

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, 5 DEC 1962

New South Wales



ANNO UNDECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1962.

An Act to make further provision relating to the reporting of road accidents, enforcement of parking restrictions and exemptions from registration of motor vehicles; to increase certain fees payable under the Motor Traffic Act, 1909-1961; for these and other purposes to amend the said Act, the Metropolitan Traffic Act, 1900-1957, the Motor Vehicles Taxation Management Act, 1949-1956, the State Transport (Co-ordination) Act, 1931-1956, and the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

BE

Motor Traffic (Amendment).

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, 1962". Short title and citation.

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1962.

(3) The Metropolitan Traffic Act, 1900, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Traffic Act, 1900-1962.

(4) The Motor Vehicles Taxation Management Act, 1949, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1962.

(5) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1962.

2. (1) The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended— Amendment of Act No. 5, 1909.

(a) (i) by inserting next after paragraph (j) of subsection one of section three the following new paragraph :— Sec. 3. (Regulations.)

(j1) provide conditionally or unconditionally for the issue of permits for the temporary use, upon public streets, of motor vehicles which are unregistered and for the payment in respect of any such permit of such fees, not exceeding in any case two pounds, as may be prescribed ; and for the regulation of matters relating to the issue of such permits ;

(ii)

Motor Traffic (Amendment).

- (ii) by inserting next after paragraph (l) of the same subsection the following new paragraph :—
- 5 (1) provide conditionally or unconditionally for the exemption of any person from all or any of the provisions of section six of this Act and for the exemption from registration of any motor vehicle;
- 10 (iii) by inserting in paragraph (r) of the same subsection after the word “regulation” the words “or any provision or condition attached to any license, exemption or permit granted under the regulations”;
- 15 (iv) by inserting next after subsection one of the same section the following new subsection :—
- (1A) A motor vehicle in respect of which a permit issued under the regulations made pursuant to paragraph (j1) of subsection one of this section is in force shall for the purposes of this Act or any other Act relating to the registration or licensing of motor vehicles be deemed to be a registered motor vehicle.
- 20
- 25 (b) by omitting from paragraph (a) of subsection seven of section 4A the words “connected with the prevention or investigation of any offence or suspected offence against the law or with the apprehension of offenders against the law”;
- 30 (c) (i) by omitting from subsection three of section eight the words “ten pounds” and by inserting in lieu thereof the words “twenty-five pounds, or where some other amount is prescribed such other amount,”;
- 35 (ii) by omitting from subsection four of the same section the words “ten pounds” and by inserting in lieu thereof the words “twenty-five pounds, or where some other amount is prescribed such other amount,”;
- (d)

Sec. 4A.
(Speed
limits.)

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

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- (d) by inserting at the end of section 18A the following new subsection : —
- (6) The provisions of this section shall be in addition to and not in derogation of any other provisions of this or any other Act.
- (e) (i) by omitting from the Schedule the definition of "Motor cycle";
- (ii) by omitting from the Schedule the items relating to "Motor vehicle driver", "Motor cycle rider" and "Learner's permit" and by inserting in lieu thereof the following item :—
- License fee to be paid by the applicant upon the application for the license—
- Motor vehicle driver (not being the rider of a motor cycle)—two pounds;
- Motor cycle rider—one pound ten shillings;
- Learner's permit—one pound.
- (iii) by omitting from the Schedule the two items relating to traders' plates and by inserting in lieu thereof the following items :—
- Trader's plate for use as prescribed on a motor vehicle other than a motor cycle—Fee, at the rate of eighteen pounds six shillings and sixpence yearly.
- Trader's plate for use as prescribed on a motor cycle—Fee, at the rate of four pounds four shillings and sixpence yearly.
- (2) Subparagraph (ii) of paragraph (a) of subsection one of this section shall be deemed to have commenced on the twelfth day of October, one thousand nine hundred and nine.
- (3) The several subparagraphs of paragraph (e) of subsection one of this section shall commence upon such days as are respectively appointed by the Governor and notified by proclamation published in the Gazette.

Sec. 18A.
(Liability of motor vehicle owner for parking offences.)

Schedule.

The

Motor Traffic (Amendment).

The amendments made by subparagraphs (i) and (ii) of the said paragraph (e) shall apply to and in respect of licenses or renewals of licenses under the Motor Traffic Act, 1909-1961, as amended by this Act, which are to take effect on or
5 after the day so appointed in relation to the said subparagraphs (i) and (ii), whether application therefor was made either before or after such day.

The amendments made by subparagraph (iii) of the said paragraph (e) shall apply to and in respect of traders' plates
10 to be issued or re-issued under the Motor Traffic Act, 1909-1961, as amended by this Act, for a period expiring on any day later than the day appointed in relation to the said subparagraph (iii), whether application therefor was made either before or after such appointed day.

15 3. The Metropolitan Traffic Act, 1900, as amended by subsequent Acts, is amended— Amendment of Act No. 8, 1900.

(a) by omitting from subsection three of section 13B the words "ten pounds" and by inserting in lieu thereof the words "twenty-five pounds, or where
20 some other amount is prescribed such other amount,"; Sec. 13B. (Requirements in case of accident.)

(b) by omitting from subsection four of the same section the words "ten pounds" and by inserting in lieu thereof the words "twenty-five pounds, or where
25 some other amount is prescribed such other amount,".

4. The Motor Vehicles Taxation Management Act, 1949, as amended by subsequent Acts, is amended— Amendment of Act No. 34, 1949.

(a) by omitting section five and by inserting in lieu thereof the following section :— Subst. sec. 5.

5. The owner of any motor vehicle which (not being a motor vehicle exempted from registration) is not registered, or which being registered is liable to tax but upon which the prescribed tax though
30 due and payable has not been paid, who uses or drives the vehicle, or causes or permits or suffers it to be used or driven upon a public street shall
35 be Unregistered vehicles and vehicles upon which tax has not been paid.

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5 be liable to a penalty not exceeding one hundred
pounds and, in addition to imposing a penalty
for the offence the court may, where the vehicle
is not registered, order the owner to pay to the clerk
of the court within a time to be specified in the
order the fee for the registration or renewal of the
10 registration of the vehicle together with the tax
which would be due upon the application for such
registration or renewal for a period of one year
or for such greater or lesser period as the court
in all the circumstances may think just or, where
the vehicle is registered, the tax so due and payable.

(b) by inserting at the end of subsection three of section
seven the following new paragraphs :—

Sec. 7.
(Exemptions.)

15 (i) any motor vehicle, for which exemption or
power to exempt in whole or in part from
tax is not provided elsewhere in this Act,
which is used solely or principally as an
ambulance;

20 (j) any motor lorry, tractor or trailer which
is owned by a pastures protection board
constituted or continued by or under the
Pastures Protection Act, 1934, or any Act
amending or replacing the same, and which,
25 whilst upon a public street, is used solely
for carrying out the statutory functions of
such board;

(k) (i) any tractor or trailer; or
30 (ii) any motor vehicle which comprises a
chaff-cutter, thresher, plough, air
compressor, welding plant or bulldozer,
or apparatus for well-boring or the
excavation or shovelling of earth, or
35 a concrete agitator, crane, fork-lift
truck or similar machinery or
apparatus,

for which exemption or power to exempt
in whole or in part from tax is not provided
elsewhere in this Act, if the Commissioner
is

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is satisfied that, by reason of the construction, use or ownership of such tractor or trailer or motor vehicle, it will travel on the public streets to a limited degree only.

5 (c) by omitting from subsection two of section nine the words "such penalty, he shall be liable to pay" and by inserting in lieu thereof the words "imposing a penalty for the offence the court may order him to pay to the clerk of the court within a time to be specified in the order";

Sec. 9.
(Adjustment of tax.)

10 (d) by omitting section ten and by inserting in lieu thereof the following section : —

Subst. sec. 10.

