



Commonwealth Motor Vehicles (Liability) Act 1959

Act No. 94 of 1959 as amended

This compilation was prepared on 21 February 2001
taking into account amendments up to Act No. 110 of 1997

The text of any of those amendments not in force
on that date is appended in the Notes section

Prepared by the Office of Legislative Drafting,
Attorney-General's Department, Canberra

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An Act relating to the Liability of the Commonwealth and Commonwealth Authorities in respect of Death or Personal Injury caused by, or arising out of the use of, certain Motor Vehicles

1 Short title [see Note 1]

This Act may be cited as the *Commonwealth Motor Vehicles (Liability) Act 1959*.

2 Commencement [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Interpretation

- (1) In this Act, unless the contrary intention appears:

Commonwealth authority means:

- (a) a body corporate incorporated for a public purpose by a law of the Commonwealth or of a Territory other than the Northern Territory; or
- (b) a body corporate that is declared by the regulations to be a Commonwealth authority for the purposes of this Act;

but does not include the Northern Territory or an incorporated company or association.

driver, in relation to a motor vehicle, includes a person in charge of the motor vehicle.

lease, in relation to a motor vehicle, means any agreement or arrangement under which the vehicle (whether for any or no consideration) is made available exclusively to a person for the person's use.

motor vehicle means a motor car, motor carriage, motor cycle, motor omnibus, motor tractor or other vehicle propelled wholly or partly by volatile spirit or by steam, gas, oil or electricity or by any means other than human or animal power, and includes a trailer

and a semi-trailer but does not include a vehicle used on a railway or tramway.

third-party policy means a policy of insurance effected for the purposes of, and in accordance with the requirements of, a law of a State or Territory relating to the compulsory insurance of owners and drivers of motor cars or motor vehicles, as defined by that law, against liability in respect of the death of, or bodily injury to, persons.

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

- (2) This Act does not apply in relation to proceedings arising out of an occurrence that took place outside Australia and the Territories.

4 Extension of Act to Territories

This Act extends to all the Territories.

5 Conclusive presumption of agency in respect of driving of Commonwealth vehicles

- (1) In proceedings in which:
- (a) a claim is made against the Commonwealth or a Commonwealth authority 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, or leased to, the Commonwealth or the Commonwealth authority; or
 - (b) a claim is made by or against the Commonwealth or a Commonwealth authority for contribution in relation to liability of the Commonwealth or the Commonwealth authority 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, with respect to the driving of the vehicle, the agent of the Commonwealth or the Commonwealth authority, as the case may be, acting within the scope of his or her authority.

- (1A) Subsection (1) does not apply if, at all relevant times:
- (a) the vehicle was registered; or
 - (b) a motor vehicle licence was in force in respect of the vehicle;

under a law of a State or Territory.

- (2) Nothing in this section shall be taken to imply ratification by the Commonwealth or the Commonwealth authority of the acts of the driver of a vehicle.
- (3) This section extends to proceedings arising out of an occurrence that took place before the commencement of this Act but after the eighth day of September, One thousand nine hundred and fifty-eight, whether the proceedings were instituted before, or are instituted after, the commencement of this Act.

6 Manner of trial of proceedings against the Commonwealth etc. in respect of uninsured vehicles

Where, in proceedings in a Court of a State or Territory, a claim is made against the Commonwealth or a Commonwealth authority 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, the question whether the claim shall be tried with or without a jury is to be determined in accordance with the law that would be applicable, in proceedings in that Court, in the case of a like claim against the owner of a vehicle in respect of which there was in force a third-party policy effected for the purposes of, and in accordance with the requirements of, the law of that State or Territory.

7 Regulations

The Governor-General may make regulations declaring a body corporate, being a body corporate incorporated for a public purpose by a law of the Northern Territory, to be a Commonwealth authority for the purposes of this Act.

Table of Acts**Notes to the *Commonwealth Motor Vehicles (Liability) Act 1959*****Note 1**

The *Commonwealth Motor Vehicles (Liability) Act 1959* as shown in this compilation comprises Act No. 94, 1959 amended as indicated in the Tables below.

The *Commonwealth Motor Vehicles (Liability) Act 1959* was modified by the A.C.T. Self-Government (Consequential Provisions) Regulations (1989 No. 3 as amended) *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Commonwealth Motor Vehicles (Liability) Act 1959</i>	94, 1959	4 Dec 1959	4 Dec 1959	
<i>Statute Law Revision Act 1973</i>	216, 1973	19 Dec 1973	31 Dec 1973	Ss. 9(1) and 10
<i>Commonwealth Motor Vehicles (Liability) Amendment Act 1978</i>	67, 1978	22 June 1978	1 July 1978	—
<i>Commonwealth Motor Vehicles (Liability) Amendment Act 1997</i>	110, 1997	7 July 1997	7 July 1997 (see s. 2)	—

Table of Amendments

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ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 3.....	am. No. 216, 1973; No. 67, 1978; No. 110, 1997
S. 5.....	am. No. 110, 1997
S. 7.....	ad. No. 67, 1978

Table A

Table A

Modifications

A.C.T. Self-Government (Consequential Provisions) Regulations

Subsection 3(1) (definition of *Commonwealth authority*)

Before “the Northern Territory” (wherever occurring) insert “the Australian Capital Territory or”.