

MOTOR TRAFFIC AND LOCAL GOVERNMENT (AMENDMENT) BILL.

*Schedule of Amendments referred to in Legislative Council's
Message of 26 November, 1957.*

- No. 1—Page 3, clause 2, lines 17 and 18. *Omit* “the actual offender” and *insert* in lieu thereof **“in charge of the vehicle at all relevant times relating to the parking offence concerned”**.
- No. 2—Page 3, clause 2, lines 32 and 33. *Omit* “the actual offender” and *insert* in lieu thereof **“in charge of the vehicle at all relevant times relating to the parking offence concerned”**.
- No. 3—Page 4, clause 2, lines 3 and 4. *Omit* “as the actual offender”.
- No. 4—Page 6, clause 3, lines 4 and 5. *Omit* “the actual offender” and *insert* in lieu thereof **“in charge of the vehicle at all relevant times relating to the parking offence concerned”**.
- No. 5—Page 6, clause 3, lines 19 and 20. *Omit* “the actual offender” and *insert* in lieu thereof **“in charge of the vehicle at all relevant times relating to the parking offence concerned”**.
- No. 6—Page 6, clause 3, lines 29 and 30. *Omit* “as the actual offender”.

UNITED STATES DEPARTMENT OF AGRICULTURE

Report of the Director of the Bureau of Plant Industry
Washington, D. C., 1914

The following report was prepared by the Director of the Bureau of Plant Industry, United States Department of Agriculture, Washington, D. C., 1914.

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 12 November, 1957.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 26 November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1957.

An Act to provide for the liability of the owner of any vehicle concerned in a parking offence; to amend the Motor Traffic Act, 1909, the Local Government Act, 1919, and the Transport Act, 1930, as amended by subsequent Acts, in certain respects; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Motor Traffic and Local Government (Amendment) Act, 1957".

Short title
and
citation.

957 60—

(2)

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Motor Traffic and Local Government (Amendment).

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Acts, 1909-1957.

(3) The Transport Act, 1930, as amended by 5 subsequent Acts and by this Act, may be cited as the Transport Acts, 1930-1957.

2. The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended by inserting next after section eighteen the following new section:—

Amendment
of Act
No. 5, 1909.
New sec.
18A.

10 18A. (1) When a parking offence occurs in relation to any motor vehicle the person who at the time of the occurrence of the offence is the owner of the motor vehicle shall, by virtue of this section, be guilty of an offence under the regulation concerned
15 in all respects as if he were the actual offender guilty of the parking offence unless—

Liability
of motor
vehicle
owner for
parking
offences.

(a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended
20 by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or
25 used;

(b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken
or used.

(2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other
30 person in relation thereto.
35

(3)

Motor Traffic and Local Government (Amendment).

(3) Notwithstanding anything in the foregoing provisions of this section no owner of a motor vehicle shall by virtue of this section be guilty of an offence if—

- 5 (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he
- 10 (i) within twenty-one days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies by statutory declaration to the prescribed officer under such regulations the name and address of the person who was ~~the actual offender~~ **in charge of the vehicle at all relevant times relating to the parking offence concerned**, or
- 15 (ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;
- 20 (b) in any other case he—
- 25 (i) within twenty-one days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was ~~the actual offender~~ **in charge of the vehicle at all relevant times relating to the parking offence concerned**; or
- 30 (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

(4)

Motor Traffic and Local Government (Amendment).

(4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein as ~~the actual offender~~ and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

5

(5) In this section—

10

“Owner” in relation to a motor vehicle includes—

15

(a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;

20

(b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations applicable to him in regard to such sale or disposal;

25

(c) in the case of a vehicle to which a trader’s plate is affixed, the person to whom such trader’s plate is in issue.

30

“Parking offence” means any offence of standing or parking a motor vehicle or of causing or permitting a motor vehicle to stand, wait or be parked in contravention of any regulation.

3. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after section 270N the following new section:—

Amendment of Act No. 41, 1919. New sec. 270o.

270o. (1) When a parking offence occurs in relation to any vehicle the person who at the time of the occurrence of the offence is the owner of the vehicle shall, Liability of vehicle owner for parking offences.

Motor Traffic and Local Government (Amendment).

shall, by virtue of this section, be guilty of an offence against the ordinance concerned in all respects as if he were the actual offender guilty of the parking offence unless—

5 (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended
10 by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;

15 (b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

20 (2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

25 (3) Notwithstanding anything in the foregoing provisions of this section no owner of a vehicle shall by virtue of this section be guilty of an offence if—

30 (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he

35 (i) within twenty-one days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies
by

Motor Traffic and Local Government (Amendment).