15 10. (1) Where during the currency of the registration of a motor vehicle there is any alteration, whether temporary or otherwise, in the construction, equipment, use or ownership of the vehicle of such a nature that tax or additional tax would be payable were the registration due for renewal at the time such alteration was effected—

Notice of alteration and additional tax.

20 (a) the person in whose name the vehicle is registered shall forthwith notify the Commissioner of such alteration; and

25 (b) where the alteration is in the construction, equipment or use of the vehicle, the person in whose name it is registered and, where the alteration is in the ownership of the vehicle, the new owner, shall forthwith, or within such period as the Commissioner may allow, pay tax or additional tax.

30 (2) The tax or additional tax payable under this section shall be for the period for which the vehicle is registered unexpired at the date of the alteration or for such lesser period as the Commissioner having regard to the temporary nature of any alteration aforesaid determines should be applicable, and shall be calculated at the rate of—

35 (a) where the registration current at the date of the alteration was effected for a period exceeding three months—one-twelfth of the

the

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the tax applicable after the alteration in respect of a yearly registration of the vehicle where the vehicle was exempt from or not liable for tax before the alteration or, as the case may be, one-twelfth of the difference between the tax applicable before the alteration and the tax applicable after the alteration in respect of a yearly registration of the vehicle;

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(b) where the registration current at the date of the alteration was effected for a period not exceeding three months—one-third of the tax applicable after the alteration in respect of a quarterly registration of the vehicle where the vehicle was exempt from or not liable for tax before the alteration or, as the case may be, one-third of the difference between the tax applicable before the alteration and the tax applicable after the alteration in respect of a quarterly registration of the vehicle,

for each month or part thereof in such unexpired period or lesser period, as the case may be.

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(3) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding one hundred pounds and to a further penalty of twenty pounds for each month during any part of which such offence continues and in addition to imposing a penalty for the offence the court may order him to pay to the clerk of the court within a time to be specified in the order any amount which from the evidence given during the proceedings the court is satisfied should have been, but has not been, paid by the person so convicted to the Commissioner by way of tax or additional tax.

(e) by inserting in section thirteen after the word "and" the words " , except as provided in subsection two of section fifteen of this Act,";

Sec. 13.
(Recovery
of tax.)

(f)

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(f) by inserting at the end of section fifteen the following new subsection :—

5 (2) Whenever any person is by any order made under section five, nine or ten of this Act adjudged to pay any registration fee, tax or additional tax the provisions of subsection two of section eighty-two of the Justices Act, 1902, and any Act amending or replacing the same, shall not apply to or in respect of such order but such order shall operate as an order for the payment of money under the Small Debts Recovery Act, 1912, and any Act amending or replacing the same, and shall be enforceable as such order under the provisions of the said Acts. For such purpose, such order may be entered in the records of the Small Debts Court exercising jurisdiction at the Petty Sessions where such order was made in such manner as may be prescribed by rules made under the said Acts. Any amount paid to the clerk of the court under any such order shall be paid by him to the Commissioner.

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Sec. 15.
(Particulars of conviction or order.)

5. (1) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts, is amended—

Amendment of Act No. 32, 1931.

- (a) by omitting subsection three of section three;
- 25 (b) by inserting in subsection one of section 3A after the words "classes of ferries" the words "operating within harbours, ports, estuaries, rivers and other inland navigable waters,";
- (c) by omitting subsection (7A) of section twenty-six;
- 30 (d) by omitting the Third Schedule.
- 104—B

Sec. 3.
(Interpretation.)

Sec. 3A.
(Application of Act to ferries.)

Sec. 26.
(State Transport (Co-ordination) Fund.)

Third Schedule.

(2)

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(2) Paragraph (b) of subsection one of this section shall be deemed to have commenced on the twenty-second day of May, one thousand nine hundred and fifty.

(3) The State Transport (Co-ordination) Amendment 5 Act, 1954, is amended— Amendment of Act No. 48, 1954.

(a) by omitting paragraph (c) of section three;

(Consequential.)

(b) by omitting section four.

6. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting at the end of section 10 2700 the following new subsection :— Amendment of Act No. 41, 1919. Sec. 270o.

(6) The provisions of this section shall be in addition to and not in derogation of any other provisions of this or any other Act.

(Liability of vehicle owner for parking offences.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1962

[1s.]

No. , 1962.

A BILL

To make further provision relating to the reporting of road accidents, enforcement of parking restrictions and exemptions from registration of motor vehicles; to increase certain fees payable under the Motor Traffic Act, 1909-1961; for these and other purposes to amend the said Act, the Metropolitan Traffic Act, 1900-1957, the Motor Vehicles Taxation Management Act, 1949-1956, the State Transport (Co-ordination) Act, 1931-1956, and the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

[MR. McMAHON ;—4 December, 1962.]

BE

Motor Traffic (Amendment).

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, 1962".

Short title and citation.

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1962.

(3) The Metropolitan Traffic Act, 1900, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Traffic Act, 1900-1962.

(4) The Motor Vehicles Taxation Management Act, 1949, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1962.

(5) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1962.

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

Amendment of Act No. 5, 1909.

(a) (i) by inserting next after paragraph (j) of subsection one of section three the following new paragraph :—

Sec. 3. (Regulations.)

(j1) provide conditionally or unconditionally for the issue of permits for the temporary use, upon public streets, of motor vehicles which are unregistered and for the payment in respect of any such permit of such fees, not exceeding in any case two pounds, as may be prescribed; and for the regulation of matters relating to the issue of such permits;

(ii)

Motor Traffic (Amendment).

- (ii) by inserting next after paragraph (l) of the same subsection the following new paragraph :—
- 5 (11) provide conditionally or unconditionally for the exemption of any person from all or any of the provisions of section six of this Act and for the exemption from registration of any motor vehicle;
- 10 (iii) by inserting in paragraph (r) of the same subsection after the word “regulation” the words “or any provision or condition attached to any license, exemption or permit granted under the regulations”;
- 15 (iv) by inserting next after subsection one of the same section the following new subsection :—
- 20 (1A) A motor vehicle in respect of which a permit issued under the regulations made pursuant to paragraph (j1) of subsection one of this section is in force shall for the purposes of this Act or any other Act relating to the registration or licensing of motor vehicles be deemed to be a registered motor vehicle.
- 25 (b) by omitting from paragraph (a) of subsection seven of section 4A the words “connected with the prevention or investigation of any offence or suspected offence against the law or with the apprehension of offenders against the law”; Sec. 4A. (Speed limits.)
- 30 (c) (i) by omitting from subsection three of section eight the words “ten pounds” and by inserting in lieu thereof the words “twenty-five pounds, or where some other amount is prescribed such other amount.”; Sec. 8. (Requirements in case of accident.)
- 35 (ii) by omitting from subsection four of the same section the words “ten pounds” and by inserting in lieu thereof the words “twenty-five pounds, or where some other amount is prescribed such other amount.”;
- (d)

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(d) by inserting at the end of section 18A the following new subsection :—

(6) The provisions of this section shall be in addition to and not in derogation of any other provisions of this or any other Act.

Sec. 18A.
(Liability
of motor
vehicle
owner for
parking
offences.)

(e) (i) by omitting from the Schedule the definition of "Motor cycle";

(ii) by omitting from the Schedule the items relating to "Motor vehicle driver", "Motor cycle rider" and "Learner's permit" and by inserting in lieu thereof the following item :—

License fee to be paid by the applicant upon the application for the license—

Motor vehicle driver (not being the rider of a motor cycle)—two pounds;

Motor cycle rider—one pound ten shillings;

Learner's permit—one pound.

(iii) by omitting from the Schedule the two items relating to traders' plates and by inserting in lieu thereof the following items :—

Trader's plate for use as prescribed on a motor vehicle other than a motor cycle—Fee, at the rate of eighteen pounds six shillings and sixpence yearly.

Trader's plate for use as prescribed on a motor cycle—Fee, at the rate of four pounds four shillings and sixpence yearly.

