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No. , 1919.

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## A BILL

To provide for the regulation of the width of tyres of vehicles ; for the licensing and regulation of traction engines ; for the amendment of the laws relating to local government ; and for purposes consequent thereon or incidental thereto.

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**B**E it enacted by the King'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 "Local Government (Width of Tyres) Act, 1919." Short title.

50287

313—A (3)

(2)

(2) This Act shall commence and come into operation six months after it receives the Governor's assent.

Construed  
with Local  
Government  
Act.

**2.** (1) This Act shall be read with the Local Government Act, 1919, and expressions used in this Act which are defined in that Act shall have the meaning there defined. 5

(2) In sections inserted by this Act in the Local Government Act, 1919, the expression "this Act" shall mean "the Local Government Act, 1919." 10

Amendment  
of Local  
Government  
Act.

**3.** The Local Government Act, 1919, is amended by the addition of the following new Part thereto :—

### PART XXXIII.

#### WIDTH OF TYRES OF VEHICLES AND REGULATION OF TRACTION ENGINES. 15

##### DIVISION 1.—*Application and commencement.*

Application  
to councils.

687. (1) Subject to the provisions of this Act—

(a) this Part shall apply to municipalities and shires ;

(b) the powers and duties conferred and imposed upon a council under this Part shall apply in respect of each area to the council of the area. 20

Application  
to Western  
Division.

(2) This Part shall apply also to that portion of the Western Division which is not included in municipalities. 25

Works Dis-  
trict a shire.  
Supervising  
engineer a  
council.

(3) For the purposes of the application of this Part to such portion of the Western Division the district of a supervising engineer or district engineer of the Public Works Department shall be deemed to be a shire ; and the supervising engineer or district engineer shall be deemed to be the council of such shire, and may exercise the powers of a council under this Act accordingly, subject to the Minister. 30 35

Commence-  
ment.

688. The provisions of this Part—

(a) so far as they relate to traction engines— shall commence and come into operation on the addition of this Part to this Act ; and (b) 40

- 5 (b) so far as they relate to vehicles in the shires of Ashford, Macintyre, Bannockburn, Gwydir, Barraba, Mandowa, Cockburn, Nundle, Tamarang, Coolah, Wyaldra, Macquarie, Canobolas, Lyndhurst, Waugoola, Burrangong, Demondrille, Jindalee, Illabo, Kyeamba, and Holbrook, and the municipalities of Cudgegong, Gulgong, and Mudgee, and in all shires and municipalities situated to the westward of the aforesaid shires and municipalities, and in the Western Division—shall come into operation at the expiration of three years after the addition of this Part to this Act; and
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- 15 (c) so far as they relate to vehicles in the remainder of the State to the eastward of the aforesaid shires and municipalities (but excepting the City of Sydney)—shall commence and come into operation at the expiration of one year after the addition of this Part to this Act.
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DIVISION 2.—*Interpretation.*

- 25 689. In this Part, unless inconsistent with the Definitions. context or subject matter,—
- “Load” includes everything animate or inanimate carried on a vehicle or traction engine.
- 30 “Loaded weight” in respect of a vehicle means the weight of both the vehicle and the load carried upon it.
- “Owner” means the owner or any joint or part owner of a vehicle or traction engine, or the person on whose behalf or order such vehicle or traction engine is driven, conducted, or used.
- 35 “Traction engine” means any road engine which is—
- (a) used or adapted for carrying or haulage purposes; and
- (b)

(b) propelled wholly or partly by steam, oil, electricity, or volatile spirit, or by any means other than animal power ;

but does not include—

- (a) fire brigade vehicles ; 5
- (b) motors used on tram or rail lines ; and
- (c) motor vehicles as defined in the Motor Traffic Act, 1909 (as amended by this Act), which are of less than three tons' weight unladen. 10

“ Vehicle ” does not include—

- (a) any “ traction engine ” ;
- (b) any fire brigade vehicle ;
- (c) any vehicle used on tram or rail lines ;
- (d) any motor vehicle, as defined in the Motor Traffic Act, 1909 (as amended by this Act), which is shod with pneumatic or similar tyres ; 15
- (e) any vehicle of less than one ton weight unladen, constructed and used primarily 20 for the purpose of carrying passengers ;
- (f) any vehicle propelled or drawn by human agency only.

“ Weight unladen ” in respect of a traction engine means the weight of the traction 25 engine when laden to its full capacity with fuel and water and equipment, but otherwise unladen.

