

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 4, 1961.

An Act to increase certain penalties under the Motor Traffic Act, 1909-1957; to make further provision relating to disqualification of drivers of motor vehicles; to provide an additional method of recovering penalties for certain offences under the said Act; for these and other purposes to amend the said Act and the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 10th March, 1961.]

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 (Amendment) Act, 1961". Short title and citation.

Motor Traffic (Amendment).

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1961.

Amendment
of Act No.
5, 1909.

2. The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended—

Sec. 3.
(Regula-
tions.)

(a) by omitting paragraph (r) of subsection one of section three and by inserting in lieu thereof the following paragraph :

(r) impose any penalty not exceeding one hundred pounds for any breach of any regulation ;

Sec. 4.
(Negligent,
furious, or
reckless
driving.)

(b) (i) by omitting from paragraph (a) of subsection three of section four the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds" ;

(ii) by omitting from paragraph (b) of the same subsection the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred pounds" ;

Sec. 5 (2).
(Driver
intoxicated
or under
influence
of drug.)

(c) by omitting from subsection two of section five the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred pounds" ;

Sec. 7A.
(Offences
committed
by dis-
qualified
drivers,
etc.)

(d) by omitting from subsection two of section 7A the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred pounds" ;

Sec. 8.
(Require-
ments in
case of
accident.)

(e) by omitting from subsection two of section eight the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred pounds" ;

Sec. 10.
(Court may
impose
penalty and
suspend
license upon
conviction,
etc.)

(f) (i) by omitting from subsection one of section ten the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds" ;

(ii) by omitting from subsection two of the same section the words "twenty pounds" and by inserting in lieu thereof the words "forty pounds" ;

(iii)

Motor Traffic (Amendment).

- (iii) by omitting from subparagraphs (i) and (ii) of paragraph (a) of subsection (3A) of the same section the words "and may also be disqualified for such additional period as the court may order for holding any such license" wherever occurring and by inserting in lieu thereof the words "or where the court upon such conviction thinks fit to order a shorter or longer period of disqualification he shall be disqualified for such period as may be specified in such order";
- (g) (i) by inserting in subsections one and three of section 18A after the words "is dealt with" wherever occurring the words "under section 18B of this Act or"; Sec. 18A. (Liability of motor vehicle owner for parking offences.)
- (ii) by omitting from paragraph (a) of subsection one of the same section the words "under the said regulations" and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,";
- (iii) by inserting in subparagraph (i) of paragraph (a) of subsection three of the same section after the words "notice under" the words "the said section 18B or under";
- (iv) by omitting from the same subparagraph the words "under such regulations" where secondly occurring and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,";
- (h) by inserting next after section 18A the following new section :— New sec. 18B.
- 18B. (1) Where it appears to a member of the police force or a prescribed officer that any person— Penalty notices for certain offences.
- (a) has committed, or by virtue of section 18A of this Act is guilty of, any prescribed offence under this Act or any regulation made thereunder;
- (b)

Motor Traffic (Amendment).

- (b) has committed, or by virtue of section 2700 of the Local Government Act, 1919, as amended by subsequent Acts, is guilty of, any prescribed offence under any ordinance made for carrying Division 13A of Part IX of such Act into effect; or
- (c) has committed any prescribed offence under the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, or any regulation made thereunder,

such member of the police force or prescribed officer may serve a notice on such person to the effect that if such person does not desire to have the matter determined by a court, such person may pay to an officer specified in such notice within the time specified therein an amount of penalty prescribed for such offence if dealt with under this section.

(2) Any notice under subsection one of this section—

- (a) may be served personally or by post;
- (b) if it relates to an offence of which the owner of a motor vehicle is guilty by virtue of section 18A of this Act or section 2700 of the Local Government Act, 1919, as amended by subsequent Acts, may—
 - (i) be served personally or by post; or
 - (ii) be addressed to the owner without naming him or stating his address and may be served by leaving it on or attaching it to the vehicle.

(3) Any person alleged to have committed or be guilty of an offence to which subsection one of this section applies shall have the right to decline to be dealt with under this section.

Any person who fails to pay the penalty within the time specified in the notice given to him under subsection one of this section or within such further
time

Motor Traffic (Amendment).

time as may in any particular case be allowed shall be deemed to have declined to be dealt with under this section.