(2) Subparagraph (ii) of paragraph (a) of subsection one of this section shall be deemed to have commenced on the twelfth day of October, one thousand nine hundred and nine.

(3) The several subparagraphs of paragraph (e) of subsection one of this section shall commence upon such days as are respectively appointed by the Governor and notified by proclamation published in the Gazette.

The

Motor Traffic (Amendment).

The amendments made by subparagraphs (i) and (ii) of the said paragraph (e) shall apply to and in respect of licenses or renewals of licenses under the Motor Traffic Act, 1909-1961, as amended by this Act, which are to take effect on or 5 after the day so appointed in relation to the said subparagraphs (i) and (ii), whether application therefor was made either before or after such day.

The amendments made by subparagraph (iii) of the said paragraph (e) shall apply to and in respect of traders' plates 10 to be issued or re-issued under the Motor Traffic Act, 1909-1961, as amended by this Act, for a period expiring on any day later than the day appointed in relation to the said subparagraph (iii), whether application therefor was made either before or after such appointed day.

15 **3.** The Metropolitan Traffic Act, 1900, as amended by subsequent Acts, is amended— Amendment of Act No. 8, 1900.

(a) by omitting from subsection three of section 13B the words "ten pounds" and by inserting in lieu thereof the words "twenty-five pounds, or where 20 some other amount is prescribed such other amount,"; Sec. 13B. (Requirements in case of accident.)

(b) by omitting from subsection four of the same section the words "ten pounds" and by inserting in lieu thereof the words "twenty-five pounds, or where 25 some other amount is prescribed such other amount,".

4. The Motor Vehicles Taxation Management Act, 1949, as amended by subsequent Acts, is amended— Amendment of Act No. 34, 1949.

(a) by omitting section five and by inserting in lieu thereof the following section :— Subst. sec. 5.

5. The owner of any motor vehicle which (not being a motor vehicle exempted from registration) is not registered, or which being registered is liable to tax but upon which the prescribed tax though 35 due and payable has not been paid, who uses or drives the vehicle, or causes or permits or suffers it to be used or driven upon a public street shall be Unregistered vehicles and vehicles upon which tax has not been paid.

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5 be liable to a penalty not exceeding one hundred
pounds and, in addition to imposing a penalty
for the offence the court may, where the vehicle
is not registered, order the owner to pay to the clerk
of the court within a time to be specified in the
order the fee for the registration or renewal of the
10 registration of the vehicle together with the tax
which would be due upon the application for such
registration or renewal for a period of one year
or for such greater or lesser period as the court
in all the circumstances may think just or, where
the vehicle is registered, the tax so due and payable.

(b) by inserting at the end of subsection three of section
seven the following new paragraphs:—

Sec. 7.
(Exemptions.)

- 15 (i) any motor vehicle, for which exemption or
power to exempt in whole or in part from
tax is not provided elsewhere in this Act,
which is used solely or principally as an
ambulance;
- 20 (j) any motor lorry, tractor or trailer which
is owned by a pastures protection board
constituted or continued by or under the
Pastures Protection Act, 1934, or any Act
amending or replacing the same, and which,
25 whilst upon a public street, is used solely
for carrying out the statutory functions of
such board;
- (k) (i) any tractor or trailer; or
- 30 (ii) any motor vehicle which comprises a
chaff-cutter, thresher, plough, air
compressor, welding plant or bulldozer,
or apparatus for well-boring or the
excavation or shovelling of earth, or
a concrete agitator, crane, fork-lift
35 truck or similar machinery or
apparatus,

for which exemption or power to exempt
in whole or in part from tax is not provided
elsewhere in this Act, if the Commissioner
is

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is satisfied that, by reason of the construction, use or ownership of such tractor or trailer or motor vehicle, it will travel on the public streets to a limited degree only.

5 (c) by omitting from subsection two of section nine the words "such penalty, he shall be liable to pay" and by inserting in lieu thereof the words "imposing a penalty for the offence the court may order him to pay to the clerk of the court within a time to be specified in the order";

Sec. 9.
(Adjustment of tax.)

10 (d) by omitting section ten and by inserting in lieu thereof the following section :—

Subst. sec. 10.

15 10. (1) Where during the currency of the registration of a motor vehicle there is any alteration, whether temporary or otherwise, in the construction, equipment, use or ownership of the vehicle of such a nature that tax or additional tax would be payable were the registration due for renewal at the time such alteration was effected—

Notice of alteration and additional tax.

20 (a) the person in whose name the vehicle is registered shall forthwith notify the Commissioner of such alteration; and

25 (b) where the alteration is in the construction, equipment or use of the vehicle, the person in whose name it is registered and, where the alteration is in the ownership of the vehicle, the new owner, shall forthwith, or within such period as the Commissioner may allow, pay tax or additional tax.

30 (2) The tax or additional tax payable under this section shall be for the period for which the vehicle is registered unexpired at the date of the alteration or for such lesser period as the Commissioner having regard to the temporary nature of any alteration aforesaid determines should be applicable, and shall be calculated at the rate of—

35 (a) where the registration current at the date of the alteration was effected for a period exceeding three months—one-twelfth of the

Motor Traffic (Amendment).

the tax applicable after the alteration in respect of a yearly registration of the vehicle where the vehicle was exempt from or not liable for tax before the alteration or, as the case may be, one-twelfth of the difference between the tax applicable before the alteration and the tax applicable after the alteration in respect of a yearly registration of the vehicle;

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(b) where the registration current at the date of the alteration was effected for a period not exceeding three months—one-third of the tax applicable after the alteration in respect of a quarterly registration of the vehicle where the vehicle was exempt from or not liable for tax before the alteration or, as the case may be, one-third of the difference between the tax applicable before the alteration and the tax applicable after the alteration in respect of a quarterly registration of the vehicle,

for each month or part thereof in such unexpired period or lesser period, as the case may be.

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(3) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding one hundred pounds and to a further penalty of twenty pounds for each month during any part of which such offence continues and in addition to imposing a penalty for the offence the court may order him to pay to the clerk of the court within a time to be specified in the order any amount which from the evidence given during the proceedings the court is satisfied should have been, but has not been, paid by the person so convicted to the Commissioner by way of tax or additional tax.

(e) by inserting in section thirteen after the word "and" the words ", except as provided in subsection two of section fifteen of this Act,";

Sec. 13.
(Recovery of tax.)

(f)

Motor Traffic (Amendment).

(f) by inserting at the end of section fifteen the following new subsection :—

Sec. 15.
(Particulars
of conviction
or
order.)

5 (2) Whenever any person is by any order made
under section five, nine or ten of this Act adjudged
to pay any registration fee, tax or additional tax the
provisions of subsection two of section eighty-two
of the Justices Act, 1902, and any Act amending
or replacing the same, shall not apply to or in
10 respect of such order but such order shall operate
as an order for the payment of money under the
Small Debts Recovery Act, 1912, and any Act
amending or replacing the same, and shall be
enforceable as such order under the provisions of
15 the said Acts. For such purpose, such order may
be entered in the records of the Small Debts Court
exercising jurisdiction at the Petty Sessions where
such order was made in such manner as may be
prescribed by rules made under the said Acts. Any
20 amount paid to the clerk of the court under any
such order shall be paid by him to the Commis-
sioner.

5. (1) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts, is amended—

Amendment
of Act No.
32, 1931.

(a) by omitting subsection three of section three;

Sec. 3.
(Interpre-
tation.)

25 (b) by inserting in subsection one of section 3A after
the words "classes of ferries" the words "operating
within harbours, ports, estuaries, rivers and other
inland navigable waters,";

Sec. 3A.
(Applica-
tion
of Act to
ferries.)

(c) by omitting subsection (7A) of section twenty-six;

Sec. 26.
(State
Transport
(Co-
ordination)
Fund.)

30 (d) by omitting the Third Schedule.

