

CONCURRENCE COPY

MOTOR TRAFFIC (FURTHER AMENDMENT) BILL, 1983

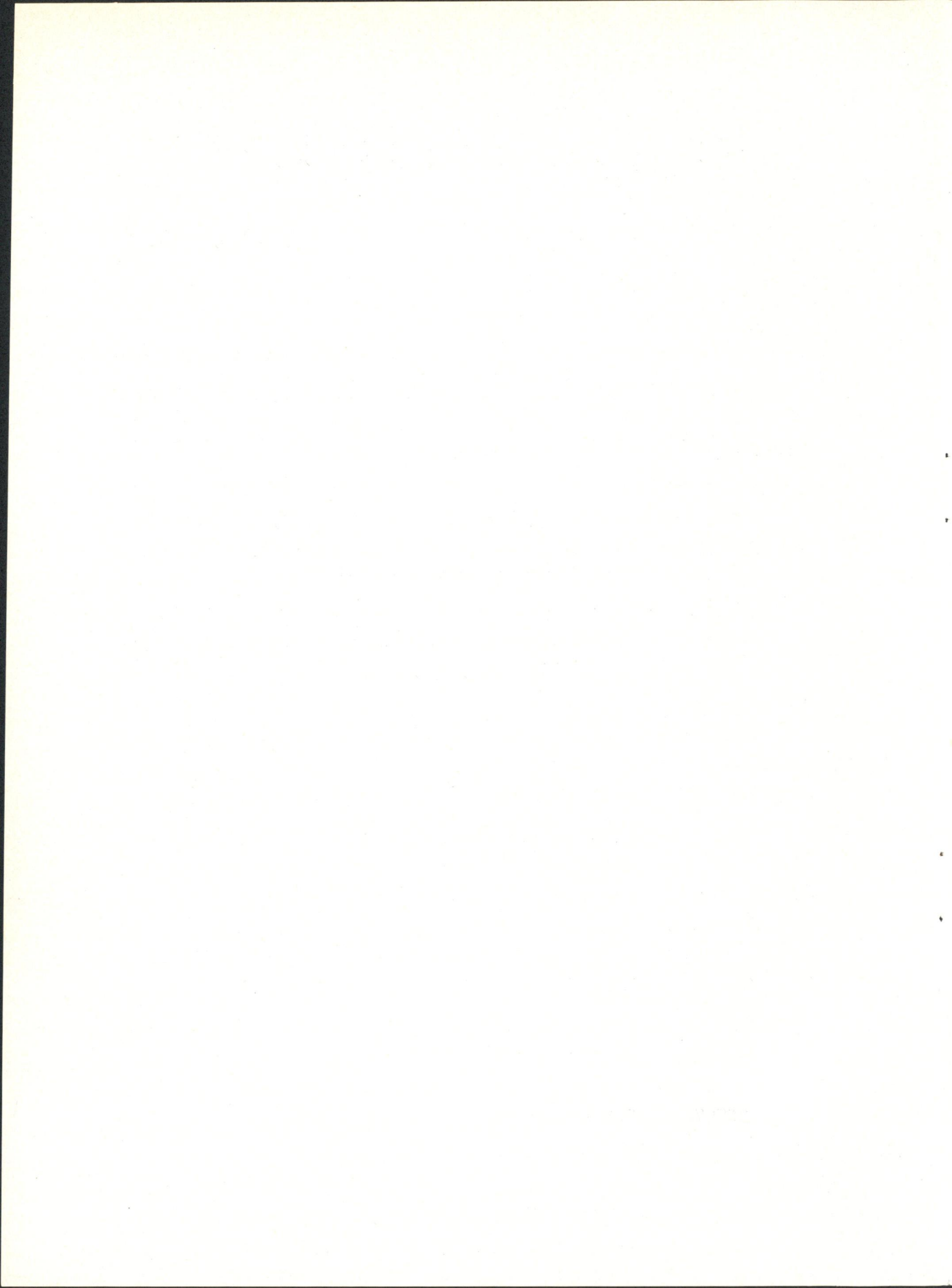
EXPLANATORY NOTE

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

The Transport (Motor Traffic) Amendment Bill, 1983, is cognate with this Bill.

