

# New South Wales



ANNO OCTAVO DECIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 32, 1969.

An Act to remove the restrictions on the transfer of licenses under the State Transport (Co-ordination) Act, 1931, as subsequently amended, of taxi-cabs and private hire cars; to make further provision with respect to the purposes for which the Road Transport and Traffic Fund established under the Transport Act, 1930, as subsequently amended, may be expended; to empower certain members of the police force to enter certain premises and places on which certain repairs to motor vehicles are ordinarily carried out; to make provision with respect to tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969;

for

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

for these and other purposes to amend the Transport Act, 1930, the Motor Traffic Act, 1909, the State Transport (Co-ordination) Act, 1931, the Motor Vehicles (Third Party Insurance) Act, 1942, the Road Maintenance (Contribution) Act, 1958, the Motor Vehicles Taxation Management Act, 1949, and the Government Railways Act, 1912, as subsequently amended; to validate certain matters; and for purposes connected therewith. [Assented to, 9th April, 1969.]

**B**E 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,  
citation and  
commence-  
ment.

1. (1) This Act may be cited as the "Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969".

(2) The Transport Act, 1930, as subsequently amended and as amended by this Act, may be cited as the Transport Act, 1930–1969.

(3) The Motor Traffic Act, 1909, as subsequently amended and as amended by this Act, may be cited as the Motor Traffic Act, 1909–1969.

(4) The State Transport (Co-ordination) Act, 1931, as subsequently amended and as amended by this Act, may be cited as the State Transport (Co-ordination) Act, 1931–1969.

(5) The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942–1969.

(6)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(6) The Road Maintenance (Contribution) Act, 1958, as subsequently amended and as amended by this Act, may be cited as the Road Maintenance (Contribution) Act, 1958-1969.

(7) The Motor Vehicles Taxation Management Act, 1949, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1969.

(8) The Government Railways Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Government Railways Act, 1912-1969.

(9) Except as provided in subsection ten of this section, this Act shall commence upon the day on which it receives the Royal assent.

(10) Paragraph (c) of subsection one of section two of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Transport Act, 1930, as subsequently amended, is amended—

(a) by omitting subsection twelve of section one hundred and fifty-two;

(b) by omitting section 171A;

(c) by inserting next after section 171B the following new section :—

171c. (1) The provisions of section one hundred and fifty-four of this Act apply, subject to the modifications specified in subsection two of this section, to and in respect of taxi-cabs and private hire

Amendment of Act No. 18, 1930.

Sec. 152. (Applications.)

Sec. 171A. (Transfers of registrations of taxi-cabs and private hire cars.)

New sec. 171c.

Insurance of taxi-cabs and private hire cars against damage to property.

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hire cars and owners and authorised insurers thereof in the same way as they apply to and in respect of motor omnibuses and owners and authorised insurers thereof.

(2) For the purposes only of that application, the provisions of section one hundred and fifty-four of this Act shall be deemed to be modified as follows :—

- (a) by omitting the words “motor omnibus” wherever occurring and by inserting in lieu thereof the words “taxi-cab or private hire car”;
- (b) by omitting from paragraph (d) of subsection (3B) the words “Motor Vehicles (Third Party Insurance) Amendment Act, 1963” and by inserting in lieu thereof the words “paragraph (c) of section two of the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969”;
- (c) by omitting from subsection nine of the same section the words “a service license may be suspended or revoked by the Commissioner” and by inserting in lieu thereof the words “the license for the taxi-cab or private hire car, as the case may be, under the State Transport (Co-ordination) Act, 1931, as subsequently amended, may be cancelled by the Commissioner”;

Sec. 202.  
(Fund to be  
established.)

- (d) (i) by inserting at the end of subsection one of section two hundred and two the following new paragraph :—

(h) all moneys paid under the Transfer of Public Vehicles (Taxation) Act, 1969.

(ii)

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- (ii) by inserting next after paragraph (d) of subsection two of the same section the following new paragraphs :—
  - (d1) the cost of providing and maintaining traffic control signs and notices, traffic control light signals and other traffic facilities for the guidance of drivers of motor vehicles and the protection of pedestrians on public streets and the cost of making essential or incidental alterations to public streets for that purpose;
  - (d2) the cost or a contribution towards the cost of roadworks, other than those referred to in paragraph (d1) of this subsection, on public streets in connection with the installation of traffic or pedestrian facilities;
  - (d3) a contribution towards the cost of erecting bridges or subways or other facilities for use by pedestrians over, across, under or alongside public streets;
  - (d4) the payment of an annual grant, approved by the Minister, to the Road Safety Council of New South Wales;
- (iii) by inserting next after the same subsection the following new subsection :—
  - (2A) No expenditure shall, after the day on which the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969, receives the Royal assent, be made from the fund pursuant to paragraph (d2) or (d3) of subsection two of this section except with the approval in writing of the Minister.

(e)



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New sec.  
202B.

- (e) by inserting next after section 202A the following new section :—

Accounts  
of Road  
Safety  
Council of  
New South  
Wales.

202B. (1) Full and accurate accounts shall be kept by the Road Safety Council of New South Wales in respect of all moneys paid or received by it.

(2) The accounts of the Road Safety Council of New South Wales shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

(3) As soon as practicable after the thirtieth day of June in each year the Road Safety Council of New South Wales shall prepare and transmit to the Minister statements of account in respect of the period of twelve months ended on that day in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Council.

(4) The Audit Act, 1902, as subsequently amended, shall apply to directors and officers of the Road Safety Council of New South Wales in the same manner as it applies to accounting officers of public departments.

Sec. 250.  
(Recovery  
of fares,  
&c.)

- (f) by omitting from subsection one of section two hundred and fifty the words "All penalties" and by inserting in lieu thereof the words "Subject to section 254A of this Act, all penalties";

New sec.  
254A.

- (g) by inserting next after section two hundred and fifty-four the following new section :—

Recovery  
of amounts  
due to  
Commis-  
sioner or  
Commis-  
sioner for  
Government  
Transport.

254A. (1) Any annual service license fee or instalment thereof and any additional charge in respect of an annual service license fee which becomes payable to, and any other fee or money due to or recoverable by, the Commissioner under this Act or the regulations may be recovered by him as a debt in any court of competent jurisdiction.

(2)



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(2) Any money or fee due to or recoverable under this Act or the regulations by the Commissioner for Government Transport may be recovered by him as a debt in any court of competent jurisdiction.

(3) For the purposes of subsections one and two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

(2) Any expenditure that was incurred by the Commissioner out of the Road Transport and Traffic Fund before the day on which this Act receives the Royal assent and that would have been authorised had paragraph (d1), (d2), (d3) or (d4) of subsection two of section two hundred and two of the Transport Act, 1930, as subsequently amended (as inserted by subparagraph (ii) of paragraph (d) of subsection one of this section) been in force at the time when the expenditure was incurred is hereby validated.

**3.** The Motor Traffic Act, 1909, as subsequently amended, is amended— Amendment  
of Act No.  
5, 1909.

(a) by inserting next after section 7B the following new section :— New sec.  
7C.

7C. (1) A member of the police force authorised in that behalf by the Commissioner of Police may enter at any time any premises or place on which the business of carrying out repairs, resulting from accidents, to damaged motor vehicles is ordinarily carried on and may inspect any motor vehicle or part of a motor vehicle that is found by him in or upon those premises or that place for the purpose of ascertaining whether or not it is a stolen motor vehicle or part. Power of  
entry for  
tracing  
stolen  
motor  
vehicles  
or parts  
thereof.

(2) Any person who wilfully delays or obstructs a member of the police force in the exercise of his authority under subsection one of this section

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section shall be guilty of an offence under this Act and shall be liable to a penalty not exceeding two hundred dollars.

Sec. 20.  
(Recovery  
and  
evidence.)

- (b) (i) by omitting from section twenty the words "and in any court of competent jurisdiction";  
(ii) by inserting at the end of the same section the following new subsections :—

(2) Any prescribed fee may be recovered by the Commissioner as a debt in any court of competent jurisdiction.

(3) For the purposes of subsection two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

Amendment  
of Act No.  
32, 1931.

4. The State Transport (Co-ordination) Act, 1931, as subsequently amended, is amended—

Sec. 16.  
(Registra-  
tion of  
license.)

- (a) (i) by omitting from subsection seven of section sixteen the words "Subject to section 17A of this Act the" and by inserting in lieu thereof the word "The";  
(ii) by inserting at the end of the same section the following new subsections :—

(9) An application for the transfer of a license granted under this Act for a taxi-cab registered under the Transport Act, 1930, as subsequently amended, or a private hire car so registered shall not be granted by the Commissioner for Motor Transport unless—

- (a) there has been paid to him by the transferor tax at the rates calculated in accordance with the Transfer of Public Vehicles (Taxation) Act, 1969, or by any Act amending or replacing that Act; and

(b)

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(b) the application is accompanied by an application for the transfer of the registration under the Transport Act, 1930, as subsequently amended, of the taxi-cab or private hire car to the proposed transferee of the license granted under this Act.

(10) A transfer of license referred to in subsection nine of this section is exempt from tax under the Transfer of Public Vehicles (Taxation) Act, 1969, where the holder of the license has died and the transferee is entitled to the license under the will or on the intestacy of that holder.

(11) The surrender of a license and the issue of another license to a nominee of the holder of the firstmentioned license pursuant to an application made to the Commissioner for Motor Transport before the day on which this Act receives the Royal assent is, subject to section seventeen of this Act, hereby authorised and any such surrender and issue effected before that day is hereby validated.

(12) No tax under the Transfer of Public Vehicles (Taxation) Act, 1969, shall be payable in respect of—

- (a) the surrender and issue of a license authorised under subsection eleven of this section; or
- (b) the transfer of a license, the application for which transfer was lodged with the Commissioner for Motor Transport before the day on which this Act receives the Royal assent.

(13) Where the holder of a license for a public motor vehicle dies or becomes mentally ill, an incapable person or a protected person within



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within the meaning of the Mental Health Act, 1958, as subsequently amended, and an approval to operate the public motor vehicle is granted by the Commissioner for Motor Transport pursuant to an application made by any person under subsection fourteen of this section, that person shall, for the purposes of this Act, be deemed to be the holder of the license in respect of the public motor vehicle and shall, in respect of the public motor vehicle, be subject to the provisions of this Act and the regulations and the conditions attached to the license.

(14) An application for the approval of the Commissioner for Motor Transport to operate a public motor vehicle, the holder of the license for which has died or become mentally ill, an incapable person or a protected person within the meaning of the Mental Health Act, 1958, as subsequently amended—

- (a) shall be made in writing to the Commissioner for Motor Transport; and
- (b) may be granted or refused by the Commissioner for Motor Transport.

(15) An approval granted under subsection fourteen of this section shall, subject to subsection sixteen of this section, be in force for such period as the Commissioner for Motor Transport may determine and specify in the instrument of approval and may from time to time be extended by the Commissioner for Motor Transport.

(16) The Commissioner for Motor Transport may for any reason that to him seems sufficient at any time cancel an approval granted by him under subsection fourteen of this section.

(b)



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- (b) by omitting section 17A;

Sec. 17A.  
(Transfer of  
taxi-cab and  
private hire  
car licenses.)

- (c) (i) by inserting in subsection four of section twenty-two after the words "holder of the permit" where secondly occurring the words "in any court of competent jurisdiction";

Sec. 22.  
(Permits to  
use vehicle  
for carriage  
of passengers  
or goods.)

- (ii) by inserting at the end of the same section the following new subsection : —

(5) For the purposes of subsection four of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

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

Subst.  
sec. 39.

39. (1) Any amount due to or recoverable under subsection four or five of section eighteen of this Act, any amount due under section thirty-seven of this Act, any other fees payable under this Act or the regulations and any tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969, may be recovered by the Commissioner for Motor Transport as a debt in any court of competent jurisdiction.

Recovery of  
amounts due.

(2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

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Amendment of Act No. 15, 1942. **5.** The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended, is amended—

**Sec. 15.**  
(Entry of  
judgment  
against  
authorised  
insurer in  
certain  
events.)

- (a) by inserting in subparagraph (ii) of paragraph (b) of subsection two of section fifteen after the words “as the” the words “authorised insurer or the nominal defendant, as the case may be, or the”;

Sec. 30.  
(Claims in  
respect of  
uninsured  
and un-  
identified  
motor  
vehicles.)

- (b) (i) by inserting in subsection one of section thirty after the words “as the” the words “nominal defendant or the”;
- (ii) by inserting in subparagraph (ii) of paragraph (b) of subsection two of the same section after the words “as the” the words “nominal defendant or the”;

New sec.  
31A.

- (c) by inserting next after section thirty-one the following new section :—

Accounts  
to be kept  
by nominal  
defendant.

31A. (1) Full and accurate accounts shall be kept by the nominal defendant in respect of all amounts paid or received by him.

(2) As soon as practicable after the thirty-first day of December, one thousand nine hundred and sixty-nine, and thereafter as soon as practicable after the thirty-first day of December in each year the nominal defendant shall prepare and transmit to the Minister for presentation to Parliament statements of accounts in respect of that year in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the nominal defendant.

(3) The accounts of the nominal defendant shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

(4)

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(4) The Audit Act, 1902, as subsequently amended, shall apply to the nominal defendant in the same manner as it applies to accounting officers of public departments.

(5) For the purpose of meeting the costs and expenses of the audit the nominal defendant shall pay to the Treasurer for payment into the Consolidated Revenue Fund such sums at such times as the Treasurer may decide.

6. The Road Maintenance (Contribution) Act, 1958, as subsequently amended, is amended by inserting at the end of section five the following new subsection :—

Amendment  
of Act No.  
6, 1958.

Sec. 5.

(Contribu-  
tion  
towards  
wear and  
tear of  
public  
streets.)

(4) For the purposes of subsection three of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

7. The Motor Vehicles Taxation Management Act, 1949, as subsequently amended, is amended—

Amendment  
of Act No.  
34, 1949.

(a) by omitting from section thirteen the words “before a stipendiary magistrate or any two justices in petty sessions at any time or”; Sec. 13.  
(Recovery  
of tax.)

(b) by inserting at the end of the same section the following new subsection :—

(2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

8.

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*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

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Amendment  
of Act No.  
30, 1912.

New sec.  
147.

Section 11  
(1) of Small  
Debts  
Recovery  
Act, 1912,  
as amended,  
not to apply  
to certain  
actions.

**8.** The Government Railways Act, 1912, as subsequently amended, is amended by inserting next after section one hundred and forty-six the following new section :—

147. The provisions of paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended, do not apply to or in respect of any action by or on behalf of the Commissioner.







*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.*

**I. P. K. VIDLER,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 2 April, 1969.*

## **New South Wales**



ANNO OCTAVO DECIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 32, 1969.**

An Act to remove the restrictions on the transfer of licenses under the State Transport (Co-ordination) Act, 1931, as subsequently amended, of taxi-cabs and private hire cars; to make further provision with respect to the purposes for which the Road Transport and Traffic Fund established under the Transport Act, 1930, as subsequently amended, may be expended; to empower certain members of the police force to enter certain premises and places on which certain repairs to motor vehicles are ordinarily carried out; to make provision with respect to tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969;  
for

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

**L. A. PUNCH,**  
*Chairman of Committees of the Legislative Assembly.*

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*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

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for these and other purposes to amend the Transport Act, 1930, the Motor Traffic Act, 1909, the State Transport (Co-ordination) Act, 1931, the Motor Vehicles (Third Party Insurance) Act, 1942, the Road Maintenance (Contribution) Act, 1958, the Motor Vehicles Taxation Management Act, 1949, and the Government Railways Act, 1912, as subsequently amended; to validate certain matters; and for purposes connected therewith. [Assented to, 9th April, 1969.]