Third
Schedule.
(2)

Motor Traffic (Amendment).

(2) Paragraph (b) of subsection one of this section shall be deemed to have commenced on the twenty-second day of May, one thousand nine hundred and fifty.

(3) The State Transport (Co-ordination) Amendment
5 Act, 1954, is amended—

Amendment
of Act No.
48, 1954.
(Conse-
quential.)

(a) by omitting paragraph (c) of section three;

(b) by omitting section four.

6. The Local Government Act, 1919, as amended by
subsequent Acts, is amended by inserting at the end of section
10 2700 the following new subsection :—

Amendment
of Act No.
41, 1919.
Sec. 270o.

(6) The provisions of this section shall be in addition
to and not in derogation of any other provisions of this
or any other Act.

(Liability
of vehicle
owner for
parking
offences.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1962

[1s.]

MOTOR TRAFFIC (AMENDMENT) BILL, 1962.

EXPLANATORY NOTE.

THE objects of this Bill are—

(1) *To amend the Motor Traffic Act, 1900-1961—*

- (a) to provide that road accidents involving property damage only are to be reported to the Police if the damage exceeds £25, as against £10 previously;
- (b) to facilitate enforcement of parking restrictions in certain circumstances;
- (c) to exempt police vehicles on any type of urgent duty from speed limit restrictions;
- (d) to provide for the issue of permits for the temporary use on the public streets of unregistered vehicles;
- (e) to clarify authority to make regulations granting exemptions;
- (f) to increase license fees for drivers and riders and for learners' permits;
- (g) to increase fees for trader's plates.

(2) *To amend the Metropolitan Traffic Act, 1900-1957, to provide that road accidents involving horse-drawn vehicles and bicycles are to be reported to the Police if the damage done to property exceeds £25, as against £10 previously.*

(3) *To amend the Motor Vehicles Taxation Management Act, 1949-1956—*

- (a) to authorise the extension of certain minor tax concessions; and
- (b) to make better provision for the collection of tax or additional tax.

(4) *To amend the State Transport (Co-ordination) Act, 1931-1956—*

- (a) to remove certain obsolete provisions; and
- (b) to clarify the application of the Act to ferries.

(5) *To amend the Local Government Act, 1919, as amended, to facilitate enforcement of parking restrictions in certain circumstances.*

Provision is also made for matters incidental to and ancillary to the foregoing and for matters of a minor character.

No. , 1962.

A BILL

To make further provision relating to the reporting of road accidents, enforcement of parking restrictions and exemptions from registration of motor vehicles; to increase certain fees payable under the Motor Traffic Act, 1909–1961; for these and other purposes to amend the said Act, the Metropolitan Traffic Act, 1900–1957, the Motor Vehicles Taxation Management Act, 1949–1956, the State Transport (Co-ordination) Act, 1931–1956, and the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

[Mr. McMAHON ;—4 December, 1962.]

BE

Motor Traffic (Amendment).

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 (Amendment) Act, 1962". Short title and citation.
- (2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1962.
- (3) The Metropolitan Traffic Act, 1900, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Traffic Act, 1900-1962.
- 15 (4) The Motor Vehicles Taxation Management Act, 1949, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1962.
- 20 (5) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1962.
2. (1) The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended— Amendment of Act No. 5, 1909.
- 25 (a) (i) by inserting next after paragraph (j) of subsection one of section three the following new paragraph :— Sec. 3. (Regulations.)
- 30 (j1) provide conditionally or unconditionally for the issue of permits for the temporary use, upon public streets, of motor vehicles which are unregistered and for the payment in respect of any such permit of such fees, not exceeding in any case two pounds, as may be prescribed ; and for the regulation of matters relating to the issue of such permits ;
- 35 (ii)

Motor Traffic (Amendment).

- (ii) by inserting next after paragraph (l) of the same subsection the following new paragraph : —
- 5 (1) provide conditionally or unconditionally for the exemption of any person from all or any of the provisions of section six of this Act and for the exemption from registration of any motor vehicle;
- 10 (iii) by inserting in paragraph (r) of the same subsection after the word “regulation” the words “or any provision or condition attached to any license, exemption or permit granted under the regulations”;
- 15 (iv) by inserting next after subsection one of the same section the following new subsection : —
- (1A) A motor vehicle in respect of which a permit issued under the regulations made pursuant to paragraph (j1) of subsection one of this section is in force shall for the purposes of this Act or any other Act relating to the registration or licensing of motor vehicles be deemed to be a registered motor vehicle.
- 20
- 25 (b) by omitting from paragraph (a) of subsection seven of section 4A the words “connected with the prevention or investigation of any offence or suspected offence against the law or with the apprehension of offenders against the law”;
- 30 (c) (i) by omitting from subsection three of section eight the words “ten pounds” and by inserting in lieu thereof the words “twenty-five pounds, or where some other amount is prescribed such other amount,”;
- (Require-
ments
in case of
accident.)
- 35 (ii) by omitting from subsection four of the same section the words “ten pounds” and by inserting in lieu thereof the words “twenty-five pounds, or where some other amount is prescribed such other amount,”;
- (d)

Motor Traffic (Amendment).

- (d) by inserting at the end of section 18A the following new subsection :—
- (6) The provisions of this section shall be in addition to and not in derogation of any other provisions of this or any other Act.
- (e) (i) by omitting from the Schedule the definition of "Motor cycle";
- (ii) by omitting from the Schedule the items relating to "Motor vehicle driver", "Motor cycle rider" and "Learner's permit" and by inserting in lieu thereof the following item :—
- License fee to be paid by the applicant upon the application for the license—
- Motor vehicle driver (not being the rider of a motor cycle)—two pounds;
- Motor cycle rider—one pound ten shillings;
- Learner's permit—one pound.
- (iii) by omitting from the Schedule the two items relating to traders' plates and by inserting in lieu thereof the following items :—
- Trader's plate for use as prescribed on a motor vehicle other than a motor cycle—Fee, at the rate of eighteen pounds six shillings and sixpence yearly.
- Trader's plate for use as prescribed on a motor cycle—Fee, at the rate of four pounds four shillings and sixpence yearly.
- (2) Subparagraph (ii) of paragraph (a) of subsection one of this section shall be deemed to have commenced on the twelfth day of October, one thousand nine hundred and nine.
- (3) The several subparagraphs of paragraph (e) of subsection one of this section shall commence upon such days as are respectively appointed by the Governor and notified by proclamation published in the Gazette.

Sec. 18A.
(Liability of motor vehicle owner for parking offences.)

Schedule.

The

Motor Traffic (Amendment).

The amendments made by subparagraphs (i) and (ii) of the said paragraph (e) shall apply to and in respect of licenses or renewals of licenses under the Motor Traffic Act, 1909-1961, as amended by this Act, which are to take effect on or
5 after the day so appointed in relation to the said subparagraphs (i) and (ii), whether application therefor was made either before or after such day.

The amendments made by subparagraph (iii) of the said paragraph (e) shall apply to and in respect of traders' plates
10 to be issued or re-issued under the Motor Traffic Act, 1909-1961, as amended by this Act, for a period expiring on any day later than the day appointed in relation to the said subparagraph (iii), whether application therefor was made either before or after such appointed day.

15 **3.** The Metropolitan Traffic Act, 1900, as amended by subsequent Acts, is amended— Amendment of Act No. 8, 1900.

(a) by omitting from subsection three of section 13B the words "ten pounds" and by inserting in lieu thereof the words "twenty-five pounds, or where
20 some other amount is prescribed such other amount,"; Sec. 13B. (Requirements in case of accident.)

(b) by omitting from subsection four of the same section the words "ten pounds" and by inserting in lieu thereof the words "twenty-five pounds, or where
25 some other amount is prescribed such other amount,".

4. The Motor Vehicles Taxation Management Act, 1949, as amended by subsequent Acts, is amended— Amendment of Act No. 34, 1949.

