

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, 29 April, 1964.*

New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1964.

An Act to enable the Road Maintenance (Contribution) Act, 1958, to be applied in certain circumstances to any vehicle not otherwise subject to the Act; to make provision for the imposition on any director, member of the governing body or manager of a body corporate of certain obligations and liabilities where the body corporate has failed to comply with certain provisions of the said Act; for these and other purposes to amend the said Act; and for purposes connected therewith.

BE

Road Maintenance (Contribution) 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 "Road Maintenance (Contribution) Amendment Act, 1964". Short title and citation.

(2) The Road Maintenance (Contribution) Act, 1958, as amended by this Act, may be cited as the Road Maintenance (Contribution) Act, 1958-1964.

2. The Road Maintenance (Contribution) Act, 1958, is amended— Amendment of Act No. 6, 1958.

(a) (i) by inserting in paragraph (a) of the definition of "Load capacity" in section three after the word "thereof" where secondly occurring the words ", or on the records kept,"; Sec. 3. (Interpretation.)

(ii) by omitting from paragraph (c) of the same definition the word "or" where secondly occurring and by inserting in lieu thereof the words "is shown in such certificate or on such records or where no such";

(b) by inserting next after section four the following new section :— New sec. 4A.

4A. Notwithstanding the provisions of section four of this Act, the Governor may, on the recommendation of the Commissioner, apply, by proclamation published in the Gazette, the provisions of this Act to any vehicle the load capacity of which is not more than four tons, where the Commissioner certifies that such vehicle (together with any trailer for the time being attached thereto) is, in his opinion, being used frequently for the carriage of a loading in excess of four tons. Application of Act to certain vehicles otherwise exempt.

The Commissioner shall, before so certifying, send a letter by post to the owner of such vehicle, informing him that he proposes to so certify and his

Road Maintenance (Contribution) Amendment.

his reasons therefor, and that he will so certify unless, within fourteen days or such longer period as the Commissioner may specify in such letter, such owner satisfies the Commissioner that there is sufficient cause to the contrary.

Upon the publication of any such proclamation, the provisions of this Act (section four excepted) shall apply with respect to any vehicle specified therein and to the owner thereof.

The Governor may, from time to time, alter, revoke or vary any such proclamation.

- (c) by omitting subsection two of section ten and by inserting in lieu thereof the following subsection :—

(2) Every person who is guilty of an offence against this Act shall for every such offence be liable to a penalty not exceeding two hundred pounds.

- (d) by inserting next after section ten the following section :—

10A. (1) Where the owner of a commercial goods vehicle is a body corporate and such owner fails to deliver to the Commissioner in accordance with the provisions of section seven of this Act the record referred to in paragraph (a) of subsection two of that section or, as the case may be, with those provisions as modified by any arrangement made under section eight of this Act, the Commissioner may serve a notice on any director, member of the governing body or manager, of such body corporate informing him that unless such record is delivered to the Commissioner within such period, not being less than fourteen days after the service of such notice, as may be specified therein, such director, member or manager shall be guilty of an offence against this Act.

If any record referred to in any such notice is not delivered to the Commissioner within the period

Road Maintenance (Contribution) Amendment.

period specified in the notice, the director, member or manager on whom the notice was served shall be guilty of an offence against this Act.

5 (2) Where any such owner fails to pay any amount payable by it to the Commissioner in accordance with the provisions of paragraph (b) of subsection two of section seven of this Act, or, as the case may be, with those provisions as modified by any arrangement made under section 10 eight of this Act, the Commissioner may by notice in writing served on such director, member or manager require such director, member or manager to pay such amount to the Commissioner within 15 such period not being less than fourteen days after the service of the notice as may be specified therein.

Any such notice may require the payment of all moneys owing by way of charges in respect of any one or more vehicles or months.

20 Upon the expiration of the period specified in the notice, the director, member or manager on whom it was served shall be liable to pay such amount to the Commissioner.

25 Nothing in this subsection affects the liability of a body corporate to pay any amount to the Commissioner in accordance with any of the provisions of this Act, but—

30 (a) where any such amount is paid to the Commissioner in accordance with the provisions of this subsection the liability under this Act of the body corporate shall be reduced by the same amount; and

35 (b) where, after a notice has been served in accordance with the provisions of this subsection on a director, member of the governing body or manager, of a body corporate, any such amount is paid by the body corporate the amount for which any such

Road Maintenance (Contribution) Amendment.

such director, member or manager is liable under this subsection shall be reduced by the amount paid by the body corporate.

5 (3) Any amount not paid to the Commissioner in accordance with the requirements of any notice served under subsection two of this section shall be a civil debt due to the Commissioner by the director, member or manager on whom the notice was served and, without affecting any other
10 method of recovery provided by this Act, may be recovered by the Commissioner in any court of competent jurisdiction.

15 (4) If any amount required to be paid by the director, member of the governing body or manager, of a body corporate in accordance with the requirements of a notice served on him under subsection two of this section is not paid within the period specified in the notice, such director, member
20 or manager shall be guilty of an offence against this Act.

Nothing in this subsection affects the liability of any such director, member or manager under any other provision of this section.

25 (5) Any notice under this section may be served—

- (a) personally; or
- (b) by sending it by pre-paid letter post to the director, member or manager to whom it is addressed at the registered office of the
30 body corporate.

Service of the notice may be proved by the oath of the person who served it, or by affidavit or otherwise.

35 (6) (a) Where any amount is paid to the Commissioner by a director or member of the governing body of a body corporate in accordance with the requirements of a notice served on him under subsection two of this section or pursuant to

Road Maintenance (Contribution) Amendment.