**B**E 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,  
citation and  
commence-  
ment.

1. (1) This Act may be cited as the "Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969".

(2) The Transport Act, 1930, as subsequently amended and as amended by this Act, may be cited as the Transport Act, 1930–1969.

(3) The Motor Traffic Act, 1909, as subsequently amended and as amended by this Act, may be cited as the Motor Traffic Act, 1909–1969.

(4) The State Transport (Co-ordination) Act, 1931, as subsequently amended and as amended by this Act, may be cited as the State Transport (Co-ordination) Act, 1931–1969.

(5) The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942–1969.

(6)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(6) The Road Maintenance (Contribution) Act, 1958, as subsequently amended and as amended by this Act, may be cited as the Road Maintenance (Contribution) Act, 1958-1969.

(7) The Motor Vehicles Taxation Management Act, 1949, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1969.

(8) The Government Railways Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Government Railways Act, 1912-1969.

(9) Except as provided in subsection ten of this section, this Act shall commence upon the day on which it receives the Royal assent.

(10) Paragraph (c) of subsection one of section two of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Transport Act, 1930, as subsequently amended, is amended—

- |  |   |
|--|---|
| <p>(a) by omitting subsection twelve of section one hundred and fifty-two;</p> <p>(b) by omitting section 171A;</p> <p>(c) by inserting next after section 171B the following new section :—</p> | <p>Amendment of Act No. 18, 1930.</p> <p>Sec. 152.<br/>(Applications.)</p> <p>Sec. 171A.<br/>(Transfers of registrations of taxi-cabs and private hire cars.)</p> <p>New sec. 171c.</p> |
|--|---|

171c. (1) The provisions of section one hundred and fifty-four of this Act apply, subject to the modifications specified in subsection two of this section, to and in respect of taxi-cabs and private hire

Insurance of taxi-cabs and private hire cars against damage to property.

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hire cars and owners and authorised insurers thereof in the same way as they apply to and in respect of motor omnibuses and owners and authorised insurers thereof.

(2) For the purposes only of that application, the provisions of section one hundred and fifty-four of this Act shall be deemed to be modified as follows :—

- (a) by omitting the words “motor omnibus” wherever occurring and by inserting in lieu thereof the words “taxi-cab or private hire car”;
- (b) by omitting from paragraph (d) of subsection (3B) the words “Motor Vehicles (Third Party Insurance) Amendment Act, 1963” and by inserting in lieu thereof the words “paragraph (c) of section two of the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969”;
- (c) by omitting from subsection nine of the same section the words “a service license may be suspended or revoked by the Commissioner” and by inserting in lieu thereof the words “the license for the taxi-cab or private hire car, as the case may be, under the State Transport (Co-ordination) Act, 1931, as subsequently amended, may be cancelled by the Commissioner”;

Sec. 202.  
(Fund to be  
established.)

- (d) (i) by inserting at the end of subsection one of section two hundred and two the following new paragraph :—

(h) all moneys paid under the Transfer of Public Vehicles (Taxation) Act, 1969.

(ii)

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*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

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(ii) by inserting next after paragraph (d) of subsection two of the same section the following new paragraphs :—

(d1) the cost of providing and maintaining traffic control signs and notices, traffic control light signals and other traffic facilities for the guidance of drivers of motor vehicles and the protection of pedestrians on public streets and the cost of making essential or incidental alterations to public streets for that purpose;

(d2) the cost or a contribution towards the cost of roadworks, other than those referred to in paragraph (d1) of this subsection, on public streets in connection with the installation of traffic or pedestrian facilities;

(d3) a contribution towards the cost of erecting bridges or subways or other facilities for use by pedestrians over, across, under or alongside public streets;

(d4) the payment of an annual grant, approved by the Minister, to the Road Safety Council of New South Wales;

(iii) by inserting next after the same subsection the following new subsection :—

(2A) No expenditure shall, after the day on which the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969, receives the Royal assent, be made from the fund pursuant to paragraph (d2) or (d3) of subsection two of this section except with the approval in writing of the Minister.

(e)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

New sec.  
202B.

Accounts  
of Road  
Safety  
Council of  
New South  
Wales.

- (e) by inserting next after section 202A the following new section :—

202B. (1) Full and accurate accounts shall be kept by the Road Safety Council of New South Wales in respect of all moneys paid or received by it.

(2) The accounts of the Road Safety Council of New South Wales shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

(3) As soon as practicable after the thirtieth day of June in each year the Road Safety Council of New South Wales shall prepare and transmit to the Minister statements of account in respect of the period of twelve months ended on that day in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Council.

(4) The Audit Act, 1902, as subsequently amended, shall apply to directors and officers of the Road Safety Council of New South Wales in the same manner as it applies to accounting officers of public departments.

Sec. 250.  
(Recovery  
of fares,  
&c.)

- (f) by omitting from subsection one of section two hundred and fifty the words "All penalties" and by inserting in lieu thereof the words "Subject to section 254A of this Act, all penalties";

New sec.  
254A.

Recovery  
of amounts  
due to  
Commis-  
sioner or  
Commis-  
sioner for  
Government  
Transport.

- (g) by inserting next after section two hundred and fifty-four the following new section :—

254A. (1) Any annual service license fee or instalment thereof and any additional charge in respect of an annual service license fee which becomes payable to, and any other fee or money due to or recoverable by, the Commissioner under this Act or the regulations may be recovered by him as a debt in any court of competent jurisdiction.

(2)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(2) Any money or fee due to or recoverable under this Act or the regulations by the Commissioner for Government Transport may be recovered by him as a debt in any court of competent jurisdiction.

(3) For the purposes of subsections one and two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

(2) Any expenditure that was incurred by the Commissioner out of the Road Transport and Traffic Fund before the day on which this Act receives the Royal assent and that would have been authorised had paragraph (d1), (d2), (d3) or (d4) of subsection two of section two hundred and two of the Transport Act, 1930, as subsequently amended (as inserted by subparagraph (ii) of paragraph (d) of subsection one of this section) been in force at the time when the expenditure was incurred is hereby validated.

3. The Motor Traffic Act, 1909, as subsequently amended, is amended—

Amendment  
of Act No.  
5, 1909.

(a) by inserting next after section 7B the following new section :—

New sec.  
7C.

7C. (1) A member of the police force authorised in that behalf by the Commissioner of Police may enter at any time any premises or place on which the business of carrying out repairs, resulting from accidents, to damaged motor vehicles is ordinarily carried on and may inspect any motor vehicle or part of a motor vehicle that is found by him in or upon those premises or that place for the purpose of ascertaining whether or not it is a stolen motor vehicle or part.

Power of  
entry for  
tracing  
stolen  
motor  
vehicles  
or parts  
thereof.

(2) Any person who wilfully delays or obstructs a member of the police force in the exercise of his authority under subsection one of this section

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section shall be guilty of an offence under this Act and shall be liable to a penalty not exceeding two hundred dollars.

Sec. 20.  
(Recovery  
and  
evidence.)

- (b) (i) by omitting from section twenty the words "and in any court of competent jurisdiction";  
(ii) by inserting at the end of the same section the following new subsections :—

(2) Any prescribed fee may be recovered by the Commissioner as a debt in any court of competent jurisdiction.

(3) For the purposes of subsection two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

Amendment  
of Act No.  
32, 1931.

4. The State Transport (Co-ordination) Act, 1931, as subsequently amended, is amended—

Sec. 16.  
(Registra-  
tion of  
license.)

- (a) (i) by omitting from subsection seven of section sixteen the words "Subject to section 17A of this Act the" and by inserting in lieu thereof the word "The";

- (ii) by inserting at the end of the same section the following new subsections :—

(9) An application for the transfer of a license granted under this Act for a taxi-cab registered under the Transport Act, 1930, as subsequently amended, or a private hire car so registered shall not be granted by the Commissioner for Motor Transport unless—

- (a) there has been paid to him by the transferor tax at the rates calculated in accordance with the Transfer of Public Vehicles (Taxation) Act, 1969, or by any Act amending or replacing that Act; and

(b)

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*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

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(b) the application is accompanied by an application for the transfer of the registration under the Transport Act, 1930, as subsequently amended, of the taxi-cab or private hire car to the proposed transferee of the license granted under this Act.

(10) A transfer of license referred to in subsection nine of this section is exempt from tax under the Transfer of Public Vehicles (Taxation) Act, 1969, where the holder of the license has died and the transferee is entitled to the license under the will or on the intestacy of that holder.

(11) The surrender of a license and the issue of another license to a nominee of the holder of the firstmentioned license pursuant to an application made to the Commissioner for Motor Transport before the day on which this Act receives the Royal assent is, subject to section seventeen of this Act, hereby authorised and any such surrender and issue effected before that day is hereby validated.

(12) No tax under the Transfer of Public Vehicles (Taxation) Act, 1969, shall be payable in respect of—

- (a) the surrender and issue of a license authorised under subsection eleven of this section; or
- (b) the transfer of a license, the application for which transfer was lodged with the Commissioner for Motor Transport before the day on which this Act receives the Royal assent.

(13) Where the holder of a license for a public motor vehicle dies or becomes mentally ill, an incapable person or a protected person within



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*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

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within the meaning of the Mental Health Act, 1958, as subsequently amended, and an approval to operate the public motor vehicle is granted by the Commissioner for Motor Transport pursuant to an application made by any person under subsection fourteen of this section, that person shall, for the purposes of this Act, be deemed to be the holder of the license in respect of the public motor vehicle and shall, in respect of the public motor vehicle, be subject to the provisions of this Act and the regulations and the conditions attached to the license.

(14) An application for the approval of the Commissioner for Motor Transport to operate a public motor vehicle, the holder of the license for which has died or become mentally ill, an incapable person or a protected person within the meaning of the Mental Health Act, 1958, as subsequently amended—

- (a) shall be made in writing to the Commissioner for Motor Transport; and
- (b) may be granted or refused by the Commissioner for Motor Transport.

(15) An approval granted under subsection fourteen of this section shall, subject to subsection sixteen of this section, be in force for such period as the Commissioner for Motor Transport may determine and specify in the instrument of approval and may from time to time be extended by the Commissioner for Motor Transport.

(16) The Commissioner for Motor Transport may for any reason that to him seems sufficient at any time cancel an approval granted by him under subsection fourteen of this section.

(b)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(b) by omitting section 17A;

Sec. 17A.  
(Transfer of  
taxi-cab and  
private hire  
car licenses.)

(c) (i) by inserting in subsection four of section twenty-two after the words "holder of the permit" where secondly occurring the words "in any court of competent jurisdiction";

Sec. 22.  
(Permits to  
use vehicle  
for carriage  
of passengers  
or goods.)

(ii) by inserting at the end of the same section the following new subsection :—

(5) For the purposes of subsection four of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

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

Subst.  
sec. 39.

39. (1) Any amount due to or recoverable under subsection four or five of section eighteen of this Act, any amount due under section thirty-seven of this Act, any other fees payable under this Act or the regulations and any tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969, may be recovered by the Commissioner for Motor Transport as a debt in any court of competent jurisdiction.

Recovery of  
amounts due.

(2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

Amendment  
of Act No.  
15, 1942.

5. The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended, is amended—

Sec. 15.  
(Entry of  
judgment  
against  
authorised  
insurer in  
certain  
events.)

- (a) by inserting in subparagraph (ii) of paragraph (b) of subsection two of section fifteen after the words “as the” the words “authorised insurer or the nominal defendant, as the case may be, or the”;

Sec. 30.  
(Claims in  
respect of  
uninsured  
and un-  
identified  
motor  
vehicles.)

- (b) (i) by inserting in subsection one of section thirty after the words “as the” the words “nominal defendant or the”;
- (ii) by inserting in subparagraph (ii) of paragraph (b) of subsection two of the same section after the words “as the” the words “nominal defendant or the”;

New sec.  
31A.

- (c) by inserting next after section thirty-one the following new section :—

Accounts  
to be kept  
by nominal  
defendant.

31A. (1) Full and accurate accounts shall be kept by the nominal defendant in respect of all amounts paid or received by him.

(2) As soon as practicable after the thirty-first day of December, one thousand nine hundred and sixty-nine, and thereafter as soon as practicable after the thirty-first day of December in each year the nominal defendant shall prepare and transmit to the Minister for presentation to Parliament statements of accounts in respect of that year in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the nominal defendant.

(3) The accounts of the nominal defendant shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

(4)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(4) The Audit Act, 1902, as subsequently amended, shall apply to the nominal defendant in the same manner as it applies to accounting officers of public departments.

(5) For the purpose of meeting the costs and expenses of the audit the nominal defendant shall pay to the Treasurer for payment into the Consolidated Revenue Fund such sums at such times as the Treasurer may decide.

6. The Road Maintenance (Contribution) Act, 1958, as subsequently amended, is amended by inserting at the end of section five the following new subsection :—

Amendment  
of Act No.  
6, 1958.  
Sec. 5.

(4) For the purposes of subsection three of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

(Contribu-  
tion  
towards  
wear and  
tear of  
public  
streets.)

7. The Motor Vehicles Taxation Management Act, 1949, as subsequently amended, is amended—

Amendment  
of Act No.  
34, 1949.

(a) by omitting from section thirteen the words “before a stipendiary magistrate or any two justices in petty sessions at any time or”;

Sec. 13.  
(Recovery  
of tax.)

(b) by inserting at the end of the same section the following new subsection :—

(2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

8.



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*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

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Amendment  
of Act No.  
30, 1912.  
New sec.  
147.

8. The Government Railways Act, 1912, as subsequently amended, is amended by inserting next after section one hundred and forty-six the following new section :—

Section 11  
(1) of Small  
Debts  
Recovery  
Act, 1912,  
as amended,  
not to apply  
to certain  
actions.