5 by statutory declaration to the prescribed officer under such regulations the name and address of the person who was ~~the actual offender~~ **in charge of the vehicle at all relevant times relating to the parking offence concerned, or**

10 (ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;

(b) in any other case he—

15 (i) within twenty-one days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was ~~the actual offender~~ **in charge of the vehicle at all relevant times relating to the parking offence concerned; or**

20 (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

25 (4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein ~~as the actual offender~~ and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

30 (5) In this section—

35 “Owner” in relation to a vehicle being a motor vehicle includes—

(a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use

Motor Traffic and Local Government (Amendment).

use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;

5

(b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts, applicable to him in regard to such sale or disposal;

10

15

(c) in the case of a vehicle to which a trader's plate is affixed, the person to whom such trader's plate is in issue.

20

“Parking offence” means any offence of standing or parking a vehicle or of causing or permitting a vehicle to stand, wait or be parked in contravention of any ordinance made for carrying this Division into effect.

25

“Registered” means registered under the Motor Traffic Act, 1909, as amended by subsequent Acts.

“Trader's plate” means a trader's plate issued under the Motor Traffic Act, 1909, as amended by subsequent Acts, for use as prescribed by regulation under that Act.

30

4. The Transport Act, 1930, as amended by subsequent Acts, is amended—

Amendment of Act No. 18, 1930, sec. 265.

35

(a) by omitting from subsection one of section two hundred and sixty-five the words “under Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts” and by inserting in lieu thereof the words “for carrying Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts, into effect”;

(Minor traffic offences.)

(b)

Motor Traffic and Local Government (Amendment).

- 5 (b) by inserting in the same subsection after the word "offences" where secondly occurring the words "(including the offences of which owners of vehicles are guilty by virtue of section 18A of the Motor Traffic Act, 1909, as amended by subsequent Acts, and section 270o of the Local Government Act, 1919, as amended by subsequent Acts)".

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 12 November, 1957.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1957.

An Act to provide for the liability of the owner of any vehicle concerned in a parking offence; to amend the Motor Traffic Act, 1909, the Local Government Act, 1919, and the Transport Act, 1930, as amended by subsequent Acts, in certain respects; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 **1.** (1) This Act may be cited as the "Motor Traffic and Local Government (Amendment) Act, 1957".

Short title
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(2)

Motor Traffic and Local Government (Amendment).

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Acts, 1909-1957.

(3) The Transport Act, 1930, as amended by 5 subsequent Acts and by this Act, may be cited as the Transport Acts, 1930-1957.

2. The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended by inserting next after section eighteen the following new section:—

Amendment
of Act
No. 5, 1909.
New sec.
18A.

- 10 18A. (1) When a parking offence occurs in rela- Liability
tion to any motor vehicle the person who at the time of the occurrence of the offence is the owner of the vehicle
15 motor vehicle shall, by virtue of this section, be owner for
guilty of an offence under the regulation concerned parking
in all respects as if he were the actual offender guilty offences.
of the parking offence unless—
- 20 (a) in any case where such offence is dealt with
as a minor offence under the regulations
25 made under section two hundred and sixty-
five of the Transport Act, 1930, as amended
by subsequent Acts, such owner satisfies the
prescribed officer under the said regulations
that such vehicle was at the relevant time a
stolen vehicle or a vehicle illegally taken or
used;
- (b) in any other case the court is satisfied that
such vehicle was at the relevant time a
stolen vehicle or a vehicle illegally taken
or used.
- 30 (2) Nothing in this section shall affect the
liability of the actual offender but where a penalty
has been imposed on or recovered from any person
in relation to any parking offence no further penalty
35 shall be imposed on or recovered from any other
person in relation thereto.

(3)

Motor Traffic and Local Government (Amendment).

(3) Notwithstanding anything in the foregoing provisions of this section no owner of a motor vehicle shall by virtue of this section be guilty of an offence if—

- 5 (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he
- 10 (i) within twenty-one days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies by statutory declaration to the prescribed officer under such regulations the name and address of the person who was ~~the actual offender~~ **in charge of the vehicle at all relevant times relating to the parking offence concerned, or**
- 15 20 (ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;
- 25 (b) in any other case he—
- 30 (i) within twenty-one days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was ~~the actual offender~~ **in charge of the vehicle at all relevant times relating to the parking offence concerned; or**
- 35 (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

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Motor Traffic and Local Government (Amendment).

