



ELIZABETHAE SECUNDAE REGINAE

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No. 39 of 1975

**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 and to amend the Motor Vehicles Insurance Act 1936–1974 in a certain particular**

[ASSENTED TO 1ST OCTOBER, 1975]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

**1. Short title.** This Act may be cited as the *Motor Vehicles Control Act 1975*.

**2. Commencement of Act.** 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.

3. **Arrangement of Act.** This Act is arranged as follows:—
- PART I—PRELIMINARY (ss. 1-5);
  - PART II—RECREATION VEHICLES (ss. 6-13);
  - PART III—BUSINESS VEHICLES (ss. 14-17);
  - PART IV—DECLARED AREAS (ss. 18-22);
  - PART V—DANGEROUS DRIVING (ss. 23-24);
  - PART VI—GENERAL PROVISIONS (ss. 25-38);
  - PART VII—AMENDMENT OF MOTOR VEHICLES INSURANCE ACT (ss. 39-40).
4. **Meaning of terms.** In this Act unless a contrary intention appears—
- “Commissioner” means the Commissioner for Transport appointed under the *State Transport Act* 1960-1972 and includes the Deputy Commissioner for Transport appointed under that Act while acting as the Commissioner and any person who is for the time being appointed to act as the Commissioner;
  - “Local Authority” means a Local Authority constituted in accordance with the *Local Government Act* 1936-1975 and includes a Joint Local Authority and, in relation to the Area of the City of Brisbane, means Brisbane City Council;
  - “Minister” means the Minister for Transport or other Minister of the Crown for the time being charged with the administration of this Act and includes any person for the time being performing the functions of the Minister;
  - “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;
  - “owner” includes—
    - (a) in respect of a motor vehicle registered under the regulations made pursuant to the *Main Roads Act* 1920-1972 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;
  - “police force” means the Police Force of Queensland;
  - “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 Order in Council 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 *Main Roads Act 1920–1972* or of the *Traffic Act 1949–1975*;

“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 and in accordance with the *Main Roads Act 1920–1972* 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.

**5. Authorized officers.** (1) For the purposes of this Act an authorized officer is—

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

(2) The Commissioner may, in writing, appoint any person who holds an appointment in a department of the Government of Queensland to be an authorized 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 Authority may, in writing, appoint any person to be an authorized officer for the purposes of this Act, either in respect of the whole of the Area of that Local Authority or of any part thereof defined in the appointment.

**PART II—RECREATION VEHICLES**

**6. Application of Part excluded.** 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;
- (b) a vehicle while it is being used within the limits of a defined fabricated area in a public place; or
- (c) a vehicle that is of a class for the time being declared by Order in Council to be a class of vehicle to which this Part does not apply.

**7. Registration of recreation vehicles.** (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 agent it would be dangerous or unsafe to use the vehicle in a public place;
- (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 he has attained the age of 18 years.

**8. Suspension of registration of recreation vehicles.** (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 he 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 he 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.

**9. Application of Motor Vehicles Insurance Act.** The provisions of the *Motor Vehicles Insurance Act 1936-1974* 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.

**10. Conditions for use of vehicles in public places.** 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 and in accordance with the *Main Roads Act 1920-1972* 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;
- (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.

Penalty: \$200.

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

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

Penalty: \$200.

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

**13. Offences with recreation vehicles by persons who cannot hold driving licences.** A person who has not attained the age of 17 years shall not drive in a public place—

- (a) a recreation vehicle having two wheels or three wheels unless the vehicle has an engine capacity of not more than 90 millilitres;
- (b) a recreation vehicle having more than three wheels unless the outer diameter of the wheels of the vehicle does not exceed 305 millimetres; or
- (c) a recreation vehicle at a speed exceeding 50 kilometres per hour.

Penalty: \$200.