5 to an order made under section twelve of this Act, such director or member shall have a right of contribution against any other person who is a director or member of the governing body of such body corporate.

10 (b) Where any amount is so paid by a person who is a manager of a body corporate, every person who is a director or member of the governing body of such body corporate shall be jointly and severally liable to reimburse him for such amount.

15 (e) (i) by inserting in subsection one of section **Sec. 13.** thirteen next after the words "this Act" where (Evidentiary provisions.) firstly occurring the words "or in any proceedings for the recovery of any moneys payable under this Act";

(ii) by inserting next after paragraph (e) of the same subsection the following new paragraph:—

20 (f) a certificate purporting to be signed by the officer for the time being in charge of the records kept under the Companies Act, 1961, or under any corresponding legislation or ordinance
25 of any State or Territory of the Commonwealth, stating that on any date or during any period any person specified therein was a director, member of the governing body or
30 manager of any body corporate named in such certificate, shall be prima facie evidence of the matters so stated.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

[8d.]

Annual Report (Continued)

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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

RESEARCH REPORT
NO. 100

BY
J. H. GOLDSTEIN

AND
M. L. HUGGINS

CHICAGO, ILLINOIS

1952

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No. , 1964.

A BILL

To enable the Road Maintenance (Contribution Act, 1958, to be applied in certain circumstances to any vehicle not otherwise subject to the Act; to make provision for the imposition on any director, member of the governing body or manager of a body corporate of certain obligations and liabilities where the body corporate has failed to comply with certain provisions of the said Act; for these and other purposes to amend the said Act; and for purposes connected therewith.

[MR. McMAHON;—2 April, 1964.]

BE

Road Maintenance (Contribution) 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 "Road Maintenance (Contribution) Amendment Act, 1964".

Short title and citation.

(2) The Road Maintenance (Contribution) Act, 1958, as amended by this Act, may be cited as the Road Maintenance (Contribution) Act, 1958-1964.

2. The Road Maintenance (Contribution) Act, 1958, is amended—

Amendment of Act No. 6, 1958.

(a) (i) by inserting in paragraph (a) of the definition of "Load capacity" in section three after the word "thereof" where secondly occurring the words ", or on the records kept,";

Sec. 3. (Interpretation.)

(ii) by omitting from paragraph (c) of the same definition the word "or" where secondly occurring and by inserting in lieu thereof the words "is shown in such certificate or on such records or where no such";

(b) by inserting next after section four the following new section :—

New sec. 4A.

4A. Notwithstanding the provisions of section four of this Act, the Governor may, on the recommendation of the Commissioner, apply, by proclamation published in the Gazette, the provisions of this Act to any vehicle the load capacity of which is not more than four tons, where the Commissioner certifies that such vehicle (together with any trailer for the time being attached thereto) is, in his opinion, being used regularly for the carriage of a loading in excess of four tons.

Application of Act to certain vehicles otherwise exempt.

Upon

Road Maintenance (Contribution) Amendment.

Upon the publication of any such proclamation, the provisions of this Act (section four excepted) shall apply with respect to any vehicle specified therein and to the owner thereof.

5 The Governor may, from time to time, alter, revoke or vary any such proclamation.

(c) by omitting subsection two of section ten and by Sec. 10. inserting in lieu thereof the following sub- (Offences.) section :—

10 (2) Every person who is guilty of an offence against this Act shall for every such offence be liable to a penalty not exceeding two hundred pounds.

(d) by inserting next after section ten the following new section :— New sec. 10A.

15 10A. (1) Where the owner of a commercial goods vehicle is a body corporate and such owner fails to deliver to the Commissioner in accordance with the provisions of section seven of this Act the record referred to in paragraph (a) of subsection two of that section or, as the case may be, with those provisions as modified by any arrangement made under section eight of this Act, the Commissioner may serve a notice on any director, member of the governing body or manager, of such body corporate informing him that unless such record is delivered to the Commissioner within such period, not being less than fourteen days after the service of such notice, as may be specified therein, such director, member or manager shall be guilty of an offence against this Act. Liability of director, etc., of corporate body.

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If any record referred to in any such notice is not delivered to the Commissioner within the period specified in the notice, the director, member or manager on whom the notice was served shall be guilty of an offence against this Act.

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(2) Where any such owner fails to pay any amount payable by it to the Commissioner in accordance with the provisions of paragraph (b) of

Road Maintenance (Contribution) Amendment.

5 of subsection two of section seven of this Act, or, as the case may be, with those provisions as modified by any arrangement made under section eight of this Act, the Commissioner may by notice in writing served on such director, member or manager require such director, member or manager to pay such amount to the Commissioner within such period not being less than fourteen days after the service of the notice as may be specified therein.

10 Any such notice may require the payment of all moneys owing by way of charges in respect of any one or more vehicles or months.

15 Upon the expiration of the period specified in the notice, the director, member or manager on whom it was served shall be liable to pay such amount to the Commissioner.

20 Nothing in this subsection affects the liability of a body corporate to pay any amount to the Commissioner in accordance with any of the provisions of this Act, but—

(a) where any such amount is paid to the Commissioner in accordance with the provisions of this subsection the liability under this Act of the body corporate shall be reduced by the same amount; and

25 (b) where, after a notice has been served in accordance with the provisions of this subsection on a director, member of the governing body or manager, of a body corporate, any such amount is paid by the body corporate the amount for which any such director, member or manager is liable under this subsection shall be reduced by the amount paid by the body corporate.

30 (3) Any amount not paid to the Commissioner in accordance with the requirements of any notice served under subsection two of this section shall be a civil debt due to the Commissioner
35 by

Road Maintenance (Contribution) Amendment.