(a) by omitting section five and by inserting in lieu thereof the following section : — Subst. sec. 5.

30 **5.** The owner of any motor vehicle which (not being a motor vehicle exempted from registration) is not registered, or which being registered is liable to tax but upon which the prescribed tax though
35 due and payable has not been paid, who uses or drives the vehicle, or causes or permits or suffers it to be used or driven upon a public street shall
be

Motor Traffic (Amendment).

5 be liable to a penalty not exceeding one hundred
pounds and, in addition to imposing a penalty
for the offence the court may, where the vehicle
is not registered, order the owner to pay to the clerk
of the court within a time to be specified in the
order the fee for the registration or renewal of the
10 registration of the vehicle together with the tax
which would be due upon the application for such
registration or renewal for a period of one year
or for such greater or lesser period as the court
in all the circumstances may think just or, where
the vehicle is registered, the tax so due and payable.

(b) by inserting at the end of subsection three of section
seven the following new paragraphs :—

15 (i) any motor vehicle, for which exemption or
power to exempt in whole or in part from
tax is not provided elsewhere in this Act,
which is used solely or principally as an
ambulance ;

20 (j) any motor lorry, tractor or trailer which
is owned by a pastures protection board
constituted or continued by or under the
Pastures Protection Act, 1934, or any Act
amending or replacing the same, and which,
25 whilst upon a public street, is used solely
for carrying out the statutory functions of
such board ;

(k) (i) any tractor or trailer ; or
30 (ii) any motor vehicle which comprises a
chaff-cutter, thresher, plough, air
compressor, welding plant or bulldozer,
or apparatus for well-boring or the
excavation or shovelling of earth, or
a concrete agitator, crane, fork-lift
35 truck or similar machinery or
apparatus,

for which exemption or power to exempt
in whole or in part from tax is not provided
elsewhere in this Act, if the Commissioner
is

Sec. 7.
(Exemptions.)

Motor Traffic (Amendment).

is satisfied that, by reason of the construction, use or ownership of such tractor or trailer or motor vehicle, it will travel on the public streets to a limited degree only.

- 5 (c) by omitting from subsection two of section nine the words "such penalty, he shall be liable to pay" and by inserting in lieu thereof the words "imposing a penalty for the offence the court may order him to pay to the clerk of the court within a time to be specified in the order";

Sec. 9.
(Adjust-
ment of
tax.)

- 10 (d) by omitting section ten and by inserting in lieu thereof the following section :—

Subst.
sec. 10.

15 10. (1) Where during the currency of the registration of a motor vehicle there is any alteration, whether temporary or otherwise, in the construction, equipment, use or ownership of the vehicle of such a nature that tax or additional tax would be payable were the registration due for renewal at the time such alteration was effected—

Notice of
alteration
and ad-
ditional
tax.

- 20 (a) the person in whose name the vehicle is registered shall forthwith notify the Commissioner of such alteration; and
- 25 (b) where the alteration is in the construction, equipment or use of the vehicle, the person in whose name it is registered and, where the alteration is in the ownership of the vehicle, the new owner, shall forthwith, or within such period as the Commissioner may allow, pay tax or additional tax.

30 (2) The tax or additional tax payable under this section shall be for the period for which the vehicle is registered unexpired at the date of the alteration or for such lesser period as the Commissioner having regard to the temporary nature of any alteration aforesaid determines should be applicable, and shall be calculated at the rate of—

- 35 (a) where the registration current at the date of the alteration was effected for a period exceeding three months—one-twelfth of the

Motor Traffic (Amendment).

5 the tax applicable after the alteration in respect of a yearly registration of the vehicle where the vehicle was exempt from or not liable for tax before the alteration or, as the case may be, one-twelfth of the difference between the tax applicable before the alteration and the tax applicable after the alteration in respect of a yearly registration of the vehicle;

10 (b) where the registration current at the date of the alteration was effected for a period not exceeding three months—one-third of the tax applicable after the alteration in respect of a quarterly registration of the vehicle where the vehicle was exempt from
15 or not liable for tax before the alteration or, as the case may be, one-third of the difference between the tax applicable before the alteration and the tax applicable after
20 the alteration in respect of a quarterly registration of the vehicle,

for each month or part thereof in such unexpired period or lesser period, as the case may be.

25 (3) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding one hundred pounds and to a further penalty of twenty pounds for each month during any part of which
30 such offence continues and in addition to imposing a penalty for the offence the court may order him to pay to the clerk of the court within a time to be specified in the order any amount which from the evidence given during the proceedings the court is satisfied should have been, but has not been, paid
35 by the person so convicted to the Commissioner by way of tax or additional tax.

(e) by inserting in section thirteen after the word "and" the words " , except as provided in subsection two of section fifteen of this Act,"; Sec. 13.
(Recovery of tax.)

(f)

Motor Traffic (Amendment).

(f) by inserting at the end of section fifteen the following new subsection :—

Sec. 15.
(Particulars
of conviction or
order.)

5 (2) Whenever any person is by any order made
under section five, nine or ten of this Act adjudged
to pay any registration fee, tax or additional tax the
provisions of subsection two of section eighty-two
of the Justices Act, 1902, and any Act amending
or replacing the same, shall not apply to or in
10 respect of such order but such order shall operate
as an order for the payment of money under the
Small Debts Recovery Act, 1912, and any Act
amending or replacing the same, and shall be
enforceable as such order under the provisions of
15 the said Acts. For such purpose, such order may
be entered in the records of the Small Debts Court
exercising jurisdiction at the Petty Sessions where
such order was made in such manner as may be
prescribed by rules made under the said Acts. Any
20 amount paid to the clerk of the court under any
such order shall be paid by him to the Commis-
sioner.

5. (1) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts, is amended—

Amendment
of Act No.
32, 1931.

(a) by omitting subsection three of section three ;

Sec. 3.
(Interpre-
tation.)

25 (b) by inserting in subsection one of section 3A after
the words "classes of ferries" the words "operating
within harbours, ports, estuaries, rivers and other
inland navigable waters," ;

Sec. 3A.
(Applica-
tion
of Act to
ferries.)

(c) by omitting subsection (7A) of section twenty-six ;

Sec. 26.
(State
Transport
(Co-
ordination)
Fund.)

30 (d) by omitting the Third Schedule.

Third
Schedule.

Motor Traffic (Amendment).

(2) Paragraph (b) of subsection one of this section shall be deemed to have commenced on the twenty-second day of May, one thousand nine hundred and fifty.

(3) The State Transport (Co-ordination) Amendment
5 Act, 1954, is amended—

Amendment
of Act No.
48, 1954.

(a) by omitting paragraph (c) of section three;

(Conse-
quential.)

(b) by omitting section four.

6. The Local Government Act, 1919, as amended by
subsequent Acts, is amended by inserting at the end of section
10 270o the following new subsection :—

Amendment
of Act No.
41, 1919.

Sec. 270o.

(6) The provisions of this section shall be in addition
to and not in derogation of any other provisions of this
or any other Act.

(Liability
of vehicle
owner for
parking
offences.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1962

New South Wales



ANNO UNDECIMO

ELIZABETHÆ II REGINÆ

Act No. 36, 1962.

An Act to make further provision relating to the reporting of road accidents, enforcement of parking restrictions and exemptions from registration of motor vehicles; to increase certain fees payable under the Motor Traffic Act, 1909–1961; for these and other purposes to amend the said Act, the Metropolitan Traffic Act, 1900–1957, the Motor Vehicles Taxation Management Act, 1949–1956, the State Transport (Co-ordination) Act, 1931–1956, and the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 10th December, 1962.]

Motor Traffic (Amendment).

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 :—

Short title
and
citation.

1. (1) This Act may be cited as the "Motor Traffic (Amendment) Act, 1962".

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1962.

(3) The Metropolitan Traffic Act, 1900, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Traffic Act, 1900-1962.

(4) The Motor Vehicles Taxation Management Act, 1949, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1962.