“ Width,” when used in relation to the tyre of a wheel, means the bearing surface of the tyre, 30 that is to say, the portion of the tyre which would actually come into contact with or bear upon a hard, smooth, plane surface when the wheel is attached to the axle of a vehicle or traction engine and ready for use. The bear- 35 ing surface of a tyre with any authorised projection thereon shall be taken to be the bearing surface which would exist if there were no such projection.

690. The definition of “ motor vehicle ” in section 40 two of the Motor Traffic Act, 1909, is amended by omitting “ five tons ” and inserting “ three tons.”

DIVISION

DIVISION 3.—*Width of tyres.*

691. (1) A vehicle shall not be conducted, driven, or used upon any public road if the loaded weight and the width of the tyres of such vehicle are not in accordance with the following requirements, namely :—

Maximum weight to be carried upon tyres of certain width.

Where the loaded weight of a vehicle exceeds the number of tons set out hereunder in the column marked "minimum weight," but does not exceed the number of tons in the same line in the column marked "maximum weight," the width of the tyre shall not be less than the number of inches in the same line in the column marked "width of tyre."

In the case of two-wheeled vehicles :—

	Minimum weight, more than—	Maximum weight, not more than—	Width of tyre, not less than—
	tons cwt.	tons cwt.	inches.
	1 0	1 16	3
	1 16	2 8	4
	2 8	3 0	5

In the case of four-wheeled vehicles :—

	Minimum weight, more than—	Maximum weight, not more than—	Width of tyre, not less than—
	tons.	tons.	inches.
	1	2	2½
	2	2½	3
	2½	3	3½
	3	3½	4
	3½	5	5
	5	6	5½
	6	7	6
	7	8½	6½
	8½	11	7
	11	14	7½

Vehicles with  
springs.

(2) Where a vehicle is hung upon springs the loaded weights set out in the preceding subsection may be increased by fifteen per centum, but not thereby beyond three tons in the case of a two-wheeled vehicle or fourteen tons in the case of a four-wheeled vehicle. 5

(3) The load shall be distributed so that an equal weight shall rest upon each wheel: Provided that when the front wheels of any four-wheeled vehicle are not less than three feet nine inches diameter and the rear wheels are more than five feet diameter the load upon the back axle may exceed that upon the front axle by not more than fifteen per cent. 10

Width of  
tyres of trac-  
tion engines.

692. A traction engine shall not be used, con- ducted, or driven upon any public road unless the width of the tyre of each wheel is as follows:— 15

Under twelve  
tons.

(a) Where the weight of the traction engine (unladen) is not more than twelve tons, the width of each of the tyres of the driving wheels shall be twelve inches or over, and the width of each of the tyres of any other than a driving wheel shall be six inches or over. 20

Over twelve  
tons.

(b) Where the weight of the traction engine (unladen) is more than twelve tons, the width of each of the tyres of the driving wheels shall be sixteen inches or over, and the width of each of the tyres of any other than a driving wheel shall be six inches or over. 30

#### DIVISION 4.—*Licensing of traction engines.*

License.

693. A traction engine shall not (unless owned and used by the Crown or by a council) be used, conducted, or driven upon a public road unless a license or permit under this Act has been issued in respect thereof: 35

Provided that the council may prohibit any traction engine from being used, conducted, or driven upon any main road notwithstanding that

5 a license or permit shall have been obtained in accordance with this section, if in the opinion of the council such traction engine would damage or detrimentally affect the condition of the road or any work thereon.

694. (1) The owner of a traction engine or some person on his behalf may apply in the prescribed form to any clerk of petty sessions for a license therefor, and with such application shall lodge the prescribed fee, for which such clerk of petty sessions shall issue a receipt.

Application for license.

10 (2) The clerk of petty sessions shall forward such application to the Minister.

695. (1) The Minister may issue a license in respect of such traction engine authorising the owner thereof, subject to this Act and to the conditions noted on the license by the Minister, to use, conduct, or drive the traction engine or cause it to be used, conducted, or driven upon any public roads during the currency of the license.

Minister may issue license.

20 (2) Every such license shall expire on the thirtieth day of June next following the date of its issue.

Expiry of license.

25 (3) Subject to the provisions of this Act, the fee for any license shall be as follows :—

Fee for license.

(a) Where the weight of a traction engine (unladen) exceeds three tons, but does not exceed five tons, five pounds.

