment.

(2) The chief executive may, in writing, appoint any person who holds an appointment in a department of the Government to be an authorised officer for the purposes of this Act, either in respect of the whole of the State or of any part thereof defined in the appointment.

(3) A local government may, in writing, appoint any person to be an authorised officer for the purposes of this Act, either in respect of the whole of the area of that local government or of any part thereof defined in the appointment.

PART 2—RECREATION VEHICLES

Application of Part excluded

6. This Part does not apply in respect of—

- (a) a vehicle that is used in a public place for the conveyance of an

incapacitated person and that is designed for use solely for that purpose; or

- (b) a vehicle while it is being used within the limits of a defined fabricated area in a public place; or
- (c) a vehicle of a type that is declared under section 25 to be a type of vehicle to which this Part does not apply.

Registration of recreation vehicles

7.(1) The registration of a motor vehicle as a recreation vehicle and every renewal thereof shall be made with the prescribed registering authority in accordance with the regulations.

(2) Nothing in this Act requires or shall require the prescribed registering authority to register as a recreation vehicle a vehicle which—

- (a) does not comply with the requirements prescribed by law with respect to the construction of vehicles of the type of vehicle submitted for registration; or
- (b) is so constructed or is in such a condition that in the opinion of the prescribed registering authority or his or her agent it would be dangerous or unsafe to use the vehicle in a public place; or
- (c) does not comply with the structural and equipment requirements prescribed in relation to the class of vehicle that includes the vehicle in question.

(3) A person shall not be registered as owner of a recreation vehicle unless the person has attained the age of 18 years.

Suspension of registration of recreation vehicles

8.(1) Where the prescribed registering authority is satisfied that a vehicle registered as a recreation vehicle is in such a condition that it would be dangerous or unsafe to use the vehicle in a public place the authority may, by notice in the prescribed form served personally on or sent by prepaid post to the owner, suspend the registration of the vehicle.

(2) Where the prescribed registering authority is satisfied that the deficiencies and defects in a vehicle, the registration of which is suspended

under subsection (1), have been remedied and that it would no longer be dangerous or unsafe to use the vehicle in a public place the authority may, by notice in the prescribed form served personally on or sent by prepaid post to the owner, withdraw the suspension.

(3) During any period of suspension of the registration of a recreation vehicle the vehicle shall be taken to be unregistered.

Application of Motor Vehicles Insurance Act

9. The provisions of the *Motor Vehicles Insurance Act 1936* shall apply in respect of recreation vehicles as if the reference ‘registration’ in that Act, as defined in that Act, included registration under the regulations made pursuant to this Act in relation to recreation vehicles.

Conditions for use of vehicles in public places

10. A person shall not use a motor vehicle in a public place unless—

- (a) there exists in respect of that vehicle a current certificate of registration or of renewal of registration issued under the *Transport Infrastructure (Roads) Act 1991* or under and in accordance with corresponding legislation of any other State or Territory of the Commonwealth or under and in accordance with the regulations made pursuant to this Act in relation to recreation vehicles; and
- (b) the number plates issued in respect of the vehicle are fixed in a conspicuous position on the front and rear thereof; and
- (c) the identifying number on each number plate fixed on the vehicle is not in any way obscured or rendered not easily distinguishable.

Maximum penalty—4 penalty units.

Persons authorised to drive recreation vehicles

11. Subject to this Act, a person who has attained the age of 8 years is authorised to drive a recreation vehicle in a public place but not on a road.

Offences concerning recreation vehicles

12.(1) A person shall not use on a road a motor vehicle that is a recreation vehicle.

Maximum penalty—4 penalty units.

(2) If a person who contravenes subsection (1) has not attained the age of 8 years at the time of the contravention the person is not liable as for an offence consisting of that contravention.

Offences with recreation vehicles by persons who cannot hold driving licences

13.(1) A person who has not attained the age of 17 years shall not drive in a public place—

- (a) a recreation vehicle having 2 wheels or 3 wheels unless the vehicle has an engine capacity of not more than 90 ml; or
- (b) a recreation vehicle having more than 3 wheels unless the outer diameter of the wheels of the vehicle does not exceed 305 mm; or
- (c) a recreation vehicle at a speed exceeding 50 km/h.

Maximum penalty—4 penalty units.

(2) For the purposes of this section the outer diameter of a wheel is the diameter thereof measured from the surface of the tyre tread to the surface of the tyre tread.