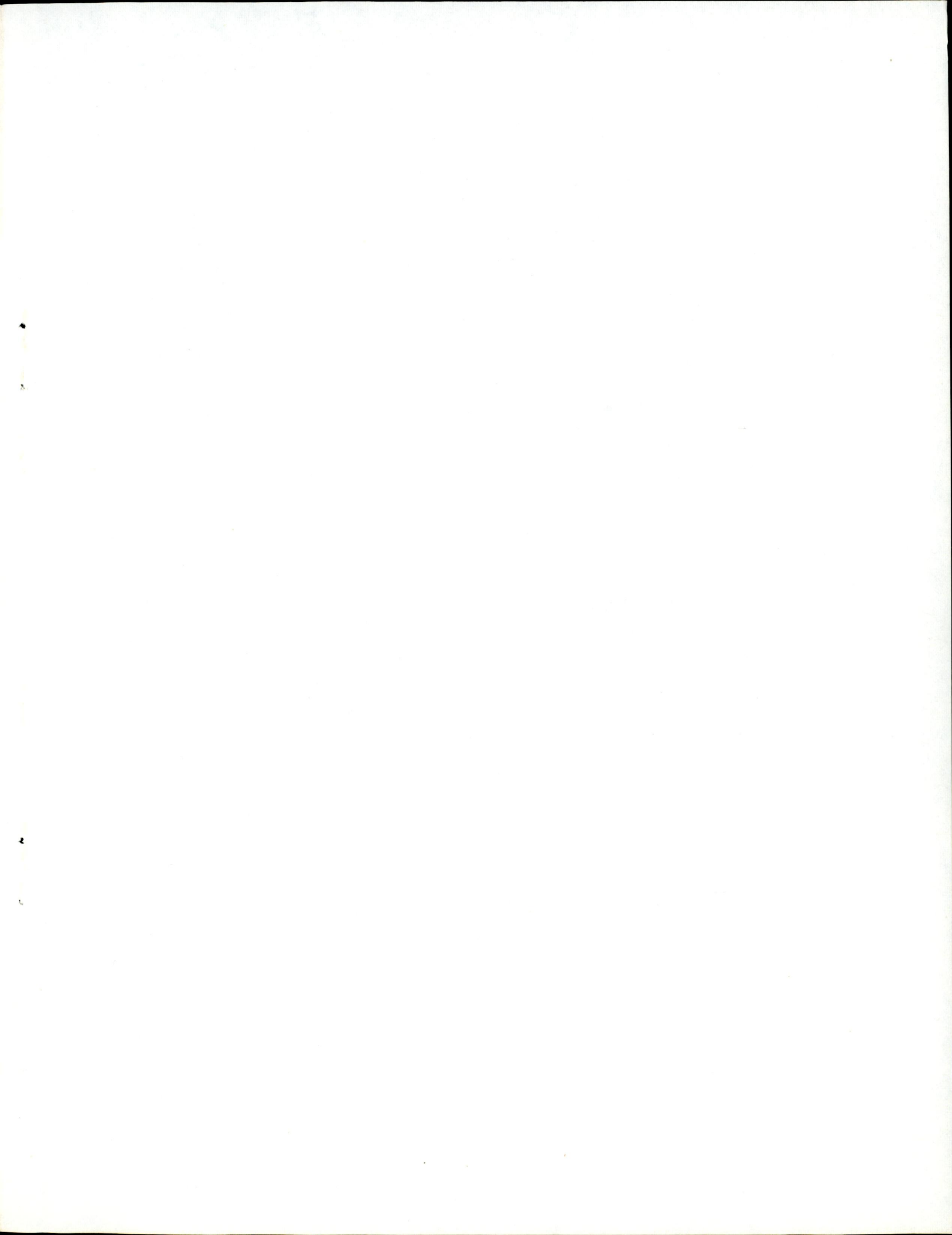
147. The provisions of paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended, do not apply to or in respect of any action by or on behalf of the Commissioner.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 9th April, 1969.*







MOTOR VEHICLES AND GOVERNMENT RAILWAYS  
(MISCELLANEOUS PROVISIONS) BILL.

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*Schedule of Amendments referred to in Legislative Council's  
Message of 27 March, 1969.*

No. 1—Page 3, clause 1, lines 15 to 22 inclusive. *Omit* all words on these lines,  
*insert—*

**(10) Paragraph (c) of subsection one of section two of this Act shall  
commence upon a day to be appointed by the Governor and notified by  
proclamation published in the Gazette.**

No. 2—Page 3, clause 2, lines 29 to 32 inclusive. *Omit* all words on these lines,  
*insert—*

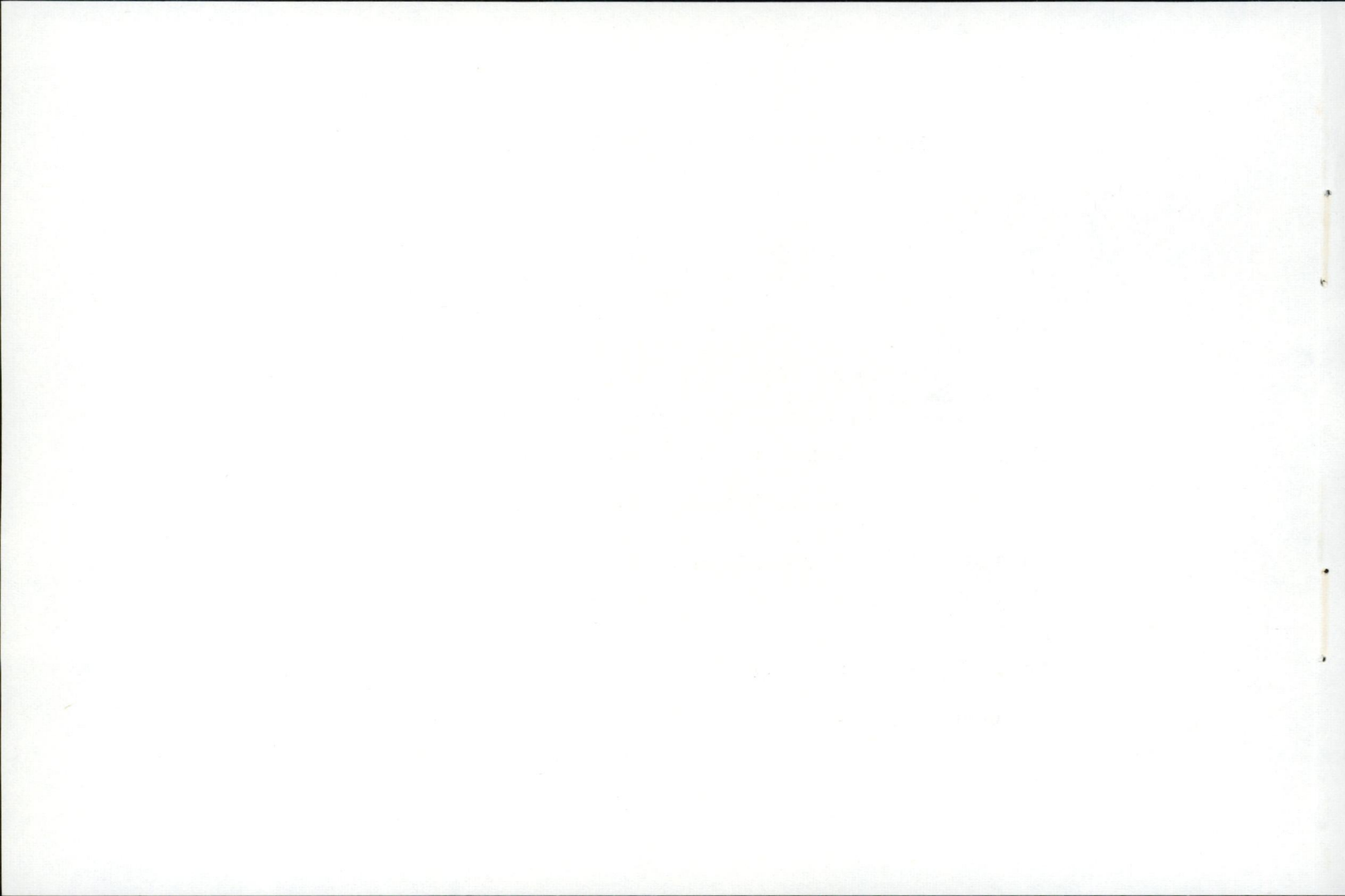
**(a) by omitting subsection twelve of section one hundred and fifty-  
two;**

No. 3—Page 7, clause 2, lines 21 to 31 inclusive. *Omit* all words on these lines.

No. 4—Page 8, clause 3, lines 6 to 15 inclusive. *Omit* all words on these lines.

No. 5—Page 9, clause 3, line 3. *Omit* “under this Act”.

No. 6—Page 9, clause 3, line 12. *Omit* all words on this line.





*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 20 March, 1969.*

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

J. R. STEVENSON,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 27 March, 1969.*

## New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. , 1969.

An Act to remove the restrictions on the transfer of licenses under the State Transport (Co-ordination) Act, 1931, as subsequently amended, of taxi-cabs and private hire cars; to make further provision with respect to the purposes for which the Road Transport and Traffic Fund established under the Transport Act, 1930, as subsequently amended, may be expended; to empower certain members of the police force to enter certain premises and places on which certain repairs to motor vehicles are ordinarily carried out; to make provision with respect to tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969;

68105 233—

for

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

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

for these and other purposes to amend the Transport Act, 1930, the Motor Traffic Act, 1909, the State Transport (Co-ordination) Act, 1931, the Motor Vehicles (Third Party Insurance) Act, 1942, the Road Maintenance (Contribution) Act, 1958, the Motor Vehicles Taxation Management Act, 1949, and the Government Railways Act, 1912, as subsequently amended; to validate certain matters; and for purposes connected therewith.

**B**E 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 Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969". Short title, citation and commencement.
- (2) The Transport Act, 1930, as subsequently amended and as amended by this Act, may be cited as the Transport Act, 1930–1969.
- (3) The Motor Traffic Act, 1909, as subsequently amended and as amended by this Act, may be cited as the Motor Traffic Act, 1909–1969.
- 15 (4) The State Transport (Co-ordination) Act, 1931, as subsequently amended and as amended by this Act, may be cited as the State Transport (Co-ordination) Act, 1931–1969.
- 20 (5) The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942–1969.

(6)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(6) The Road Maintenance (Contribution) Act, 1958, as subsequently amended and as amended by this Act, may be cited as the Road Maintenance (Contribution) Act, 1958-1969.

5 (7) The Motor Vehicles Taxation Management Act, 1949, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1969.

10 (8) The Government Railways Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Government Railways Act, 1912-1969.

(9) Except as provided in subsection ten of this section, this Act shall commence upon the day on which it receives the Royal assent.

15 ~~(10) The several provisions of subparagraph (i) of paragraph (a) and paragraphs (e), (h) and (i) of subsection one of section two, and the several provisions of paragraphs (a) and (d) of section three, of this Act shall commence upon such day or days as may~~  
20 ~~be appointed by the Governor in respect of those provisions or any of them and as may be notified by proclamation published in the Gazette.~~

25 **(10) Paragraph (c) of subsection one of section two of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.**

2. (1) The Transport Act, 1930, as subsequently amended, is amended—

30 (a) ~~(i) by omitting subsection four of section one hundred and fifty-two;~~  
~~(ii) by omitting subsection twelve of the same section;~~

(a) **by omitting subsection twelve of section one hundred and fifty-two;**

35 (b) **by omitting section 171A;**

Amendment  
of Act No.  
18, 1930.

Sec. 152.  
(Applica-  
tions.)

Sec. 171A.  
(Transfers  
of regis-  
trations of  
taxi-cabs  
and private  
hire cars.)

(c)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

- (c) by inserting next after section 171B the following new section : — New sec.  
171c.

5           171c. (1) The provisions of section one hundred and fifty-four of this Act apply, subject to the modifications specified in subsection two of this section, to and in respect of taxi-cabs and private hire cars and owners and authorised insurers thereof in the same way as they apply to and in respect of motor omnibuses and owners and authorised insurers thereof.

(2) For the purposes only of that application, the provisions of section one hundred and fifty-four of this Act shall be deemed to be modified as follows : —

15           (a) by omitting the words “motor omnibus” wherever occurring and by inserting in lieu thereof the words “taxi-cab or private hire car”;

20           (b) by omitting from paragraph (d) of subsection (3B) the words “Motor Vehicles (Third Party Insurance) Amendment Act, 1963” and by inserting in lieu thereof the words “paragraph (c) of section two of the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969”;

25           (c) by omitting from subsection nine of the same section the words “a service license may be suspended or revoked by the Commissioner” and by inserting in lieu thereof the words “the license for the taxi-cab or private hire car, as the case may be, under the State Transport (Co-ordination) Act, 1931, as subsequently amended, may be cancelled by the Commissioner”;

(d)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(d) (i) by inserting at the end of subsection one of section two hundred and two the following new paragraph :—

Sec. 202.  
(Fund to be established.)

5 (h) all moneys paid under the Transfer of Public Vehicles (Taxation) Act, 1969.

(ii) by inserting next after paragraph (d) of subsection two of the same section the following new paragraphs :—

10 (d1) the cost of providing and maintaining traffic control signs and notices, traffic control light signals and other traffic facilities for the guidance of drivers of motor vehicles and the protection of pedestrians on public streets and the cost of making essential or incidental alterations to public streets for that purpose;

15 (d2) the cost or a contribution towards the cost of roadworks, other than those referred to in paragraph (d1) of this subsection, on public streets in connection with the installation of traffic or pedestrian facilities;

20 (d3) a contribution towards the cost of erecting bridges or subways or other facilities for use by pedestrians over, across, under or alongside public streets;

25 (d4) the payment of an annual grant, approved by the Minister, to the Road Safety Council of New South Wales;

30 (iii) by inserting next after the same subsection the following new subsection :—

35 (2A) No expenditure shall, after the day on which the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969, receives the Royal assent, be made from the

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

the fund pursuant to paragraph (d2) or (d3) of subsection two of this section except with the approval in writing of the Minister.

- 5 (e) by inserting next after section 202A the following new section :— New sec.  
202B.

202B. (1) Full and accurate accounts shall be kept by the Road Safety Council of New South Wales in respect of all moneys paid or received by it. Accounts  
of Road  
Safety  
Council of  
New South  
Wales.

- 10 (2) The accounts of the Road Safety Council of New South Wales shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

- 15 (3) As soon as practicable after the thirtieth day of June in each year the Road Safety Council of New South Wales shall prepare and transmit to the Minister statements of account in respect of the period of twelve months ended on that day in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Council.

- 20 (4) The Audit Act, 1902, as subsequently amended, shall apply to directors and officers of the Road Safety Council of New South Wales in the same manner as it applies to accounting officers of public departments.

- 25 (f) by omitting from subsection one of section two hundred and fifty the words "All penalties" and by inserting in lieu thereof the words "Subject to section 254A of this Act, all penalties"; Sec. 250.  
(Recovery  
of fares,  
&c.)

(g)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

- (g) by inserting next after section two hundred and fifty-four the following new section :—

New sec.  
254A.

5 254A. (1) Any annual service license fee or instalment thereof and any additional charge in respect of an annual service license fee which becomes payable to, and any other fee or money due to or recoverable by, the Commissioner under this Act or the regulations may be recovered by him as a debt in any court of competent jurisdiction.

Recovery  
of amounts  
due to  
Commis-  
sioner or  
Commis-  
sioner for  
Government  
Transport.

10 (2) Any money or fee due to or recoverable under this Act or the regulations by the Commissioner for Government Transport may be recovered by him as a debt in any court of competent jurisdiction.

15 (3) For the purposes of subsections one and two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as  
20 subsequently amended.

~~(h) by omitting paragraph (w) of subsection one of section two hundred and sixty-four and by inserting in lieu thereof the following para-~~  
graph:—

Sec. 244.  
(Regulations  
to be made  
on recom-  
mendation  
of a Trust.)

25 ~~(w) the fees to be paid in respect of any matter under this Act or the regula-~~  
tions, other than annual service license  
fees referred to in subsection six of  
section one hundred and fifty-two of  
30 this Act;

~~(i) by omitting Schedule Two.~~

Sch. Two.

(2) Any expenditure that was incurred by the Commissioner out of the Road Transport and Traffic Fund before the day on which this Act receives the Royal assent and that  
35 would have been authorised had paragraph (d1), (d2), (d3) or (d4) of subsection two of section two hundred and two of the Transport Act, 1930, as subsequently amended (as  
inserted



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inserted by subparagraph (ii) of paragraph (d) of subsection one of this section) been in force at the time when the expenditure was incurred is hereby validated.