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 III—BUSINESS VEHICLES

**14. Standards for use of business vehicles.** (1) A person shall not use a motor vehicle for the carriage of passengers for reward or for the carriage of passengers in connexion 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 issued under and in accordance with the *Main Roads Act* 1920–1972 or under and in accordance with corresponding legislation of any other State or Territory of the Commonwealth;
- (b) there has been granted and is in force in respect of the vehicle a certificate of inspection under the *Inspection of Machinery Act* 1951–1973; 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* 1949–1975 that authorizes him to drive that class of vehicle.

Penalty: \$500.

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

**15. Duties of owner of vehicle.** (1) The owner of a motor vehicle had for use for the carriage of passengers for reward or for the carriage of passengers in connexion 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 and in accordance with the *Main Roads Act* 1920–1972 or under and in accordance with corresponding legislation of any other State or Territory of the Commonwealth in respect of the vehicle;
- (b) shall, at all times when the vehicle is so used, be the holder of a current certificate of inspection granted under the *Inspection of Machinery Act* 1951–1973 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* 1949–1975 that authorizes him to drive that class of vehicle.

Penalty: \$500.

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

- (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.

**16. Liability of unlicensed driver.** A person shall not drive a motor vehicle for the carriage of passengers for reward or for the carriage of passengers in connexion with the conduct of a business unless he is, at the time of such use, the holder of a current driver's licence within the meaning of the *Traffic Act 1949-1975* that authorizes him to drive that class of vehicle.

Penalty: \$500.

**17. Provisions concerning offences under ss. 14 and 16.** (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 he shall not be convicted twice in respect of the one occasion.

#### PART IV—DECLARED AREAS

**18. Declaration of areas.** The Governor in Council may, by Order in Council, 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 he 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, he is satisfied that the use of motor vehicles within the area should be prohibited or regulated.

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

**19. Provisions affecting declared areas.** An area declared under section 19—

- (a) shall be sufficiently described in the Order in Council 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 Order in Council;
- (c) shall continue as a declared area until the Order in Council whereby it is so declared is revoked.

**20. Application of specified laws within declared areas.** (1) By the Order in Council whereby he declares an area under section 18 or by a subsequent Order in Council the Governor 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 Order 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.

**21. Regulations relating to declared areas.** (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 the obligations of persons who use motor vehicles within declared areas wherein their use is regulated;
- (c) that provide for the functions and powers of authorized 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.

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

Penalty: \$500 or imprisonment for 6 months, or both such fine and imprisonment.

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

Penalty: \$500.

(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 penalty of \$500, whichever is the greater.

For the purposes of this subsection a penalty of imprisonment shall be taken to be greater than a pecuniary penalty.

#### PART V—DANGEROUS DRIVING

**23. Dangerous driving.** (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 connexion with the conduct of a business; or
- (c) in a public place.

(2) A person who drives dangerously a motor vehicle in respect of which this section applies commits an offence against this Act and is liable to a penalty of \$500 or to imprisonment with hard labour for 6 months or to both such penalty and imprisonment.

(3) The expression “drives 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.

**24. Speed restriction on drivers under 17 years.** 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 kilometres per hour.

Penalty: \$200.

PART VI—GENERAL PROVISIONS

**25. Governor in Council may declare public places and exempt vehicles.** The Governor in Council may, by Order in Council, declare—

- (a) any place to be a public place for the purposes of this Act;
- (b) any class of vehicle to be a class of vehicle to which Part II is not to apply.

In every Order in Council made pursuant to this section the place or, as the case may be, the class of vehicle shall be sufficiently described as to identify it.

A place or a class of vehicle declared by an Order in Council made pursuant to this section shall continue to be a public place for the purposes of this Act or, as the case may be, a class of vehicle to which Part II is not to apply until the Order in Council in question is revoked.