PART 3—BUSINESS VEHICLES**Standards for use of business vehicles**

14.(1) A person shall not use a motor vehicle for the carriage of passengers for reward or for the carriage of passengers in connection with the conduct of a business unless—

- (a) there exists in respect of the vehicle a current certificate of registration or of renewal of registration, as the case requires, duly

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issued under the *Transport Infrastructure (Roads) Act 1991* or under and in accordance with corresponding legislation of any other State or Territory of the Commonwealth; and

- (b) there has been granted and is in force in respect of the vehicle a certificate of inspection under the *Motor Vehicles Safety Act 1980*; and
- (c) the vehicle is driven, at the time of such use, by a person who is the holder of a current driver's licence within the meaning of the *Traffic Act 1949* that authorises the person to drive that class of vehicle.

Maximum penalty—10 penalty units.

(2) The requirement specified in subsection (1)(a) shall be complied with whether or not the motor vehicle concerned is used at any time on a road.

Duties of owner of vehicle

15.(1) The owner of a motor vehicle had for use for the carriage of passengers for reward or for the carriage of passengers in connection with the conduct of a business—

- (a) shall, at all times when the vehicle is so used, be the holder of a current certificate of registration or of renewal of registration, as the case requires, duly issued under the *Transport Infrastructure (Roads) Act 1991* or under and in accordance with corresponding legislation of any other State or Territory of the Commonwealth in respect of the vehicle; and
- (b) shall, at all times when the vehicle is so used, be the holder of a current certificate of inspection granted under the *Motor Vehicles Safety Act 1980* in respect of the vehicle; and
- (c) shall not permit or suffer the vehicle to be so used unless it is driven, at the time of such use, by a person who is the holder of a current driver's licence within the meaning of the *Traffic Act 1949* that authorises the person to drive that class of vehicle.

Maximum penalty—10 penalty units.

(2) Upon a charge of breach of a duty referred to in subsection (1)(a) or (b) it is a defence to show that—

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- (a) the motor vehicle was in the possession of another person at the time of the use in question; and
- (b) the person charged with the breach of duty did not have, at the time of the use in question, any control as to the use to be made of the motor vehicle.

(3) Upon a charge of breach of a duty referred to in subsection (1)(c) evidence that a motor vehicle was used on the occasion in question shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the use was with the permission of the owner charged with the breach of duty.

Liability of unlicensed driver

16. A person shall not drive a motor vehicle for the carriage of passengers for reward or for the carriage of passengers in connection with the conduct of a business unless the person is, at the time of such use, the holder of a current driver's licence within the meaning of the *Traffic Act 1949* that authorises the person to drive that class of vehicle.

Maximum penalty—10 penalty units.

Provisions concerning offences under ss 14 and 16

17.(1) Upon a charge of an offence defined in section 14 or 16 it is immaterial—

- (a) whether the use or, as the case may be, driving of the motor vehicle occurred on a road or elsewhere; or
- (b) whether the business to which the charge may refer is conducted by the person who uses or, as the case may be, drives the motor vehicle or by another.

(2) A person may be charged both with an offence defined in section 14 and with an offence defined in section 16, according to the circumstances of the case, but the person shall not be convicted twice in respect of the one occasion.

PART 4—DECLARED AREAS

Declaration of areas

18.(1) The Governor in Council may, by regulation, declare any part of the State to be an area for the purposes of this Act if, having regard to the number of persons that use the area or that the Governor in Council considers are to be expected to use the area, either continually or at any time, or having regard to the flora or fauna therein or to any natural feature thereof, or for any other reason whatever, the Governor in Council is satisfied that the use of motor vehicles within the area should be prohibited or regulated.

(2) A part of the State declared pursuant to this section is and is in this Act referred to as a declared area.

Provisions affecting declared areas

19. An area declared under section 19—

- (a) shall be sufficiently described in the regulation whereby it is so declared as to identify it;
- (b) may be so declared as to be a declared area either at all times or during the hours specified in the regulation;
- (c) shall continue as a declared area until the regulation whereby it is so declared is revoked.

Application of specified laws within declared areas

20.(1) By the regulation whereby the Governor in Council declares an area under section 18 or by a subsequent regulation the Governor in Council may declare that the Acts or enactments specified therein shall apply to all motor vehicles, or to motor vehicles of a type specified therein, when used within the declared area and to the owners and drivers of the motor vehicles (when so used) to which the Acts or enactments so specified are to apply.

(2) The Acts and enactments specified pursuant to subsection (1) shall apply according to the terms of the regulation and may be made to so apply to motor vehicles while being used on roads within the declared area or to

motor vehicles wherever used within the area and in the latter case, should the case require it, the provisions of those Acts and enactments shall be read and construed and modified accordingly.