(4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein ~~as the actual offender~~ and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

(5) In this section—

“Owner” in relation to a motor vehicle includes—

(a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;

(b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations applicable to him in regard to such sale or disposal;

(c) in the case of a vehicle to which a trader’s plate is affixed, the person to whom such trader’s plate is in issue.

“Parking offence” means any offence of standing or parking a motor vehicle or of causing or permitting a motor vehicle to stand, wait or be parked in contravention of any regulation.

3. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after section 270N the following new section:—

270o. (1) When a parking offence occurs in relation to any vehicle the person who at the time of the occurrence of the offence is the owner of the vehicle shall,

Amendment
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Liability
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Motor Traffic and Local Government (Amendment).

shall, by virtue of this section, be guilty of an offence against the ordinance concerned in all respects as if he were the actual offender guilty of the parking offence unless—

5 (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended
10 by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;

15 (b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section shall affect
20 the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

(3) Notwithstanding anything in the fore-
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Motor Traffic and Local Government (Amendment).

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Motor Traffic and Local Government (Amendment).

use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;

5 (b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts, applicable to him in regard to such sale or disposal;

10 (c) in the case of a vehicle to which a trader's plate is affixed, the person to whom such trader's plate is in issue.

15 "Parking offence" means any offence of standing or parking a vehicle or of causing or permitting a vehicle to stand, wait or be parked in contravention of any ordinance made for carrying this Division into effect.

20 "Registered" means registered under the Motor Traffic Act, 1909, as amended by subsequent Acts.

25 "Trader's plate" means a trader's plate issued under the Motor Traffic Act, 1909, as amended by subsequent Acts, for use as prescribed by regulation under that Act.

30 4. The Transport Act, 1930, as amended by subsequent Acts, is amended—

Amendment of Act No. 18, 1930, sec. 265.

35 (a) by omitting from subsection one of section two hundred and sixty-five the words "under Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts" and by inserting in lieu thereof the words "for carrying Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts, into effect";

(b)

(Minor traffic offences.)

Motor Traffic and Local Government (Amendment).

- 5 (b) by inserting in the same subsection after the word "offences" where secondly occurring the words "(including the offences of which owners of vehicles are guilty by virtue of section 18A of the Motor Traffic Act, 1909, as amended by subsequent Acts, and section 270o of the Local Government Act, 1919, as amended by subsequent Acts)".

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 12 November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1957.

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(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Acts, 1909-1957.

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2. The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended by inserting next after section eighteen the following new section:—

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of the occurrence of the offence is the owner of the vehicle
motor vehicle shall, by virtue of this section, be owner for
guilty of an offence under the regulation concerned parking
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of the parking offence unless—

(a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;

(b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

(3)

Motor Traffic and Local Government (Amendment).

(3) Notwithstanding anything in the foregoing provisions of this section no owner of a motor vehicle shall by virtue of this section be guilty of an offence if—

- 5 (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he
- 10 (i) within twenty-one days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies by statutory declaration to the prescribed officer under such regulations the name and address of the person who was the actual offender, or
- 15 (ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;
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- 35 (4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein as the actual offender

Motor Traffic and Local Government (Amendment).

offender and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

5 (5) In this section—
“Owner” in relation to a motor vehicle includes—

10 (a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;

15 (b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations applicable to him in regard to such sale or disposal;

20 (c) in the case of a vehicle to which a trader’s plate is affixed, the person to whom such trader’s plate is in issue.

25 “Parking offence” means any offence of standing or parking a motor vehicle or of causing or permitting a motor vehicle to stand, wait or be parked in contravention of any regulation.

30 **3.** The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after section 270N the following new section:—

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Motor Traffic and Local Government (Amendment).

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20 penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

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Motor Traffic and Local Government (Amendment).

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- 30 (5) In this section—
- “Owner” in relation to a vehicle being a motor vehicle includes—
- (a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;
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4. The Transport Act, 1930, as amended by subsequent Acts, is amended—

30 (a) by omitting from subsection one of section two hundred and sixty-five the words "under Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts" and by inserting in lieu thereof the words "for carrying Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts, into effect";

Amendment of Act No. 18, 1930, sec. 265. (Minor traffic offences.)

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Motor Traffic and Local Government (Amendment).