**26. Obligation of drivers and others to comply with directions.** (1) An authorized 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* 1949–1975 in respect of which he 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* 1949–1975 in respect of which he 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 he 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* 1949–1975 concerning an offence in respect of which he is competent to prosecute, or for the purpose of enabling him to carry out any of his 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;
- (f) to produce any certificate of registration or of renewal of registration issued in respect of any vehicle being driven by him or any driver's licence, provisional licence, interim licence

or learner's permit issued to him under the *Traffic Act* 1949-1975 or under the laws of any other State or Territory of the Commonwealth or of any other country in which he usually resides; and

- (g) to state his name, address and age and, if the authorized 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 him under subsection (1); or
- (b) states a false name or a false address or a false age in response to a requisition directed to him under subsection (1); or
- (c) supplies false evidence as to his name or address or age in response to a requisition directed to him 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 him under the *Traffic Act* 1949-1975 or to supply evidence of his 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.

A person shall be taken to have sufficiently complied with a requisition to produce a driver's licence issued to him under the *Traffic Act* 1949-1975 other than a provisional licence, interim licence or learner's permit issued to him under that Act or to supply evidence as to age if, not later than 48 hours after being required so to do, he 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 authorized officer.

**27. Power of arrest without warrant.** An authorized officer who is a member of the police force may arrest any person found by him committing an offence against this Act or who, in his opinion, has committed an offence against this Act if the authorized officer has reasonable ground to believe that proceedings against that person by way of summons would not be effective.

**28. Authorized officers' powers re traffic offences.** Where an offence defined in the *Traffic Act* 1949-1975 (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 authorized officer is competent to lay a charge and prosecute under that Act in respect of that offence notwithstanding that he is not a member of the police force and notwithstanding section 45 (3) of that Act.

**29. Authorized officers may take charge of vehicles.** (1) An authorized 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 connexion 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 authorized officer's opinion the motor vehicle is required for the purpose of completing inquiries and investigations with respect to such incident and for the purpose of 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 authorized 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 1886-1975* having jurisdiction at the place where the vehicle is detained for an order that the vehicle be returned to him or disposed of as to the court seems just.

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 him or as he 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) of this paragraph (b) or by the Local Authority concerned in the case referred to in subparagraph (ii) of this paragraph (b), generally or in a particular case, and where the vehicle is sold the proceeds of the sale shall be disbursed—

- (i) if the authorized officer who seized the vehicle was authorized so to do by reason of his being a member of the police force or his appointment by the Commissioner for Transport, as is directed by the Minister; or
- (ii) if the authorized officer who seized the vehicle was authorized so to do by reason of his appointment by a Local Authority, as is directed by the Local Authority concerned.

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

Where the prosecution concerned is commenced by a person authorized in that behalf by a Local Authority, the forfeiture shall be to the Local Authority and in all other cases the forfeiture shall be to the Crown.

(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 Commissioner, or as he directs, where the forfeiture is to the Crown; or
- (b) to the Clerk of the Local Authority, or as he directs, where the forfeiture is to a Local Authority,

within the time allowed therefor by the order or, if no such time is allowed, within one month after such person becomes aware of the order.

Penalty: \$200.

(3) An order of forfeiture made under subsection (1) shall be sufficient lawful authority to any authorized officer acting on behalf of the Crown or the Local Authority 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 he 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.

**31. Disqualification from holding or obtaining a licence.** (1) When a court convicts a person of an offence against this Act committed in relation to a motor vehicle it may order that he be thereby disqualified from holding or obtaining a driver's licence within the meaning of the *Traffic Act 1949-1975* 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 he 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 his being owner of the motor vehicle concerned; or
- (b) who is convicted of an offence that is deemed to have been committed by him 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 Commissioner.

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

Penalty: \$500.

**32. Offences against authorized officers.** (1) A person shall not—

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

Penalty: \$500.

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

**33. General offence provision.** (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 penalty of \$200.

(2) A prosecution for an offence against this Act shall be by way of summary proceedings under the *Justices Act* 1886–1975 upon the complaint of—

- (a) a person authorized in that behalf by the Commissioner or a Local Authority, either generally or in a particular case; or
- (b) where the defendant has been arrested on a charge of the offence, a member of the police force.