(5) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1962.

Amendment
of Act No.
5, 1909.

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

Sec. 3.
(Regula-
tions.)

(a) (i) by inserting next after paragraph (j) of subsection one of section three the following new paragraph :—

(j1) provide conditionally or unconditionally for the issue of permits for the temporary use, upon public streets, of motor vehicles which are unregistered and for the payment in respect of any such permit of such fees, not exceeding in any case two pounds, as may be prescribed; and for the regulation of matters relating to the issue of such permits;

(ii)

Motor Traffic (Amendment).

- (ii) by inserting next after paragraph (l) of the same subsection the following new paragraph :—
- (11) provide conditionally or unconditionally for the exemption of any person from all or any of the provisions of section six of this Act and for the exemption from registration of any motor vehicle;
- (iii) by inserting in paragraph (r) of the same subsection after the word “regulation” the words “or any provision or condition attached to any license, exemption or permit granted under the regulations”;
- (iv) by inserting next after subsection one of the same section the following new subsection :—
- (1A) A motor vehicle in respect of which a permit issued under the regulations made pursuant to paragraph (j1) of subsection one of this section is in force shall for the purposes of this Act or any other Act relating to the registration or licensing of motor vehicles be deemed to be a registered motor vehicle.
- (b) by omitting from paragraph (a) of subsection seven of section 4A the words “connected with the prevention or investigation of any offence or suspected offence against the law or with the apprehension of offenders against the law”;
- (c) (i) by omitting from subsection three of section eight the words “ten pounds” and by inserting in lieu thereof the words “twenty-five pounds, or where some other amount is prescribed such other amount,”;
- (ii) by omitting from subsection four of the same section the words “ten pounds” and by inserting in lieu thereof the words “twenty-five pounds, or where some other amount is prescribed such other amount,”;
- (d)

Sec. 4A.
(Speed
limits.)

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

Motor Traffic (Amendment).

Sec. 18A.
(Liability
of motor
vehicle
owner for
parking
offences.)

Schedule.

(d) by inserting at the end of section 18A the following new subsection :—

(6) The provisions of this section shall be in addition to and not in derogation of any other provisions of this or any other Act.

(e) (i) by omitting from the Schedule the definition of “Motor cycle”;

(ii) by omitting from the Schedule the items relating to “Motor vehicle driver”, “Motor cycle rider” and “Learner’s permit” and by inserting in lieu thereof the following item :—

License fee to be paid by the applicant upon the application for the license—

Motor vehicle driver (not being the rider of a motor cycle)—two pounds;

Motor cycle rider—one pound ten shillings;

Learner’s permit—one pound.

(iii) by omitting from the Schedule the two items relating to traders’ plates and by inserting in lieu thereof the following items :—

Trader’s plate for use as prescribed on a motor vehicle other than a motor cycle—Fee, at the rate of eighteen pounds six shillings and sixpence yearly.

Trader’s plate for use as prescribed on a motor cycle—Fee, at the rate of four pounds four shillings and sixpence yearly.

(2) Subparagraph (ii) of paragraph (a) of subsection one of this section shall be deemed to have commenced on the twelfth day of October, one thousand nine hundred and nine.

(3) The several subparagraphs of paragraph (e) of subsection one of this section shall commence upon such days as are respectively appointed by the Governor and notified by proclamation published in the Gazette.

The

Motor Traffic (Amendment).

The amendments made by subparagraphs (i) and (ii) of the said paragraph (e) shall apply to and in respect of licenses or renewals of licenses under the Motor Traffic Act, 1909-1961, as amended by this Act, which are to take effect on or after the day so appointed in relation to the said subparagraphs (i) and (ii), whether application therefor was made either before or after such day.

The amendments made by subparagraph (iii) of the said paragraph (e) shall apply to and in respect of traders' plates to be issued or re-issued under the Motor Traffic Act, 1909-1961, as amended by this Act, for a period expiring on any day later than the day appointed in relation to the said subparagraph (iii), whether application therefor was made either before or after such appointed day.

3. The Metropolitan Traffic Act, 1900, as amended by subsequent Acts, is amended—

Amendment
of Act No.
8, 1900.

(a) by omitting from subsection three of section 13B the words "ten pounds" and by inserting in lieu thereof the words "twenty-five pounds, or where some other amount is prescribed such other amount,";

Sec. 13B.
(Require-
ments in
case of
accident.)

(b) by omitting from subsection four of the same section the words "ten pounds" and by inserting in lieu thereof the words "twenty-five pounds, or where some other amount is prescribed such other amount,".

4. The Motor Vehicles Taxation Management Act, 1949, as amended by subsequent Acts, is amended—

Amendment
of Act No.
34, 1949.

(a) by omitting section five and by inserting in lieu thereof the following section :—

Subst.
sec. 5.

5. The owner of any motor vehicle which (not being a motor vehicle exempted from registration) is not registered, or which being registered is liable to tax but upon which the prescribed tax though due and payable has not been paid, who uses or drives the vehicle, or causes or permits or suffers it to be used or driven upon a public street shall be

Unregis-
tered
vehicles and
vehicles
upon which
tax has not
been paid.

Motor Traffic (Amendment).

be liable to a penalty not exceeding one hundred pounds and, in addition to imposing a penalty for the offence the court may, where the vehicle is not registered, order the owner to pay to the clerk of the court within a time to be specified in the order the fee for the registration or renewal of the registration of the vehicle together with the tax which would be due upon the application for such registration or renewal for a period of one year or for such greater or lesser period as the court in all the circumstances may think just or, where the vehicle is registered, the tax so due and payable.

Sec. 7.
(Exemptions.)

(b) by inserting at the end of subsection three of section seven the following new paragraphs:—

- (i) any motor vehicle, for which exemption or power to exempt in whole or in part from tax is not provided elsewhere in this Act, which is used solely or principally as an ambulance;
- (j) any motor lorry, tractor or trailer which is owned by a pastures protection board constituted or continued by or under the Pastures Protection Act, 1934, or any Act amending or replacing the same, and which, whilst upon a public street, is used solely for carrying out the statutory functions of such board;
- (k) (i) any tractor or trailer; or
(ii) any motor vehicle which comprises a chaff-cutter, thresher, plough, air compressor, welding plant or bulldozer, or apparatus for well-boring or the excavation or shovelling of earth, or a concrete agitator, crane, fork-lift truck or similar machinery or apparatus,

for which exemption or power to exempt in whole or in part from tax is not provided elsewhere in this Act, if the Commissioner is

is

Motor Traffic (Amendment).

is satisfied that, by reason of the construction, use or ownership of such tractor or trailer or motor vehicle, it will travel on the public streets to a limited degree only.

- (c) by omitting from subsection two of section nine the words "such penalty, he shall be liable to pay" and by inserting in lieu thereof the words "imposing a penalty for the offence the court may order him to pay to the clerk of the court within a time to be specified in the order"; Sec. 9. (Adjustment of tax.)
- (d) by omitting section ten and by inserting in lieu thereof the following section :— Subst. sec. 10.

10. (1) Where during the currency of the registration of a motor vehicle there is any alteration, whether temporary or otherwise, in the construction, equipment, use or ownership of the vehicle of such a nature that tax or additional tax would be payable were the registration due for renewal at the time such alteration was effected— Notice of alteration and additional tax.

- (a) the person in whose name the vehicle is registered shall forthwith notify the Commissioner of such alteration; and
- (b) where the alteration is in the construction, equipment or use of the vehicle, the person in whose name it is registered and, where the alteration is in the ownership of the vehicle, the new owner, shall forthwith, or within such period as the Commissioner may allow, pay tax or additional tax.