3. The Motor Traffic Act, 1909, as subsequently amended, Amendment  
5 is amended— of Act No.  
5, 1909.

(a) ~~by omitting paragraph (s) of subsection one of~~ Sec. 3 |  
section three and by inserting in lieu thereof (Regula-  
the following paragraph:— tions.)

10 (s) ~~prescribe the fees to be paid in respect~~  
of any matter under this Act or the  
regulations and regulate the payment,  
subject to such exemptions as may be  
specified, of such fees and, subject to  
15 the provisions of this Act, the applica-  
tion of such fees.

(a) ~~(b)~~ by inserting next after section 7B the following new New sec.  
section :— 7C.

20 7C. (1) A member of the police force  
authorised in that behalf by the Commissioner of  
Police may enter at any time any premises or place  
on which the business of carrying out repairs, result-  
ing from accidents, to damaged motor vehicles is  
ordinarily carried on and may inspect any motor  
vehicle or part of a motor vehicle that is found  
25 by him in or upon those premises or that place for  
the purpose of ascertaining whether or not it is a  
stolen motor vehicle or part.

30 (2) Any person who wilfully delays or  
obstructs a member of the police force in the exer-  
cise of his authority under subsection one of this  
section shall be guilty of an offence under this Act  
and shall be liable to a penalty not exceeding two  
hundred dollars.

35 (b) ~~(e)~~ (i) by omitting from section twenty the words Sec. 20.  
“and in any court of competent jurisdiction”; (Recovery  
(ii) and  
evidence.)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(ii) by inserting at the end of the same section the following new subsections :—

5 (2) Any prescribed fee ~~under this Act~~ may be recovered by the Commissioner as a debt in any court of competent jurisdiction.

10 (3) For the purposes of subsection two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

~~(d) by omitting the Schedule.~~

4. The State Transport (Co-ordination) Act, 1931, as subsequently amended, is amended—

Amendment  
of Act No.  
32, 1931.

15 (a) (i) by omitting from subsection seven of section sixteen the words "Subject to section 17A of this Act the" and by inserting in lieu thereof the word "The";

Sec. 16.  
(Registra-  
tion of  
license.)

20 (ii) by inserting at the end of the same section the following new subsections :—

25 (9) An application for the transfer of a license granted under this Act for a taxi-cab registered under the Transport Act, 1930, as subsequently amended, or a private hire car so registered shall not be granted by the Commissioner for Motor Transport unless—

30 (a) there has been paid to him by the transferor tax at the rates calculated in accordance with the Transfer of Public Vehicles (Taxation) Act, 1969, or by any Act amending or replacing that Act; and

35 (b) the application is accompanied by an application for the transfer of the registration under the Transport Act, 1930,

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

1930, as subsequently amended, of the taxi-cab or private hire car to the proposed transferee of the license granted under this Act.

5 (10) A transfer of license referred to in subsection nine of this section is exempt from tax under the Transfer of Public Vehicles (Taxation) Act, 1969, where the holder of the license has died and the transferee is  
10 entitled to the license under the will or on the intestacy of that holder.

(11) The surrender of a license and the issue of another license to a nominee of the holder of the firstmentioned license pursuant  
15 to an application made to the Commissioner for Motor Transport before the day on which this Act receives the Royal assent is, subject to section seventeen of this Act, hereby authorised and any such surrender and issue  
20 effected before that day is hereby validated.

(12) No tax under the Transfer of Public Vehicles (Taxation) Act, 1969, shall be payable in respect of—

25 (a) the surrender and issue of a license authorised under subsection eleven of this section; or

(b) the transfer of a license, the application for which transfer was lodged with the Commissioner for Motor Transport  
30 before the day on which this Act receives the Royal assent.

(13) Where the holder of a license for a public motor vehicle dies or becomes mentally ill, an incapable person or a protected person  
35 within the meaning of the Mental Health Act, 1958, as subsequently amended, and an approval



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*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

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5 approval to operate the public motor vehicle  
is granted by the Commissioner for Motor  
Transport pursuant to an application made by  
any person under subsection fourteen of this  
section, that person shall, for the purposes of  
this Act, be deemed to be the holder of the  
license in respect of the public motor vehicle  
and shall, in respect of the public motor  
vehicle, be subject to the provisions of this Act  
10 and the regulations and the conditions  
attached to the license.

15 (14) An application for the approval of  
the Commissioner for Motor Transport to  
operate a public motor vehicle, the holder of  
the license for which has died or become  
mentally ill, an incapable person or a pro-  
tected person within the meaning of the  
Mental Health Act, 1958, as subsequently  
amended—

20 (a) shall be made in writing to the Com-  
missioner for Motor Transport; and  
(b) may be granted or refused by the  
Commissioner for Motor Transport.

25 (15) An approval granted under subsec-  
tion fourteen of this section shall, subject to  
subsection sixteen of this section, be in force  
for such period as the Commissioner for Motor  
Transport may determine and specify in the  
instrument of approval and may from time to  
time be extended by the Commissioner for  
30 Motor Transport.

35 (16) The Commissioner for Motor Trans-  
port may for any reason that to him seems  
sufficient at any time cancel an approval  
granted by him under subsection fourteen of  
this section.

(b)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(b) by omitting section 17A;

Sec. 17A.  
(Transfer of  
taxi-cab and  
private hire  
car licenses.)

(c) (i) by inserting in subsection four of section twenty-two after the words "holder of the permit" where secondly occurring the words "in any court of competent jurisdiction";

Sec. 22.  
(Permits to  
use vehicle  
for carriage  
of passengers  
or goods.)

(ii) by inserting at the end of the same section the following new subsection :—

(5) For the purposes of subsection four of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

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

Subst.  
sec. 39.

39. (1) Any amount due to or recoverable under subsection four or five of section eighteen of this Act, any amount due under section thirty-seven of this Act, any other fees payable under this Act or the regulations and any tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969, may be recovered by the Commissioner for Motor Transport as a debt in any court of competent jurisdiction.

Recovery of  
amounts due.

(2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

5. The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended, is amended—

Amendment  
of Act No.  
15, 1942.

- 5 (a) by inserting in subparagraph (ii) of paragraph (b) of subsection two of section fifteen after the words “as the” the words “authorised insurer or the nominal defendant, as the case may be, or the”;
- 10 (b) (i) by inserting in subsection one of section thirty after the words “as the” the words “nominal defendant or the”;
- (ii) by inserting in subparagraph (ii) of paragraph (b) of subsection two of the same section after the words “as the” the words “nominal defendant or the”;
- 15 (c) by inserting next after section thirty-one the following new section :—
- 31A. (1) Full and accurate accounts shall be kept by the nominal defendant in respect of all amounts paid or received by him.
- 20 (2) As soon as practicable after the thirty-first day of December, one thousand nine hundred and sixty-nine, and thereafter as soon as practicable after the thirty-first day of December in each year the nominal defendant shall prepare and transmit to the Minister for presentation to Parliament statements of accounts in respect of that year in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the nominal defendant.
- 25 (3) The accounts of the nominal defendant shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

(Entry of  
judgment  
against  
authorised  
insurer in  
certain  
events.)

Sec. 30.  
(Claims in  
respect of  
uninsured  
and un-  
identified  
motor  
vehicles.)

New sec.  
31A.

Accounts  
to be kept  
by nominal  
defendant.

(4)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(4) The Audit Act, 1902, as subsequently amended, shall apply to the nominal defendant in the same manner as it applies to accounting officers of public departments.

5 (5) For the purpose of meeting the costs and expenses of the audit the nominal defendant shall pay to the Treasurer for payment into the Consolidated Revenue Fund such sums at such times as the Treasurer may decide.

10 6. The Road Maintenance (Contribution) Act, 1958, as subsequently amended, is amended by inserting at the end of section five the following new subsection :—

Amendment  
of Act No.  
6, 1958.

Sec. 5.

15 (4) For the purposes of subsection three of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

(Contribution  
towards  
wear and  
tear of  
public  
streets.)

7. The Motor Vehicles Taxation Management Act, 1949, as subsequently amended, is amended—

Amendment  
of Act No.  
34, 1949.

20 (a) by omitting from section thirteen the words “before a stipendiary magistrate or any two justices in petty sessions at any time or”;

Sec. 13.  
(Recovery  
of tax.)

(b) by inserting at the end of the same section the following new subsection :—

25 (2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

30



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

8. The Government Railways Act, 1912, as subsequently amended, is amended by inserting next after section one hundred and forty-six the following new section :—

Amendment  
of Act No.  
30, 1912.  
New sec.  
147.

5 147. The provisions of paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended, do not apply to or in respect of any action by or on behalf of the Commissioner.

Section 11  
(1) of Small  
Debts  
Recovery  
Act, 1912,  
as amended,  
not to apply  
to certain  
actions.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969  
[15c]





*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 20 March, 1969.*

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

*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, March, 1969.*

## New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. , 1969.

An Act to remove the restrictions on the transfer of licenses under the State Transport (Co-ordination) Act, 1931, as subsequently amended, of taxi-cabs and private hire cars; to make further provision with respect to the purposes for which the Road Transport and Traffic Fund established under the Transport Act, 1930, as subsequently amended, may be expended; to empower certain members of the police force to enter certain premises and places on which certain repairs to motor vehicles are ordinarily carried out; to make provision with respect to tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969;

68105 233—

for

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

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

for these and other purposes to amend the Transport Act, 1930, the Motor Traffic Act, 1909, the State Transport (Co-ordination) Act, 1931, the Motor Vehicles (Third Party Insurance) Act, 1942, the Road Maintenance (Contribution) Act, 1958, the Motor Vehicles Taxation Management Act, 1949, and the Government Railways Act, 1912, as subsequently amended; to validate certain matters; and for purposes connected therewith.

**B**E 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 Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969".

Short title,  
citation and  
commence-  
ment.

(2) The Transport Act, 1930, as subsequently amended and as amended by this Act, may be cited as the Transport Act, 1930–1969.

(3) The Motor Traffic Act, 1909, as subsequently amended and as amended by this Act, may be cited as the Motor Traffic Act, 1909–1969.

15 (4) The State Transport (Co-ordination) Act, 1931, as subsequently amended and as amended by this Act, may be cited as the State Transport (Co-ordination) Act, 1931–1969.

20 (5) The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942–1969.

(6)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(6) The Road Maintenance (Contribution) Act, 1958, as subsequently amended and as amended by this Act, may be cited as the Road Maintenance (Contribution) Act, 1958-1969.

5 (7) The Motor Vehicles Taxation Management Act, 1949, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1969.

10 (8) The Government Railways Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Government Railways Act, 1912-1969.

(9) Except as provided in subsection ten of this section, this Act shall commence upon the day on which it receives the Royal assent.

15 ~~(10) The several provisions of subparagraph (i) of paragraph (a) and paragraphs (c), (h) and (i) of subsection one of section two, and the several provisions of paragraphs (a) and (d) of section three, of this Act shall commence upon such day or days as may~~  
 20 ~~be appointed by the Governor in respect of those provisions or any of them and as may be notified by proclamation published in the Gazette.~~

**(10) Paragraph (c) of subsection one of section two of this Act shall commence upon a day to be appointed by**  
 25 **the Governor and notified by proclamation published in the Gazette.**

2. (1) The Transport Act, 1930, as subsequently amended, is amended—

30 (a) ~~(i) by omitting subsection four of section one hundred and fifty-two;~~  
 (ii) ~~by omitting subsection twelve of the same section;~~

(a) by omitting subsection twelve of section one hundred and fifty-two;

35 (b) by omitting section 171A;

Amendment  
of Act No.  
18, 1930.

Sec. 152.  
(Applica-  
tions.)

Sec. 171A.  
(Transfers  
of regis-  
trations of  
taxi-cabs  
and private  
hire cars.)

(c)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

- (c) by inserting next after section 171B the following new section : — New sec.  
171C.

5                   171C. (1) The provisions of section one hundred and fifty-four of this Act apply, subject to the modifications specified in subsection two of this section, to and in respect of taxi-cabs and private hire cars and owners and authorised insurers thereof in the same way as they apply to and in respect of motor omnibuses and owners and authorised insurers thereof.

Insurance  
of taxi-cabs  
and private  
hire cars  
against  
damage to  
property.

(2) For the purposes only of that application, the provisions of section one hundred and fifty-four of this Act shall be deemed to be modified as follows : —

- 15                   (a) by omitting the words “motor omnibus” wherever occurring and by inserting in lieu thereof the words “taxi-cab or private hire car”;
- 20                   (b) by omitting from paragraph (d) of subsection (3B) the words “Motor Vehicles (Third Party Insurance) Amendment Act, 1963” and by inserting in lieu thereof the words “paragraph (c) of section two of the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969”;
- 25
- 30                   (c) by omitting from subsection nine of the same section the words “a service license may be suspended or revoked by the Commissioner” and by inserting in lieu thereof the words “the license for the taxi-cab or private hire car, as the case may be, under the State Transport (Co-ordination) Act, 1931, as subsequently amended, may be cancelled by the Commissioner”;

(d)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

- (d) (i) by inserting at the end of subsection one of section two hundred and two the following new paragraph :—

Sec. 202.  
(Fund to be established.)

- (h) all moneys paid under the Transfer of Public Vehicles (Taxation) Act, 1969.

- (ii) by inserting next after paragraph (d) of subsection two of the same section the following new paragraphs :—

- (d1) the cost of providing and maintaining traffic control signs and notices, traffic control light signals and other traffic facilities for the guidance of drivers of motor vehicles and the protection of pedestrians on public streets and the cost of making essential or incidental alterations to public streets for that purpose;

- (d2) the cost or a contribution towards the cost of roadworks, other than those referred to in paragraph (d1) of this subsection, on public streets in connection with the installation of traffic or pedestrian facilities;

- (d3) a contribution towards the cost of erecting bridges or subways or other facilities for use by pedestrians over, across, under or alongside public streets;

- (d4) the payment of an annual grant, approved by the Minister, to the Road Safety Council of New South Wales;

- (iii) by inserting next after the same subsection the following new subsection :—

- (2A) No expenditure shall, after the day on which the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969, receives the Royal assent, be made from the



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

the fund pursuant to paragraph (d2) or (d3) of subsection two of this section except with the approval in writing of the Minister.

- 5 (e) by inserting next after section 202A the following new section :— New sec. 202B.

202B. (1) Full and accurate accounts shall be kept by the Road Safety Council of New South Wales in respect of all moneys paid or received by it. Accounts of Road Safety Council of New South Wales.

- 10 (2) The accounts of the Road Safety Council of New South Wales shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

- 15 (3) As soon as practicable after the thirtieth day of June in each year the Road Safety Council of New South Wales shall prepare and transmit to the Minister statements of account in respect of the period of twelve months ended on that day in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Council.

- 20 (4) The Audit Act, 1902, as subsequently amended, shall apply to directors and officers of the Road Safety Council of New South Wales in the same manner as it applies to accounting officers of public departments.

- 25 (f) by omitting from subsection one of section two hundred and fifty the words "All penalties" and by inserting in lieu thereof the words "Subject to section 254A of this Act, all penalties"; Sec. 250. (Recovery of fares, &c.)

(g)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

- (g) by inserting next after section two hundred and fifty-four the following new section :—

New sec.  
254A.

