

112. Liability of director, etc., of a body corporate that is owner of a vehicle

- (1) In this section “**director**”, in relation to a body corporate, includes any person occupying the position of director of the body corporate by whatever name called and includes a person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act.
- (2) Where a corporation is the owner or one of the owners of a vehicle any reference in a regulation made pursuant to section 111(2)(f) to the owner of such a vehicle shall be construed as including a reference to every person who is a director of that corporation.
- (3) Where any person has, by reason only of being director of a corporation been required under this Act to discharge any obligation to pay any sum of money that the corporation was obliged to pay, whether pursuant to a judgment or order of a court or not, that person —
 - (a) is entitled to recover from the corporation any amount so paid as a civil debt due to the person by the corporation; and
 - (b) when any amount so paid cannot be recovered from the corporation, is entitled to recover contribution from any other director of the corporation who would have been liable in respect of the amount so paid except that the amount which may be recovered by a director from any other director shall not exceed that proportion of the total amount that he has paid as one bears to the total number of directors of that corporation.
- (4) Where pursuant to the provisions of subsection (2) more than one person is liable as owner of a vehicle, any obligation imposed upon the owner by or under this section shall be deemed to have been discharged, if the obligation is performed by any one of those persons.
- (5) A certificate purporting to be signed by —
 - (a) the Commissioner of Corporate Affairs appointed under section 4 of the *Companies (Administration) Act 1982*¹³; or

- (b) a person holding or acting in the office of a member of the Corporate Affairs Commission or who is or is acting as the officer holding the corresponding office under any corresponding law relating to corporations for the time being in force in any State or Territory of the Commonwealth,

stating that it appears from a return or returns lodged with him pursuant to the relevant law relating to corporations that on any date, or during any period, any person specified therein was a director of a corporation specified in the certificate is prima facie evidence of the matters specified in the certificate.

- (6) For the purposes of subsection (5), a person who appears from any return lodged as provided in that subsection, to be a director of a corporation, shall be deemed to continue as such until by a subsequent return so lodged it appears that he has ceased to be such a director.
- (7) Nothing in this section affects the liability of a corporation that is the owner or one of the owners of a vehicle to pay any amount to the Director General in accordance with any of the provisions of this Act.

[Section 112 inserted by No. 89 of 1978 s.20; amended by No. 105 of 1981 s.19; No. 10 of 1982 s.28; No. 95 of 1984 s.9; No. 76 of 1996 s.20(3).]