(2) The tax or additional tax payable under this section shall be for the period for which the vehicle is registered unexpired at the date of the alteration or for such lesser period as the Commissioner having regard to the temporary nature of any alteration aforesaid determines should be applicable, and shall be calculated at the rate of—

- (a) where the registration current at the date of the alteration was effected for a period exceeding three months—one-twelfth of the

Motor Traffic (Amendment).

the tax applicable after the alteration in respect of a yearly registration of the vehicle where the vehicle was exempt from or not liable for tax before the alteration or, as the case may be, one-twelfth of the difference between the tax applicable before the alteration and the tax applicable after the alteration in respect of a yearly registration of the vehicle;

- (b) where the registration current at the date of the alteration was effected for a period not exceeding three months—one-third of the tax applicable after the alteration in respect of a quarterly registration of the vehicle where the vehicle was exempt from or not liable for tax before the alteration or, as the case may be, one-third of the difference between the tax applicable before the alteration and the tax applicable after the alteration in respect of a quarterly registration of the vehicle,

for each month or part thereof in such unexpired period or lesser period, as the case may be.

(3) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding one hundred pounds and to a further penalty of twenty pounds for each month during any part of which such offence continues and in addition to imposing a penalty for the offence the court may order him to pay to the clerk of the court within a time to be specified in the order any amount which from the evidence given during the proceedings the court is satisfied should have been, but has not been, paid by the person so convicted to the Commissioner by way of tax or additional tax.

Sec. 13.
(Recovery
of tax.)

- (e) by inserting in section thirteen after the word "and" the words " , except as provided in subsection two of section fifteen of this Act, ";

(f)

Motor Traffic (Amendment).

- (f) by inserting at the end of section fifteen the following new subsection :—
- Sec. 15.
(Particulars
of conviction or
order.)
- (2) Whenever any person is by any order made under section five, nine or ten of this Act adjudged to pay any registration fee, tax or additional tax the provisions of subsection two of section eighty-two of the Justices Act, 1902, and any Act amending or replacing the same, shall not apply to or in respect of such order but such order shall operate as an order for the payment of money under the Small Debts Recovery Act, 1912, and any Act amending or replacing the same, and shall be enforceable as such order under the provisions of the said Acts. For such purpose, such order may be entered in the records of the Small Debts Court exercising jurisdiction at the Petty Sessions where such order was made in such manner as may be prescribed by rules made under the said Acts. Any amount paid to the clerk of the court under any such order shall be paid by him to the Commissioner.
- 5.** (1) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts, is amended—
- Amendment
of Act No.
32, 1931.
- (a) by omitting subsection three of section three;
- Sec. 3.
(Interpre-
tation.)
- (b) by inserting in subsection one of section 3A after the words "classes of ferries" the words "operating within harbours, ports, estuaries, rivers and other inland navigable waters,";
- Sec. 3A.
(Applica-
tion
of Act to
ferries.)
- (c) by omitting subsection (7A) of section twenty-six;
- Sec. 26.
(State
Transport
(Co-
ordination)
Fund.)
- (d) by omitting the Third Schedule.
- Third
Schedule.
- B** (2)

Motor Traffic (Amendment).

(2) Paragraph (b) of subsection one of this section shall be deemed to have commenced on the twenty-second day of May, one thousand nine hundred and fifty.

Amendment
of Act No.
48, 1954.
(Conse-
quential.)

(3) The State Transport (Co-ordination) Amendment Act, 1954, is amended—

- (a) by omitting paragraph (c) of section three;
- (b) by omitting section four.

Amendment
of Act No.
41, 1919.
Sec. 270o.
(Liability
of vehicle
owner for
parking
offences.)

6. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting at the end of section 270o the following new subsection:—

- (6) The provisions of this section shall be in addition to and not in derogation of any other provisions of this or any other Act.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

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, 6 December, 1962, A.M.*

New South Wales



ANNO UNDECIMO

ELIZABETHÆ II REGINÆ

Act No. 36, 1962.

An Act to make further provision relating to the reporting of road accidents, enforcement of parking restrictions and exemptions from registration of motor vehicles; to increase certain fees payable under the Motor Traffic Act, 1909-1961; for these and other purposes to amend the said Act, the Metropolitan Traffic Act, 1900-1957, the Motor Vehicles Taxation Management Act, 1949-1956, the State Transport (Co-ordination) Act, 1931-1956, and the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 10th December, 1962.]

BE

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).

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 :—

Short title
and
citation.

1. (1) This Act may be cited as the "Motor Traffic (Amendment) Act, 1962".

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1962.

(3) The Metropolitan Traffic Act, 1900, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Traffic Act, 1900-1962.

(4) The Motor Vehicles Taxation Management Act, 1949, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1962.

(5) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1962.

Amendment
of Act No.
5, 1909.

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

Sec. 3.
(Regula-
tions.)

(a) (i) by inserting next after paragraph (j) of subsection one of section three the following new paragraph :—

(j1) provide conditionally or unconditionally for the issue of permits for the temporary use, upon public streets, of motor vehicles which are unregistered and for the payment in respect of any such permit of such fees, not exceeding in any case two pounds, as may be prescribed; and for the regulation of matters relating to the issue of such permits;

(ii)

Motor Traffic (Amendment).

- (ii) by inserting next after paragraph (l) of the same subsection the following new paragraph :—
- (11) provide conditionally or unconditionally for the exemption of any person from all or any of the provisions of section six of this Act and for the exemption from registration of any motor vehicle;
- (iii) by inserting in paragraph (r) of the same subsection after the word “regulation” the words “or any provision or condition attached to any license, exemption or permit granted under the regulations”;
- (iv) by inserting next after subsection one of the same section the following new subsection :—
- (1A) A motor vehicle in respect of which a permit issued under the regulations made pursuant to paragraph (j1) of subsection one of this section is in force shall for the purposes of this Act or any other Act relating to the registration or licensing of motor vehicles be deemed to be a registered motor vehicle.
- (b) by omitting from paragraph (a) of subsection seven of section 4A the words “connected with the prevention or investigation of any offence or suspected offence against the law or with the apprehension of offenders against the law”;
- (c) (i) by omitting from subsection three of section eight the words “ten pounds” and by inserting in lieu thereof the words “twenty-five pounds, or where some other amount is prescribed such other amount,”;
- (ii) by omitting from subsection four of the same section the words “ten pounds” and by inserting in lieu thereof the words “twenty-five pounds, or where some other amount is prescribed such other amount,”;
- (d)

Motor Traffic (Amendment).

Sec. 18A.
(Liability
of motor
vehicle
owner for
parking
offences.)

(d) by inserting at the end of section 18A the following new subsection :—

(6) The provisions of this section shall be in addition to and not in derogation of any other provisions of this or any other Act.

Schedule.

(e) (i) by omitting from the Schedule the definition of "Motor cycle";

(ii) by omitting from the Schedule the items relating to "Motor vehicle driver", "Motor cycle rider" and "Learner's permit" and by inserting in lieu thereof the following item :—

License fee to be paid by the applicant upon the application for the license—

Motor vehicle driver (not being the rider of a motor cycle)—two pounds;

Motor cycle rider—one pound ten shillings;

Learner's permit—one pound.

(iii) by omitting from the Schedule the two items relating to traders' plates and by inserting in lieu thereof the following items :—

Trader's plate for use as prescribed on a motor vehicle other than a motor cycle—Fee, at the rate of eighteen pounds six shillings and sixpence yearly.

Trader's plate for use as prescribed on a motor cycle—Fee, at the rate of four pounds four shillings and sixpence yearly.

(2) Subparagraph (ii) of paragraph (a) of subsection one of this section shall be deemed to have commenced on the twelfth day of October, one thousand nine hundred and nine.

(3) The several subparagraphs of paragraph (e) of subsection one of this section shall commence upon such days as are respectively appointed by the Governor and notified by proclamation published in the Gazette.

The

Motor Traffic (Amendment).

The amendments made by subparagraphs (i) and (ii) of the said paragraph (e) shall apply to and in respect of licenses or renewals of licenses under the Motor Traffic Act, 1909-1961, as amended by this Act, which are to take effect on or after the day so appointed in relation to the said subparagraphs (i) and (ii), whether application therefor was made either before or after such day.