- 5 (b) by inserting in the same subsection after the word "offences" where secondly occurring the words "(including the offences of which owners of vehicles are guilty by virtue of section 18A of the Motor Traffic Act, 1909, as amended by subsequent Acts, and section 270o of the Local Government Act, 1919, as amended by subsequent Acts)".

Sydney: A. H. Pettifer, Government Printer--1957.

[9d.]

No. , 1957.

A BILL

To provide for the liability of the owner of any vehicle concerned in a parking offence; to amend the Motor Traffic Act, 1909, the Local Government Act, 1919, and the Transport Act, 1930, as amended by subsequent Acts, in certain respects; and for purposes connected therewith.

[MR. ENTICKNAP;—23 *October*, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Motor Traffic and Local Government (Amendment) Act, 1957".

Short title
and
citation.

Motor Traffic and Local Government (Amendment).

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Acts, 1909-1957.

(3) The Transport Act, 1930, as amended by 5 subsequent Acts and by this Act, may be cited as the Transport Acts, 1930-1957.

2. The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended by inserting next after section eighteen the following new section:—

Amendment
of Act
No. 5, 1909.
New sec.
18A.

- 10 18A. (1) When a parking offence occurs in relation to any motor vehicle the person who at the time of the occurrence of the offence is the owner of the motor vehicle shall, by virtue of this section, be guilty of an offence under the regulation concerned in all respects as if he were the actual offender guilty of the parking offence unless—
- 15
- (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;
- 20
- 25
- (b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.
- 30 (2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.
- 35

Liability
of motor
vehicle
owner for
parking
offences.

(3)

Motor Traffic and Local Government (Amendment).

(3) Notwithstanding anything in the foregoing provisions of this section no owner of a motor vehicle shall by virtue of this section be guilty of an offence if—

5 (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he

10 (i) within fourteen days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies by statutory declaration to the prescribed officer under such regulations the name and address of the person who was the actual offender, or

15 (ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;

20 (b) in any other case he—

25 (i) within fourteen days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was the actual offender; or

30 (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

35 (4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein as the actual offender

Motor Traffic and Local Government (Amendment).

offender and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

5

(5) In this section—

“Owner” in relation to a motor vehicle includes—

10

(a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;

15

(b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations applicable to him in regard to such sale or disposal;

20

(c) in the case of a vehicle to which a trader's plate is affixed, the person to whom such trader's plate is in issue.

25

“Parking offence” means any offence of standing or parking a motor vehicle or of causing or permitting a motor vehicle to stand, wait or be parked in contravention of any regulation.

30

3. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after section 270~~x~~ the following new section:—

Amendment
of Act
No. 41, 1919.
New sec.
270o.

35

270o. (1) When a parking offence occurs in relation to any vehicle the person who at the time of the occurrence of the offence is the owner of the vehicle shall,

Liability
of vehicle
owner for
parking
offences.

Motor Traffic and Local Government (Amendment).

shall, by virtue of this section, be guilty of an offence against the ordinance concerned in all respects as if he were the actual offender guilty of the parking offence unless—

5 (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended
10 by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;

15 (b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section shall affect
20 the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

(3) Notwithstanding anything in the fore-
25 going provisions of this section no owner of a vehicle shall by virtue of this section be guilty of an offence if—

30 (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he

35 (i) within fourteen days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies by

Motor Traffic and Local Government (Amendment).

5 by statutory declaration to the prescribed officer under such regulations the name and address of the person who was the actual offender, or

(ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;

10 (b) in any other case he—

(i) within fourteen days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was the actual offender; or

15 (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

20 (4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein as the actual offender and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

25 (5) In this section—

30 "Owner" in relation to a vehicle being a motor vehicle includes—

(a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;

35 (b)

Motor Traffic and Local Government (Amendment).

5 (b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts, applicable to him in regard to such sale or disposal;

10 (c) in the case of a vehicle to which a trader's plate is affixed, the person to whom such trader's plate is in issue.

15 "Parking offence" means any offence of standing or parking a vehicle or of causing or permitting a vehicle to stand, wait or be parked in contravention of any ordinance made for carrying this Division into effect.

20 "Registered" means registered under the Motor Traffic Act, 1909, as amended by subsequent Acts.

25 "Trader's plate" means a trader's plate issued under the Motor Traffic Act, 1909, as amended by subsequent Acts, for use as prescribed by regulation under that Act.

4. The Transport Act, 1930, as amended by subsequent Acts, is amended—

30 (a) by omitting from subsection one of section two hundred and sixty-five the words "under Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts" and by inserting in lieu thereof the words "for carrying Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts, into effect";

Amendment of Act No. 18, 1930, sec. 265. (Minor traffic offences.)

