

CONCURRENCE COPY

MOTOR TRAFFIC (ABANDONED VEHICLES) AMENDMENT BILL, 1982

EXPLANATORY NOTE

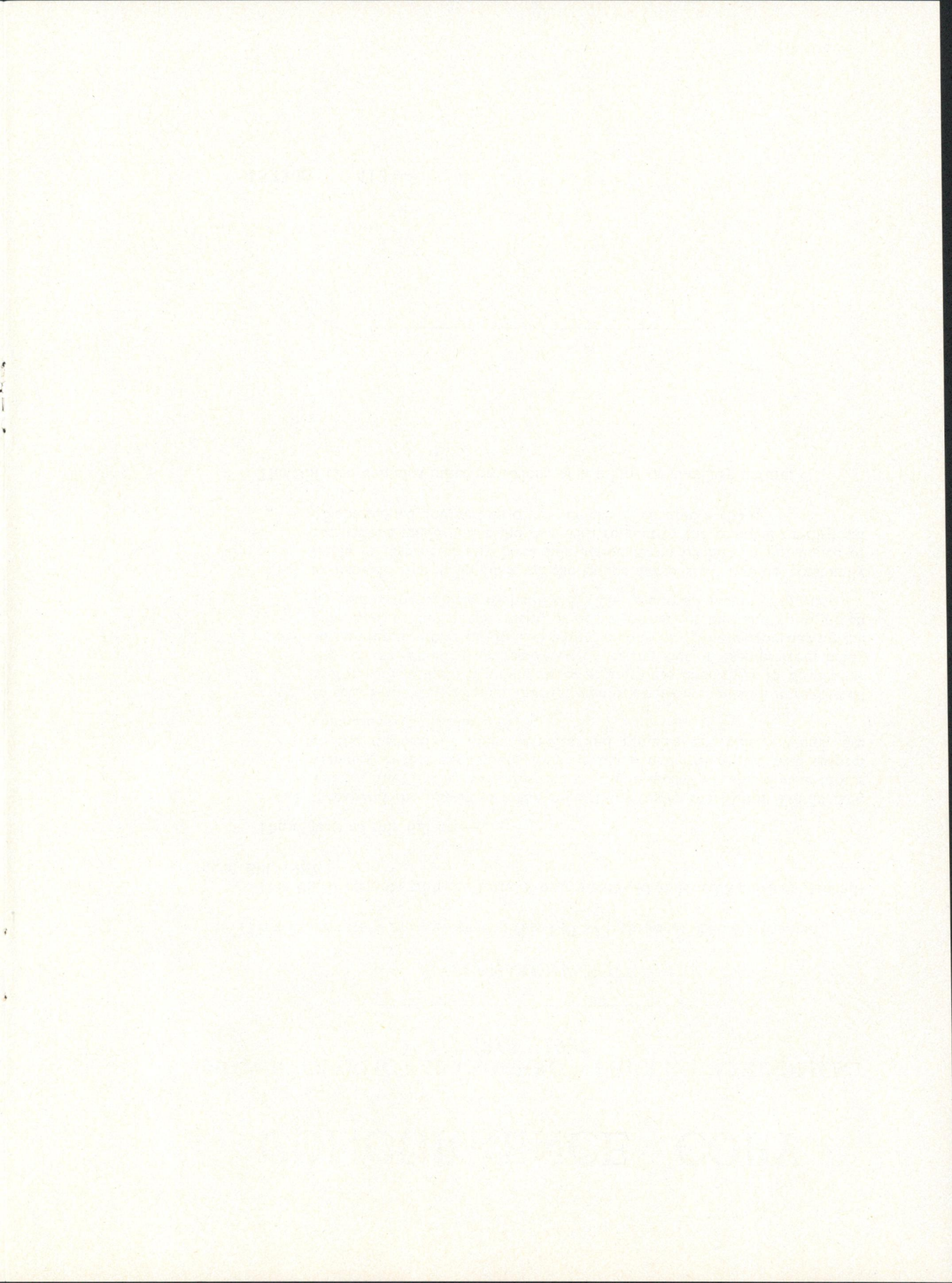
(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Local Government (Abandoned Vehicles) Amendment Bill, 1982.

The objects of this Bill are—

- (a) to expand the power to make regulations under the Motor Traffic Act, 1909 ("the Act"), with respect to the disposal of abandoned motor vehicles so that regulations may be made under that Act with respect to the disposal of other vehicles and remains of vehicles which are abandoned (Schedule 1 (1));
- (b) to create an offence under the Act where a person stands an unregistered motor vehicle upon a public street at any time later than 15 days after the vehicle ceased to be registered under the Act or exempt from being so registered, unless he does so with the consent of the person having the care, control and management, or of the owner, of the land upon which he stands the vehicle (Schedule 1 (2)—proposed section 6A); and
- (c) to provide that a member of the police force shall not be personally liable in respect of any bona fide action taken by him in pursuance of regulations made under the Act with respect to the removal or disposal of abandoned and certain other vehicles (Schedule 1 (3)).