30 (b) Where the weight of a traction engine (unladen) exceeds five tons, but does not exceed eight tons, ten pounds.

(c) Where the weight of a traction engine (unladen) exceeds eight tons, but does not exceed twelve tons, twenty-five pounds.

35 (d) Where the weight of a traction engine (unladen) exceeds twelve tons, thirty-five pounds.

40 (e) Where any traction engine is used exclusively for hauling or driving agricultural machinery, ten shillings, irrespective of the weight.

(4)

Pro rata  
reduction in  
certain cases.

(4) Where a license (except a license to which paragraph (e) of the last preceding subsection applies) is applied for at any time, except in the month of July, a proportionate reduction in the amount of the fee shall be made for each full calendar month which has elapsed since the first day of July, provided that the fee shall not be less than two pounds. 5

Temporary  
licenses.

(5) Licenses to be known as temporary licenses may be issued upon application as aforesaid, and on payment of a fee computed at one-tenth of 10 the fee prescribed as aforesaid; and such licenses shall expire at the end of four weeks from the date thereof. This subsection shall not apply to licenses to which paragraph (e) of subsection three applies.

Fees added to  
main road  
endowment.

(6) The amount received for license fees 15 hereunder shall be paid into the Country Main Roads Fund, and is hereby appropriated for the purposes of that fund, in addition to any sum appropriated by Parliament for that purpose as elsewhere provided in this Act. 20

Permits.

696. A permit may be issued by the Minister enabling the traction engine in respect of which such permit is issued to be used, conducted, or driven upon public roads unladen for the purpose of travelling between a store or warehouse and a railway depôt or wharf for or after consignment thereof by rail or water or to and from an agricultural show or other public exhibition, and in such case and subject to such permit a license in respect of such traction engine shall not be required. In all such cases the purpose of travelling and the starting place and destination shall be named in the permit. 25

Duplicate—  
where license  
or permit lost,  
destroyed, or  
illegible.

697. Where any license or permit issued in respect of a traction engine becomes illegible, or where proof is furnished to the satisfaction of the Minister that such license or permit has been lost or destroyed, the Minister shall, on application as aforesaid, and on payment of a fee of five shillings, issue a duplicate thereof. 30 40

Conditions of  
licenses and  
permits.

698. (1) Any license or permit issued hereunder shall be subject to general and special conditions.

(2)



(2) The general conditions shall be such as are prescribed.

(3) The special conditions shall be such as, by the Minister's direction, may be noted on the license or permit.

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699. (1) The driver of a traction engine shall produce the license or permit in a clean and legible condition on demand by any authorised servant of a council or member of the police force. Production of license or permit on demand.

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(2) If any traction engine is on a public road, and if the driver or person in charge thereof or the owner cannot produce the license or permit in a legible condition, or prove that due application accompanied by the necessary fee has been made therefor, and has not been refused, he shall be liable to a penalty not exceeding *fifty* pounds. Penalty.

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DIVISION 5.—*Regulation of vehicles and traction engines.*

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700. A vehicle or traction engine shall not in any case be conducted, driven, or used upon any public road if the loaded weight exceeds— Maximum weights.

(a) three tons, in the case of a two-wheeled vehicle; or

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(b) except where otherwise specially provided, fourteen tons in the case of a four-wheeled vehicle or traction engine:

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Provided that if the loaded weight of any traction engine already in the State exceeds fourteen tons, but is not more than sixteen tons, and if such engine be licensed in manner provided within fourteen days from the commencement of this Part this clause shall not take effect in respect of such engines for a period of seven years.

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701. (1) Where an article cannot be taken apart without great loss or expense, and the weight of such article together with the vehicle on which it is carried would exceed fourteen tons, such article may be carried on a public road provided that— Heavy articles.

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(a) the written consent of the council of the area over the roads of which such article is to be conveyed shall first be obtained;

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(b);

- (b) the conditions which the council may impose shall be complied with ;
- (c) the owner of the article or the owner or driver of the vehicle conveying it shall be responsible in connection with its transit 5 along any road ; and shall defray the cost of repairing any damage caused to such road to the council in whose area such damage is done ; and
- (d) the said article shall be carried on a four- 10 wheeled vehicle having tyres each of which is of the width of not less than seven and a half inches.

(2) Notwithstanding anything elsewhere in this Act contained, this section shall apply to the 15 carrying of any such article on national works, and for that purpose " Minister for Public Works " shall be read in place of " council."