5        254A. (1) Any annual service license fee or instalment thereof and any additional charge in respect of an annual service license fee which becomes payable to, and any other fee or money due to or recoverable by, the Commissioner under this Act or the regulations may be recovered by him as a debt in any court of competent jurisdiction.

Recovery of amounts due to Commissioner or Commissioner for Government Transport.

10        (2) Any money or fee due to or recoverable under this Act or the regulations by the Commissioner for Government Transport may be recovered by him as a debt in any court of competent jurisdiction.

15        (3) For the purposes of subsections one and two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as  
20        subsequently amended.

- ~~(h) by omitting paragraph (w) of subsection one of section two hundred and sixty four and by inserting in lieu thereof the following paragraph:—~~

Sec. 264.  
(Regulations to be made on recommendation of a Trust.)

25        ~~(w) the fees to be paid in respect of any matter under this Act or the regulations, other than annual service license fees referred to in subsection six of section one hundred and fifty-two of this Act;~~

30

- (i) by omitting Schedule Two.

Sch. Two.

(2) Any expenditure that was incurred by the Commissioner out of the Road Transport and Traffic Fund before the day on which this Act receives the Royal assent and that  
35        would have been authorised had paragraph (d1), (d2), (d3) or (d4) of subsection two of section two hundred and two of the Transport Act, 1930, as subsequently amended (as

inserted







*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(ii) by inserting at the end of the same section the following new subsections :—

(2) Any prescribed fee ~~under this Act~~ may be recovered by the Commissioner as a debt in any court of competent jurisdiction.

(3) For the purposes of subsection two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

~~(d) by omitting the Schedule.~~

4. The State Transport (Co-ordination) Act, 1931, as subsequently amended, is amended—

Amendment  
of Act No.  
32, 1931.

(a) (i) by omitting from subsection seven of section sixteen the words "Subject to section 17A of this Act the" and by inserting in lieu thereof the word "The";

Sec. 16.  
(Registra-  
tion of  
license.)

(ii) by inserting at the end of the same section the following new subsections :—

(9) An application for the transfer of a license granted under this Act for a taxi-cab registered under the Transport Act, 1930, as subsequently amended, or a private hire car so registered shall not be granted by the Commissioner for Motor Transport unless—

(a) there has been paid to him by the transferor tax at the rates calculated in accordance with the Transfer of Public Vehicles (Taxation) Act, 1969, or by any Act amending or replacing that Act; and

(b) the application is accompanied by an application for the transfer of the registration under the Transport Act, 1930,

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

1930, as subsequently amended, of the taxi-cab or private hire car to the proposed transferee of the license granted under this Act.

5 (10) A transfer of license referred to in subsection nine of this section is exempt from tax under the Transfer of Public Vehicles (Taxation) Act, 1969, where the holder of the license has died and the transferee is  
10 entitled to the license under the will or on the intestacy of that holder.

(11) The surrender of a license and the issue of another license to a nominee of the holder of the firstmentioned license pursuant to an application made to the Commissioner for Motor Transport before the day on which this Act receives the Royal assent is, subject to section seventeen of this Act, hereby  
15 authorised and any such surrender and issue effected before that day is hereby validated.  
20

(12) No tax under the Transfer of Public Vehicles (Taxation) Act, 1969, shall be payable in respect of—

- 25 (a) the surrender and issue of a license authorised under subsection eleven of this section; or
- (b) the transfer of a license, the application for which transfer was lodged with the Commissioner for Motor Transport  
30 before the day on which this Act receives the Royal assent.

(13) Where the holder of a license for a public motor vehicle dies or becomes mentally ill, an incapable person or a protected person within the meaning of the Mental Health Act, 1958, as subsequently amended, and an  
35 approval

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*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

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5 approval to operate the public motor vehicle  
is granted by the Commissioner for Motor  
Transport pursuant to an application made by  
any person under subsection fourteen of this  
section, that person shall, for the purposes of  
this Act, be deemed to be the holder of the  
license in respect of the public motor vehicle  
and shall, in respect of the public motor  
vehicle, be subject to the provisions of this Act  
10 and the regulations and the conditions  
attached to the license.

(14) An application for the approval of  
the Commissioner for Motor Transport to  
operate a public motor vehicle, the holder of  
15 the license for which has died or become  
mentally ill, an incapable person or a pro-  
tected person within the meaning of the  
Mental Health Act, 1958, as subsequently  
amended—

- 20 (a) shall be made in writing to the Com-  
missioner for Motor Transport; and  
(b) may be granted or refused by the  
Commissioner for Motor Transport.

(15) An approval granted under subsec-  
25 tion fourteen of this section shall, subject to  
subsection sixteen of this section, be in force  
for such period as the Commissioner for Motor  
Transport may determine and specify in the  
instrument of approval and may from time to  
30 time be extended by the Commissioner for  
Motor Transport.

(16) The Commissioner for Motor Trans-  
port may for any reason that to him seems  
sufficient at any time cancel an approval  
35 granted by him under subsection fourteen of  
this section.

(b)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(b) by omitting section 17A;

Sec. 17A.  
(Transfer of  
taxi-cab and  
private hire  
car licenses.)

(c) (i) by inserting in subsection four of section twenty-two after the words "holder of the permit" where secondly occurring the words "in any court of competent jurisdiction";

Sec. 22.  
(Permits to  
use vehicle  
for carriage  
of passengers  
or goods.)

(ii) by inserting at the end of the same section the following new subsection :—

(5) For the purposes of subsection four of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

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

Subst.  
sec. 39.

39. (1) Any amount due to or recoverable under subsection four or five of section eighteen of this Act, any amount due under section thirty-seven of this Act, any other fees payable under this Act or the regulations and any tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969, may be recovered by the Commissioner for Motor Transport as a debt in any court of competent jurisdiction.

(2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

5. The Motor Vehicles (Third Party Insurance) Act, Amendment  
1942, as subsequently amended, is amended— of Act No.  
15, 1942.

- 5 (a) by inserting in subparagraph (ii) of paragraph (b) Sec. 15.  
of subsection two of section fifteen after the words (Entry of  
“as the” the words “authorised insurer or the judgment  
nominal defendant, as the case may be, or the”; against  
authorised  
insurer in  
certain  
events.)
- 10 (b) (i) by inserting in subsection one of section thirty Sec. 30.  
after the words “as the” the words “nominal (Claims in  
defendant or the”; respect of  
uninsured  
and un-  
identified  
motor  
vehicles.)
- 15 (c) by inserting next after section thirty-one the New sec.  
following new section : — 31A.
- 31A. (1) Full and accurate accounts shall be Accounts  
kept by the nominal defendant in respect of all to be kept  
amounts paid or received by him. by nominal  
defendant.
- 20 (2) As soon as practicable after the thirty-  
first day of December, one thousand nine hundred  
and sixty-nine, and thereafter as soon as practicable  
after the thirty-first day of December in each year  
the nominal defendant shall prepare and transmit  
25 to the Minister for presentation to Parliament state-  
ments of accounts in respect of that year in a form  
approved by the Auditor-General exhibiting a true  
and correct view of the financial position and  
transactions of the nominal defendant.
- 30 (3) The accounts of the nominal defend-  
ant shall be audited by the Auditor-General who  
shall have in respect thereof all the powers conferred  
on him by any law from time to time in force  
relating to the audit of public accounts.

(4)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(4) The Audit Act, 1902, as subsequently amended, shall apply to the nominal defendant in the same manner as it applies to accounting officers of public departments.

5 (5) For the purpose of meeting the costs and expenses of the audit the nominal defendant shall pay to the Treasurer for payment into the Consolidated Revenue Fund such sums at such times as the Treasurer may decide.

10 6. The Road Maintenance (Contribution) Act, 1958, as subsequently amended, is amended by inserting at the end of section five the following new subsection :—

Amendment  
of Act No.  
6, 1958.  
Sec. 5.

15 (4) For the purposes of subsection three of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

(Contribu-  
tion  
towards  
wear and  
tear of  
public  
streets.)

7. The Motor Vehicles Taxation Management Act, 1949, as subsequently amended, is amended—

Amendment  
of Act No.  
34, 1949.

20 (a) by omitting from section thirteen the words “before a stipendiary magistrate or any two justices in petty sessions at any time or”;

Sec. 13.  
(Recovery  
of tax.)

(b) by inserting at the end of the same section the following new subsection :—

25 (2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently  
30 amended.



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

8. The Government Railways Act, 1912, as subsequently amended, is amended by inserting next after section one hundred and forty-six the following new section :—

Amendment  
of Act No.  
30, 1912.  
New sec.  
147.

5 147. The provisions of paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended, do not apply to or in respect of any action by or on behalf of the Commissioner.

Section 11  
(1) of Small  
Debts  
Recovery  
Act, 1912,  
as amended,  
not to apply  
to certain  
actions.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969



*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 20 March, 1969.*

## New South Wales



ANNO OCTAVO DECIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. , 1969.**

An Act to remove the restrictions on the transfer of licenses under the State Transport (Co-ordination) Act, 1931, as subsequently amended, of taxi-cabs and private hire cars; to make further provision with respect to the purposes for which the Road Transport and Traffic Fund established under the Transport Act, 1930, as subsequently amended, may be expended; to empower certain members of the police force to enter certain premises and places on which certain repairs to motor vehicles are ordinarily carried out; to make provision with respect to tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969;

for



---

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

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for these and other purposes to amend the Transport Act, 1930, the Motor Traffic Act, 1909, the State Transport (Co-ordination) Act, 1931, the Motor Vehicles (Third Party Insurance) Act, 1942, the Road Maintenance (Contribution) Act, 1958, the Motor Vehicles Taxation Management Act, 1949, and the Government Railways Act, 1912, as subsequently amended; to validate certain matters; and for purposes connected therewith.

**B**E 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 Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969". Short title, citation and commencement.

(2) The Transport Act, 1930, as subsequently amended and as amended by this Act, may be cited as the Transport Act, 1930–1969.

(3) The Motor Traffic Act, 1909, as subsequently amended and as amended by this Act, may be cited as the Motor Traffic Act, 1909–1969.

15 (4) The State Transport (Co-ordination) Act, 1931, as subsequently amended and as amended by this Act, may be cited as the State Transport (Co-ordination) Act, 1931–1969.

20 (5) The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942–1969.

(6)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(6) The Road Maintenance (Contribution) Act, 1958, as subsequently amended and as amended by this Act, may be cited as the Road Maintenance (Contribution) Act, 1958-1969.

5 (7) The Motor Vehicles Taxation Management Act, 1949, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1969.

10 (8) The Government Railways Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Government Railways Act, 1912-1969.

(9) Except as provided in subsection ten of this section, this Act shall commence upon the day on which it receives the Royal assent.

15 (10) The several provisions of subparagraph (i) of paragraph (a) and paragraphs (c), (h) and (i) of subsection one of section two, and the several provisions of paragraphs (a) and (d) of section three, of this Act shall commence  
20 upon such day or days as may be appointed by the Governor in respect of those provisions or any of them and as may be notified by proclamation published in the Gazette.

2. (1) The Transport Act, 1930, as subsequently amended, is amended—

Amendment  
of Act No.  
18, 1930.

25 (a) (i) by omitting subsection four of section one hundred and fifty-two;

Sec. 152.  
(Applica-  
tions.)

(ii) by omitting subsection twelve of the same section;

(b) by omitting section 171A;

Sec. 171A.  
(Transfers  
of regis-  
trations of  
taxi-cabs  
and private  
hire cars.)

(c)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

- (c) by inserting next after section 171B the following new section : — New sec.  
171c.

5                   171c. (1) The provisions of section one hundred and fifty-four of this Act apply, subject to the modifications specified in subsection two of this section, to and in respect of taxi-cabs and private hire cars and owners and authorised insurers thereof in the same way as they apply to and in respect of motor omnibuses and owners and authorised insurers thereof. Insurance  
of taxi-cabs  
and private  
hire cars  
against  
damage to  
property.

10                   (2) For the purposes only of that application, the provisions of section one hundred and fifty-four of this Act shall be deemed to be modified as follows : —

15                   (a) by omitting the words “motor omnibus” wherever occurring and by inserting in lieu thereof the words “taxi-cab or private hire car”;

20                   (b) by omitting from paragraph (d) of subsection (3B) the words “Motor Vehicles (Third Party Insurance) Amendment Act, 1963” and by inserting in lieu thereof the words “paragraph (c) of section two of the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969”;

25                   (c) by omitting from subsection nine of the same section the words “a service license may be suspended or revoked by the Commissioner” and by inserting in lieu thereof the words “the license for the taxi-cab or private hire car, as the case may be, under the State Transport (Co-ordination) Act, 1931, as subsequently amended, may be cancelled by the Commissioner”;

(d)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

- (d) (i) by inserting at the end of subsection one of section two hundred and two the following new paragraph :— Sec. 202.  
(Fund to be established.)
- 5 (h) all moneys paid under the Transfer of Public Vehicles (Taxation) Act, 1969.
- (ii) by inserting next after paragraph (d) of subsection two of the same section the following new paragraphs :—
- 10 (d1) the cost of providing and maintaining traffic control signs and notices, traffic control light signals and other traffic facilities for the guidance of drivers of motor vehicles and the protection of pedestrians on public streets and
- 15 the cost of making essential or incidental alterations to public streets for that purpose;
- (d2) the cost or a contribution towards the cost of roadworks, other than those referred to in paragraph (d1) of this subsection, on public streets in connection with the installation of traffic or pedestrian facilities;
- 20 (d3) a contribution towards the cost of erecting bridges or subways or other facilities for use by pedestrians over, across, under or alongside public streets;
- 25 (d4) the payment of an annual grant, approved by the Minister, to the Road Safety Council of New South Wales;
- 30 (iii) by inserting next after the same subsection the following new subsection :—
- (2A) No expenditure shall, after the day on which the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969, receives the Royal assent, be made from
- 35 the

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the fund pursuant to paragraph (d2) or (d3) of subsection two of this section except with the approval in writing of the Minister.

- 5 (e) by inserting next after section 202A the following new section :— New sec. 202B.

202B. (1) Full and accurate accounts shall be kept by the Road Safety Council of New South Wales in respect of all moneys paid or received by it. Accounts of Road Safety Council of New South Wales.

- 10 (2) The accounts of the Road Safety Council of New South Wales shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

- 15 (3) As soon as practicable after the thirtieth day of June in each year the Road Safety Council of New South Wales shall prepare and transmit to the Minister statements of account in respect of the period of twelve months ended on that day in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Council.

- 25 (4) The Audit Act, 1902, as subsequently amended, shall apply to directors and officers of the Road Safety Council of New South Wales in the same manner as it applies to accounting officers of public departments.

- 30 (f) by omitting from subsection one of section two hundred and fifty the words "All penalties" and by inserting in lieu thereof the words "Subject to section 254A of this Act, all penalties"; Sec. 250. (Recovery of fares, &c.)

(g)

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- (g) by inserting next after section two hundred and fifty-four the following new section :— New sec. 254A.

5           254A. (1) Any annual service license fee or instalment thereof and any additional charge in respect of an annual service license fee which becomes payable to, and any other fee or money due to or recoverable by, the Commissioner under this Act or the regulations may be recovered by him as a debt in any court of competent jurisdiction. Recovery of amounts due to Commissioner or Commissioner for Government Transport.