The object of this Bill is to amend the Motor Traffic Act, 1909 ("the Act"), so as—

- (a) to enable the regulations under the Act to provide for the issue of number-plates upon payment of sums of money other than fees, thus facilitating the issue of number-plates by way of auction (Schedule 1 (1) (d));
- (b) to increase, from \$200 to \$500, the penalties which may be imposed by the regulations under the Act (Schedule 1 (1) (g));
- (c) to—
 - (i) prohibit the driving or standing of a heavy motor vehicle (that is, a motor vehicle which has an unladen weight of 5 tonnes or more) upon a public street where the motor vehicle is in a dangerously defective condition (that is, in such a condition that if a person drives or attempts to drive the motor vehicle it is likely that the person will lose control of the motor vehicle);
 - (ii) provide for the inspection and testing of heavy motor vehicles for the purpose of enabling the prohibition to be enforced; and
 - (iii) enable a penalty not exceeding \$2,000 to be imposed in respect of the driving or standing, upon a public street, of a heavy motor vehicle which is in a dangerously defective condition and in respect of the obstruction of certain persons engaged in the inspection and testing of heavy motor vehicles,(Schedule 1 (2)—proposed section 5c);
- (d) to specify the circumstances in which a member of the police force or person authorised by the Commissioner for Motor Transport may seize a number-plate from a motor vehicle (Schedule 1 (7)—proposed section 11c); and
- (e) to make other provisions of a minor, ancillary or consequential nature.



MOTOR TRAFFIC (FURTHER AMENDMENT) BILL, 1983

No. , 1983.

A BILL FOR

An Act to amend the Motor Traffic Act, 1909, in relation to the issuing of number-plates, the inspection of motor vehicles, penalties and certain other matters.

[Mr Cox—20 *October*, 1983.]

See also Transport (Motor Traffic) Amendment Bill, 1983.

Motor Traffic (Further 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 (Further Amendment) Act, 1983".

Commencement.

2. (1) Subject to this section, this Act shall commence on the date of 10 assent to this Act.

(2) Section 3, in its application to a provision of Schedule 1, shall commence on the day on which the provision commences.

(3) Schedule 1 (1) (a) and (b) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by 15 proclamation published in the Gazette.

(4) Schedule 1 (1) (d), (4) (e) and (f) and (9) (a), (b) and (c) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(5) Schedule 1 (2) shall commence on such day as may be appointed 20 by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 5, 1909.

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

Motor Traffic (Further Amendment).

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909.

- (1) (a) Section 3 (1) (g2) (i)—
5 Omit “certificates of inspection and rejection”, insert instead
“inspection reports”.
- (b) Section 3 (1) (g2) (iv), (v)—
Omit “a certificate” wherever occurring, insert instead “an
inspection report”.
- 10 (c) Section 3 (1) (k)—
Omit “numbers” wherever occurring, insert instead “number-
plates”.
- (d) Section 3 (1) (k)—
15 After “issue”, insert “(whether or not upon payment of a fee or
sum of money)”.
- (e) Section 3 (1) (l)—
Omit “have not the registered number”, insert instead “do not
have number-plates”.
- (f) Section 3 (1) (l)—
20 Omit “a number that is”, insert instead “number-plates that
are”.
- (g) Section 3 (1) (r)—
Omit “two hundred dollars”, insert instead “\$500”.

(2) Section 5C—

- 25 After section 5B, insert:—

Driving, etc., of dangerously defective motor vehicles.

5c. (1) Except as may be prescribed by the regulations, any
person who—

- 30 (a) drives or stands a heavy motor vehicle upon a public street;
or

Motor Traffic (Further Amendment).

SCHEDULE 1—*continued.*

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

(b) causes or permits a heavy motor vehicle to be driven or to stand upon a public street,

5 being a heavy motor vehicle which is in a dangerously defective condition, shall be guilty of an offence under this Act and shall be liable to a penalty not exceeding \$2,000.

10 (2) For the purpose of ascertaining whether a heavy motor vehicle which is being driven, or is standing, upon a public street is in a dangerously defective condition, any member of the police force or person authorised in that behalf by the Commissioner may cause the motor vehicle to be inspected and tested.

15 (3) Without limiting any other power or authority, any member of the police force or person referred to in subsection (2) may, for the purposes of this section, do any one or more of the following things:—

(a) the member or person may request or signal the driver of a heavy motor vehicle to stop the motor vehicle;

20 (b) the member or person may request the driver of a heavy motor vehicle—

(i) to produce for inspection that driver's license to drive the motor vehicle; and

(ii) to state that driver's name and address;

25 (c) the member or person may request the driver of a heavy motor vehicle to furnish the member or person with such information as the member or person may reasonably require;

30 (d) the member or person may request the driver of a heavy motor vehicle to do such things as the member or person may reasonably require for the purpose of facilitating the inspection and testing of the motor vehicle.