The Bill also contains other provisions of a minor or ancillary nature.



**MOTOR TRAFFIC (ABANDONED VEHICLES) AMENDMENT
BILL, 1982**

No. , 1982.

A BILL FOR

An Act to amend the Motor Traffic Act, 1909, with respect to the disposal of abandoned vehicles and the standing of certain unregistered vehicles on public streets.

[MR GORDON—9 *November*, 1982.]

Motor Traffic (Abandoned Vehicles) Amendment.

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

5 Short title.

1. This Act may be cited as the "Motor Traffic (Abandoned Vehicles) Amendment Act, 1982".

Amendment of Act No. 5, 1909.

2. The Motor Traffic Act, 1909, is amended in the manner set forth 10 in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909.

(1) (a) Section 3 (1) (q5)—

15 Omit "motor" wherever occurring.

(b) Section 3 (1B)—

After section 3 (1A), insert:—

(1B) In subsection (1) (q5), a reference to a vehicle includes a reference to—

- 20 (a) a motor vehicle; and
(b) the remains of any vehicle.

Motor Traffic (Abandoned Vehicles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—*continued.*

(2) Section 6A—

After section 6, insert:—

5 **Standing of unregistered vehicles upon public streets.**

6A. (1) In this section—

“motor vehicle” includes—

- (a) an incomplete or partially constructed motor vehicle; and
- (b) the remains of a motor vehicle;

10 “unregistered vehicle” means a motor vehicle that is neither registered nor exempted from being registered.

(2) Any person who stands an unregistered vehicle upon a public street shall be guilty of an offence under this Act.

15 (3) A person is not guilty of an offence arising under subsection (2) if he satisfies the court—

- (a) that the unregistered vehicle to which the alleged offence relates ceased to be registered, or to be exempted from being registered, within the period of 15 days immediately preceding the day on which the offence is alleged to have occurred; or

20 (b) that, when he stood the unregistered vehicle to which the alleged offence relates upon the public street, he did so—

- (i) where the care, control and management of the land upon which he stood the vehicle was then vested in a person other than the owner of the land—with the consent of that person; or

25 (ii) in any other case—with the consent of the owner of the land upon which he stood the vehicle.

Motor Traffic (Abandoned Vehicles) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—*continued.*