10           (2) Any money or fee due to or recoverable under this Act or the regulations by the Commissioner for Government Transport may be recovered by him as a debt in any court of competent jurisdiction.

15           (3) For the purposes of subsections one and two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as  
20 subsequently amended.

- (h) by omitting paragraph (w) of subsection one of section two hundred and sixty-four and by inserting in lieu thereof the following paragraph :— Sec. 264. (Regulations to be made on recommendation of a Trust.)

25           (w) the fees to be paid in respect of any matter under this Act or the regulations, other than annual service license fees referred to in subsection six of section one hundred and fifty-two of this Act;

- (i) by omitting Schedule Two. Sch. Two.

30           (2) Any expenditure that was incurred by the Commissioner out of the Road Transport and Traffic Fund before the day on which this Act receives the Royal assent and that would have been authorised had paragraph (d1), (d2), (d3) or (d4) of subsection two of section two hundred and two of  
35 the Transport Act, 1930, as subsequently amended (as inserted



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inserted by subparagraph (ii) of paragraph (d) of subsection one of this section) been in force at the time when the expenditure was incurred is hereby validated.

3. The Motor Traffic Act, 1909, as subsequently amended, Amendment  
5 is amended— of Act No.  
5, 1909.

(a) by omitting paragraph (s) of subsection one of Sec. 3.  
section three and by inserting in lieu thereof the (Regula-  
following paragraph :— tions.)

10 (s) prescribe the fees to be paid in respect of  
any matter under this Act or the regula-  
tions and regulate the payment, subject to  
such exemptions as may be specified, of  
such fees and, subject to the provisions of  
this Act, the application of such fees.

15 (b) by inserting next after section 7B the following new New sec.  
section :— 7C.

20 7C. (1) A member of the police force Power of  
authorised in that behalf by the Commissioner of entry for  
Police may enter at any time any premises or place tracing  
on which the business of carrying out repairs, result- stolen  
ing from accidents, to damaged motor vehicles is motor  
ordinarily carried on and may inspect any motor vehicles  
vehicle or part of a motor vehicle that is found or parts  
by him in or upon those premises or that place for thereof.  
25 the purpose of ascertaining whether or not it is a  
stolen motor vehicle or part.

30 (2) Any person who wilfully delays or  
obstructs a member of the police force in the exer-  
cise of his authority under subsection one of this  
section shall be guilty of an offence under this Act  
and shall be liable to a penalty not exceeding two  
hundred dollars.

(c) (i) by omitting from section twenty the words Sec. 20.  
“and in any court of competent jurisdiction”; (Recovery  
(ii) and  
evidence.)

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(ii) by inserting at the end of the same section the following new subsections :—

5 (2) Any prescribed fee under this Act may be recovered by the Commissioner as a debt in any court of competent jurisdiction.

10 (3) For the purposes of subsection two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

(d) by omitting the Schedule.

4. The State Transport (Co-ordination) Act, 1931, as subsequently amended, is amended—

Amendment  
of Act No.  
32, 1931.

15 (a) (i) by omitting from subsection seven of section sixteen the words "Subject to section 17A of this Act the" and by inserting in lieu thereof the word "The";

Sec. 16.  
(Registra-  
tion of  
license.)

20 (ii) by inserting at the end of the same section the following new subsections :—

25 (9) An application for the transfer of a license granted under this Act for a taxi-cab registered under the Transport Act, 1930, as subsequently amended, or a private hire car so registered shall not be granted by the Commissioner for Motor Transport unless—

30 (a) there has been paid to him by the transferor tax at the rates calculated in accordance with the Transfer of Public Vehicles (Taxation) Act, 1969, or by any Act amending or replacing that Act; and

35 (b) the application is accompanied by an application for the transfer of the registration under the Transport Act, 1930,

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1930, as subsequently amended, of the taxi-cab or private hire car to the proposed transferee of the license granted under this Act.

5 (10) A transfer of license referred to in subsection nine of this section is exempt from tax under the Transfer of Public Vehicles (Taxation) Act, 1969, where the holder of the license has died and the transferee is  
10 entitled to the license under the will or on the intestacy of that holder.

(11) The surrender of a license and the issue of another license to a nominee of the holder of the firstmentioned license pursuant  
15 to an application made to the Commissioner for Motor Transport before the day on which this Act receives the Royal assent is, subject to section seventeen of this Act, hereby  
20 authorised and any such surrender and issue effected before that day is hereby validated.

(12) No tax under the Transfer of Public Vehicles (Taxation) Act, 1969, shall be payable in respect of—

- 25 (a) the surrender and issue of a license authorised under subsection eleven of this section; or
- (b) the transfer of a license, the application for which transfer was lodged with the Commissioner for Motor Transport  
30 before the day on which this Act receives the Royal assent.

(13) Where the holder of a license for a public motor vehicle dies or becomes mentally ill, an incapable person or a protected person  
35 within the meaning of the Mental Health Act, 1958, as subsequently amended, and an approval



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5 approval to operate the public motor vehicle  
is granted by the Commissioner for Motor  
Transport pursuant to an application made by  
any person under subsection fourteen of this  
section, that person shall, for the purposes of  
this Act, be deemed to be the holder of the  
license in respect of the public motor vehicle  
and shall, in respect of the public motor  
vehicle, be subject to the provisions of this Act  
10 and the regulations and the conditions  
attached to the license.

15 (14) An application for the approval of  
the Commissioner for Motor Transport to  
operate a public motor vehicle, the holder of  
the license for which has died or become  
mentally ill, an incapable person or a pro-  
tected person within the meaning of the  
Mental Health Act, 1958, as subsequently  
amended—

- 20 (a) shall be made in writing to the Com-  
missioner for Motor Transport; and  
(b) may be granted or refused by the  
Commissioner for Motor Transport.

25 (15) An approval granted under subsec-  
tion fourteen of this section shall, subject to  
subsection sixteen of this section, be in force  
for such period as the Commissioner for Motor  
Transport may determine and specify in the  
instrument of approval and may from time to  
time be extended by the Commissioner for  
Motor Transport.

30 (16) The Commissioner for Motor Trans-  
port may for any reason that to him seems  
sufficient at any time cancel an approval  
granted by him under subsection fourteen of  
this section.

(b)

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(b) by omitting section 17A;

Sec. 17A.  
(Transfer of  
taxi-cab and  
private hire  
car licenses.)

(c) (i) by inserting in subsection four of section twenty-two after the words "holder of the permit" where secondly occurring the words "in any court of competent jurisdiction";

5

Sec. 22.  
(Permits to  
use vehicle  
for carriage  
of passengers  
or goods.)

(ii) by inserting at the end of the same section the following new subsection : —

10

(5) For the purposes of subsection four of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

15

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

Subst.  
sec. 39.

20

39. (1) Any amount due to or recoverable under subsection four or five of section eighteen of this Act, any amount due under section thirty-seven of this Act, any other fees payable under this Act or the regulations and any tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969, may be recovered by the Commissioner for Motor Transport as a debt in any court of competent jurisdiction.

Recovery of  
amounts due.

25

(2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

30

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5. The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended, is amended—

Amendment  
of Act No.  
15, 1942.

- 5 (a) by inserting in subparagraph (ii) of paragraph (b) of subsection two of section fifteen after the words “as the” the words “authorised insurer or the nominal defendant, as the case may be, or the”;
- 10 (b) (i) by inserting in subsection one of section thirty after the words “as the” the words “nominal defendant or the”;
- (ii) by inserting in subparagraph (ii) of paragraph (b) of subsection two of the same section after the words “as the” the words “nominal defendant or the”;
- 15 (c) by inserting next after section thirty-one the following new section :—
- 31A. (1) Full and accurate accounts shall be kept by the nominal defendant in respect of all amounts paid or received by him.
- 20 (2) As soon as practicable after the thirty-first day of December, one thousand nine hundred and sixty-nine, and thereafter as soon as practicable after the thirty-first day of December in each year the nominal defendant shall prepare and transmit to the Minister for presentation to Parliament statements of accounts in respect of that year in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the nominal defendant.
- 25 (3) The accounts of the nominal defendant shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

Sec. 15.  
(Entry of  
judgment  
against  
authorised  
insurer in  
certain  
events.)

Sec. 30.  
(Claims in  
respect of  
uninsured  
and un-  
identified  
motor  
vehicles.)

New sec.  
31A.

Accounts  
to be kept  
by nominal  
defendant.

(4)



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(4) The Audit Act, 1902, as subsequently amended, shall apply to the nominal defendant in the same manner as it applies to accounting officers of public departments.

5 (5) For the purpose of meeting the costs and expenses of the audit the nominal defendant shall pay to the Treasurer for payment into the Consolidated Revenue Fund such sums at such times as the Treasurer may decide.

10 6. The Road Maintenance (Contribution) Act, 1958, as subsequently amended, is amended by inserting at the end of section five the following new subsection :—

Amendment  
of Act No.  
6, 1958.

Sec. 5.

(Contribu-  
tion  
towards  
wear and  
tear of  
public  
streets.)

15 (4) For the purposes of subsection three of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

7. The Motor Vehicles Taxation Management Act, 1949, as subsequently amended, is amended—

Amendment  
of Act No.  
34, 1949.

20 (a) by omitting from section thirteen the words “before a stipendiary magistrate or any two justices in petty sessions at any time or”; Sec. 13.  
(Recovery  
of tax.)

(b) by inserting at the end of the same section the following new subsection :—

25 (2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently  
30 amended.

8.

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8. The Government Railways Act, 1912, as subsequently amended, is amended by inserting next after section one hundred and forty-six the following new section :—

Amendment  
of Act No.  
30, 1912.  
New sec.  
147.

5 147. The provisions of paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended, do not apply to or in respect of any action by or on behalf of the Commissioner.

Section 11  
(1) of Small  
Debts  
Recovery  
Act, 1912,  
as amended,  
not to apply  
to certain  
actions.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969  
[15c]





No. , 1969.

## A BILL

To remove the restrictions on the transfer of licenses under the State Transport (Co-ordination) Act, 1931, as subsequently amended, of taxi-cabs and private hire cars; to make further provision with respect to the purposes for which the Road Transport and Traffic Fund established under the Transport Act, 1930, as subsequently amended, may be expended; to empower certain members of the police force to enter certain premises and places on which certain repairs to motor vehicles are ordinarily carried out; to make provision with respect to tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969;

for

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*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

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for these and other purposes to amend the Transport Act, 1930, the Motor Traffic Act, 1909, the State Transport (Co-ordination) Act, 1931, the Motor Vehicles (Third Party Insurance) Act, 1942, the Road Maintenance (Contribution) Act, 1958, the Motor Vehicles Taxation Management Act, 1949, and the Government Railways Act, 1912, as subsequently amended; to validate certain matters; and for purposes connected therewith.

[MR MORRIS—12 March, 1969.]

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**B**E 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 Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969".

Short title,  
citation and  
commence-  
ment.

(2) The Transport Act, 1930, as subsequently amended and as amended by this Act, may be cited as the Transport Act, 1930–1969.

(3) The Motor Traffic Act, 1909, as subsequently amended and as amended by this Act, may be cited as the Motor Traffic Act, 1909–1969.

15 (4) The State Transport (Co-ordination) Act, 1931, as subsequently amended and as amended by this Act, may be cited as the State Transport (Co-ordination) Act, 1931–1969.

20 (5) The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942–1969.

(6)

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(6) The Road Maintenance (Contribution) Act, 1958, as subsequently amended and as amended by this Act, may be cited as the Road Maintenance (Contribution) Act, 1958–1969.

5 (7) The Motor Vehicles Taxation Management Act, 1949, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949–1969.

10 (8) The Government Railways Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Government Railways Act, 1912–1969.

(9) Except as provided in subsection ten of this section, this Act shall commence upon the day on which it receives the Royal assent.

15 (10) The several provisions of subparagraph (i) of paragraph (a) and paragraphs (c), (h) and (i) of subsection one of section two, and the several provisions of paragraphs (a) and (d) of section three, of this Act shall commence upon such day or days as may be appointed by the Governor  
20 in respect of those provisions or any of them and as may be notified by proclamation published in the Gazette.

2. (1) The Transport Act, 1930, as subsequently amended, is amended—

Amendment  
of Act No.  
18, 1930.

25 (a) (i) by omitting subsection four of section one hundred and fifty-two;  
(ii) by omitting subsection twelve of the same section;

Sec. 152.  
(Applica-  
tions.)

(b) by omitting section 171A;

Sec. 171A.  
(Transfers  
of regis-  
trations of  
taxi-cabs  
and private  
hire cars.)

(c)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

- (c) by inserting next after section 171B the following new section : — New sec.  
171C.

5           171C. (1) The provisions of section one hundred and fifty-four of this Act apply, subject to the modifications specified in subsection two of this section, to and in respect of taxi-cabs and private hire cars and owners and authorised insurers thereof in the same way as they apply to and in respect of motor omnibuses and owners and authorised insurers thereof.

10

(2) For the purposes only of that application, the provisions of section one hundred and fifty-four of this Act shall be deemed to be modified as follows : —

- 15           (a) by omitting the words “motor omnibus” wherever occurring and by inserting in lieu thereof the words “taxi-cab or private hire car”;
- 20           (b) by omitting from paragraph (d) of subsection (3B) the words “Motor Vehicles (Third Party Insurance) Amendment Act, 1963” and by inserting in lieu thereof the words “paragraph (c) of section two of the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969”;
- 25           (c) by omitting from subsection nine of the same section the words “a service license may be suspended or revoked by the Commissioner” and by inserting in lieu thereof the words “the license for the taxi-cab or private hire car, as the case may be, under the State Transport (Co-ordination) Act, 1931, as subsequently amended, may be cancelled by the Commissioner”;
- 30

(d)

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- (d) (i) by inserting at the end of subsection one of section two hundred and two the following new paragraph :—

Sec. 202.  
(Fund to be established.)

- 5 (h) all moneys paid under the Transfer of Public Vehicles (Taxation) Act, 1969.

- (ii) by inserting next after paragraph (d) of subsection two of the same section the following new paragraphs :—

- 10 (d1) the cost of providing and maintaining traffic control signs and notices, traffic control light signals and other traffic facilities for the guidance of drivers of motor vehicles and the protection of pedestrians on public streets and
- 15 the cost of making essential or incidental alterations to public streets for that purpose;

- 20 (d2) the cost or a contribution towards the cost of roadworks, other than those referred to in paragraph (d1) of this subsection, on public streets in connection with the installation of traffic or pedestrian facilities;

- 25 (d3) a contribution towards the cost of erecting bridges or subways or other facilities for use by pedestrians over, across, under or alongside public streets;

- 30 (d4) the payment of an annual grant, approved by the Minister, to the Road Safety Council of New South Wales;

- (iii) by inserting next after the same subsection the following new subsection :—

- 35 (2A) No expenditure shall, after the day on which the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969, receives the Royal assent, be made from the

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the fund pursuant to paragraph (d2) or (d3) of subsection two of this section except with the approval in writing of the Minister.

- 5 (e) by inserting next after section 202A the following new section :— New sec. 202B.

202B. (1) Full and accurate accounts shall be kept by the Road Safety Council of New South Wales in respect of all moneys paid or received by it. Accounts of Road Safety Council of New South Wales.

- 10 (2) The accounts of the Road Safety Council of New South Wales shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

- 15 (3) As soon as practicable after the thirtieth day of June in each year the Road Safety Council of New South Wales shall prepare and transmit to the Minister statements of account in respect of the period of twelve months ended on that day in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Council.