(4) Where the amount of any prescribed penalty for an alleged offence is paid pursuant to this section no person shall be liable for any further proceedings for the alleged offence.

(5) Payment of a penalty pursuant to this section shall not be regarded as an admission of liability for the purpose of nor in any way affect or prejudice any civil claim action or proceeding arising out of the same occurrence.

(6) The regulations may—

- (a) prescribe the offences which shall be prescribed offences for the purposes of this section by setting out such offences or by a reference to the provision creating the offence or by providing that all offences under any Act or regulations or ordinance named therein being an Act or regulations or an ordinance referred to in paragraphs (a), (b) and (c) of subsection one of this section, shall be prescribed offences for the purposes of this section, or that all of the offences under any such Act, regulations or ordinance, other than those offences specified in the regulations, shall be prescribed offences for the purposes of this section;
- (b) prescribe the amount of penalty payable under this section for any prescribed offence;
- (c) prescribe different amounts of penalties for different prescribed offences or classes of prescribed offences or for different prescribed offences or classes of prescribed offences having regard to the circumstances thereof.

No

Motor Traffic (Amendment).

No offence in respect of which a penalty of imprisonment may be imposed under this Act or the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, shall be prescribed for the purposes of this section as a prescribed offence.

(7) No penalty prescribed under this section for any prescribed offence shall exceed any maximum amount of penalty which could be imposed for such offence by a court.

(8) The provisions of this section are supplemental to and not in derogation of the provisions of any other section of this Act or any other Act in relation to proceedings which may be taken in respect of prescribed offences.

Amendment
of Act No.
41, 1919.

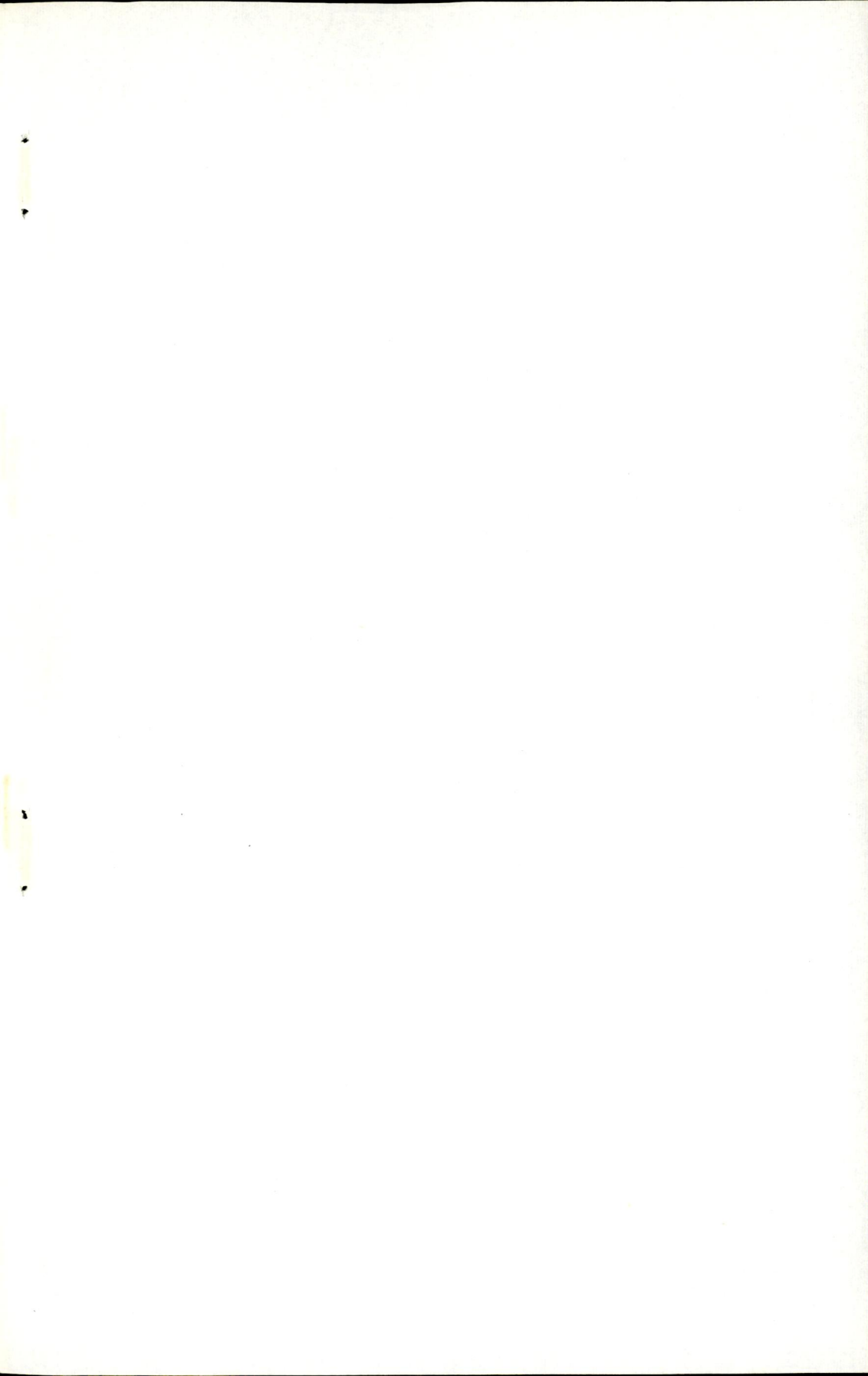
Sec. 270o.
(Liability
of vehicle
owner for
parking
offences.)