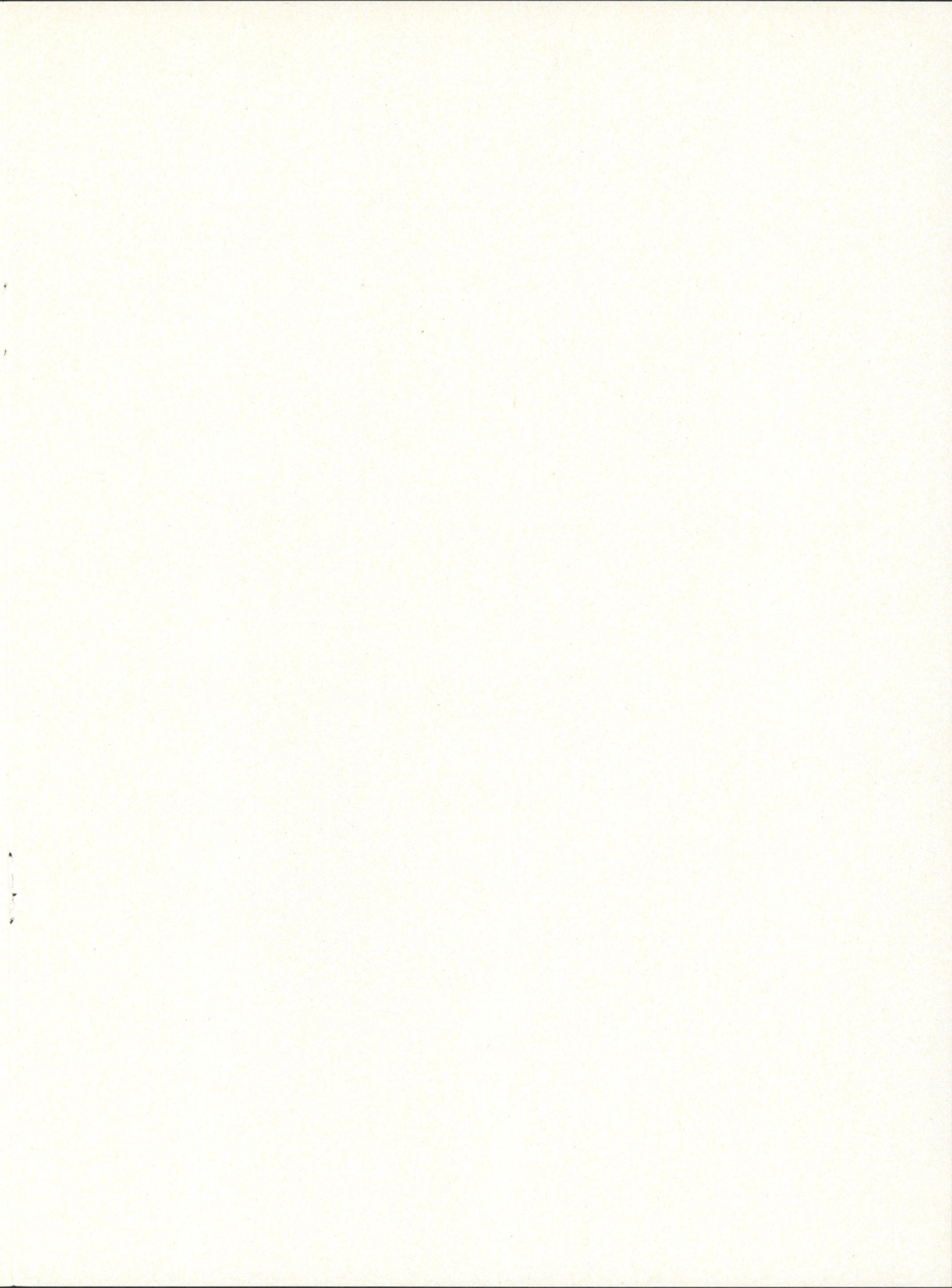
(3) Section 17 (2)—

At the end of section 17, insert:—

- 5 (2) Notwithstanding subsection (1), any matter or thing done by a member of the police force shall not, if the matter or thing was done bona fide in pursuance of, and for the purpose of, any regulation made under section 3 (1) (q5), subject him to any action, liability, claim or demand.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982





**MOTOR TRAFFIC (ABANDONED VEHICLES) AMENDMENT
ACT, 1982, No. 151**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 151, 1982.

An Act to amend the Motor Traffic Act, 1909, with respect to the disposal of abandoned vehicles and the standing of certain unregistered vehicles on public streets. [Assented to, 21st December, 1982.]

Motor Traffic (Abandoned Vehicles) Amendment.

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

Short title.

1. This Act may be cited as the "Motor Traffic (Abandoned Vehicles) Amendment Act, 1982".

Amendment of Act No. 5, 1909.

2. The Motor Traffic Act, 1909, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909.

(1) (a) Section 3 (1) (q5)—

Omit "motor" wherever occurring.

(b) Section 3 (1B)—

After section 3 (1A), insert:—

(1B) In subsection (1) (q5), a reference to a vehicle includes a reference to—

- (a) a motor vehicle; and
- (b) the remains of any vehicle.

Motor Traffic (Abandoned Vehicles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—*continued.*

(2) Section 6A—

After section 6, insert:—

Standing of unregistered vehicles upon public streets.

6A. (1) In this section—

“motor vehicle” includes—

- (a) an incomplete or partially constructed motor vehicle; and
- (b) the remains of a motor vehicle;

“unregistered vehicle” means a motor vehicle that is neither registered nor exempted from being registered.

(2) Any person who stands an unregistered vehicle upon a public street shall be guilty of an offence under this Act.

(3) A person is not guilty of an offence arising under subsection (2) if he satisfies the court—

- (a) that the unregistered vehicle to which the alleged offence relates ceased to be registered, or to be exempted from being registered, within the period of 15 days immediately preceding the day on which the offence is alleged to have occurred; or
- (b) that, when he stood the unregistered vehicle to which the alleged offence relates upon the public street, he did so—
 - (i) where the care, control and management of the land upon which he stood the vehicle was then vested in a person other than the owner of the land—with the consent of that person; or
 - (ii) in any other case—with the consent of the owner of the land upon which he stood the vehicle.

Motor Traffic (Abandoned Vehicles) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—*continued.*

(3) Section 17 (2)—

At the end of section 17, insert:—

(2) Notwithstanding subsection (1), any matter or thing done by a member of the police force shall not, if the matter or thing was done bona fide in pursuance of, and for the purpose of, any regulation made under section 3 (1) (q5), subject him to any action, liability, claim or demand.

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

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

*Government House,
Sydney, 21st December, 1982.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983