- 20 (4) The Audit Act, 1902, as subsequently amended, shall apply to directors and officers of the Road Safety Council of New South Wales in the same manner as it applies to accounting officers of public departments.

- 25 (f) by omitting from subsection one of section two hundred and fifty the words "All penalties" and by inserting in lieu thereof the words "Subject to section 254A of this Act, all penalties"; Sec. 250. (Recovery of fares, &c.)

(g)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

- (g) by inserting next after section two hundred and fifty-four the following new section :— New sec. 254A.

5           254A. (1) Any annual service license fee or instalment thereof and any additional charge in respect of an annual service license fee which becomes payable to, and any other fee or money due to or recoverable by, the Commissioner under this Act or the regulations may be recovered by him as a debt in any court of competent jurisdiction. Recovery of amounts due to Commissioner or Commissioner for Government Transport.

10           (2) Any money or fee due to or recoverable under this Act or the regulations by the Commissioner for Government Transport may be recovered by him as a debt in any court of competent jurisdiction.

15           (3) For the purposes of subsections one and two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as  
20 subsequently amended.

- (h) by omitting paragraph (w) of subsection one of section two hundred and sixty-four and by inserting in lieu thereof the following paragraph :— Sec. 264. (Regulations to be made on recommendation of a Trust.)

25           (w) the fees to be paid in respect of any matter under this Act or the regulations, other than annual service license fees referred to in subsection six of section one hundred and fifty-two of this Act ;

- (i) by omitting Schedule Two. Sch. Two.

30           (2) Any expenditure that was incurred by the Commissioner out of the Road Transport and Traffic Fund before the day on which this Act receives the Royal assent and that would have been authorised had paragraph (d1), (d2), (d3) or (d4) of subsection two of section two hundred and two of  
35 the Transport Act, 1930, as subsequently amended (as inserted

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inserted by subparagraph (ii) of paragraph (d) of subsection one of this section) been in force at the time when the expenditure was incurred is hereby validated.

3. The Motor Traffic Act, 1909, as subsequently amended, Amendment  
5 is amended— of Act No.  
5, 1909.

(a) by omitting paragraph (s) of subsection one of Sec. 3.  
section three and by inserting in lieu thereof the (Regula-  
following paragraph :— tions.)

10 (s) prescribe the fees to be paid in respect of  
any matter under this Act or the regula-  
tions and regulate the payment, subject to  
such exemptions as may be specified, of  
such fees and, subject to the provisions of  
this Act, the application of such fees.

15 (b) by inserting next after section 7B the following new New sec.  
section :— 7c.

7c. (1) A member of the police force Power of  
authorised in that behalf by the Commissioner of entry for  
Police may enter at any time any premises or place tracing  
20 on which the business of carrying out repairs, result- stolen  
ing from accidents, to damaged motor vehicles is motor  
ordinarily carried on and may inspect any vehicle vehicles  
or part of a motor vehicle that is found or parts  
25 by him in or upon those premises or that place for thereof.  
the purpose of ascertaining whether or not it is a  
stolen motor vehicle or part.

(2) Any person who wilfully delays or  
obstructs a member of the police force in the exer-  
cise of his authority under subsection one of this  
30 section shall be guilty of an offence under this Act  
and shall be liable to a penalty not exceeding two  
hundred dollars.

(c) (i) by omitting from section twenty the words Sec. 20.  
“and in any court of competent jurisdiction”; (Recovery  
(ii) and  
evidence.)

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(ii) by inserting at the end of the same section the following new subsections :—

(2) Any prescribed fee under this Act may be recovered by the Commissioner as a debt in any court of competent jurisdiction.

(3) For the purposes of subsection two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

(d) by omitting the Schedule.

4. The State Transport (Co-ordination) Act, 1931, as subsequently amended, is amended—

Amendment  
of Act No.  
32, 1931.

(a) (i) by omitting from subsection seven of section sixteen the words "Subject to section 17A of this Act the" and by inserting in lieu thereof the word "The";

Sec. 16.  
(Registra-  
tion of  
license.)

(ii) by inserting at the end of the same section the following new subsections :—

(9) An application for the transfer of a license granted under this Act for a taxi-cab registered under the Transport Act, 1930, as subsequently amended, or a private hire car so registered shall not be granted by the Commissioner for Motor Transport unless—

(a) there has been paid to him by the transferor tax at the rates calculated in accordance with the Transfer of Public Vehicles (Taxation) Act, 1969, or by any Act amending or replacing that Act; and

(b) the application is accompanied by an application for the transfer of the registration under the Transport Act, 1930,



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1930, as subsequently amended, of the taxi-cab or private hire car to the proposed transferee of the license granted under this Act.

5 (10) A transfer of license referred to in subsection nine of this section is exempt from tax under the Transfer of Public Vehicles (Taxation) Act, 1969, where the holder of the license has died and the transferee is  
10 entitled to the license under the will or on the intestacy of that holder.

(11) The surrender of a license and the issue of another license to a nominee of the holder of the firstmentioned license pursuant  
15 to an application made to the Commissioner for Motor Transport before the day on which this Act receives the Royal assent is, subject to section seventeen of this Act, hereby authorised and any such surrender and issue  
20 effected before that day is hereby validated.

(12) No tax under the Transfer of Public Vehicles (Taxation) Act, 1969, shall be payable in respect of—

25 (a) the surrender and issue of a license authorised under subsection eleven of this section; or

(b) the transfer of a license, the application for which transfer was lodged with the Commissioner for Motor Transport  
30 before the day on which this Act receives the Royal assent.

(13) Where the holder of a license for a public motor vehicle dies or becomes mentally ill, an incapable person or a protected person  
35 within the meaning of the Mental Health Act, 1958, as subsequently amended, and an approval

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*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

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5 approval to operate the public motor vehicle  
is granted by the Commissioner for Motor  
Transport pursuant to an application made by  
any person under subsection fourteen of this  
section, that person shall, for the purposes of  
this Act, be deemed to be the holder of the  
license in respect of the public motor vehicle  
and shall, in respect of the public motor  
vehicle, be subject to the provisions of this Act  
10 and the regulations and the conditions  
attached to the license.

15 (14) An application for the approval of  
the Commissioner for Motor Transport to  
operate a public motor vehicle, the holder of  
the license for which has died or become  
mentally ill, an incapable person or a pro-  
tected person within the meaning of the  
Mental Health Act, 1958, as subsequently  
amended—

20 (a) shall be made in writing to the Com-  
missioner for Motor Transport; and

(b) may be granted or refused by the  
Commissioner for Motor Transport.

25 (15) An approval granted under subsec-  
tion fourteen of this section shall, subject to  
subsection sixteen of this section, be in force  
for such period as the Commissioner for Motor  
Transport may determine and specify in the  
instrument of approval and may from time to  
time be extended by the Commissioner for  
30 Motor Transport.

35 (16) The Commissioner for Motor Trans-  
port may for any reason that to him seems  
sufficient at any time cancel an approval  
granted by him under subsection fourteen of  
this section.

(b)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(b) by omitting section 17A;

Sec. 17A.  
(Transfer of  
taxi-cab and  
private hire  
car licenses.)

(c) (i) by inserting in subsection four of section twenty-two after the words "holder of the permit" where secondly occurring the words "in any court of competent jurisdiction";

5

(Permits to use vehicle for carriage of passengers or goods.)

(ii) by inserting at the end of the same section the following new subsection :—

10 (5) For the purposes of subsection four of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

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

Subst.  
sec. 39.

20 39. (1) Any amount due to or recoverable under subsection four or five of section eighteen of this Act, any amount due under section thirty-seven of this Act, any other fees payable under this Act or the regulations and any tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969, may be recovered by the Commissioner for Motor Transport as a debt in any court of competent jurisdiction.

Recovery of amounts due.

25 (2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

30



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

5. The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended, is amended—

Amendment  
of Act No.  
15, 1942.

5 (a) by inserting in subparagraph (ii) of paragraph (b) of subsection two of section fifteen after the words “as the” the words “authorised insurer or the nominal defendant, as the case may be, or the”;

Sec. 15.  
(Entry of  
judgment  
against  
authorised  
insurer in  
certain  
events.)

10 (b) (i) by inserting in subsection one of section thirty after the words “as the” the words “nominal defendant or the”;

Sec. 30.  
(Claims in  
respect of  
uninsured  
and un-  
identified  
motor  
vehicles.)

(ii) by inserting in subparagraph (ii) of paragraph (b) of subsection two of the same section after the words “as the” the words “nominal defendant or the”;

15 (c) by inserting next after section thirty-one the following new section :—

New sec.  
31A.

31A. (1) Full and accurate accounts shall be kept by the nominal defendant in respect of all amounts paid or received by him.

Accounts  
to be kept  
by nominal  
defendant.

20 (2) As soon as practicable after the thirty-first day of December, one thousand nine hundred and sixty-nine, and thereafter as soon as practicable after the thirty-first day of December in each year the nominal defendant shall prepare and transmit to the Minister for presentation to Parliament statements of accounts in respect of that year in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the nominal defendant.

30 (3) The accounts of the nominal defendant shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

(4)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(4) The Audit Act, 1902, as subsequently amended, shall apply to the nominal defendant in the same manner as it applies to accounting officers of public departments.

5 (5) For the purpose of meeting the costs and expenses of the audit the nominal defendant shall pay to the Treasurer for payment into the Consolidated Revenue Fund such sums at such times as the Treasurer may decide.

10 6. The Road Maintenance (Contribution) Act, 1958, as subsequently amended, is amended by inserting at the end of section five the following new subsection :—

Amendment  
of Act No.  
6, 1958.  
Sec. 5.

15 (4) For the purposes of subsection three of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

(Contribu-  
tion  
towards  
wear and  
tear of  
public  
streets.)

7. The Motor Vehicles Taxation Management Act, 1949, as subsequently amended, is amended—

Amendment  
of Act No.  
34, 1949.

20 (a) by omitting from section thirteen the words “before a stipendiary magistrate or any two justices in petty sessions at any time or”;

Sec. 13.  
(Recovery  
of tax.)

(b) by inserting at the end of the same section the following new subsection :—

25 (2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently  
30 amended.

8.

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

8. The Government Railways Act, 1912, as subsequently amended, is amended by inserting next after section one hundred and forty-six the following new section :—

Amendment  
of Act No.  
30, 1912.  
New sec.  
147.

5 147. The provisions of paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended, do not apply to or in respect of any action by or on behalf of the Commissioner.

Section 11  
(1) of Small  
Debts  
Recovery  
Act, 1912,  
as amended,  
not to apply  
to certain  
actions.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969  
[15c]



These figures are based on the results of the 1912 election.

8. The Commission's report for 1912, as subsequently amended, is appended to the report for 1913, and contains the following information:—

147. The Commission, in carrying out its duties, has received from the various States and Territories, and from the Federal Government, a large amount of information, which has been carefully examined and compared with the results of the 1912 election. The Commission has also received from the various States and Territories, and from the Federal Government, a large amount of information, which has been carefully examined and compared with the results of the 1912 election.

## MOTOR VEHICLES AND GOVERNMENT RAILWAYS (MISCELLANEOUS PROVISIONS) BILL, 1969

### EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to repeal the provisions of the State Transport (Co-ordination) Act, 1931, as subsequently amended, and the Transport Act, 1930, as subsequently amended, under which certain licenses for and registrations of taxi-cabs and private hire cars are non-transferable;
- (b) to apply to taxi-cabs and private hire cars the provisions of section 154 of the Transport Act, 1930, as subsequently amended, so as to require their owners to take out third-party property insurance;
- (c) to extend the purposes for which the Road Transport and Traffic Fund established under the Transport Act, 1930, as subsequently amended, may be expended;
- (d) to require the Road Safety Council of New South Wales to keep full and accurate accounts and to require the Auditor-General to audit those accounts;
- (e) to empower certain members of the police force to enter premises on which the business of carrying out repairs, resulting from accidents, to damaged motor vehicles is ordinarily carried on and to inspect any motor vehicle or part of a motor vehicle found thereon for the purpose of ascertaining whether it is a stolen motor vehicle or part;
- (f) to make provision with respect to the payment of and exemptions from tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969;
- (g) to make provision enabling the Commissioner for Motor Transport to approve of a person to operate, for a limited period, a public motor vehicle, the licensee of which has died or become mentally ill, an incapable person or a protected person within the meaning of the Mental Health Act, 1958, as subsequently amended;
- (h) to enable an authorised insurer under the Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended, as well as the nominal defendant, to extend the time within which a claimant must give notice of intention to make a claim against the insurer or nominal defendant, as the case may be;
- (i) to require the nominal defendant under the Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended, to keep full and accurate accounts and to require the Auditor-General to audit those accounts;
- (j) to make further provisions with respect to the recovery of certain amounts payable under the Transport Act, 1930, the Motor Traffic Act, 1909, the State Transport (Co-ordination) Act, 1931, the Road Maintenance (Contribution) Act, 1958, the Motor Vehicles Taxation Management Act, 1949, and the Government Railways Act, 1912, as subsequently amended;
- (k) to validate certain payments made from the Road Transport and Traffic Fund established under the Transport Act, 1930, as subsequently amended, and certain transfers of licenses of taxi-cabs and private hire cars;
- (l) to make other amendments of a machinery or consequential character.





PROOF

No. , 1969.

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## A BILL

To remove the restrictions on the transfer of licenses under the State Transport (Coordination) Act, 1931, as subsequently amended, of taxi-cabs and private hire cars; to make further provision with respect to the purposes for which the Road Transport and Traffic Fund established under the Transport Act, 1930, as subsequently amended, may be expended; to empower certain members of the police force to enter certain premises and places on which certain repairs to motor vehicles are ordinarily carried out; to make provision with respect to tax payable under the Transfer of Public Vehicles (Taxation) Act, 1969;

for

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

for these and other purposes to amend the Transport Act, 1930, the Motor Traffic Act, 1909, the State Transport (Co-ordination) Act, 1931, the Motor Vehicles (Third Party Insurance) Act, 1942, the Road Maintenance (Contribution) Act, 1958, the Motor Vehicles Taxation Management Act, 1949, and the Government Railways Act, 1912, as subsequently amended; to validate certain matters; and for purposes connected therewith.

[MR MORRIS—12 March, 1969.]

**B**E 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 Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969".

Short title,  
citation and  
commence-  
ment.

(2) The Transport Act, 1930, as subsequently amended and as amended by this Act, may be cited as the Transport Act, 1930–1969.

(3) The Motor Traffic Act, 1909, as subsequently amended and as amended by this Act, may be cited as the Motor Traffic Act, 1909–1969.

15 (4) The State Transport (Co-ordination) Act, 1931, as subsequently amended and as amended by this Act, may be cited as the State Transport (Co-ordination) Act, 1931–1969.

20 (5) The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942–1969.

(6)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(6) The Road Maintenance (Contribution) Act, 1958, as subsequently amended and as amended by this Act, may be cited as the Road Maintenance (Contribution) Act, 1958–1969.

5 (7) The Motor Vehicles Taxation Management Act, 1949, as subsequently amended and as amended by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949–1969.

10 (8) The Government Railways Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Government Railways Act, 1912–1969.

(9) Except as provided in subsection ten of this section, this Act shall commence upon the day on which it receives the Royal assent.

