



penalties

Under Northern Territory laws, you can be penalised for traffic offences which cause inconvenience, costs, injury or suffering to others.

Traffic offences

Penalties for breaking the traffic laws include fines, disqualification from holding or applying for a licence, licence cancellation, refusal or suspension. For a very serious offence like drink driving, you may be fined, disqualified from driving or even go to prison.

Demerit points

For certain traffic offences you will have demerit points recorded against your licence. There is a limit to the number of points you can build up before your licence is suspended.

Your licence will be suspended when you reach these limits:

- Unrestricted licence – 12 points in any three-year period
- Provisional licence – five points in any 12 month period.
- Good behaviour period – two points during the good behaviour period.

Your licence will be suspended when you reach or exceed the demerit points limit. MVR will send a Notice of Suspension to licence holders who reach or accumulate more than the number of points detailed above.

The suspension period depends on the number of points accumulated.

Good behaviour period

Licence holders can apply for a 12 month good behaviour period instead of serving the suspension. This option is not available to those already serving a good behaviour period.

Drivers who accumulate two or more demerit points while serving a good behaviour period will be suspended for double the original suspension time.

Licence holders can apply for a good behaviour period in person at a MVR office, but must do so before the date that the suspension is due to take effect.

For more information visit the nt.gov.au website.

Speeding offences

Fines, together with licence suspension or disqualification periods may apply to drivers who commit speeding offences.

Police can:

- issue a traffic infringement notice; and/or
- suspend and confiscate a licence at the roadside for certain speed related offences where the matter will be referred to a court to determine an appropriate penalty.

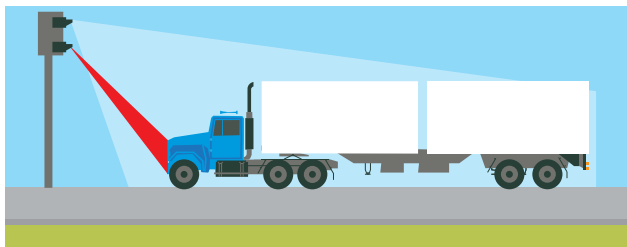
Traffic infringement notices issued for speeding offences carry demerit points.

Refusal of a licence

MVR may refuse to grant or renew the licence of drivers who have exceeded their demerit point limit or are disqualified. The period of refusal for a licence is equal to the period of suspension or disqualification.

Safe-T-Cam

Operating in some areas of Australia, the Safe-T-Cam is an automated monitoring system designed to reduce the incidence of heavy vehicle speeding and driver fatigue. It can determine if a heavy vehicle has travelled at an excessive average speed, or has travelled beyond prescribed driving hours, between two or more Safe-T-Cam sites.



Safe-T-Cam monitors speed and driver fatigue of heavy vehicle drivers

Weighbridges

Weighbridges (or heavy vehicle inspection stations) are permanent facilities, where heavy vehicles over 4.5 tonne Gross Vehicle Mass (GVM) may be stopped and inspected to see that they meet safety and roadworthiness standards

and that their drivers are complying with road transport laws. This includes trucks, truck and trailer combinations, buses and motor homes that are over 4.5 tonne GVM.

Alcohol and drug offences

It is against the law to drive while under the influence of alcohol and drugs, including some prescribed medicines.

It is against the law to drive with a presence of an illicit drug. These drugs include THC (the active component of cannabis), methylamphetamine (like ice and speed) and ecstasy.

You do not have to be over the “legal” limit of the prescribed blood alcohol concentration for it to be an offence to drive. It is an offence to drive or attempt to put a motor vehicle in motion, while under the influence of alcohol (or drugs) as you will be unable to exercise effective control of the vehicle. This is known as driving under the influence (DUI) and it applies to driving under the influence of alcohol or drugs.

You must have a zero blood alcohol concentration when you drive:

- a vehicle over 15 tonne GVM
- a vehicle carrying over 12 people
- a vehicle capable of carrying over 12 people
- a vehicle carrying dangerous goods.

Defect notices

If a vehicle on a public street is unroadworthy, is considered to be a source of danger or annoyance to the public, or a source of damage to public streets, a defect notice can be issued to the driver of the vehicle by a Police Officer or Transport Inspector.

The defect notice will take the form of a notice handed to the driver, combined with a yellow defect label which will be applied to a conspicuous place on the vehicle. It is an offence for anyone apart from a Police Officer or Transport Inspector to remove this label.

Defect notices will include a direction on how and where the vehicle may be driven. This direction may be that the vehicle (if currently registered) can only be driven to a place of repair, or it may not be driven at all and recovered by tow truck (or the like) only. This means that you can no longer drive your vehicle for any other purpose. It is an offence to drive a vehicle contrary to the direction on a defect notice.

Vehicles which have been defected must pass a full roadworthy inspection done at an MVR or remote police station to have the defect cleared. The fee for this inspection must be paid prior to presenting the vehicle for inspection. If the vehicle has received the necessary repairs, it may be driven to the place of inspection.

If a defected vehicle has not been inspected and cleared within 28 days, action may be commenced to have the vehicle's registration cancelled.

For information on defect inspections and fees, please visit nt.gov.au or contact the MVR Contact Centre on 1300 654 628.

Chain of responsibility

The Northern Territory does not have specific Chain of Responsibility (CoR) provisions in transport law. Many offences are the sole responsibility of the driver, however some offences in relation to the mass, dimensions and loading of a heavy vehicle are the responsibility of the driver, and/or the person or corporation which caused or permitted the offence to occur. This means that the owner/operator of a heavy vehicle may be charged with an offence instead of, or as well as the driver if it can be proven that they caused or permitted the offence to occur.

All employers and employees who have an influence over driver fatigue management in NT carry a duty of care obligation under Work Health and Safety laws. See Section 3 of this handbook for more information.

In jurisdictions (QLD, NSW, ACT, VIC, SA and TAS) regulated under the Heavy Vehicle National Law (HVNL) if you consign, pack, load or receive goods as part of your business, you could be held legally liable for breaches of the HVNL even though you have no direct role in driving or operating a heavy vehicle. In addition, corporate entities, directors, partners and managers are accountable for the actions of people under their control. This is the CoR and applies to vehicle roadworthiness, mass, dimension and loading, and driver fatigue laws. The National Heavy Vehicle Regulator can be contacted on 1300 MYNHVR (1300 696 487) or at nhvr.gov.au for more information.