5 by the director, member or manager on whom the notice was served and, without affecting any other method of recovery provided by this Act, may be recovered by the Commissioner in any court of competent jurisdiction.

10 (4) If any amount required to be paid by the director, member of the governing body or manager, of a body corporate in accordance with the requirements of a notice served on him under subsection two of this section is not paid within the period specified in the notice, such director, member or manager shall be guilty of an offence against this Act.

15 Nothing in this subsection affects the liability of any such director, member or manager under any other provision of this section.

(5) Any notice under this section may be served—

- 20 (a) personally; or
(b) by sending it by pre-paid letter post to the director, member or manager to whom it is addressed at the registered office of the body corporate.

25 Service of the notice may be proved by the oath of the person who served it, or by affidavit or otherwise.

30 (e) (i) by inserting in subsection one of section Sec. 13. thirteen next after the words "this Act" where (Evidentiary provisions.) firstly occurring the words "or in any proceedings for the recovery of any moneys payable under this Act";

(ii) by inserting next after paragraph (e) of the same subsection the following new paragraph :—

35 (f) a certificate purporting to be signed by the officer for the time being in charge of the records kept under the Companies Act, 1961, or under any corresponding

Road Maintenance (Contribution) Amendment.

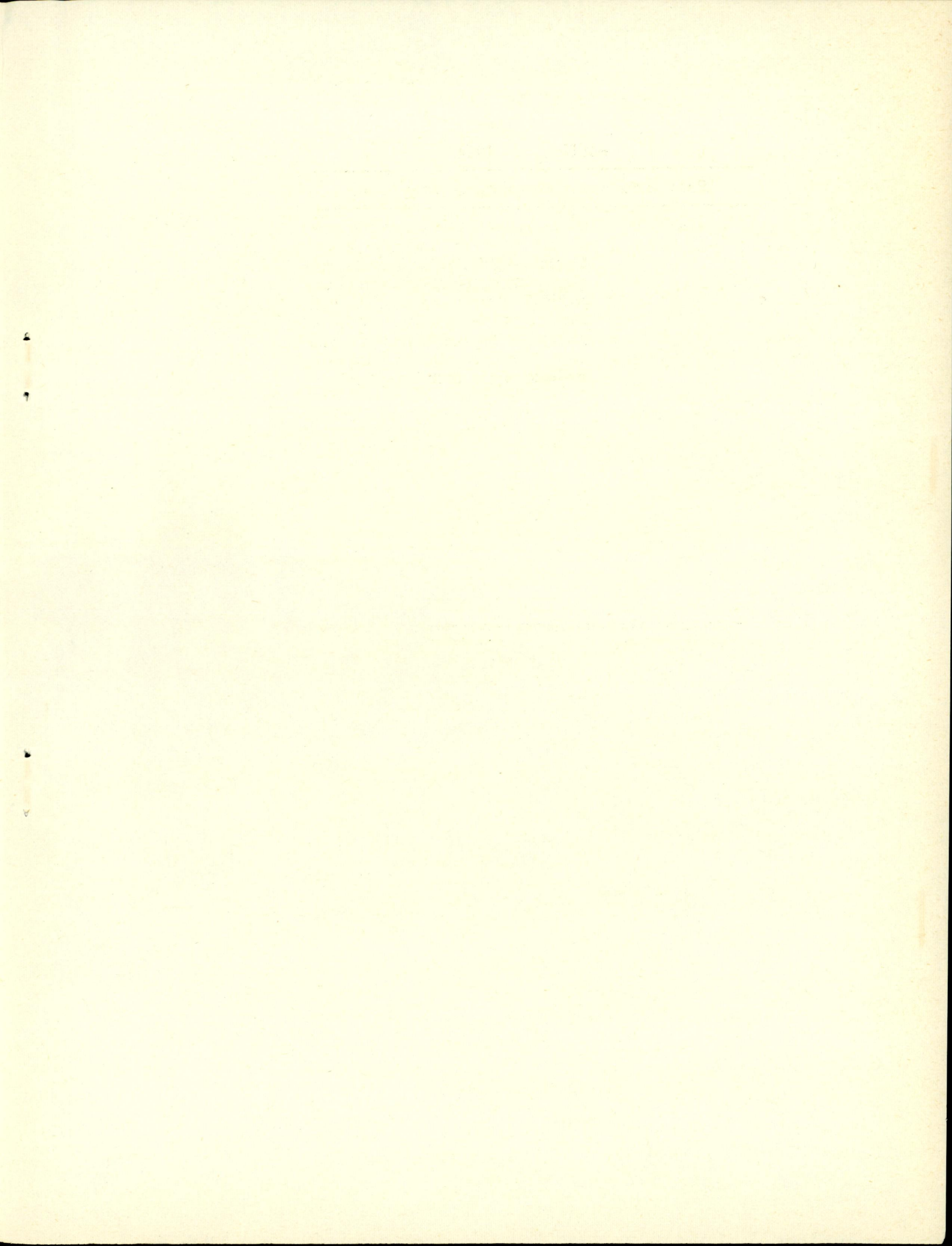
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corresponding legislation or ordinance of any State or Territory of the Commonwealth, stating that on any date or during any period any person specified therein was a director, member of the governing body or manager of any body corporate named in such certificate, shall be prima facie evidence of the matters so stated.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

[8d.]



ROAD MAINTENANCE (CONTRIBUTION) AMENDMENT BILL, 1964.

EXPLANATORY NOTE.