Regulations relating to declared areas

21.(1) The power to make regulations under this Act includes power to make regulations—

- (a) that prohibit or regulate the use of motor vehicles within declared areas;
- (b) that provide for obligations of persons who use motor vehicles within declared areas wherein their use is regulated;
- (c) that provide for the functions and powers of authorised officers in respect of motor vehicles that are used or have been used within declared areas and in respect of persons who so use or have so used them.

(2) Where any provision of a regulation touching a matter referred to in subsection (1) is inconsistent with a provision of any Act or other enactment that applies within a declared area the regulation shall prevail and the Act or other enactment shall, to the extent of the inconsistency, be deemed not to apply within the declared area concerned.

Offences in declared areas

22.(1) A person shall not use a motor vehicle within a declared area wherein the use of a motor vehicle is prohibited.

Maximum penalty—10 penalty units or imprisonment for 6 months.

(2) A person shall not use a motor vehicle within a declared area wherein the use of a motor vehicle is regulated unless the person complies in all respects with the regulations that relate to the presence, driving and use of motor vehicles within that area.

Maximum penalty—10 penalty units.

(3) A person who within a declared area within which the provisions of any Acts or enactments are made applicable pursuant to section 20 uses a motor vehicle in contravention of any of those provisions is liable to the

penalties prescribed by the relevant Act or enactment, as the case may be, in respect of such contravention or to a maximum penalty of 10 penalty units, whichever is the greater.

(4) For the purposes of subsection (3) a penalty of imprisonment shall be taken to be greater than a pecuniary penalty.

PART 5—DANGEROUS DRIVING

Dangerous driving

23.(1) This section applies in respect of motor vehicles while being driven—

- (a) in a declared area; or
- (b) for the carriage of passengers for reward or for the carriage of passengers in connection with the conduct of a business; or
- (c) in a public place.

(2) A person must not drive dangerously a motor vehicle to which this section applies.

Maximum penalty—10 penalty units or imprisonment for 6 months.

(3) The expression ‘drive dangerously a motor vehicle’ includes the driving of a motor vehicle at a speed or in a manner dangerous to the public or to the persons in the vehicle having regard to all the circumstances of the case.

(4) This section is in addition to the provisions of the Criminal Code or of any other Act that touch upon the dangerous driving of motor vehicles.

Speed restriction on drivers under 17 years

24. A person who has not attained the age of 17 years shall not drive in a public place a motor vehicle at a speed exceeding 50 km/h.

Maximum penalty—4 penalty units.

PART 6—GENERAL PROVISIONS

Declarations in relation to public places and exempt vehicles

25.(1) The Governor in Council may, by regulation, declare that a specified place is, or is not, a public place for the purposes of this Act.

(2) The Minister may, by Gazette notice, declare that a specified place is not a public place for the purposes of this Act.

(3) A declaration under subsection (2) may operate for a specified period not longer than 3 days.

(4) The Governor in Council may, by regulation, declare that Part 2 does not apply to—

- (a) a specified type of vehicle; or
- (b) any vehicle other than a specified type of vehicle.

Obligation of drivers and others to comply with directions

26.(1) An authorised officer who—

- (a) finds a person committing, or reasonably suspects that a person has committed an offence against this Act (including an offence against this section) or an offence against the *Traffic Act 1949* in respect of which the officer is competent to prosecute; or
- (b) is making inquiries or investigations with a view to establishing whether an offence against this Act (including an offence against this section) or an offence against the *Traffic Act 1949* in respect of which the officer is competent to prosecute has been committed by any person; or
- (c) is of the opinion that a person was present at the scene of an incident in a public place in which a motor vehicle was involved resulting in the death of or injury to any person or damage to any property and that the person may be able to give information or evidence in relation to that incident; or
- (d) is of the opinion that the name and address of a person is necessary for the purpose of giving effect to any of the provisions of this Act or of the *Traffic Act 1949* concerning an offence in

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respect of which the officer is competent to prosecute, or for the purpose of enabling the officer to carry out any of the officer's functions or duties under this Act or under that Act;

may require that person—

- (e) to stop, or, where that person is the driver of any vehicle or animal, to stop that vehicle or animal; and
- (f) to produce any certificate of registration or of renewal of registration issued in respect of any vehicle being driven by the person or any driver's licence, provisional licence, interim licence or learner's permit issued to the person under the *Traffic Act 1949* or under the laws of any other State or Territory of the Commonwealth or of any other country in which the person usually resides; and
- (g) to state the person's name, address and age and, if the authorised officer has reasonable grounds to suspect that the name or the address or the age given is false, to supply evidence of the correctness thereof.