The amendments made by subparagraph (iii) of the said paragraph (e) shall apply to and in respect of traders' plates to be issued or re-issued under the Motor Traffic Act, 1909-1961, as amended by this Act, for a period expiring on any day later than the day appointed in relation to the said subparagraph (iii), whether application therefor was made either before or after such appointed day.

3. The Metropolitan Traffic Act, 1900, as amended by subsequent Acts, is amended—

- Amendment
of Act No.
8, 1900.
- (a) by omitting from subsection three of section 13B the words "ten pounds" and by inserting in lieu thereof the words "twenty-five pounds, or where some other amount is prescribed such other amount,";
- Sec. 13B.
(Require-
ments in
case of
accident.)
- (b) by omitting from subsection four of the same section the words "ten pounds" and by inserting in lieu thereof the words "twenty-five pounds, or where some other amount is prescribed such other amount,".

4. The Motor Vehicles Taxation Management Act, 1949, as amended by subsequent Acts, is amended—

- Amendment
of Act No.
34, 1949.
- (a) by omitting section five and by inserting in lieu thereof the following section :—
- Subst.
sec. 5.

5. The owner of any motor vehicle which (not being a motor vehicle exempted from registration) is not registered, or which being registered is liable to tax but upon which the prescribed tax though due and payable has not been paid, who uses or drives the vehicle, or causes or permits or suffers it to be used or driven upon a public street shall

Unregis-
tered
vehicles and
vehicles
upon which
tax has not
been paid.

be

Motor Traffic (Amendment).

be liable to a penalty not exceeding one hundred pounds and, in addition to imposing a penalty for the offence the court may, where the vehicle is not registered, order the owner to pay to the clerk of the court within a time to be specified in the order the fee for the registration or renewal of the registration of the vehicle together with the tax which would be due upon the application for such registration or renewal for a period of one year or for such greater or lesser period as the court in all the circumstances may think just or, where the vehicle is registered, the tax so due and payable.

Sec. 7.
(Exemptions.)

(b) by inserting at the end of subsection three of section seven the following new paragraphs :—

- (i) any motor vehicle, for which exemption or power to exempt in whole or in part from tax is not provided elsewhere in this Act, which is used solely or principally as an ambulance ;
- (j) any motor lorry, tractor or trailer which is owned by a pastures protection board constituted or continued by or under the Pastures Protection Act, 1934, or any Act amending or replacing the same, and which, whilst upon a public street, is used solely for carrying out the statutory functions of such board ;
- (k) (i) any tractor or trailer ; or
(ii) any motor vehicle which comprises a chaff-cutter, thresher, plough, air compressor, welding plant or bulldozer, or apparatus for well-boring or the excavation or shovelling of earth, or a concrete agitator, crane, fork-lift truck or similar machinery or apparatus,

for which exemption or power to exempt in whole or in part from tax is not provided elsewhere in this Act, if the Commissioner is

is

Motor Traffic (Amendment).

is satisfied that, by reason of the construction, use or ownership of such tractor or trailer or motor vehicle, it will travel on the public streets to a limited degree only.

- (c) by omitting from subsection two of section nine the words "such penalty, he shall be liable to pay" and by inserting in lieu thereof the words "imposing a penalty for the offence the court may order him to pay to the clerk of the court within a time to be specified in the order";

Sec. 9.
(Adjustment of tax.)

- (d) by omitting section ten and by inserting in lieu thereof the following section : —

Subst. sec. 10.

10. (1) Where during the currency of the registration of a motor vehicle there is any alteration, whether temporary or otherwise, in the construction, equipment, use or ownership of the vehicle of such a nature that tax or additional tax would be payable were the registration due for renewal at the time such alteration was effected—

Notice of alteration and additional tax.

- (a) the person in whose name the vehicle is registered shall forthwith notify the Commissioner of such alteration; and
- (b) where the alteration is in the construction, equipment or use of the vehicle, the person in whose name it is registered and, where the alteration is in the ownership of the vehicle, the new owner, shall forthwith, or within such period as the Commissioner may allow, pay tax or additional tax.

(2) The tax or additional tax payable under this section shall be for the period for which the vehicle is registered unexpired at the date of the alteration or for such lesser period as the Commissioner having regard to the temporary nature of any alteration aforesaid determines should be applicable, and shall be calculated at the rate of—

- (a) where the registration current at the date of the alteration was effected for a period exceeding three months—one-twelfth of the

Motor Traffic (Amendment).

the tax applicable after the alteration in respect of a yearly registration of the vehicle where the vehicle was exempt from or not liable for tax before the alteration or, as the case may be, one-twelfth of the difference between the tax applicable before the alteration and the tax applicable after the alteration in respect of a yearly registration of the vehicle;

- (b) where the registration current at the date of the alteration was effected for a period not exceeding three months—one-third of the tax applicable after the alteration in respect of a quarterly registration of the vehicle where the vehicle was exempt from or not liable for tax before the alteration or, as the case may be, one-third of the difference between the tax applicable before the alteration and the tax applicable after the alteration in respect of a quarterly registration of the vehicle,

for each month or part thereof in such unexpired period or lesser period, as the case may be.

(3) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding one hundred pounds and to a further penalty of twenty pounds for each month during any part of which such offence continues and in addition to imposing a penalty for the offence the court may order him to pay to the clerk of the court within a time to be specified in the order any amount which from the evidence given during the proceedings the court is satisfied should have been, but has not been, paid by the person so convicted to the Commissioner by way of tax or additional tax.

Sec. 13.
(Recovery
of tax.)

- (e) by inserting in section thirteen after the word "and" the words ", except as provided in subsection two of section fifteen of this Act,";

(f)

Motor Traffic (Amendment).

- (f) by inserting at the end of section fifteen the following new subsection : —

Sec. 15.
(Particulars
of conviction or
order.)

(2) Whenever any person is by any order made under section five, nine or ten of this Act adjudged to pay any registration fee, tax or additional tax the provisions of subsection two of section eighty-two of the Justices Act, 1902, and any Act amending or replacing the same, shall not apply to or in respect of such order but such order shall operate as an order for the payment of money under the Small Debts Recovery Act, 1912, and any Act amending or replacing the same, and shall be enforceable as such order under the provisions of the said Acts. For such purpose, such order may be entered in the records of the Small Debts Court exercising jurisdiction at the Petty Sessions where such order was made in such manner as may be prescribed by rules made under the said Acts. Any amount paid to the clerk of the court under any such order shall be paid by him to the Commissioner.

5. (1) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts, is amended—

Amendment
of Act No.
32, 1931.

- (a) by omitting subsection three of section three;
- (b) by inserting in subsection one of section 3A after the words "classes of ferries" the words "operating within harbours, ports, estuaries, rivers and other inland navigable waters,";
- (c) by omitting subsection (7A) of section twenty-six;
- (d) by omitting the Third Schedule.

Sec. 3.
(Interpre-
tation.)

Sec. 3A.
(Applica-
tion
of Act to
ferries.)

Sec. 26.
(State
Transport
(Co-
ordination)
Fund.)

Third
Schedule.

(2)

Motor Traffic (Amendment).

(2) Paragraph (b) of subsection one of this section shall be deemed to have commenced on the twenty-second day of May, one thousand nine hundred and fifty.

Amendment
of Act No.
48, 1954.
(Conse-
quential.)

(3) The State Transport (Co-ordination) Amendment Act, 1954, is amended—

- (a) by omitting paragraph (c) of section three;
- (b) by omitting section four.

Amendment
of Act No.
41, 1919.
Sec. 270o.
(Liability
of vehicle
owner for
parking
offences.)

6. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting at the end of section 270o the following new subsection :—

- (6) The provisions of this section shall be in addition to and not in derogation of any other provisions of this or any other Act.

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

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 10th December, 1962.*