THE objects of this Bill are to amend the Road Maintenance (Contribution) Act, 1958—

- (a) to make directors, members of the governing body, or managers of bodies corporate which have failed to comply with certain provisions of the Act guilty of an offence against the Act in certain circumstances;
- (b) to enable the Act to be applied to any motor vehicle having a load capacity of four tons or less if, in the opinion of the Commissioner it regularly carries loading in excess of four tons;
- (c) to impose a maximum penalty of £200 for any offence against the Act in lieu of the existing penalties;
- (d) to extend the evidentiary provisions of the Act;
- (e) to make other amendments of a minor or ancillary character.

ROAD MAINTENANCE (CONTRACTORS) AGREEMENT

1991-1992

ARTICLE I

1.1 The purpose of this agreement is to provide for the maintenance of the roads of the County of ...

1.2 The parties to this agreement are the County of ... and the Contractors Association of ...

1.3 This agreement shall be in full force and effect from the date of its execution until the end of the fiscal year ...

1.4 The County shall provide the necessary equipment and materials for the maintenance of the roads.

1.5 The Contractors shall be responsible for the labor and supervision of the maintenance work.

1.6 The County shall pay the Contractors a fee for the maintenance services provided.

IN WITNESS WHEREOF, the County of ... and the Contractors Association of ... have hereunto set their hands and seals this ... day of ... 1991.

PROOF

No. , 1964.

A BILL

To enable the Road Maintenance (Contribution) Act, 1958, to be applied in certain circumstances to any vehicle not otherwise subject to the Act; to make provision for the imposition on any director, member of the governing body or manager of a body corporate of certain obligations and liabilities where the body corporate has failed to comply with certain provisions of the said Act; for these and other purposes to amend the said Act; and for purposes connected therewith.

[Mr. McMAHON;—2 April, 1964.]

BE

Road Maintenance (Contribution) 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 "Road Maintenance (Contribution) Amendment Act, 1964". Short title and citation.

(2) The Road Maintenance (Contribution) Act, 1958, as amended by this Act, may be cited as the Road Maintenance (Contribution) Act, 1958-1964.

2. The Road Maintenance (Contribution) Act, 1958, is amended— Amendment of Act No. 6, 1958.

(a) (i) by inserting in paragraph (a) of the definition of "Load capacity" in section three after the word "thereof" where secondly occurring the words ", or on the records kept,"; Sec. 3. (Interpretation.)

(ii) by omitting from paragraph (c) of the same definition the word "or" where secondly occurring and by inserting in lieu thereof the words "is shown in such certificate or on such records or where no such";

(b) by inserting next after section four the following new section :— New sec. 4A.

4A. Notwithstanding the provisions of section four of this Act, the Governor may, on the recommendation of the Commissioner, apply, by proclamation published in the Gazette, the provisions of this Act to any vehicle the load capacity of which is not more than four tons, where the Commissioner certifies that such vehicle (together with any trailer for the time being attached thereto) is, in his opinion, being used regularly for the carriage of a loading in excess of four tons. Application of Act to certain vehicles otherwise exempt.

Upon

Road Maintenance (Contribution) Amendment.

Upon the publication of any such proclamation, the provisions of this Act (section four excepted) shall apply with respect to any vehicle specified therein and to the owner thereof.

5 The Governor may, from time to time, alter, revoke or vary any such proclamation.

(c) by omitting subsection two of section ten and by Sec. 10. inserting in lieu thereof the following sub- (Offences.) section : —

10 (2) Every person who is guilty of an offence against this Act shall for every such offence be liable to a penalty not exceeding two hundred pounds.

(d) by inserting next after section ten the following new section : — New sec. 10A.

15 10A. (1) Where the owner of a commercial goods vehicle is a body corporate and such owner fails to deliver to the Commissioner in accordance with the provisions of section seven of this Act the record referred to in paragraph (a) of subsection Liability of director, etc., of corporate body. two of that section or, as the case may be, with those provisions as modified by any arrangement made under section eight of this Act, the Commissioner may serve a notice on any director, member of the governing body or manager, of such body body. corporate informing him that unless such record is delivered to the Commissioner within such period, not being less than fourteen days after the service of such notice, as may be specified therein, such director, member or manager shall be guilty of an body. offence against this Act.

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30 If any record referred to in any such notice is not delivered to the Commissioner within the period specified in the notice, the director, member or manager on whom the notice was served shall be guilty of an offence against this Act.

35 (2) Where any such owner fails to pay any amount payable by it to the Commissioner in accordance with the provisions of paragraph (b) of

Road Maintenance (Contribution) Amendment.

5 of subsection two of section seven of this Act, or, as the case may be, with those provisions as modified by any arrangement made under section eight of this Act, the Commissioner may by notice in writing served on such director, member or manager require such director, member or manager to pay such amount to the Commissioner within such period not being less than fourteen days after the service of the notice as may be specified therein.

10 Any such notice may require the payment of all moneys owing by way of charges in respect of any one or more vehicles or months.

15 Upon the expiration of the period specified in the notice, the director, member or manager on whom it was served shall be liable to pay such amount to the Commissioner.

20 Nothing in this subsection affects the liability of a body corporate to pay any amount to the Commissioner in accordance with any of the provisions of this Act, but—

25 (a) where any such amount is paid to the Commissioner in accordance with the provisions of this subsection the liability under this Act of the body corporate shall be reduced by the same amount; and

30 (b) where, after a notice has been served in accordance with the provisions of this subsection on a director, member of the governing body or manager, of a body corporate, any such amount is paid by the body corporate the amount for which any such director, member or manager is liable under this subsection shall be reduced by the amount paid by the body corporate.