(b)

Motor Traffic and Local Government (Amendment).

5 (b) by inserting in the same subsection after the word "offences" where secondly occurring the words "(including the offences of which owners of vehicles are guilty by virtue of section 18A of the Motor Traffic Act, 1909, as amended by subsequent Acts, and section 270o of the Local Government Act, 1919, as amended by subsequent Acts)".

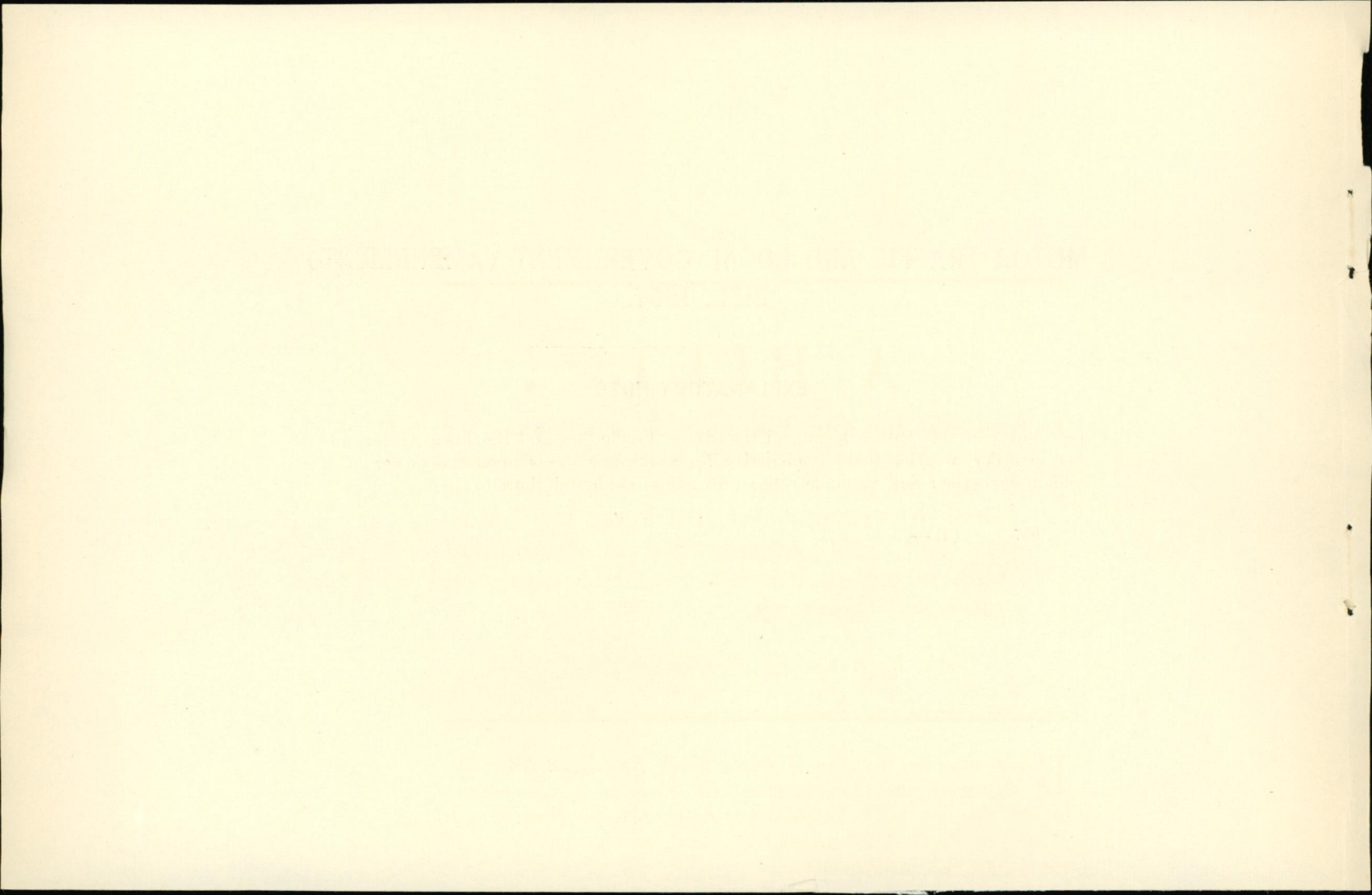
Sydney: A. H. Pettifer, Government Printer - 1957

[9d.]