(2) A person who—

- (a) fails to comply with a requisition directed to the person under subsection (1); or
- (b) states a false name or a false address or a false age in response to a requisition directed to the person under subsection (1); or
- (c) supplies false evidence as to the person's name or address or age in response to a requisition directed to the person under subsection (1);

commits an offence against this Act.

(3) It is a defence to a charge of an offence defined in subsection (2) that consists in a failure to produce forthwith a licence, other than a driver's licence, issued to the defendant under the *Traffic Act 1949* or to supply evidence of the defendant's name or address or age or in supplying false evidence of any such particulars to show that the defendant had reasonable cause for such failure.

(4) A person shall be taken to have sufficiently complied with a requisition to produce a driver's licence issued to the person under the

Traffic Act 1949 other than a provisional licence, interim licence or learner's permit issued to the person under that Act or to supply evidence as to age if, not later than 48 hours after being required so to do, the person produces the licence or supplies the evidence to the officer in charge of such police station or to such other person as is specified by the authorised officer.

Power of arrest without warrant

27. An authorised officer who is a police officer may arrest any person found by the officer committing an offence against this Act or who, in the officer's opinion, has committed an offence against this Act if the authorised officer has reasonable ground to believe that proceedings against that person by way of summons would not be effective.

Authorised officers' powers re traffic offences

28. Where an offence defined in the *Traffic Act 1949* (not being an offence so defined that it may be committed only on a road) is committed in a public place to which that Act applies either of its own force or pursuant to section 20 any authorised officer is competent to lay a charge and prosecute under that Act in respect of that offence notwithstanding that the officer is not a police officer and notwithstanding section 45(3) of that Act.

Authorised officers may take charge of vehicles

29.(1) An authorised officer may seize, remove and detain or cause to be removed and detained a motor vehicle—

- (a) where the motor vehicle is in a public place or a declared area and its driver has been duly arrested upon a charge of an offence committed in connection with that vehicle;
- (b) where there are reasonable grounds for suspecting that the motor vehicle is abandoned in a public place or a declared area by the person who last drove or used it or that the motor vehicle has been involved in an incident whereby death or injury was caused to any person or to any animal, or damage was caused to any property, and in the authorised officer's opinion the motor vehicle is required for the purpose of completing inquires and investigations with respect to such incident and for the purpose of

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any proceeding arising therefrom;

- (c) where there are reasonable grounds for suspecting that the motor vehicle is left unattended in a public place or a declared area for such a time or in such a place, condition, manner or circumstance that it causes or is likely to cause danger, hindrance or obstruction to traffic, or prevents, hinders or obstructs or is likely to prevent, hinder or obstruct the lawful use of the public place or declared area;
- (d) which is found in a public place or a declared area in such a place, condition, manner or circumstance that its presence is in contravention of any provision of law, or causes or is likely to cause danger, hindrance or obstruction to traffic or prevents, hinders or obstructs, or is likely to prevent, hinder or obstruct the lawful use of the public place or declared area and—
 - (i) the driver of which cannot be readily located; or
 - (ii) the driver of which fails to remove it forthwith when required by an authorised officer so to do.

(2) A motor vehicle seized under this section may be detained for a period of 3 months or until the final determination (including the determination of an appeal therein (if any)) of proceedings taken within that period in relation to the vehicle, whichever time is the longer.

(3) At any time when a vehicle seized under this section is being detained under the authority of this section the owner or other person claiming a proprietary interest therein may apply to a Magistrates Court constituted under the *Justices Act 1886* having jurisdiction at the place where the vehicle is detained for an order that the vehicle be returned to the owner or other person or disposed of as to the court seems just.

(3A) Notice of such an application shall be given to the person in whose custody the vehicle is held.

(4) If the court which hears an application made under subsection (3) is satisfied that—

- (a) the applicant has an interest in the vehicle that should be protected; and
- (b) the vehicle is not required to be further detained for the purpose of legal proceedings or other lawful purpose;

it may make such order as to the court seems just in the circumstances, but if it is not so satisfied it shall strike out the application and make such order as to costs as it thinks fit.

(5) If an order for disposal is made under subsection (4) such order shall be given effect but where no such order is duly made and the time for which a vehicle seized under this section may be detained has expired the vehicle may, subject to any order of a court made under section 30, be dealt with as follows—

- (a) if the owner of the vehicle claims it within 30 days after such expiration—the same shall be returned to the owner or as the owner directs;
- (b) if the owner of the vehicle does not claim it within that period—the same shall be disposed of after the giving of such notice to such persons or the publication of such advertisements of the intended disposal as is directed by the Minister in the case referred to in subparagraph (i) or by the local government concerned in the case referred to in subparagraph (ii), generally or in a particular case, and where the vehicle is sold the proceeds of the sale shall be disbursed—
 - (i) if the authorised officer who seized the vehicle was authorised so to do by reason of the officer being a police officer or the officer's appointment by the chief executive—as is directed by the Minister; or
 - (ii) if the authorised officer who seized the vehicle was authorised so to do by reason of the officer's appointment by a local government—as is directed by the local government concerned.