15 (10) The several provisions of subparagraph (i) of paragraph (a) and paragraphs (c), (h) and (i) of subsection one of section two, and the several provisions of paragraphs (a) and (d) of section three, of this Act shall commence  
20 upon such day or days as may be appointed by the Governor in respect of those provisions or any of them and as may be notified by proclamation published in the Gazette.

2. (1) The Transport Act, 1930, as subsequently amended, is amended—

Amendment  
of Act No.  
18, 1930.

25 (a) (i) by omitting subsection four of section one hundred and fifty-two;

Sec. 152.  
(Applica-  
tions.)

(ii) by omitting subsection twelve of the same section;

(b) by omitting section 171A;

Sec. 171A.  
(Transfers  
of regis-  
trations of  
taxi-cabs  
and private  
hire cars.)

(c)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

- (c) by inserting next after section 171B the following New sec. 171c.  
new section : —

5           171c. (1) The provisions of section one Insurance of taxi-cabs and private hire cars against damage to property.  
the modifications specified in subsection two of this  
section, to and in respect of taxi-cabs and private  
hire cars and owners and authorised insurers thereof  
10 in the same way as they apply to and in respect of  
motor omnibuses and owners and authorised  
insurers thereof.

(2) For the purposes only of that applica-  
tion, the provisions of section one hundred and  
fifty-four of this Act shall be deemed to be modified  
as follows : —

- 15           (a) by omitting the words “motor omnibus”  
wherever occurring and by inserting in lieu  
thereof the words “taxi-cab or private hire  
car”;
- 20           (b) by omitting from paragraph (d) of sub-  
section (3B) the words “Motor Vehicles  
(Third Party Insurance) Amendment Act,  
1963” and by inserting in lieu thereof the  
words “paragraph (c) of section two of the  
25 Motor Vehicles and Government Railways  
(Miscellaneous Provisions) Act, 1969”;
- 30           (c) by omitting from subsection nine of the same  
section the words “a service license may be  
suspended or revoked by the Commissioner”  
and by inserting in lieu thereof the words  
“the license for the taxi-cab or private hire  
car, as the case may be, under the State  
Transport (Co-ordination) Act, 1931, as  
subsequently amended, may be cancelled by  
the Commissioner”;

(d)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(d) (i) by inserting at the end of subsection one of section two hundred and two the following new paragraph :—

Sec. 202.  
(Fund to be established.)

5 (h) all moneys paid under the Transfer of Public Vehicles (Taxation) Act, 1969.

(ii) by inserting next after paragraph (d) of subsection two of the same section the following new paragraphs :—

10 (d1) the cost of providing and maintaining traffic control signs and notices, traffic control light signals and other traffic facilities for the guidance of drivers of motor vehicles and the protection of pedestrians on public streets and the cost of making essential or incidental alterations to public streets for that purpose;

15 (d2) the cost or a contribution towards the cost of roadworks, other than those referred to in paragraph (d1) of this subsection, on public streets in connection with the installation of traffic or pedestrian facilities;

20 (d3) a contribution towards the cost of erecting bridges or subways or other facilities for use by pedestrians over, across, under or alongside public streets;

25 (d4) the payment of an annual grant, approved by the Minister, to the Road Safety Council of New South Wales;

30 (iii) by inserting next after the same subsection the following new subsection :—

35 (2A) No expenditure shall, after the day on which the Motor Vehicles and Government Railways (Miscellaneous Provisions) Act, 1969, receives the Royal assent, be made from the

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

the fund pursuant to paragraph (d2) or (d3) of subsection two of this section except with the approval in writing of the Minister.

- 5 (e) by inserting next after section 202A the following new section :— New sec. 202B.

202B. (1) Full and accurate accounts shall be kept by the Road Safety Council of New South Wales in respect of all moneys paid or received by it. Accounts of Road Safety Council of New South Wales.

- 10 (2) The accounts of the Road Safety Council of New South Wales shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

- 15 (3) As soon as practicable after the thirtieth day of June in each year the Road Safety Council of New South Wales shall prepare and transmit to the Minister statements of account in respect of the period of twelve months ended on that day in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Council.

- 20 (4) The Audit Act, 1902, as subsequently amended, shall apply to directors and officers of the Road Safety Council of New South Wales in the same manner as it applies to accounting officers of public departments.

- 25 (f) by omitting from subsection one of section two hundred and fifty the words "All penalties" and by inserting in lieu thereof the words "Subject to section 254A of this Act, all penalties"; Sec. 250. (Recovery of fares, &c.)

(g)



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

- (g) by inserting next after section two hundred and fifty-four the following new section :— New sec. 254A.

5           254A. (1) Any annual service license fee or instalment thereof and any additional charge in respect of an annual service license fee which becomes payable to, and any other fee or money due to or recoverable by, the Commissioner under this Act or the regulations may be recovered by him as a debt in any court of competent jurisdiction. Recovery of amounts due to Commissioner or Commissioner for Government Transport.

10           (2) Any money or fee due to or recoverable under this Act or the regulations by the Commissioner for Government Transport may be recovered by him as a debt in any court of competent jurisdiction.

15           (3) For the purposes of subsections one and two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

- (h) by omitting paragraph (w) of subsection one of section two hundred and sixty-four and by inserting in lieu thereof the following paragraph :— Sec. 264. (Regulations to be made on recommendation of a Trust.)

25           (w) the fees to be paid in respect of any matter under this Act or the regulations, other than annual service license fees referred to in subsection six of section one hundred and fifty-two of this Act;

- (i) by omitting Schedule Two.

Sch. Two.

30           (2) Any expenditure that was incurred by the Commissioner out of the Road Transport and Traffic Fund before the day on which this Act receives the Royal assent and that would have been authorised had paragraph (d1), (d2), (d3) or (d4) of subsection two of section two hundred and two of  
35 the Transport Act, 1930, as subsequently amended (as inserted

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inserted by subparagraph (ii) of paragraph (d) of subsection one of this section) been in force at the time when the expenditure was incurred is hereby validated.

3. The Motor Traffic Act, 1909, as subsequently amended, Amendment  
5 is amended— of Act No.  
5, 1909.

(a) by omitting paragraph (s) of subsection one of Sec. 3.  
section three and by inserting in lieu thereof the (Regula-  
following paragraph :— tions.)

10 (s) prescribe the fees to be paid in respect of  
any matter under this Act or the regula-  
tions and regulate the payment, subject to  
such exemptions as may be specified, of  
such fees and, subject to the provisions of  
this Act, the application of such fees.

15 (b) by inserting next after section 7B the following new New sec.  
section :— 7C.

20 7C. (1) A member of the police force Power of  
authorised in that behalf by the Commissioner of entry for  
Police may enter at any time any premises or place tracing  
on which the business of carrying out repairs, result- stolen  
ing from accidents, to damaged motor vehicles is motor  
ordinarily carried on and may inspect any motor vehicles  
vehicle or part of a motor vehicle that is found or parts  
by him in or upon those premises or that place for thereof.  
25 the purpose of ascertaining whether or not it is a  
stolen motor vehicle or part.

30 (2) Any person who wilfully delays or  
obstructs a member of the police force in the exer-  
cise of his authority under subsection one of this  
section shall be guilty of an offence under this Act  
and shall be liable to a penalty not exceeding two  
hundred dollars.

(c) (i) by omitting from section twenty the words Sec. 20.  
“and in any court of competent jurisdiction”; (Recovery  
(ii) and  
evidence.)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(ii) by inserting at the end of the same section the following new subsections :—

(2) Any prescribed fee under this Act may be recovered by the Commissioner as a debt in any court of competent jurisdiction.

(3) For the purposes of subsection two of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

(d) by omitting the Schedule.

4. The State Transport (Co-ordination) Act, 1931, as subsequently amended, is amended—

Amendment  
of Act No.  
32, 1931.

(a) (i) by omitting from subsection seven of section sixteen the words "Subject to section 17A of this Act the" and by inserting in lieu thereof the word "The";

Sec. 16.  
(Registra-  
tion of  
license.)

(ii) by inserting at the end of the same section the following new subsections :—

(9) An application for the transfer of a license granted under this Act for a taxi-cab registered under the Transport Act, 1930, as subsequently amended, or a private hire car so registered shall not be granted by the Commissioner for Motor Transport unless—

(a) there has been paid to him by the transferor tax at the rates calculated in accordance with the Transfer of Public Vehicles (Taxation) Act, 1969, or by any Act amending or replacing that Act; and

(b) the application is accompanied by an application for the transfer of the registration under the Transport Act, 1930,



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1930, as subsequently amended, of the taxi-cab or private hire car to the proposed transferee of the license granted under this Act.

5 (10) A transfer of license referred to in subsection nine of this section is exempt from tax under the Transfer of Public Vehicles (Taxation) Act, 1969, where the holder of the license has died and the transferee is  
10 entitled to the license under the will or on the intestacy of that holder.

(11) The surrender of a license and the issue of another license to a nominee of the holder of the firstmentioned license pursuant  
15 to an application made to the Commissioner for Motor Transport before the day on which this Act receives the Royal assent is, subject to section seventeen of this Act, hereby  
20 authorised and any such surrender and issue effected before that day is hereby validated.

(12) No tax under the Transfer of Public Vehicles (Taxation) Act, 1969, shall be payable in respect of—

- 25 (a) the surrender and issue of a license authorised under subsection eleven of this section; or
- (b) the transfer of a license, the application for which transfer was lodged with the Commissioner for Motor Transport  
30 before the day on which this Act receives the Royal assent.

(13) Where the holder of a license for a public motor vehicle dies or becomes mentally ill, an incapable person or a protected person  
35 within the meaning of the Mental Health Act, 1958, as subsequently amended, and an approval

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*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

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5 approval to operate the public motor vehicle  
is granted by the Commissioner for Motor  
Transport pursuant to an application made by  
any person under subsection fourteen of this  
section, that person shall, for the purposes of  
this Act, be deemed to be the holder of the  
license in respect of the public motor vehicle  
and shall, in respect of the public motor  
vehicle, be subject to the provisions of this Act  
10 and the regulations and the conditions  
attached to the license.

15 (14) An application for the approval of  
the Commissioner for Motor Transport to  
operate a public motor vehicle, the holder of  
the license for which has died or become  
mentally ill, an incapable person or a pro-  
tected person within the meaning of the  
Mental Health Act, 1958, as subsequently  
amended—

- 20 (a) shall be made in writing to the Com-  
missioner for Motor Transport; and  
(b) may be granted or refused by the  
Commissioner for Motor Transport.

25 (15) An approval granted under subsec-  
tion fourteen of this section shall, subject to  
subsection sixteen of this section, be in force  
for such period as the Commissioner for Motor  
Transport may determine and specify in the  
instrument of approval and may from time to  
30 time be extended by the Commissioner for  
Motor Transport.

35 (16) The Commissioner for Motor Trans-  
port may for any reason that to him seems  
sufficient at any time cancel an approval  
granted by him under subsection fourteen of  
this section.

(b)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(b) by omitting section 17A;

Sec. 17A.  
(Transfer of  
taxi-cab and  
private hire  
car licenses.)

(c) (i) by inserting in subsection four of section Sec. 22.

twenty-two after the words "holder of the (Permits to  
permit" where secondly occurring the words use vehicle  
"in any court of competent jurisdiction"; for carriage  
of passengers  
or goods.)

(ii) by inserting at the end of the same section the  
following new subsection : —

(5) For the purposes of subsection four of  
this section, the jurisdiction of a court of petty  
sessions shall not be ousted by reason of any-  
thing contained in paragraph one of section  
eleven of the Small Debts Recovery Act, 1912,  
as subsequently amended.

(d) by omitting section thirty-nine and by inserting in Subst.  
lieu thereof the following section : — sec. 39.

39. (1) Any amount due to or recoverable Recovery of  
under subsection four or five of section eighteen of amounts due.  
this Act, any amount due under section thirty-  
seven of this Act, any other fees payable under this  
Act or the regulations and any tax payable under  
the Transfer of Public Vehicles (Taxation) Act,  
1969, may be recovered by the Commissioner for  
Motor Transport as a debt in any court of  
competent jurisdiction.

(2) For the purposes of subsection one of  
this section, the jurisdiction of a court of petty  
sessions shall not be ousted by reason of anything  
contained in paragraph one of section eleven of the  
Small Debts Recovery Act, 1912, as subsequently  
amended.



*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

5. The Motor Vehicles (Third Party Insurance) Act, 1942, as subsequently amended, is amended—

Amendment  
of Act No.  
15, 1942.

5 (a) by inserting in subparagraph (ii) of paragraph (b) of subsection two of section fifteen after the words “as the” the words “authorised insurer or the nominal defendant, as the case may be, or the”;

Sec. 15.  
(Entry of  
judgment  
against  
authorised  
insurer in  
certain  
events.)

10 (b) (i) by inserting in subsection one of section thirty after the words “as the” the words “nominal defendant or the”;

Sec. 30.  
(Claims in  
respect of  
uninsured  
and un-  
identified  
motor  
vehicles.)

(ii) by inserting in subparagraph (ii) of paragraph (b) of subsection two of the same section after the words “as the” the words “nominal defendant or the”;

15 (c) by inserting next after section thirty-one the following new section :—

New sec.  
31A.

31A. (1) Full and accurate accounts shall be kept by the nominal defendant in respect of all amounts paid or received by him.

Accounts  
to be kept  
by nominal  
defendant.

20 (2) As soon as practicable after the thirty-first day of December, one thousand nine hundred and sixty-nine, and thereafter as soon as practicable after the thirty-first day of December in each year the nominal defendant shall prepare and transmit to the Minister for presentation to Parliament state-  
25 ments of accounts in respect of that year in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the nominal defendant.

30 (3) The accounts of the nominal defendant shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on him by any law from time to time in force relating to the audit of public accounts.

(4)

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

(4) The Audit Act, 1902, as subsequently amended, shall apply to the nominal defendant in the same manner as it applies to accounting officers of public departments.

5 (5) For the purpose of meeting the costs and expenses of the audit the nominal defendant shall pay to the Treasurer for payment into the Consolidated Revenue Fund such sums at such times as the Treasurer may decide.

10 6. The Road Maintenance (Contribution) Act, 1958, as subsequently amended, is amended by inserting at the end of section five the following new subsection :—

15 (4) For the purposes of subsection three of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

7. The Motor Vehicles Taxation Management Act, 1949, as subsequently amended, is amended—

20 (a) by omitting from section thirteen the words “before a stipendiary magistrate or any two justices in petty sessions at any time or”;

(b) by inserting at the end of the same section the following new subsection :—

25 (2) For the purposes of subsection one of this section, the jurisdiction of a court of petty sessions shall not be ousted by reason of anything contained in paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended.

30

8.

*Motor Vehicles and Government Railways (Miscellaneous Provisions).*

8. The Government Railways Act, 1912, as subsequently amended, is amended by inserting next after section one hundred and forty-six the following new section :—

Amendment  
of Act No.  
30, 1912.  
New sec.  
147.

5 147. The provisions of paragraph one of section eleven of the Small Debts Recovery Act, 1912, as subsequently amended, do not apply to or in respect of any action by or on behalf of the Commissioner.

Section 11  
(1) of Small  
Debts  
Recovery  
Act, 1912,  
as amended,  
not to apply  
to certain  
actions.

BY AUTHORITY:

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