**MOTOR TRAFFIC AND LOCAL GOVERNMENT (AMENDMENT)
BILL, 1957.**

EXPLANATORY NOTE.

THE object of this Bill is to amend the Motor Traffic Act and the Local Government Act in order to place the responsibility for parking offences upon the owner of the vehicle concerned and to make other provisions incidental thereto.



No. , 1957.

A BILL

To provide for the liability of the owner of any vehicle concerned in a parking offence; to amend the Motor Traffic Act, 1909, the Local Government Act, 1919, and the Transport Act, 1930, as amended by subsequent Acts, in certain respects; and for purposes connected therewith.

[MR. ENTICKNAP;—23 October, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Motor Traffic and Local Government (Amendment) Act, 1957".

Short title
and
citation.

Motor Traffic and Local Government (Amendment).

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Acts, 1909-1957.

(3) The Transport Act, 1930, as amended by 5 subsequent Acts and by this Act, may be cited as the Transport Acts, 1930-1957.

2. The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended by inserting next after section eighteen the following new section:—

Amendment of Act No. 5, 1909. New sec. 18A.

10 18A. (1) When a parking offence occurs in relation to any motor vehicle the person who at the time of the occurrence of the offence is the owner of the motor vehicle shall, by virtue of this section, be guilty of an offence under the regulation concerned in all respects as if he were the actual offender guilty of the parking offence unless—

Liability of motor vehicle owner for parking offences.

20 (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;

25 (b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

30 (2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

35

(3)

Motor Traffic and Local Government (Amendment).

(3) Notwithstanding anything in the foregoing provisions of this section no owner of a motor vehicle shall by virtue of this section be guilty of an offence if—

5 (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he

10 (i) within fourteen days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies by statutory declaration to the prescribed officer under such regulations the name and address of the person who was the actual offender, or

15 (ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;

20 (b) in any other case he—

25 (i) within fourteen days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was the actual offender; or

30 (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

35 (4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein as the actual offender

Motor Traffic and Local Government (Amendment).

offender and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

5 (5) In this section—
“Owner” in relation to a motor vehicle includes—

10 (a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;

15 (b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations applicable to him in regard to such sale or disposal;

20 (c) in the case of a vehicle to which a trader’s plate is affixed, the person to whom such trader’s plate is in issue.

25 “Parking offence” means any offence of standing or parking a motor vehicle or of causing or permitting a motor vehicle to stand, wait or be parked in contravention of any regulation.

30 **3.** The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after section 270N the following new section:—

Amendment of Act No. 41, 1919. New sec. 270o.

35 270o. (1) When a parking offence occurs in relation to any vehicle the person who at the time of the occurrence of the offence is the owner of the vehicle shall,

Liability of vehicle owner for parking offences.

Motor Traffic and Local Government (Amendment).

shall, by virtue of this section, be guilty of an offence against the ordinance concerned in all respects as if he were the actual offender guilty of the parking offence unless—

5 (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, such owner satisfies the
10 prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;

15 (b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section shall affect the liability of the actual offender but where a
20 penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

(3) Notwithstanding anything in the fore-
25 going provisions of this section no owner of a vehicle shall by virtue of this section be guilty of an offence if—

(a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he

(i) within fourteen days after service on him of a notice under such regulations alleging that he has been
35 guilty of such offence, supplies by

Motor Traffic and Local Government (Amendment).

5 by statutory declaration to the prescribed officer under such regulations the name and address of the person who was the actual offender, or

(ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;

(b) in any other case he—

15 (i) within fourteen days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was the actual offender; or

20 (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

25 (4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein as the actual offender and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

(5) In this section—

30 “Owner” in relation to a vehicle being a motor vehicle includes—

35 (a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;

(b)

Motor Traffic and Local Government (Amendment).

5 (b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts, applicable to him in regard to such sale or disposal;

10 (c) in the case of a vehicle to which a trader's plate is affixed, the person to whom such trader's plate is in issue.

15 "Parking offence" means any offence of standing or parking a vehicle or of causing or permitting a vehicle to stand, wait or be parked in contravention of any ordinance made for carrying this Division into effect.

20 "Registered" means registered under the Motor Traffic Act, 1909, as amended by subsequent Acts.

25 "Trader's plate" means a trader's plate issued under the Motor Traffic Act, 1909, as amended by subsequent Acts, for use as prescribed by regulation under that Act.