Forfeiture by court

30.(1) When a person is convicted of an offence against this Act the court that convicts the person may, if it thinks fit, order that the motor vehicle by means of which the offence was committed be thereby forfeited.

(1A) Where the prosecution concerned is commenced by a person authorised in that behalf by a local government, the forfeiture shall be to the local government and in all other cases the forfeiture shall be to the Crown.

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(2) When an order for forfeiture is made pursuant to subsection (1) a person in whose possession the motor vehicle is at the time of the making of the order or subsequently shall produce the vehicle—

- (a) to the chief executive, or as the chief executive directs, where the forfeiture is to the Crown; or
- (b) to the chief executive officer of the local government, or as the chief executive officer directs, where the forfeiture is to a local government, within the time allowed therefor by the order or, if no such time is allowed, within 1 month after such person becomes aware of the order.

Maximum penalty—4 penalty units.

(3) An order of forfeiture made under subsection (1) shall be sufficient lawful authority to any authorised officer acting on behalf of the Crown or the local government to whom forfeiture was ordered, as the case may be, to seize and remove the motor vehicle to which the order relates (if the same is not already held under section 29) and for that purpose to enter upon and search any premises with such assistants, equipment and implements as the officer requires.

(4) A motor vehicle seized under the authority of an order of forfeiture may be disposed of and the proceeds (if any) of the disposal may be disbursed in like manner as is prescribed by section 29(5) and the vehicle shall be detained only until any appeal duly made against the conviction or order has been finally determined.

Disqualification from holding or obtaining a licence

31.(1) When a court convicts a person of an offence against this Act committed in relation to a motor vehicle it may order that the person be thereby disqualified from holding or obtaining a driver's licence within the meaning of the *Traffic Act 1949* or from driving a recreation vehicle in a public place for a period specified by the court not exceeding 12 months from the making of the order and upon the making of such an order the person shall be disqualified accordingly.

(2) Subsection (1) does not apply in respect of a person—

- (a) who is convicted of an offence only by reason of being owner of the motor vehicle concerned; or

- (b) who is convicted of an offence that is deemed to have been committed by reason of section 33(3) and is convicted by reason only of that subsection.

(3) When an order is made under subsection (1) the clerk of the court at the place where the order is made shall forthwith notify the chief executive.

(4) A person shall not drive a recreation vehicle in a public place while the person is disqualified from so doing by an order of a court.

Maximum penalty—10 penalty units.

Offences against authorised officers

32.(1) A person shall not—

- (a) assault, resist or obstruct an authorised officer in the exercise of powers or in the discharge of duties under or for the purposes of this Act, or attempt so to do;
- (b) prevent or attempt to prevent an authorised officer from making a copy of or an extract from any licence, permit or document produced by the person to an authorised officer;
- (c) use any threat or abusive or insulting language to an authorised officer who is making an investigation or enquiry concerning any matter to which this Act pertains.

Maximum penalty—10 penalty units.

(2) For the purposes of subsection (1) the expression ‘authorised officer’ includes a person who, at the material time, is assisting an authorised officer in the exercise of any power or the discharge of any duty of that officer under or for the purposes of this Act.

General offence provision

33.(1) A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act and, save where a specific penalty is otherwise prescribed, is liable to a maximum penalty of 4 penalty units.

(2) A prosecution for an offence against this Act shall be by way of summary proceedings under the *Justices Act 1886* upon the complaint of—

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- (a) a person authorised in that behalf by the chief executive or a local government, either generally or in a particular case; or
- (b) where the defendant has been arrested on a charge of the offence—a police officer.

(3) Where a body corporate commits an offence against this Act the managing director, manager or other governing officer in the State (by whatever name called) of the business of the body corporate and every member of the governing body of the body corporate at the time the offence is committed shall be deemed to have committed the offence, save where the member shows that the member did not know and had no reasonable means of knowing that the offence was about to be committed and, save as aforesaid, may be convicted and shall be liable therefor in addition to the body corporate.

