

MOTOR TRAFFIC (AMENDMENT) ACT.

Act No. 36, 1962.

**Elizabeth II, An
No. 36, 1962**

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

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BE it enacted by the Queen's Most Excellent Majesty, by ^{No. 36, 1962} and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

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

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

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

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

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

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

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

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

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

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

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

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

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

Schedule.

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

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

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

Motor cycle rider—one pound ten shillings;

Learner's permit—one pound.

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

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

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

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

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

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No. 36, 1962 The amendments made by subparagraphs (i) and (ii) of the said paragraph (e) shall apply to and in respect of licenses or renewals of licenses under the Motor Traffic Act, 1909-1961, as amended by this Act, which are to take effect on or after the day so appointed in relation to the said subparagraphs (i) and (ii), whether application therefor was made either before or after such day.

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

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

Sec. 13B.
(Requirements in case of accident.)

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

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

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

Subst. sec. 5.

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

Unregistered vehicles and vehicles upon which tax has not been paid.

5. The owner of any motor vehicle which (not being a motor vehicle exempted from registration) is not registered, or which being registered is liable to tax but upon which the prescribed tax though due and payable has not been paid, who uses or drives the vehicle, or causes or permits or suffers it to be used or driven upon a public street shall
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be liable to a penalty not exceeding one hundred pounds and, in addition to imposing a penalty for the offence the court may, where the vehicle is not registered, order the owner to pay to the clerk of the court within a time to be specified in the order the fee for the registration or renewal of the registration of the vehicle together with the tax which would be due upon the application for such registration or renewal for a period of one year or for such greater or lesser period as the court in all the circumstances may think just or, where the vehicle is registered, the tax so due and payable.

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

Sec. 7.
(Exemptions.)

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

for which exemption or power to exempt in whole or in part from tax is not provided elsewhere in this Act, if the Commissioner
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is satisfied that, by reason of the construction, use or ownership of such tractor or trailer or motor vehicle, it will travel on the public streets to a limited degree only.

Sec. 9.
(Adjustment of tax.)

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

Subst. sec. 10.

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

Notice of alteration and additional tax.

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

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

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

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

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

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

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

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

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

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Sec. 15.

(Particulars
of conviction or
order.)

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

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

Amendment
of Act No.
32, 1931.

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

Sec. 3.
(Interpre-
tation.)

(a) by omitting subsection three of section three ;

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

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

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

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

Third
Schedule.

(d) by omitting the Third Schedule.

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

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

Amendment of Act No. 48, 1954.

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

(Consequential.)

(b) by omitting section four.

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

Amendment of Act No. 41, 1919.

Sec. 270o.

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

(Liability of vehicle owner for parking offences.)