35 (3) Any amount not paid to the Commissioner in accordance with the requirements of any notice served under subsection two of this section shall be a civil debt due to the Commissioner by

Road Maintenance (Contribution) Amendment.

5 by the director, member or manager on whom the notice was served and, without affecting any other method of recovery provided by this Act, may be recovered by the Commissioner in any court of competent jurisdiction.

10 (4) If any amount required to be paid by the director, member of the governing body or manager, of a body corporate in accordance with the requirements of a notice served on him under subsection two of this section is not paid within the period specified in the notice, such director, member or manager shall be guilty of an offence against this Act.

15 Nothing in this subsection affects the liability of any such director, member or manager under any other provision of this section.

(5) Any notice under this section may be served—

20 (a) personally; or

(b) by sending it by pre-paid letter post to the director, member or manager to whom it is addressed at the registered office of the body corporate.

25 Service of the notice may be proved by the oath of the person who served it, or by affidavit or otherwise.

30 (e) (i) by inserting in subsection one of section thirteen next after the words "this Act" where firstly occurring the words "or in any proceedings for the recovery of any moneys payable under this Act";

Sec. 13.
(Evidentiary provisions.)

(ii) by inserting next after paragraph (e) of the same subsection the following new paragraph :—

35 (f) a certificate purporting to be signed by the officer for the time being in charge of the records kept under the Companies Act, 1961, or under any corresponding

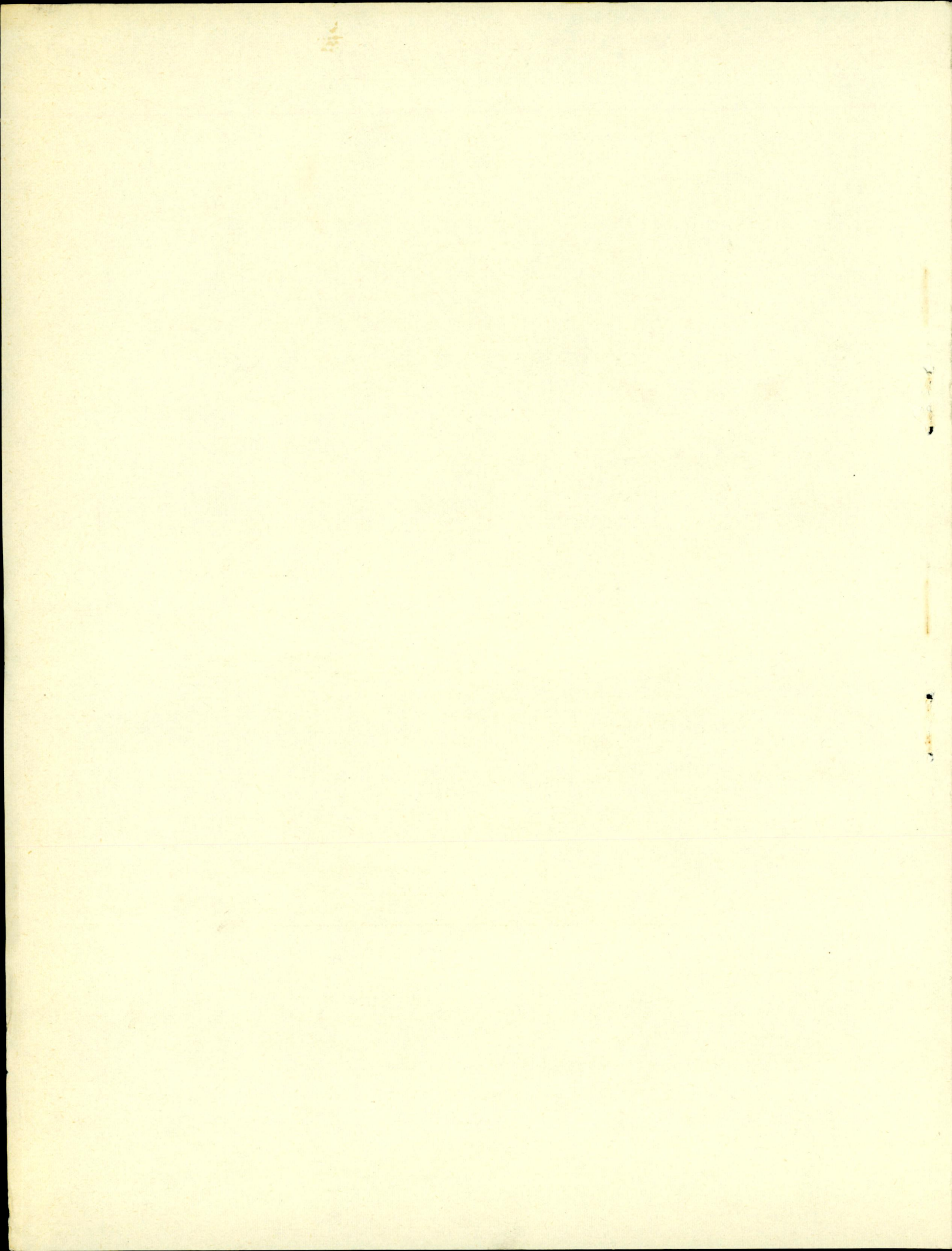
Road Maintenance (Contribution) Amendment.

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corresponding legislation or ordinance of any State or Territory of the Commonwealth, stating that on any date or during any period any person specified therein was a director, member of the governing body or manager of any body corporate named in such certificate, shall be prima facie evidence of the matters so stated.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964



New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 26, 1964.