Evidentiary aids

34. In any proceeding for the purposes of this Act—

- (a) it is not necessary to prove the appointment of an authorised officer;
- (b) the averment in a charge of an offence against this Act that the offence was committed in a declared area or in a public place is evidence that the place of commission of the offence is as averred;
- (c) a document purporting to be a copy of a driver's licence within the meaning of the *Traffic Act 1949* and to be certified as a true copy by the person ordinarily having custody of particulars of such a licence is evidence of that licence, and particulars set out therein of any conviction, disqualification, suspension or cancellation is in like manner evidence of the matters thereby particularised;
- (d) a certificate purporting to be that of a person charged with the function of registering motor vehicles under the *Transport Infrastructure (Roads) Act 1991* or another person authorised by the chief executive of the department within the meaning of the Act or purporting to be that of a person or authority charged with the function of registering motor vehicles under corresponding

legislation of any other State or Territory of the Commonwealth or of any person authorised in that behalf by such person or authority which certificate states that at or during a time specified therein a motor vehicle identified therein was registered in the name of a person specified therein as evidence that the person so specified was the owner of the motor vehicle so identified at or during the time so specified;

- (e) a certificate purporting to be that of the prescribed registering authority or of any other person authorised in that behalf by the chief executive, which certificate states that at or during a time specified therein a motor vehicle identified therein was registered as a recreation vehicle under and in accordance with the regulations made pursuant to this Act is evidence that the motor vehicle so identified was a recreation vehicle at or during the time so specified;
- (f) a certificate purporting to be that of the prescribed registering authority which certificate states that at or during a time specified therein a motor vehicle identified therein was registered as a recreation vehicle in the name of a person specified therein is evidence that the person so specified was the owner of the motor vehicle so identified at or during the time so specified;
- (g) a writing purporting to be signed by the chief executive, any other person authorised in that behalf by the chief executive, or by a local government that authorises a person named therein to lay a complaint for an offence against this Act (either generally or in a particular case) shall, upon its production in any proceeding, be sufficient proof of the authority of the complainant to lay the complaint.

Function of local government to execute Act

35.(1) The control and regulation (including the prohibition) of motor vehicles in declared areas and public places in accordance with this Act, and the execution of powers and functions under or for the purposes of this Act shall be a function of local government.

(2) A local government may, in accordance with its power to make local laws, make local laws not inconsistent with this Act—

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- (a) with respect to the powers and functions of authorised officers appointed by it under section 5(3);
- (b) to provide for the obtaining of a permit from a local government to use a motor vehicle on land under the control of the local government (other than a road) and to require payment of a fee therefor in such amount as the local government fixes by local law;
- (c) to give effect to the provisions of this Act or to achieve the object and purposes of this Act.

(3) The powers conferred on local governments by this section are in addition to all other powers conferred on local governments by or under any other Act or law.

(4) For the purposes of this Act the area of a local government shall be taken to include the land lying between mean high water mark at spring tides of the main sea and mean low water mark at spring tides of the main sea adjacent to its area.

(5) All penalties and other moneys recovered by or on behalf of a local government in respect of offences against this Act shall be paid into the operating fund of that local government.

(6) Notwithstanding any provision of this Act or any local law of a local government the Minister, in any case where the Minister is satisfied that a permit or other authority issued by a local government for the purposes of this Act should not have been issued, may by writing under the Minister's hand given to the holder of the permit or other authority revoke the permit or other authority whereupon—

- (a) the permit or other authority shall be of no force or effect from the date of the Minister's revocation; and
- (b) the fees paid by the holder to the local government in respect of the permit or other authority shall be refunded to the holder by the local government and if the refund is not made within 1 month from the date of the Minister's revocation the person to whom the permit or other authority had been issued may recover the amount of such fees outstanding by action in a court of competent jurisdiction as for a debt due and owing to the person by the local government.

Duty of police officers

36.(1) It is the duty of every police officer to assist an authorised officer (whether or not the authorised officer is a police officer) in the exercise of powers, and the performance of duties under this Act.

(2) A police officer, while exercising a power or performing a duty under this Act or while assisting any authorised officer as prescribed by subsection (1) is acting in the course of the police officer's duty.

Protection of persons executing Act

37. No act or omission on the part of the Minister, the chief executive, a local government, an authorised officer or any person acting under the authority of any of them done or made in good faith and without negligence for the purpose of executing this Act or in the discharge of any power or duty under this Act shall render the Crown or any of the aforesaid persons liable in law in respect thereof.

Power to make regulations

38.(1) The Governor in Council may make regulations for the purposes of the Act.

