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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1935.

# A BILL

To make further provision for the collection of Motor Vehicles Tax; to confer certain powers and authorities on the Commissioner for Road Transport and Tramways; to amend the Motor Tax Management Act, 1914, the Motor Traffic Act, 1909-1930, the Transport Act, 1930, and certain other Acts; to repeal the Motor Vehicles (Taxation) Amendment Act, 1926; to validate certain matters; and for purposes connected therewith.

**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:—

## PART I.

### PRELIMINARY.

**1.** (1) This Act may be cited as the "Motor Tax Short title. Management, Motor Traffic and Transport (Amendment) Act, 1935."

(2) This Act is divided into Parts as follows:— Division into Parts.

PART I.—PRELIMINARY—ss. 1, 2.

PART II.—AMENDMENT OF MOTOR TAX MANAGEMENT ACT, 1914—ss. 3-6.

PART III.—AMENDMENT OF MOTOR TRAFFIC ACT, 1909-1930—ss. 7-13.

PART IV.—AMENDMENT OF TRANSPORT ACT, 1930—ss. 14-17.

PART V.—AMENDMENTS OF VARIOUS ACTS—ss. 18-21.  
SCHEDULE.

2. Any act, matter or thing done or performed before the commencement of this Act by any authority in which is vested the administration of any Act amended by this Act and which would have been valid if done or performed after such commencement is hereby validated. Validation.

PART II.

AMENDMENT OF MOTOR TAX MANAGEMENT ACT, 1914.

3. The Motor Tax Management Act, 1914, as amended by subsequent Acts and by this Act, may be cited as the Motor Tax Management Act, 1914-1935. Citation.

4. The Motor Tax Management Act, 1914, as amended by subsequent Acts, is amended— Amendment of Act No. 34, 1914.

(a) by omitting section two and by inserting in lieu thereof the following section:— Substituted s. 2.

2. In this Act, unless the context or subject-matter otherwise indicates or requires— Definitions.

“ Commissioner ” means the Commissioner for Road Transport and Tramways appointed under the Transport (Division of Functions) Act, 1932.

“ Motor car ” means a motor vehicle constructed to be used principally for the carriage of persons, but does not include a motor omnibus or a motor cycle.

“ Motor cycle ” means any motor vehicle with two wheels (not being a trailer), or any motor vehicle with three wheels, one of which is designed to enable a side-car to be carried. “ Motor

“ Motor lorry ” means a motor vehicle (not being a motor cycle or a tractor or a trailer), constructed to be used principally for the carriage of goods, wares, or merchandise, or for the conveyance of any kind of materials used in any trade, business, or industry, or for use in any work whatsoever other than the conveyance of passengers.

“ Motor omnibus ” means a motor vehicle plying in a public street for hire for the conveyance of passengers at separate fares not being a taxi-cab.

“ Motor vehicle ” means any motor car, motor carriage, motor cycle, or other vehicle propelled upon any public street wholly or partly by any volatile spirit, steam, gas, oil, or electricity, or by any means other than human or animal power, and includes a tractor or a trailer, but does not mean or include any vehicle used on a railway or tramway.

“ Primary producer ” means a person who cultivates or uses his own land or that of another for his own benefit:—

- (a) for the production of fruit, grain, flowers, vegetables, tobacco or farm or agricultural produce of any description; or
- (b) for dairy farming, poultry or other bird farming, pig farming, bee keeping or oyster culture; or
- (c) as a nurseryman; or
- (d) as a pastoralist for the rearing or grazing of horses, cattle or sheep.

“ Public street ” has the meaning given to that expression in the Motor Traffic Act, 1909-1935.

“ Registered ” in relation to a public motor vehicle to which the Transport Act, 1930-1935, applies, means registered under that Act

Act or the regulations thereunder, and in relation to other motor vehicles means registered under the Motor Traffic Act, 1909-1935, or the regulations thereunder, and " registration " has a corresponding meaning.

" Registration certificate " means any certificate of registration or renewal thereof under the Motor Traffic Act, 1909-1935, and in the case of a public motor vehicle to which the Transport Act, 1930-1935, applies, any registration certificate or renewal thereof under that Act.

" Regulations " means regulations made under this Act.

" Side-car " means any car, box or other receptacle attached to the side of a motor cycle and for the carriage of which a third wheel is provided.