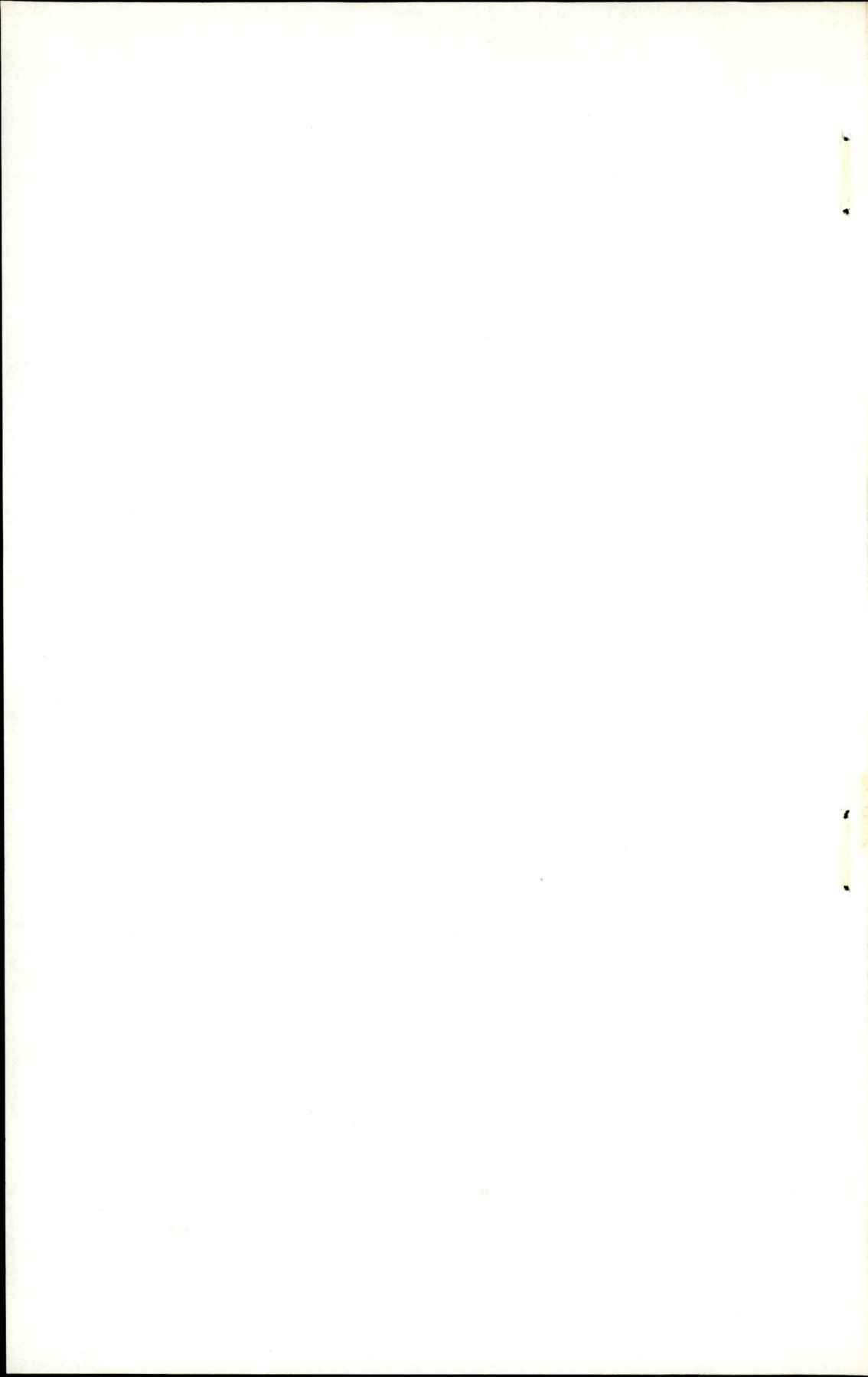
3. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