An Act to enable the Road Maintenance (Contribution) Act, 1958, to be applied in certain circumstances to any vehicle not otherwise subject to the Act; to make provision for the imposition on any director, member of the governing body or manager of a body corporate of certain obligations and liabilities where the body corporate has failed to comply with certain provisions of the said Act; for these and other purposes to amend the said Act; and for purposes connected therewith. [Assented to, 12th May, 1964.]

BE

Road Maintenance (Contribution) 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 "Road Maintenance (Contribution) Amendment Act, 1964".

(2) The Road Maintenance (Contribution) Act, 1958, as amended by this Act, may be cited as the Road Maintenance (Contribution) Act, 1958-1964.

Amendment of Act No. 6, 1958.

2. The Road Maintenance (Contribution) Act, 1958, is amended—

Sec. 3.
(Interpretation.)

(a) (i) by inserting in paragraph (a) of the definition of "Load capacity" in section three after the word "thereof" where secondly occurring the words ", or on the records kept,";

(ii) by omitting from paragraph (c) of the same definition the word "or" where secondly occurring and by inserting in lieu thereof the words "is shown in such certificate or on such records or where no such";

New sec. 4A.

(b) by inserting next after section four the following new section :—

Application of Act to certain vehicles otherwise exempt.

4A. Notwithstanding the provisions of section four of this Act, the Governor may, on the recommendation of the Commissioner, apply, by proclamation published in the Gazette, the provisions of this Act to any vehicle the load capacity of which is not more than four tons, where the Commissioner certifies that such vehicle (together with any trailer for the time being attached thereto) is, in his opinion, being used frequently for the carriage of a loading in excess of four tons.

The Commissioner shall, before so certifying, send a letter by post to the owner of such vehicle, informing him that he proposes to so certify and
his

Road Maintenance (Contribution) Amendment.

his reasons therefor, and that he will so certify unless, within fourteen days or such longer period as the Commissioner may specify in such letter, such owner satisfies the Commissioner that there is sufficient cause to the contrary.

Upon the publication of any such proclamation, the provisions of this Act (section four excepted) shall apply with respect to any vehicle specified therein and to the owner thereof.

The Governor may, from time to time, alter, revoke or vary any such proclamation.

- (c) by omitting subsection two of section ten and by inserting in lieu thereof the following sub-section : — Sec. 10.
(Offences.)

(2) Every person who is guilty of an offence against this Act shall for every such offence be liable to a penalty not exceeding two hundred pounds.

- (d) by inserting next after section ten the following new section : — New sec.
10A.

10A. (1) Where the owner of a commercial goods vehicle is a body corporate and such owner fails to deliver to the Commissioner in accordance with the provisions of section seven of this Act the record referred to in paragraph (a) of subsection two of that section or, as the case may be, with those provisions as modified by any arrangement made under section eight of this Act, the Commissioner may serve a notice on any director, member of the governing body or manager, of such body corporate informing him that unless such record is delivered to the Commissioner within such period, not being less than fourteen days after the service of such notice, as may be specified therein, such director, member or manager shall be guilty of an offence against this Act. Liability of
director, etc.,
of corporate
body.

If any record referred to in any such notice is not delivered to the Commissioner within the period

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period specified in the notice, the director, member or manager on whom the notice was served shall be guilty of an offence against this Act.

(2) Where any such owner fails to pay any amount payable by it to the Commissioner in accordance with the provisions of paragraph (b) of subsection two of section seven of this Act, or, as the case may be, with those provisions as modified by any arrangement made under section eight of this Act, the Commissioner may by notice in writing served on such director, member or manager require such director, member or manager to pay such amount to the Commissioner within such period not being less than fourteen days after the service of the notice as may be specified therein.

Any such notice may require the payment of all moneys owing by way of charges in respect of any one or more vehicles or months.

Upon the expiration of the period specified in the notice, the director, member or manager on whom it was served shall be liable to pay such amount to the Commissioner.

Nothing in this subsection affects the liability of a body corporate to pay any amount to the Commissioner in accordance with any of the provisions of this Act, but—

- (a) where any such amount is paid to the Commissioner in accordance with the provisions of this subsection the liability under this Act of the body corporate shall be reduced by the same amount; and
- (b) where, after a notice has been served in accordance with the provisions of this subsection on a director, member of the governing body or manager, of a body corporate, any such amount is paid by the body corporate the amount for which any

such

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such director, member or manager is liable under this subsection shall be reduced by the amount paid by the body corporate.

(3) Any amount not paid to the Commissioner in accordance with the requirements of any notice served under subsection two of this section shall be a civil debt due to the Commissioner by the director, member or manager on whom the notice was served and, without affecting any other method of recovery provided by this Act, may be recovered by the Commissioner in any court of competent jurisdiction.

(4) If any amount required to be paid by the director, member of the governing body or manager, of a body corporate in accordance with the requirements of a notice served on him under subsection two of this section is not paid within the period specified in the notice, such director, member or manager shall be guilty of an offence against this Act.

Nothing in this subsection affects the liability of any such director, member or manager under any other provision of this section.

(5) Any notice under this section may be served—

- (a) personally; or
- (b) by sending it by pre-paid letter post to the director, member or manager to whom it is addressed at the registered office of the body corporate.

Service of the notice may be proved by the oath of the person who served it, or by affidavit or otherwise.

(6) (a) Where any amount is paid to the Commissioner by a director or member of the governing body of a body corporate in accordance with the requirements of a notice served on him under subsection two of this section or pursuant

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to an order made under section twelve of this Act, such director or member shall have a right of contribution against any other person who is a director or member of the governing body of such body corporate.