4. The Transport Act, 1930, as amended by subsequent Acts, is amended—

30 (a) by omitting from subsection one of section two hundred and sixty-five the words "under Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts" and by inserting in lieu thereof the words "for carrying Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts, into effect";

(b)

Amendment of Act No. 18, 1930, sec. 265. (Minor traffic offences.)

Motor Traffic and Local Government (Amendment).

- 5 (b) by inserting in the same subsection after the word "offences" where secondly occurring the words "(including the offences of which owners of vehicles are guilty by virtue of section 18A of the Motor Traffic Act, 1909, as amended by subsequent Acts, and section 270o of the Local Government Act, 1919, as amended by subsequent Acts)".

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 67, 1957.

An Act to provide for the liability of the owner of any vehicle concerned in a parking offence; to amend the Motor Traffic Act, 1909, the Local Government Act, 1919, and the Transport Act, 1930, as amended by subsequent Acts, in certain respects; and for purposes connected therewith. [Assented to, 9th December, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Motor Traffic and Local Government (Amendment) Act, 1957".

Short title
and
citation.

Motor Traffic and Local Government (Amendment).

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Acts, 1909-1957.

(3) The Transport Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Transport Acts, 1930-1957.

Amendment
of Act
No. 5, 1909.
New sec.
18A.

Liability
of motor
vehicle
owner for
parking
offences.

2. The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended by inserting next after section eighteen the following new section:—

18A. (1) When a parking offence occurs in relation to any motor vehicle the person who at the time of the occurrence of the offence is the owner of the motor vehicle shall, by virtue of this section, be guilty of an offence under the regulation concerned in all respects as if he were the actual offender guilty of the parking offence unless—

- (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;
- (b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

(3)

Motor Traffic and Local Government (Amendment).

(3) Notwithstanding anything in the foregoing provisions of this section no owner of a motor vehicle shall by virtue of this section be guilty of an offence if—

(a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he

(i) within twenty-one days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies by statutory declaration to the prescribed officer under such regulations the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned, or

(ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;

(b) in any other case he—

(i) within twenty-one days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

Motor Traffic and Local Government (Amendment).

(4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

(5) In this section—

“Owner” in relation to a motor vehicle includes—

- (a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;
- (b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations applicable to him in regard to such sale or disposal;
- (c) in the case of a vehicle to which a trader’s plate is affixed, the person to whom such trader’s plate is in issue.

“Parking offence” means any offence of standing or parking a motor vehicle or of causing or permitting a motor vehicle to stand, wait or be parked in contravention of any regulation.

Amendment
of Act
No. 41, 1919.
New sec.
270o.

3. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after section 270N the following new section:—

Liability
of vehicle
owner for
parking
offences.

270o. (1) When a parking offence occurs in relation to any vehicle the person who at the time of the occurrence of the offence is the owner of the vehicle shall,

Motor Traffic and Local Government (Amendment).

shall, by virtue of this section, be guilty of an offence against the ordinance concerned in all respects as if he were the actual offender guilty of the parking offence unless—

- (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;
- (b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

(3) Notwithstanding anything in the foregoing provisions of this section no owner of a vehicle shall by virtue of this section be guilty of an offence if—

- (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he
 - (i) within twenty-one days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies
by

Motor Traffic and Local Government (Amendment).

by statutory declaration to the prescribed officer under such regulations the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned, or

- (ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;

(b) in any other case he—

- (i) within twenty-one days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

- (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

(4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

(5) In this section—

“Owner” in relation to a vehicle being a motor vehicle includes—

- (a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use

Motor Traffic and Local Government (Amendment).

- use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;
- (b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts, applicable to him in regard to such sale or disposal;
- (c) in the case of a vehicle to which a trader's plate is affixed, the person to whom such trader's plate is in issue.

“Parking offence” means any offence of standing or parking a vehicle or of causing or permitting a vehicle to stand, wait or be parked in contravention of any ordinance made for carrying this Division into effect.

“Registered” means registered under the Motor Traffic Act, 1909, as amended by subsequent Acts.

“Trader's plate” means a trader's plate issued under the Motor Traffic Act, 1909, as amended by subsequent Acts, for use as prescribed by regulation under that Act.

4. The Transport Act, 1930, as amended by subsequent Acts, is amended—

Amendment
of Act
No. 18, 1930,
sec. 265.

- (a) by omitting from subsection one of section two hundred and sixty-five the words “under Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts” and by inserting in lieu thereof the words “for carrying Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts, into effect”;

(Minor
traffic
offences.)