- (a) by inserting in subsections one and three of section 270o after the words "dealt with" wherever occurring the words "under section 18B of the Motor Traffic Act, 1909, as amended by subsequent Acts, or";
- (b) by omitting from paragraph (a) of subsection one of the same section the words "under the said regulations" and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,";
- (c) by inserting in subparagraph (i) of paragraph (a) of subsection three of the same section after the words "notice under" the words "the said section 18B or under";
- (d) by omitting from the same subparagraph the words "under such regulations" where secondly occurring and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,".

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1961





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, 2 March, 1961.*

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 4, 1961.

An Act to increase certain penalties under the Motor Traffic Act, 1909–1957; to make further provision relating to disqualification of drivers of motor vehicles; to provide an additional method of recovering penalties for certain offences under the said Act; for these and other purposes to amend the said Act and the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 10th March, 1961.]

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 (Amendment) Act, 1961".

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.

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Motor Traffic (Amendment).

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1961.

- Amendment of Act No. 5, 1909. **2.** The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended—
- Sec. 3.
(Regulations.) (a) by omitting paragraph (r) of subsection one of section three and by inserting in lieu thereof the following paragraph :
- (r) impose any penalty not exceeding one hundred pounds for any breach of any regulation ;
- Sec. 4.
(Negligent, furious, or reckless driving.) (b) (i) by omitting from paragraph (a) of subsection three of section four the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds";
- (ii) by omitting from paragraph (b) of the same subsection the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred pounds";
- Sec. 5 (2).
(Driver intoxicated or under influence of drug.) (c) by omitting from subsection two of section five the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred pounds";
- Sec. 7A.
(Offences committed by disqualified drivers, etc.) (d) by omitting from subsection two of section 7A the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred pounds";
- Sec. 8.
(Requirements in case of accident.) (e) by omitting from subsection two of section eight the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred pounds";
- Sec. 10.
(Court may impose penalty and suspend license upon conviction, etc.) (f) (i) by omitting from subsection one of section ten the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds";
- (ii) by omitting from subsection two of the same section the words "twenty pounds" and by inserting in lieu thereof the words "forty pounds";
- (iii)

Motor Traffic (Amendment).

- (iii) by omitting from subparagraphs (i) and (ii) of paragraph (a) of subsection (3A) of the same section the words "and may also be disqualified for such additional period as the court may order for holding any such license" wherever occurring and by inserting in lieu thereof the words "or where the court upon such conviction thinks fit to order a shorter or longer period of disqualification he shall be disqualified for such period as may be specified in such order";
- (g) (i) by inserting in subsections one and three of section 18A after the words "is dealt with" wherever occurring the words "under section 18B of this Act or"; Sec. 18A. (Liability of motor vehicle owner for parking offences.)
- (ii) by omitting from paragraph (a) of subsection one of the same section the words "under the said regulations" and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,";
- (iii) by inserting in subparagraph (i) of paragraph (a) of subsection three of the same section after the words "notice under" the words "the said section 18B or under";
- (iv) by omitting from the same subparagraph the words "under such regulations" where secondly occurring and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,";
- (h) by inserting next after section 18A the following new section : — New sec. 18B.
- 18B. (1) Where it appears to a member of the police force or a prescribed officer that any person— Penalty notices for certain offences.
- (a) has committed, or by virtue of section 18A of this Act is guilty of, any prescribed offence under this Act or any regulation made thereunder;
- (b)

Motor Traffic (Amendment).