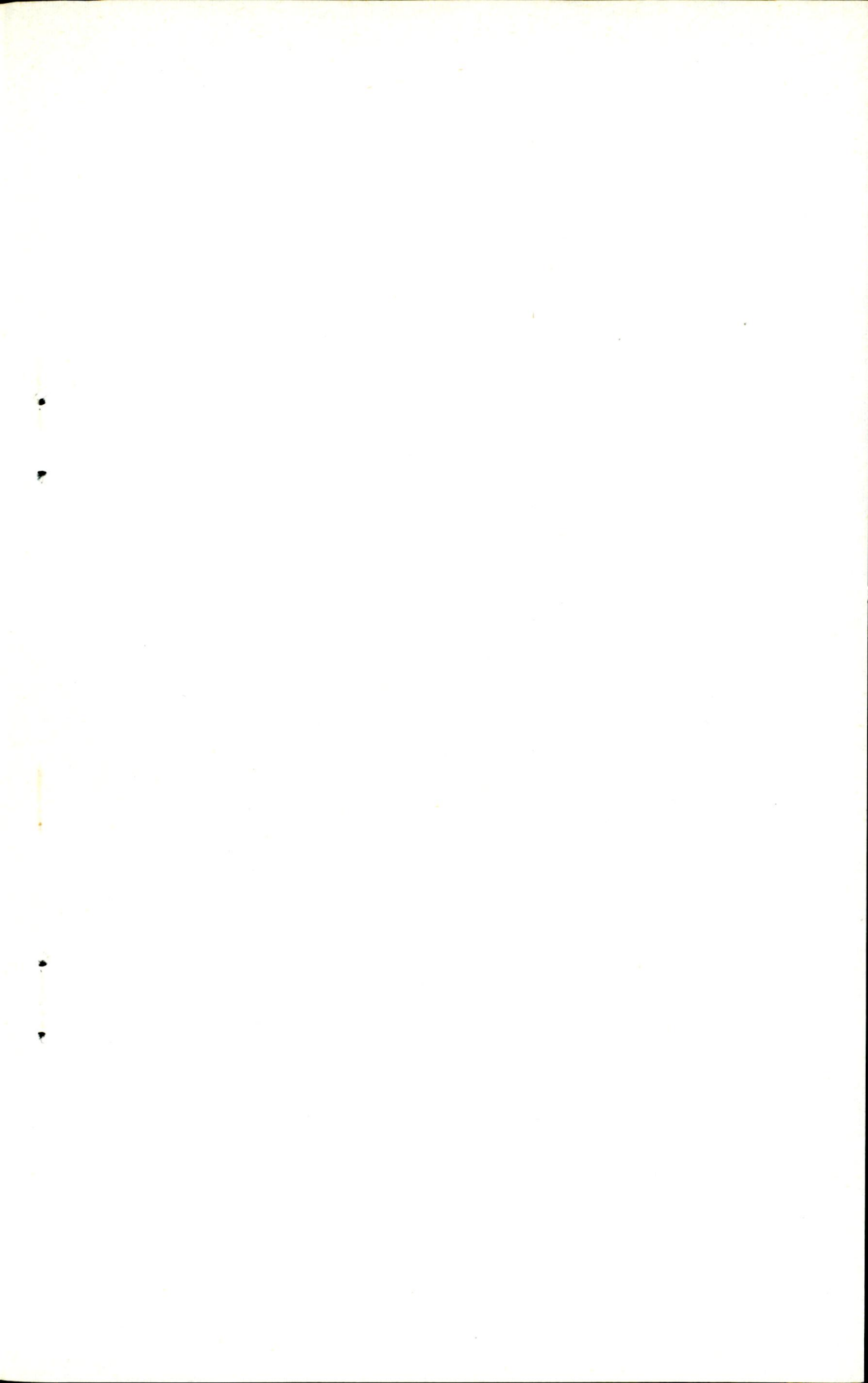
(b) Where any amount is so paid by a person who is a manager of a body corporate, every person who is a director or member of the governing body of such body corporate shall be jointly and severally liable to reimburse him for such amount.

Sec. 13.
(Evidentiary
provisions.)

- (e) (i) by inserting in subsection one of section thirteen next after the words "this Act" where firstly occurring the words "or in any proceedings for the recovery of any moneys payable under this Act";
- (ii) by inserting next after paragraph (e) of the same subsection the following new paragraph:—
- (f) a certificate purporting to be signed by the officer for the time being in charge of the records kept under the Companies Act, 1961, or under any corresponding legislation or ordinance of any State or Territory of the Commonwealth, stating that on any date or during any period any person specified therein was a director, member of the governing body or manager of any body corporate named in such certificate, shall be prima facie evidence of the matters so stated.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964





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, 29 April, 1964.*

New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 26, 1964.

An Act to enable the Road Maintenance (Contribution) Act, 1958, to be applied in certain circumstances to any vehicle not otherwise subject to the Act; to make provision for the imposition on any director, member of the governing body or manager of a body corporate of certain obligations and liabilities where the body corporate has failed to comply with certain provisions of the said Act; for these and other purposes to amend the said Act; and for purposes connected therewith. [Assented to, 12th May, 1964.]

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.

Road Maintenance (Contribution) 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 "Road Maintenance (Contribution) Amendment Act, 1964".

(2) The Road Maintenance (Contribution) Act, 1958, as amended by this Act, may be cited as the Road Maintenance (Contribution) Act, 1958-1964.

Amendment
of Act No.
6, 1958.

2. The Road Maintenance (Contribution) Act, 1958, is amended—

Sec. 3.
(Interpre-
tation.)

