

**MOTOR TRAFFIC, TRANSPORT AND MAIN ROADS
(AMENDMENT) ACT.**

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 58, 1971.

An Act to increase certain fees payable to the Department of Motor Transport; to provide for financial assistance to ambulance services; to apportion certain funds; for these and other purposes to amend the Motor Traffic Act, 1909, the Transport Act, 1930, the Motor Vehicles Taxation Management Act, 1949, the Air Transport Act, 1964, and the Main Roads Act, 1924; and for purposes connected therewith. [Assented to, 14th December, 1971.]

BE

Motor Traffic, Transport and Main Roads (Amendment).

No. 58, 1971 **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title and commencement. 1. (1) This Act may be cited as the "Motor Traffic, Transport and Main Roads (Amendment) Act, 1971".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 5, 1909. 2. The Motor Traffic Act, 1909, is amended—

Sec. 3. (Regulations.) (a) (i) by inserting in paragraph (m) of subsection one of section three after the word "therefor" the words "and the payment in respect of any such testing, or any proposed such testing, of such fees, not in any case exceeding four dollars, as may be prescribed";

(ii) by inserting in paragraph (s) of the same subsection after the word "Act" where firstly occurring the words "and other prescribed fees not exceeding six dollars";

Subst. Schedule. (b) by omitting the Schedule and by inserting in lieu thereof the following Schedule :—

SCHEDULE.

1. In this Schedule—

"license" includes renewal of license;

"registration" includes renewal of registration.

2.

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2. The fee payable upon an application for registration of a motor **No. 58, 1971** vehicle for a period that exceeds three months is—

- (a) in the case of a motor cycle—\$3;
- (b) in the case of a motor vehicle that is constructed principally to carry persons and is to be used for the conveyance, for reward, of passengers on a public street—\$9; or
- (c) in the case of a motor vehicle other than a motor vehicle referred to in paragraph (a) or (b) of this clause—\$6.

3. The fee payable upon an application for registration of a motor vehicle for a period that does not exceed three months is—

- (a) in the case of a motor cycle—\$0.80;
- (b) in the case of a motor vehicle referred to in paragraph (b) of clause 2 of this Schedule—\$2.70; or
- (c) in the case of a motor vehicle referred to in paragraph (c) of that clause—\$1.60.

4. The fee payable upon an application for a license is—

- (a) in the case of an application for a license for a motor vehicle driver (not being an application referred to in paragraph (b) of this clause)—a fee calculated at the rate of \$6 yearly; or
- (b) in the case of an application for a license for a motor cycle rider—a fee calculated at the rate of \$5 yearly.

5. The fee payable upon an application for a learner's permit is \$3.

6. The fee payable upon an application by a person to have a certificate of registration of a motor vehicle transferred to him is—

- (a) where the motor vehicle is not a motor cycle—\$4; or
- (b) where the motor vehicle is a motor cycle—\$2.

7. The fee payable upon an application for a trader's plate (being a special number-plate referred to in paragraph (q2) of subsection one of section three of this Act) is—

- (a) in the case of a trader's plate for use on a motor vehicle other than a motor cycle—a fee calculated at the rate of \$50 yearly; or
- (b) in the case of a trader's plate for use on a motor cycle—a fee calculated at the rate of \$12 yearly.

Motor Traffic, Transport and Main Roads (Amendment).

No. 58, 1971 3. The Transport Act, 1930, is amended—

Amendment
of Act No.
18, 1930.

Sec. 202.
(Fund to be
established.)

(a) by inserting next after paragraph (d4) of subsection two of section two hundred and two the following new paragraph :—

(d5) the payment towards the cost of ambulance services of an annual grant of an amount that—

(i) is agreed upon by the Treasurer and the Minister; and

(ii) does not exceed an amount calculated at the rate of one dollar for each driver's and rider's license in force at the time of the agreement.

Sec. 204.
(Public
Vehicles
Fund.)