- (b) has committed, or by virtue of section 270o of the Local Government Act, 1919, as amended by subsequent Acts, is guilty of, any prescribed offence under any ordinance made for carrying Division 13A of Part IX of such Act into effect; or
- (c) has committed any prescribed offence under the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, or any regulation made thereunder,

such member of the police force or prescribed officer may serve a notice on such person to the effect that if such person does not desire to have the matter determined by a court, such person may pay to an officer specified in such notice within the time specified therein an amount of penalty prescribed for such offence if dealt with under this section.

(2) Any notice under subsection one of this section—

- (a) may be served personally or by post;
- (b) if it relates to an offence of which the owner of a motor vehicle is guilty by virtue of section 18A of this Act or section 270o of the Local Government Act, 1919, as amended by subsequent Acts, may—
 - (i) be served personally or by post; or
 - (ii) be addressed to the owner without naming him or stating his address and may be served by leaving it on or attaching it to the vehicle.

(3) Any person alleged to have committed or be guilty of an offence to which subsection one of this section applies shall have the right to decline to be dealt with under this section.

Any person who fails to pay the penalty within the time specified in the notice given to him under subsection one of this section or within such further time

Motor Traffic (Amendment).

time as may in any particular case be allowed shall be deemed to have declined to be dealt with under this section.

(4) Where the amount of any prescribed penalty for an alleged offence is paid pursuant to this section no person shall be liable for any further proceedings for the alleged offence.

(5) Payment of a penalty pursuant to this section shall not be regarded as an admission of liability for the purpose of nor in any way affect or prejudice any civil claim action or proceeding arising out of the same occurrence.

(6) The regulations may—

- (a) prescribe the offences which shall be prescribed offences for the purposes of this section by setting out such offences or by a reference to the provision creating the offence or by providing that all offences under any Act or regulations or ordinance named therein being an Act or regulations or an ordinance referred to in paragraphs (a), (b) and (c) of subsection one of this section, shall be prescribed offences for the purposes of this section, or that all of the offences under any such Act, regulations or ordinance, other than those offences specified in the regulations, shall be prescribed offences for the purposes of this section;
- (b) prescribe the amount of penalty payable under this section for any prescribed offence;
- (c) prescribe different amounts of penalties for different prescribed offences or classes of prescribed offences or for different prescribed offences or classes of prescribed offences having regard to the circumstances thereof.

No

Motor Traffic (Amendment).

No offence in respect of which a penalty of imprisonment may be imposed under this Act or the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, shall be prescribed for the purposes of this section as a prescribed offence.

(7) No penalty prescribed under this section for any prescribed offence shall exceed any maximum amount of penalty which could be imposed for such offence by a court.

(8) The provisions of this section are supplemental to and not in derogation of the provisions of any other section of this Act or any other Act in relation to proceedings which may be taken in respect of prescribed offences.

Amendment
of Act No.
41, 1919.

Sec. 270o.
(Liability
of vehicle
owner for
parking
offences.)

3. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

- (a) by inserting in subsections one and three of section 270o after the words “dealt with” wherever occurring the words “under section 18B of the Motor Traffic Act, 1909, as amended by subsequent Acts, or”;
- (b) by omitting from paragraph (a) of subsection one of the same section the words “under the said regulations” and by inserting in lieu thereof the words “under the said section 18B or under the said regulations, as the case may be,”;
- (c) by inserting in subparagraph (i) of paragraph (a) of subsection three of the same section after the words “notice under” the words “the said section 18B or under”;
- (d) by omitting from the same subparagraph the words “under such regulations” where secondly occurring and by inserting in lieu thereof the words “under the said section 18B or under the said regulations, as the case may be,”.

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

E. W. WOODWARD,

Governor.

*Government House,
Sydney, 10th March, 1961.*