(a) (i) by inserting in paragraph (a) of the definition of "Load capacity" in section three after the word "thereof" where secondly occurring the words ", or on the records kept,";

(ii) by omitting from paragraph (c) of the same definition the word "or" where secondly occurring and by inserting in lieu thereof the words "is shown in such certificate or on such records or where no such";

New sec. 4A.

(b) by inserting next after section four the following new section:—

Application
of Act to
certain
vehicles
otherwise
exempt.

4A. Notwithstanding the provisions of section four of this Act, the Governor may, on the recommendation of the Commissioner, apply, by proclamation published in the Gazette, the provisions of this Act to any vehicle the load capacity of which is not more than four tons, where the Commissioner certifies that such vehicle (together with any trailer for the time being attached thereto) is, in his opinion, being used frequently for the carriage of a loading in excess of four tons.

The Commissioner shall, before so certifying, send a letter by post to the owner of such vehicle, informing him that he proposes to so certify and
his

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his reasons therefor, and that he will so certify unless, within fourteen days or such longer period as the Commissioner may specify in such letter, such owner satisfies the Commissioner that there is sufficient cause to the contrary.

Upon the publication of any such proclamation, the provisions of this Act (section four excepted) shall apply with respect to any vehicle specified therein and to the owner thereof.

The Governor may, from time to time, alter, revoke or vary any such proclamation.

- (c) by omitting subsection two of section ten and by inserting in lieu thereof the following section : — Sec. 10.
(Offences.)

(2) Every person who is guilty of an offence against this Act shall for every such offence be liable to a penalty not exceeding two hundred pounds.

- (d) by inserting next after section ten the following new section : — New sec.
10A.

10A. (1) Where the owner of a commercial goods vehicle is a body corporate and such owner fails to deliver to the Commissioner in accordance with the provisions of section seven of this Act the record referred to in paragraph (a) of subsection two of that section or, as the case may be, with those provisions as modified by any arrangement made under section eight of this Act, the Commissioner may serve a notice on any director, member of the governing body or manager, of such body corporate informing him that unless such record is delivered to the Commissioner within such period, not being less than fourteen days after the service of such notice, as may be specified therein, such director, member or manager shall be guilty of an offence against this Act. Liability of
director, etc.,
of corporate
body.

If any record referred to in any such notice is not delivered to the Commissioner within the period

Road Maintenance (Contribution) Amendment.

period specified in the notice, the director, member or manager on whom the notice was served shall be guilty of an offence against this Act.

(2) Where any such owner fails to pay any amount payable by it to the Commissioner in accordance with the provisions of paragraph (b) of subsection two of section seven of this Act, or, as the case may be, with those provisions as modified by any arrangement made under section eight of this Act, the Commissioner may by notice in writing served on such director, member or manager require such director, member or manager to pay such amount to the Commissioner within such period not being less than fourteen days after the service of the notice as may be specified therein.

Any such notice may require the payment of all moneys owing by way of charges in respect of any one or more vehicles or months.

Upon the expiration of the period specified in the notice, the director, member or manager on whom it was served shall be liable to pay such amount to the Commissioner.

Nothing in this subsection affects the liability of a body corporate to pay any amount to the Commissioner in accordance with any of the provisions of this Act, but—

- (a) where any such amount is paid to the Commissioner in accordance with the provisions of this subsection the liability under this Act of the body corporate shall be reduced by the same amount; and
- (b) where, after a notice has been served in accordance with the provisions of this subsection on a director, member of the governing body or manager, of a body corporate, any such amount is paid by the body corporate the amount for which any such

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such director, member or manager is liable under this subsection shall be reduced by the amount paid by the body corporate.

(3) Any amount not paid to the Commissioner in accordance with the requirements of any notice served under subsection two of this section shall be a civil debt due to the Commissioner by the director, member or manager on whom the notice was served and, without affecting any other method of recovery provided by this Act, may be recovered by the Commissioner in any court of competent jurisdiction.

(4) If any amount required to be paid by the director, member of the governing body or manager, of a body corporate in accordance with the requirements of a notice served on him under subsection two of this section is not paid within the period specified in the notice, such director, member or manager shall be guilty of an offence against this Act.

Nothing in this subsection affects the liability of any such director, member or manager under any other provision of this section.

(5) Any notice under this section may be served—

- (a) personally; or
- (b) by sending it by pre-paid letter post to the director, member or manager to whom it is addressed at the registered office of the body corporate.

Service of the notice may be proved by the oath of the person who served it, or by affidavit or otherwise.

(6) (a) Where any amount is paid to the Commissioner by a director or member of the governing body of a body corporate in accordance with the requirements of a notice served on him under subsection two of this section or pursuant
to

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to an order made under section twelve of this Act, such director or member shall have a right of contribution against any other person who is a director or member of the governing body of such body corporate.

(b) Where any amount is so paid by a person who is a manager of a body corporate, every person who is a director or member of the governing body of such body corporate shall be jointly and severally liable to reimburse him for such amount.

Sec. 13.
(Evidentiary
provisions.)

- (e) (i) by inserting in subsection one of section thirteen next after the words "this Act" where firstly occurring the words "or in any proceedings for the recovery of any moneys payable under this Act";
- (ii) by inserting next after paragraph (e) of the same subsection the following new paragraph :—
- (f) a certificate purporting to be signed by the officer for the time being in charge of the records kept under the Companies Act, 1961, or under any corresponding legislation or ordinance of any State or Territory of the Commonwealth, stating that on any date or during any period any person specified therein was a director, member of the governing body or manager of any body corporate named in such certificate, shall be prima facie evidence of the matters so stated.

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

K. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 12th May, 1964.*