Motor Traffic (Further Amendment).

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

5 (4) Where a heavy motor vehicle has been stopped in compliance with a request or signal made or given pursuant to subsection (3) (a), any inspection or testing of the motor vehicle pursuant to subsection (2) shall be carried out—

- (a) at, or as near as practicable to, the place where the request or signal was so made or given; and
- 10 (b) as soon as practicable, and in any case within 1 hour, after the motor vehicle was so stopped.

(5) Any person who—

- (a) hinders or obstructs a member of the police force or person referred to in subsection (2) in the exercise of that member's or that person's powers pursuant to subsection (2); or
- 15 (b) fails to comply with any request or signal made or given pursuant to subsection (3),

shall be guilty of an offence under this Act and shall be liable to a penalty not exceeding \$2,000.

20 (6) For the purposes of this section, a heavy motor vehicle is in a dangerously defective condition if it is in such a condition that if a person drives or attempts to drive the motor vehicle it is likely that the person will lose control of the motor vehicle.

25 (7) In this section, a reference to a heavy motor vehicle is a reference to a motor vehicle which has an unladen weight of 5 tonnes or more.

(3) Section 6 (1) (c) (ii), (iii), (iv)—

After "numbers" wherever occurring, insert "or letters".

Motor Traffic (Further Amendment).

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

- (4) (a) Section 7 (d)—
Omit “numbers or”.
- 5 (b) Section 7 (e)—
Omit “prescribed”.
- (c) Section 7 (f)—
After “with any number”, insert “or letter”.
- (d) Section 7 (f)—
10 Omit “prescribed number-plate” wherever occurring, insert
instead “number-plate issued under this Act”.
- (e) Section 7 (f)—
Omit “regulation;”, insert instead “regulation,”.
- (f) Section 7 (g)—
15 Omit the paragraph.
- (5) Section 8 (3)—
Omit “number” wherever occurring, insert instead “numbers or
letters”.
- (6) (a) Section 11B (1)—
20 Omit “prescribed number-plate” wherever occurring, insert
instead “number-plate issued under this Act”.

Motor Traffic (Further Amendment).

SCHEDULE 1—*continued.*

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

(b) Section 11B (3)—
Omit the subsection.

5 (7) Section 11C—
After section 11B, insert:—

Seizure of number-plates.

11C. Any member of the police force or person authorised in that behalf by the Commissioner may seize any number-plate—

- 10 (a) which is attached to—
(i) a motor vehicle the registration of which has expired not less than 15 days before the date on which the number-plate is seized; or
(ii) a motor vehicle the registration of which has been
15 cancelled; or
(b) which has been used in contravention of section 7.

(8) Section 18 (a)—
Omit “distinguishing number as prescribed by the regulations”, insert instead “number-plate issued under this Act”.

20 (9) (a) Section 20 (1)—
Omit “or fine may”, insert instead “, any other money payable to the Commissioner under this Act or any fine may”.

(b) Section 20 (1)—
After “such fee”, insert “, other money”.

Motor Traffic (Further Amendment).

