

# TERRITORY MOTOR VEHICLES (LIABILITY) ORDINANCE 1978

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No. 43 of 1978

An Ordinance relating to the liability of the Territory in respect of death or personal injury caused by or arising out of the use of certain motor vehicles

[Assented to 29 June 1978]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Territory Motor Vehicles (Liability) Ordinance 1978*. Short title

2. This Ordinance shall come into operation on 1 July 1978. Commencement

3. In this Ordinance, unless the contrary intention appears— Definitions

“driver” means a person driving a motor vehicle and includes a person riding a motor cycle or a person in charge of a motor vehicle;

“motor vehicle” means a motor vehicle within the meaning of the *Motor Vehicles Ordinance*;

“third-party policy” means a policy of insurance which complies with the requirements of Part V of the *Motor Vehicles Ordinance*;

“uninsured motor vehicle” means a motor vehicle in respect of which a third-party policy is not in force.

4.(1) In proceedings in which—

(a) a claim is made against the Territory for damages in respect of the death of or personal injury to a person caused by, or arising out of the use of, an uninsured motor vehicle owned by the Territory; or

(b) a claim is made by or against the Territory for contribution in relation to liability of the Territory for such damages,

the driver of the vehicle shall, for the purposes of that claim, be conclusively presumed to have been at all relevant times, in respect of the use of the vehicle, the agent of the Territory acting within the scope of his authority.

(2) Nothing in this section shall be taken to imply ratification by the Territory of the acts of the driver of a vehicle.

Conclusive presumption of agency in respect of driving of Territory motor vehicles