(b) by omitting from paragraph (a) of subsection one of section two hundred and four the words "payable under the Motor Vehicles (Taxation) Act, 1924, or any Act imposing taxes upon motor vehicles in lieu of the taxes upon motor vehicles imposed by such Act" and by inserting in lieu thereof the words "imposed by paragraph (b) of subsection one of section two of the Motor Vehicles (Taxation) Act, 1971";

Subst.
Schedule
Two.

(c) by omitting Schedule Two and by inserting in lieu thereof the following Schedule :—

Sec.
152 (4).

SCHEDULE TWO.

APPLICATION FEES.

Fee payable in respect of application for a—

- | | |
|--------------------------------------|--|
| 1. Provisional service license | \$4 |
| 2. Service license | \$12 per annum, less any fee paid in the same year for a provisional service license for the same route; |

3.

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3. Transfer of service license	\$4	No. 58, 1971
4. Provisional registration certificate ..	\$4	
5. Registration certificate or a renewal thereof, in respect of—		
(a) a motor omnibus—		
(i) where registration is effected for a period exceeding three months	\$15, less any fee paid in respect of the same period for a provisional registration certificate for the same motor omnibus;	
(ii) where registration is effected for a period not exceeding three months	\$4.10, less any fee paid in respect of the same period for a provisional registration certificate for the same motor omnibus;	
(b) a taxi-cab—		
(i) where registration is effected for a period exceeding three months	\$15	
(ii) where registration is effected for a period not exceeding three months	\$4.10	
(c) a private hire car—		
(i) where registration is effected for a period exceeding three months	\$9	
(ii) where registration is effected for a period not exceeding three months	\$2.70	
(d) any other public vehicle—		
(i) where registration is effected for a period exceeding three months	\$6	
(ii) where registration is effected for a period not exceeding three months	\$1.60	

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No. 58, 1971 **4.** The Air Transport Act, 1964, is amended by omitting from paragraph (c) of subsection one of section five the words "one dollar" and by inserting in lieu thereof the words "two dollars".

Amendment
of Act No.
36, 1964.

Sec. 5.

(Applica-
tions for
licenses.)

5. The Motor Vehicles Taxation Management Act, 1949, is amended—

Amendment
of Act No.
34, 1949.

Sec. 3.
(Defini-
tions.)

(a) (i) by inserting in subsection one of section three next after the definition of "Owner" the following definition :—

"Plant" means a motor vehicle which wholly comprises—

- (a) a machine or implement that is not capable of carrying any loading other than tools and accessories usually carried; or
- (b) a crane or a fork lift truck.

(ii) by inserting in the same subsection next after the definition of "Side-car" the following definition :—

"Station waggon" means a motor vehicle—

- (a) in which such part of the body form as is adjacent to and forward of the front seat or seats, and the greater part of the mechanical equipment, are the same or substantially the same as in a motor car of the same make;
- (b) in which the body is carried without substantial reduction in height to the rear of the vehicle;
- (c) which has an entrance at the rear;

(d)

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- (d) which is manufactured with a No. 58, 1971 rear seat which can be folded or removed readily to provide additional floor space for the carriage of goods; and
- (e) which, when the rear seat is in position for the accommodation of persons, does not have any substantial floor space for the carriage of goods;
- (iii) by omitting from the same subsection the definition of "Tax" and by inserting in lieu thereof the following definition :—
- "Tax" means motor vehicles tax levy and motor vehicles weight tax.
- (iv) by inserting at the end of the same section the following new subsection :—
- (2) For the purposes of this Act, a motor vehicle is not a motor vehicle used substantially for private purposes unless—
- (a) in the case of a motor vehicle used by a minister of religion—it is used for the purposes of his calling or for social or domestic purposes or for pleasure;
- (b) in the case of a motor car or a station waggon owned by a primary producer—it is used for purposes directly connected with his business as a primary producer or for social or domestic purposes or for pleasure;
- (c) in the case of a motor vehicle used by or on behalf of—
- (i) a hospital that is an incorporated hospital or separate institution under the Public Hospitals Act, 1929;
- (ii)