SCHEDULE 1—*continued.*

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

(c) Section 20 (2)—

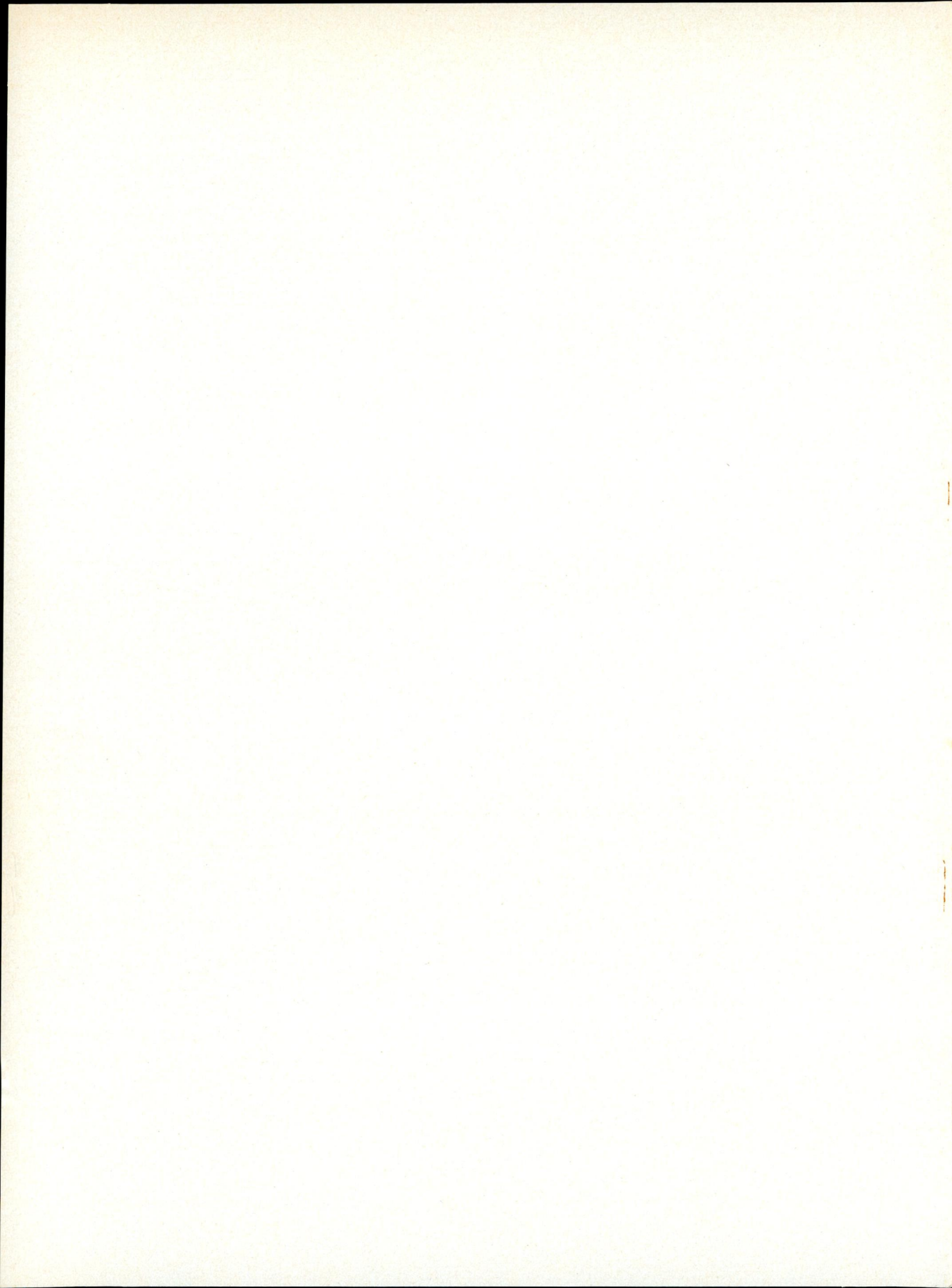
5 After “fee”, insert “, or any other money payable to the
Commissioner under this Act.”.

BY AUTHORITY

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

(40c)





**MOTOR TRAFFIC (FURTHER AMENDMENT) ACT, 1983,
No. 102**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 102, 1983.

An Act to amend the Motor Traffic Act, 1909, in relation to the issuing of number-plates, the inspection of motor vehicles, penalties and certain other matters. [Assented to, 16th November, 1983.]

See also Transport (Motor Traffic) Amendment Act, 1983.

Motor Traffic (Further 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 (Further Amendment) Act, 1983".

Commencement.

2. (1) Subject to this section, this Act shall commence on the date of assent to this Act.

(2) Section 3, in its application to a provision of Schedule 1, shall commence on the day on which the provision commences.

(3) Schedule 1 (1) (a) and (b) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Schedule 1 (1) (d), (4) (e) and (f) and (9) (a), (b) and (c) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(5) Schedule 1 (2) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 5, 1909.

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

Motor Traffic (Further Amendment).

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909.

- (1) (a) Section 3 (1) (g2) (i)—
Omit “certificates of inspection and rejection”, insert instead “inspection reports”.
- (b) Section 3 (1) (g2) (iv), (v)—
Omit “a certificate” wherever occurring, insert instead “an inspection report”.
- (c) Section 3 (1) (k)—
Omit “numbers” wherever occurring, insert instead “number-plates”.
- (d) Section 3 (1) (k)—
After “issue”, insert “(whether or not upon payment of a fee or sum of money)”.
- (e) Section 3 (1) (l)—
Omit “have not the registered number”, insert instead “do not have number-plates”.
- (f) Section 3 (1) (l)—
Omit “a number that is”, insert instead “number-plates that are”.
- (g) Section 3 (1) (r)—
Omit “two hundred dollars”, insert instead “\$500”.
- (2) Section 5c—
After section 5B, insert:—
Driving, etc., of dangerously defective motor vehicles.
5c. (1) Except as may be prescribed by the regulations, any person who—
(a) drives or stands a heavy motor vehicle upon a public street;
or

Motor Traffic (Further Amendment).