(b)

Motor Traffic and Local Government (Amendment).

- (b) by inserting in the same subsection after the word "offences" where secondly occurring the words "(including the offences of which owners of vehicles are guilty by virtue of section 18A of the Motor Traffic Act, 1909, as amended by subsequent Acts, and section 270o of the Local Government Act, 1919, as amended by subsequent Acts)".

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1958

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 67, 1957.

An Act to provide for the liability of the owner of any vehicle concerned in a parking offence; to amend the Motor Traffic Act, 1909, the Local Government Act, 1919, and the Transport Act, 1930, as amended by subsequent Acts, in certain respects; and for purposes connected therewith. [Assented to, 9th December, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Motor Traffic and Local Government (Amendment) Act, 1957".

Short title
and
citation.

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Motor Traffic and Local Government (Amendment).

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Acts, 1909-1957.

(3) The Transport Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Transport Acts, 1930-1957.

Amendment
of Act
No. 5, 1909.
New sec.
18A.

Liability
of motor
vehicle
owner for
parking
offences.

2. The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended by inserting next after section eighteen the following new section:—

18A. (1) When a parking offence occurs in relation to any motor vehicle the person who at the time of the occurrence of the offence is the owner of the motor vehicle shall, by virtue of this section, be guilty of an offence under the regulation concerned in all respects as if he were the actual offender guilty of the parking offence unless—

(a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;

(b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

(3)

Motor Traffic and Local Government (Amendment).

(3) Notwithstanding anything in the foregoing provisions of this section no owner of a motor vehicle shall by virtue of this section be guilty of an offence if—

(a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he

(i) within twenty-one days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies by statutory declaration to the prescribed officer under such regulations the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned, or

(ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;

(b) in any other case he—

(i) within twenty-one days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

(4)

Motor Traffic and Local Government (Amendment).

(4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

(5) In this section—

“Owner” in relation to a motor vehicle includes—

- (a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;
- (b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations applicable to him in regard to such sale or disposal;
- (c) in the case of a vehicle to which a trader's plate is affixed, the person to whom such trader's plate is in issue.

“Parking offence” means any offence of standing or parking a motor vehicle or of causing or permitting a motor vehicle to stand, wait or be parked in contravention of any regulation.

Amendment
of Act
No. 41, 1919.
New sec.
270o.

Liability
of vehicle
owner for
parking
offences.

3. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after section 270n the following new section:—

270o. (1) When a parking offence occurs in relation to any vehicle the person who at the time of the occurrence of the offence is the owner of the vehicle shall,

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shall, by virtue of this section, be guilty of an offence against the ordinance concerned in all respects as if he were the actual offender guilty of the parking offence unless—

- (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;
- (b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

(3) Notwithstanding anything in the foregoing provisions of this section no owner of a vehicle shall by virtue of this section be guilty of an offence if—

- (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he
 - (i) within twenty-one days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies
by

Motor Traffic and Local Government (Amendment).

by statutory declaration to the prescribed officer under such regulations the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned, or

- (ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;

(b) in any other case he—

- (i) within twenty-one days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

- (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

(4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

(5) In this section—

“Owner” in relation to a vehicle being a motor vehicle includes—

- (a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use

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- use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;
- (b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts, applicable to him in regard to such sale or disposal;
- (c) in the case of a vehicle to which a trader's plate is affixed, the person to whom such trader's plate is in issue.

“Parking offence” means any offence of standing or parking a vehicle or of causing or permitting a vehicle to stand, wait or be parked in contravention of any ordinance made for carrying this Division into effect.

“Registered” means registered under the Motor Traffic Act, 1909, as amended by subsequent Acts.

“Trader's plate” means a trader's plate issued under the Motor Traffic Act, 1909, as amended by subsequent Acts, for use as prescribed by regulation under that Act.

4. The Transport Act, 1930, as amended by subsequent Acts, is amended—

- (a) by omitting from subsection one of section two hundred and sixty-five the words “under Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts” and by inserting in lieu thereof the words “for carrying Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts, into effect”;

Amendment
of Act
No. 18, 1930,
sec. 265.

(Minor
traffic
offences.)

(b)

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(b) by inserting in the same subsection after the word "offences" where secondly occurring the words "(including the offences of which owners of vehicles are guilty by virtue of section 18A of the Motor Traffic Act, 1909, as amended by subsequent Acts, and section 270o of the Local Government Act, 1919, as amended by subsequent Acts)".

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 9th December, 1957.*