702. (1) Every vehicle shall have the name and address of the owner or of one of the owners, 20 together with the correct weight of the vehicle (unladen) showing separately the weight on each pair of wheels, legibly painted on some conspicuous part of the off-side of such vehicle or on a plate affixed thereto. 25

(2) Every traction engine shall have the name and address of the owner or of one of the owners, together with the correct weight of the traction engine (unladen) showing separately the weight on each pair of wheels legibly painted on 30 some conspicuous part of the off-side of such traction engine, or on a plate affixed thereto.

(3) A traction engine whose weight laden or unladen exceeds five tons shall not be driven on any public road at a greater speed than seven miles 35 an hour, provided that when the wheels of such traction engine are shod with rubber the speed shall not exceed the rate of fifteen miles an hour.

(4) A vehicle or traction engine shall not be sold or otherwise disposed of by any person in 40 New South Wales, unless the correct weight (unladen) is so painted. (5)

Owner's name and weight of vehicle or engine.

Name and address of owner and weight of engine.

(5) The weight painted on a vehicle or traction engine shall be evidence of the weight (unladen) of such vehicle or engine. Evidence of weight.

5 703. Except with the consent of the council, or the Minister for Public Works, as the case may be, in writing, a traction engine shall not be used to draw or propel on a public road in the area of that council, or upon a national work under the control of the said Minister, more than three vehicles, nor more than twenty-four tons of loading on such vehicles. Limit to vehicles and load drawn by engine.

10 704. The tyres of the wheels of a traction engine or of any vehicle drawn by a traction engine shall not be furnished with cross-bars, longitudinal bands, spikes, slippers, or any projections other than may be specifically prescribed by ordinance as permissible. Projections.

15 705. A council or the Crown shall not be liable for any damage done to a traction engine or any vehicle drawn or propelled by a traction engine, or any person or load thereon or therein, by reason of any defect in any road or national work. No liability for damage to engine.

DIVISION 6.—*Ordinances.*

25 706. (1) Ordinances may be made for carrying this Part into effect, and in particular for and with respect to— Ordinances.

- 30 (a) prescribing the manner of measuring the width of tyres ;
- 35 (b) prescribing the character, shape, size, and spacing, or prohibiting the use of projections on the tyres of traction engines ;
- 40 (c) prescribing the methods by which, in the absence of weighbridges, the loaded weight of any vehicle may be determined ; and, for that purpose, declaring the weight of any class of mineral, goods, produce, merchandise, or other article by measurement, bag, bale, barrel, case, or other parcel ; and preventing any interference with or alteration of any load the weight of which is in dispute without the authority of the council or its duly appointed servant ;
- (d)

- (d) prescribing the manner of driving traction engines and vehicles, and the precautions to be observed for the safety of the public and for the protection of the roads ;
- (e) prescribing the conditions to be observed by 5  
the driver of any traction engine or vehicle which has damaged any bridge or culvert ;
- (f) providing for the examination and measurement of traction engines and vehicles and the weight thereof and the weight carried 10  
thereon, and for such purpose compelling attendance at any weighbridge or similar implement ;
- (g) preventing the use on public roads of traction engines and vehicles which are in a defective 15  
state or without sufficient brakes or not fitted with effective appliances for arresting sparks or for preventing the creation of unnecessary noise ;
- (h) suspending the application of this Part or 20  
of any division of this Part in any area, or portion of an area.

Weight by  
measurement.

(2) Where the weight of any specified descriptions or classes of loading by measurement, and by the bag, bale, or article, has been declared 25  
by ordinance, the weight so declared shall be deemed for all purposes of this Part to be the weight of such descriptions or classes of loading.

#### DIVISION 7.—*Penalties*.

Penalties.

707. (1) The owner of, or the person using, 30  
driving, or conducting any traction engine or vehicle which contravenes this Part or is used, driven, or conducted in contravention of this Part, or in contravention of any of the conditions prescribed under this Part, shall (except where a penalty is 35  
otherwise provided in this Act) be liable to a penalty not exceeding *five* pounds for a first offence, and not exceeding *ten* pounds for each subsequent offence.

Cancellation  
of permit or  
license.

(2) In the case of a conviction for an offence against this Act, or the ordinances relating to 40  
traction engines, the court may, in addition to imposing a penalty, cancel any permits or licenses issued in respect of such engine, and may name a period during which no fresh permit or license may be granted to the person convicted, or in respect of 45  
the engine.