(2) A regulation may be made with respect to any of the following matters—

- (a) the regulation of access to and within declared areas and public places;
- (b) the regulation of the use of motor vehicles in declared areas and public places;
- (c) the regulation of the types of motor vehicles that may be used within declared areas and public places; the standards for such motor vehicles and for fittings and accessories used in connection with such vehicles; the dress and equipment of persons using such vehicles;
- (d) the registering authority referred to in this Act; the regulation of the registration and renewal of registration of recreation vehicles with the registering authority; the cancellation of the registration of recreation vehicles; applications to be made therefor and the

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- persons who shall be bound to comply with such regulations;
- (e) the powers, functions and duties of authorised officers for the purposes of this Act;
 - (f) offences consisting in a contravention of or failure to comply with any regulation; penalties for such offences, not exceeding in any case 2 penalty units;
 - (g) the payment of fees and other moneys by owners of motor vehicles or by other persons on account of any registration sought, document or number plate to be issued, right to be conferred or thing done or to be done under this Act;
 - (h) the recovery of fees and other moneys payable pursuant to this Act; the recovery of number plates and the destruction of registration labels issued in respect of recreation vehicles;
 - (i) the mode and onus of proof of matters required to be proved in any proceeding taken for the purposes of this Act; facilitating such proof and dispensing with proof of formal matters for the purpose of any such proceeding;
 - (j) forms to be used for purposes of this Act and the purposes for which forms are to be used.

Existing orders in council

39. An order in council in force under section 6(c), 18 or 25 immediately before the commencement of this section continues to have effect after the commencement, and may be repealed or amended, as if it were a regulation.

ENDNOTES**1 Index to Endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 June 1994. Future amendments of the Motor Vehicles Control Act 1975 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation**Motor Vehicles Control Act 1975 No. 39**

date of assent 1 October 1975

ss 1–2 commenced on date of assent

Pt 7 commenced 1 November 1975 (proc pubd Gaz 25 October 1975 p 736)

remaining provisions commenced 1 January 1977 (proc pubd Gaz 3 September 1976 p 52)

as amended by—

Motor Vehicles Safety Act and Other Acts Amendment Act 1985 No. 30 Pt 5

date of assent 17 April 1985

commenced 1 March 1986 (proc pubd Gaz 18 January 1986 p 126)

Motor Vehicles Control Act Amendment Act 1988 No. 28

date of assent 11 April 1988

ss 1–2 commenced on date of assent

remaining provisions commenced 15 August 1988 (proc pubd Gaz 6 August 1988 p 3305)

Corrective Services (Consequential Amendments) Act 1988 No. 88 s 3 Sch 1

date of assent 1 December 1988

commenced 15 December 1988 (see s 2(2) and order pubd Gaz 10 December 1988 p 1675)

Public Service (Administrative Arrangements) Act 1990 No. 73 s 3 Sch 5

date of assent 10 October 1990

commenced 24 November 1990 (proc pubd Gaz 24 November 1990 p 1450)

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 68 s 3 Sch 1

date of assent 7 December 1992

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1993 No. 32 s 3 Sch 1

date of assent 3 June 1993

commenced on date of assent

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Arrangement of Act

s 3 om R1 (see RA s 40)

Meaning of terms

s 4 def **“Commissioner”** om 1990 No. 73 s 3 Sch 5
 def **“Director-General”** ins 1990 No. 73 s 3 Sch 5
 om R1 (see RA s 39)
 def **“Local Authority”** om 1992 No. 68 s 3 Sch 1
 def **“Minister”** sub 1990 No. 73 s 3 Sch 5

om 1993 No. 32 s 3 Sch 1
 def “**owner**” amd 1993 No. 32 s 3 Sch 1
 def “**police force**” om 1993 No. 32 s 3 Sch 1
 def “**public place**” amd 1988 No. 28 s 4; 1992 No. 68 s 3 Sch 1; 1993
 No. 32 s 3 Sch 1
 def “**recreation vehicle**” amd 1993 No. 32 s 3 Sch 1