(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 he shows that he 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.

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

- (a) it is not necessary to prove the appointment of an authorized 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 and, in the absence of evidence to the contrary, conclusive 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 1949-1975* and to be certified as a true copy by the person ordinarily having custody of particulars of such a licence is evidence and, in the absence of evidence to the contrary, conclusive evidence of that licence, and particulars set out therein of any conviction, disqualification, suspension or cancellation is in like manner evidence and conclusive evidence of the matters thereby particularized;
- (d) a certificate purporting to be that of the Secretary of the Commissioner of Main Roads within the meaning of the *Main Roads Act 1920-1972* or of any other person authorized in that behalf by the Commissioner of Main Roads 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 authorized 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 is evidence and, in the absence of evidence to the contrary, conclusive 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 authorized in that behalf by the Commissioner, 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 and, in the absence of evidence to the contrary, conclusive 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 and, in the absence of evidence to the contrary, conclusive 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 Commissioner, any other person authorized in that behalf by the Commissioner, or by a Local Authority that authorizes 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.

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**35. Function of Local Government to execute Act.** (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 Authority may, in accordance with its power to make by-laws or ordinances, make by-laws or ordinances not inconsistent with this Act—

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

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

(4) For the purposes of this Act the Area of a Local Authority 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 Authority in respect of offences against this Act shall be paid into the general fund of that Local Authority.

(6) Notwithstanding any provision of this Act or any by-law or ordinance of a Local Authority the Minister, in any case where he is satisfied that a permit or other authority issued by a Local Authority for the purposes of this Act should not have been issued, may by writing under his 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 Authority in respect of the permit or other authority shall be refunded to him by the Local Authority and if the refund is not made within one 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 him by the Local Authority.

**36. Duty of police officers.** (1) It is the duty of every member of the police force to assist an authorized officer (whether or not he is a member of such force) in the exercise of his powers, and the performance of his duties under this Act.

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

**37. Protection of persons executing Act.** No act or omission on the part of the Minister, the Commissioner, a Local Authority, an authorized 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.

**38. Power to make regulations.** (1) The Governor in Council may make regulations, not inconsistent with this Act, with respect to—

- (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 connexion 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 persons who shall be bound to comply with such regulations;
- (e) the powers, functions and duties of authorized 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 \$100;
- (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;
- (k) matters required or permitted by this Act to be prescribed where another mode of prescription is not prescribed;
- (l) matters necessary or desirable to be prescribed for the proper administration of this Act, or to achieve the objects and purposes of this Act.

(2) The power to regulate conferred by subsection (1) includes power to prohibit, exclude or refuse, as the case may require.

(3) The power to make regulations conferred by subsection (1) may be exercised at any time after the passing of this Act, and may be so exercised that the regulation is made to apply throughout the whole of the State or within a part of the State defined in the regulations.



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PART VII—AMENDMENT OF MOTOR VEHICLES INSURANCE ACT

**39. Citation.** (1) In this Part the *Motor Vehicles Insurance Act* 1936–1974 is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Motor Vehicles Insurance Act* 1936–1975.

**40. Amendment of s. 4F.** Section 4F of the Principal Act is amended by, in subsection (1), omitting subparagraph (b) and substituting the following subparagraph:—

“(b) The expression “uninsured motor vehicle” means a motor vehicle—

- (i) that is required by or under the *Main Roads Act* 1920–1972 to be registered in accordance with the regulations made pursuant to that Act; or
- (ii) that is required by or under the *Motor Vehicles Control Act* 1975 to be registered in accordance with the regulations made pursuant to that Act or pursuant to the *Main Roads Act* 1920–1972,

and in respect whereof there is not in force at the material time a contract or policy of insurance under this Act, but the expression does not include any motor vehicle at any time when the owner thereof is exempted from the requirement to insure it under this Act by section 8A hereof.”