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- (ii) an organisation or association registered, or exempted from registration, under the Charitable Collections Act, 1934; or
- (iii) a benevolent or religious organisation or institution—
it is used for purposes directly connected with the management or business of the hospital, organisation, association or institution or for social or domestic purposes or for pleasure;
- (d) in any other case—it is used for social or domestic purposes or for pleasure, and, in the opinion of the Commissioner, its use for any other purpose is minimal.
- Sec. 7.
(Exemptions.)
- (b) by omitting from subsection three of section seven the words “or partial exemption from tax” and by inserting in lieu thereof the words “from tax, or partial exemption from motor vehicles weight tax imposed by paragraph (b) of subsection one of section two of the Motor Vehicles (Taxation) Act, 1971.”;
- Sec. 11.
(Refund of tax on surrender of registration.)
- (c) by omitting from section eleven the words “tax calculated at the rate of one-twelfth of the tax” and by inserting in lieu thereof the words “motor vehicles weight tax imposed by paragraph (b) of subsection one of section two of the Motor Vehicles (Taxation) Act, 1971, calculated at the rate of one-twelfth of that tax”;
- Sec. 20.
(Regulations.)
- (d) by omitting paragraph (a) of subsection one of section twenty and by inserting in lieu thereof the following paragraph :—
- (a) regulate matters relating to—
- (i) exemptions from tax; and
- (ii) partial exemptions from, or reductions of, motor vehicles weight tax imposed by paragraph (b) of subsection

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subsection one of section two of the No. 58, 1971
Motor Vehicles (Taxation) Act,
1971.

6. The Main Roads Act, 1924, is amended— Amendment
of Act No.
24, 1924.
- (a) (i) by omitting paragraph (a) of subsection one Sec. 10.
(County of
Cumber-
land Main
Roads
Fund.)
of section ten and by inserting in lieu thereof
the following paragraphs :—
- (a) fifty per centum of the collected
proceeds of the motor vehicles tax levy
imposed by paragraph (a) of subsec-
tion one of section two of the Motor
Vehicles (Taxation) Act, 1971 ;
- (a1) twenty per centum of the collected
proceeds of the motor vehicles weight
tax imposed by paragraph (b) of that
subsection, not being proceeds in
respect of motor vehicles registered
under the Transport Act, 1930 ;
- (ii) by inserting next after the same subsection the
following new subsection :—
- (1A) The amounts comprising the County
of Cumberland Main Roads Fund pursuant to
paragraphs (a) and (a1) of subsection one
of this section shall be paid into the Fund by
the Treasurer at such intervals, not exceeding
in any case three months, as the Treasurer
thinks fit.
- (b) (i) by omitting paragraph (a) of subsection one Sec. 20.
(Country
Main Roads
Fund.)
of section twenty and by inserting in lieu
thereof the following paragraphs :—
- (a) fifty per centum of the collected
proceeds of the motor vehicles tax levy
imposed by paragraph (a) of subsec-
tion one of section two of the Motor
Vehicles (Taxation) Act, 1971 ;
- (a1)

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(a1) eighty per centum of the collected proceeds of the motor vehicles weight tax imposed by paragraph (b) of that subsection, not being proceeds in respect of motor vehicles registered under the Transport Act, 1930;

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

(1A) The amounts comprising the Country Main Roads Fund pursuant to paragraphs (a) and (a1) of subsection one of this section shall be paid into the Fund by the Treasurer at such intervals, not exceeding in any case three months, as the Treasurer thinks fit.

Applica-
tion of
amend-
ments.

7. Where, under an Act amended by this Act, a registration or a renewal or transfer thereof, or a license or a renewal thereof, takes effect after the commencement of this Act, the Act so amended applies, as so amended, to and in respect of the registration, license, renewal or transfer notwithstanding that it was applied for before that commencement.

Disposal of
certain
moneys.

8. Any proceeds of the tax imposed by the Motor Vehicles (Taxation) Act, 1962, that, immediately before the commencement of this Act, had not been disposed of as provided by sections ten and twenty of the Main Roads Act, 1924, as enacted immediately before that commencement, and any such proceeds collected after that commencement, shall be disposed of as if this Act had not been enacted.

MOTOR