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

- (b) causes or permits a heavy motor vehicle to be driven or to stand upon a public street,

being a heavy motor vehicle which is in a dangerously defective condition, shall be guilty of an offence under this Act and shall be liable to a penalty not exceeding \$2,000.

(2) For the purpose of ascertaining whether a heavy motor vehicle which is being driven, or is standing, upon a public street is in a dangerously defective condition, any member of the police force or person authorised in that behalf by the Commissioner may cause the motor vehicle to be inspected and tested.

(3) Without limiting any other power or authority, any member of the police force or person referred to in subsection (2) may, for the purposes of this section, do any one or more of the following things:—

- (a) the member or person may request or signal the driver of a heavy motor vehicle to stop the motor vehicle;
- (b) the member or person may request the driver of a heavy motor vehicle—
- (i) to produce for inspection that driver's license to drive the motor vehicle; and
 - (ii) to state that driver's name and address;
- (c) the member or person may request the driver of a heavy motor vehicle to furnish the member or person with such information as the member or person may reasonably require;
- (d) the member or person may request the driver of a heavy motor vehicle to do such things as the member or person may reasonably require for the purpose of facilitating the inspection and testing of the motor vehicle.

Motor Traffic (Further Amendment).

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

(4) Where a heavy motor vehicle has been stopped in compliance with a request or signal made or given pursuant to subsection (3) (a), any inspection or testing of the motor vehicle pursuant to subsection (2) shall be carried out—

- (a) at, or as near as practicable to, the place where the request or signal was so made or given; and
- (b) as soon as practicable, and in any case within 1 hour, after the motor vehicle was so stopped.

(5) Any person who—

- (a) hinders or obstructs a member of the police force or person referred to in subsection (2) in the exercise of that member's or that person's powers pursuant to subsection (2); or
- (b) fails to comply with any request or signal made or given pursuant to subsection (3),

shall be guilty of an offence under this Act and shall be liable to a penalty not exceeding \$2,000.

(6) For the purposes of this section, a heavy motor vehicle is in a dangerously defective condition if it is in such a condition that if a person drives or attempts to drive the motor vehicle it is likely that the person will lose control of the motor vehicle.

(7) In this section, a reference to a heavy motor vehicle is a reference to a motor vehicle which has an unladen weight of 5 tonnes or more.

(3) Section 6 (1) (c) (ii), (iii), (iv)—

After "numbers" wherever occurring, insert "or letters".

Motor Traffic (Further Amendment).

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

- (4) (a) Section 7 (d)—
Omit “numbers or”.
- (b) Section 7 (e)—
Omit “prescribed”.
- (c) Section 7 (f)—
After “with any number”, insert “or letter”.
- (d) Section 7 (f)—
Omit “prescribed number-plate” wherever occurring, insert instead “number-plate issued under this Act”.
- (e) Section 7 (f)—
Omit “regulation;”, insert instead “regulation,”.
- (f) Section 7 (g)—
Omit the paragraph.
- (5) Section 8 (3)—
Omit “number” wherever occurring, insert instead “numbers or letters”.
- (6) (a) Section 11B (1)—
Omit “prescribed number-plate” wherever occurring, insert instead “number-plate issued under this Act”.

Motor Traffic (Further Amendment).

SCHEDULE 1—*continued.*

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

(b) Section 11B (3)—

Omit the subsection.

(7) Section 11C—

After section 11B, insert:—

Seizure of number-plates.

11C. Any member of the police force or person authorised in that behalf by the Commissioner may seize any number-plate—

(a) which is attached to—

(i) a motor vehicle the registration of which has expired not less than 15 days before the date on which the number-plate is seized; or

(ii) a motor vehicle the registration of which has been cancelled; or

(b) which has been used in contravention of section 7.

(8) Section 18 (a)—

Omit “distinguishing number as prescribed by the regulations”, insert instead “number-plate issued under this Act”.

(9) (a) Section 20 (1)—

Omit “or fine may”, insert instead “, any other money payable to the Commissioner under this Act or any fine may”.

(b) Section 20 (1)—

After “such fee”, insert “, other money”.

Motor Traffic (Further Amendment).

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

(c) Section 20 (2)—

After “fee”, insert “, or any other money payable to the Commissioner under this Act,”.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 16th November, 1983.*