Authorised officers

s 5 amd 1990 No. 73 s 3 Sch 5; 1993 No. 32 s 3 Sch 1

Application of Part extended

s 6 amd 1992 No. 68 s 3 Sch 1

Conditions of Motor Vehicles Insurance Act

s 10 amd 1993 No. 32 s 3 Sch 1

Offences concerning recreation vehicles

s 12 amd 1993 No. 32 s 3 Sch 1

Offences with recreation vehicles by persons who cannot hold driving licences

s 13 amd 1993 No. 32 s 3 Sch 1

Standards for use of business vehicles

s 14 amd 1985 No. 30 s 64; 1993 No. 32 s 3 Sch 1

Duties of owner of vehicle

s 15 amd 1985 No. 30 s 65; 1993 No. 32 s 3 Sch 1

Liability of unlicensed driver

s 16 amd 1993 No. 32 s 3 Sch 1

Declaration of areas

s 18 amd 1992 No. 68 s 3 Sch 1

Provisions affecting declared areas

s 19 amd 1992 No. 68 s 3 Sch 1

Application of specified laws within declared areas

s 20 amd 1992 No. 68 s 3 Sch 1

Offences in declared areas

s 22 amd 1993 No. 32 s 3 Sch 1

Dangerous driving

s 23 amd 1988 No. 88 s 3(1) Sch 1; 1993 No. 32 s 3 Sch 1

Speed restriction on drivers under 17 years

s 24 amd 1993 No. 32 s 3 Sch 1

Declarations in relation to public places and exempt vehicles

s 25 amd 1988 No. 28 s 5
 sub 1992 No. 68 s 3 Sch 1

Authorised officers may take charge of vehicles

s 29 amd 1990 No. 73 s 3 Sch 5

Forfeiture by court

s 30 amd 1990 No. 73 s 3 Sch 5; 1993 No. 32 s 3 Sch 1

Disqualification from holding or obtaining a licence

s 31 amd 1990 No. 73 s 3 Sch 5; 1993 No. 32 s 3 Sch 1

Offences against authorised officers

s 32 amd 1993 No. 32 s 3 Sch 1

General offence provision

s 33 amd 1990 No. 73 s 3 Sch 5; 1993 No. 32 s 3 Sch 1

Evidentiary aids

s 34 amd 1990 No. 73 s 3 Sch 5; 1993 No. 32 s 3 Sch 1

Duty of police officers

s 36 amd 1993 No. 32 s 3 Sch 1

Protection of persons executing Act

s 37 amd 1990 No. 73 s 3 Sch 5

Power to make regulations

s 38 amd 1992 No. 68 s 3 Sch 1; 1993 No. 32 s 3 Sch 1

AMENDMENT OF MOTOR VEHICLES INSURANCE ACT**Pt 7 hdg** om 1992 No. 68 s 3 Sch 1**Existing orders in council**s 39 prev s 39 om 1992 No. 68 s 3 Sch 1
pres s 39 ins 1992 No. 68 s 3 Sch 1**Amendment of s 4F**

s 40 om 1992 No. 68 s 3 Sch 1

5 Table of changed names and titlesTABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
by-law (of a local authority)	local law	s 755(1)(l) Local Government Act 1993
clerk (of a local authority)	chief executive officer (of a local government)	s 755(1)(k) Local Government Act 1993
Director-General general fund	chief executive operating fund	s 29 Reprints Act 1992 s 755(1)(m) Local Government Act 1993
local authority	local government	s 755(1)(a) Local Government Act 1993

member of the police force	police officer	s 11.1(1)(c) Police Service Administration Act 1990 (see also s 1.4)
ordinance (of a local authority)	local law	s 755(1)(l) Local Government Act 1993

6 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	s 32A Acts Interpretation Act 1954
definition "Director-General"	definition "chief executive" and ss 33(5B) and 24(8)(b) Acts Interpretation Act 1954 (see also Reprints Act 1992 s 39, example 2)
references to certain provisions of an Act	s 35B Acts Interpretation Act 1954
references to Queensland implied	s 35 Acts Interpretation Act 1954

7 Table of corrected minor errors

TABLE OF CORRECTED MINOR ERRORS under section 44 of the Reprints Act 1992

Section	Description
15(2) 20(1)	omit '1(a) or (b)' ins '(1)(a) or (b)' after 'Governor' ins 'in Council'

8 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS under section 43 of the Reprints Act 1992

Original	Renumbered as
13, 1st sentence	13(1)
13, 2nd sentence	13(2)
18, 1st sentence	18(1)
18, 2nd sentence	18(2)
22(3), 2nd sentence	22(4)
26(3), 2nd sentence	26(4)
29(3), 2nd sentence	29(3A)
30(1), 2nd sentence	30(1A)

9 Transitional and savings provisions

Motor Vehicles Control Act Amendment Act 1988 No. 28 s 6 provides—

Effect on contracts of insurance

6. For the purpose of construing the rights and liabilities of any person under a contract of insurance in force at any time before the commencement of this section, a motor vehicle used in Queensland in a public place within the meaning of the *Motor Vehicles Control Act 1975* at any time before the commencement of this section, shall be deemed not to be a vehicle in respect of which that Act required to exist at the time of such use a current certificate of registration or of renewal of registration issued under and in accordance with the *Main Roads Act 1920* (or that Act as amended for the time being) or under and in accordance with corresponding legislation of any other State or Territory of the Commonwealth or under and in accordance with the regulations made pursuant to the *Motor Vehicles Control Act 1975* or that Act as amended for the time being. This provision does not apply to a motor vehicle in respect of which there was in force at the relevant time the required current certificate of registration or of renewal of registration.