" Tax " means Motor Vehicles Tax.

" Tractor " means any motor vehicle constructed principally for the purpose of supplying motive power for machinery or of hauling any vehicle.

(b) by omitting sections three, 3A, and four and by inserting in lieu thereof the following sections:— Secs. 3, 3A, and 4.

3. (1) Subject to the provisions of this Act Motor vehicles. Motor Vehicles Tax at such rates as may be fixed by any Act shall be paid to the Commissioner.

(2) Such tax shall be paid by the person in whose name the motor vehicle is registered, and shall be paid at the time of registration of the motor vehicle and at each renewal thereof respectively.

(3) Such tax may be paid either at the office of the Commissioner or at the district registry appointed under the Motor Traffic Act, 1909-1935, at which the registration or renewal of registration of the motor vehicle is effected.

(4)

4. (1) There shall be exempt from Motor Exemptions. Vehicles Tax—

- (a) any motor vehicle used solely as an ambulance vehicle for the conveyance of persons and constructed for that purpose;
- (b) any motor vehicle upon which a trader's plate is being used in accordance with the Motor Traffic Act, 1909-1935, and the regulations made thereunder;
- (c) any motor vehicle owned by the council of a municipality or shire or by the Municipal Council of Sydney or by a county council and used solely—
  - (i) for the purposes of road construction, maintenance or repair, and/or
  - (ii) on a public park or on land dedicated or reserved from sale by the Crown for public health, recreation, enjoyment or other public purposes of a like nature, or on land owned by or leased to or vested in the council, for rolling tennis courts, cricket wickets, lawns or pathways or improving the surface of the ground or for similar work, and not let out on hire; and/or
  - (iii) for cleansing or sanitary purposes, and not let out on hire,
 and which is not used upon any public street otherwise than whilst being used for such work or for the purpose of proceeding thereto or returning therefrom;
- (d) any trailer—
  - (i) which is owned by one or more primary producers and used solely or principally for carting their own primary products or materials, provisions or commodities of any kind for use in their business or occupation as primary producers or in their households and is not let out on hire; or

(ii)

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- (ii) which is hauled by a tractor and owned by one or more persons engaged in the cutting of timber and used solely for the purpose of carting their timber from the forest to a mill, and not let out on hire;
- (e) any motor vehicle owned by a public fire brigade and used solely for fire fighting purposes;
- (f) any motor vehicle which is exempted from registration;
- (g) any motor vehicle which is used in accordance with a permit issued under the Motor Traffic Act, 1909-1935, or the regulations made thereunder.

(2) The regulations may exempt from Motor Vehicles Tax any motor vehicle owned and used by consuls de carriere or by such classes of consuls de carriere resident in this State as may be specified in the regulations.

(3) The Commissioner, in his discretion, may, subject to any conditions which he thinks fit, grant exemption or partial exemption from taxation under this Act in respect of any motor vehicle hereinafter mentioned where the motor vehicle travels upon a public street to such a limited extent that, in the opinion of the Commissioner, such exemption or partial exemption is justified—

- (a) any motor vehicle which is used solely in connection with the performance of work on the farms or holdings of primary producers and not on any public street otherwise than for the purpose of—
  - (i) passing to any such farm or holding when being brought into commission; or
  - (ii) passing to any such farm or holding from another; or
  - (iii)

- (iii) being removed from any such farm or holding for repairs, storing, garaging or other similar purpose;
  - (b) any motor vehicle which is not driven upon a public street otherwise than when being driven across such street;
  - (c) any motor vehicle used solely for the purposes of road construction, maintenance or repair and not constructed or used primarily for the conveyance of persons, goods or materials;
  - (d) any trailer weighing not more than five hundredweights when unladen, which is drawn by a motor car and is used solely for the carriage of camping equipment and other materials and goods used in connection with tours made in such car for recreation purposes and which is not used or let for hire or any consideration or in the course of trade or business;
  - (e) any motor vehicle comprising a concrete mixer or other machinery or apparatus whatsoever and not used nor constructed so as to be capable of being used for the conveyance of any loading other than such concrete mixer, machinery, or apparatus and any material contained therein.
- (e) by omitting section 5A;
- (d) by omitting from section six the words " Commissioner of Road Transport " wherever occurring and by inserting in lieu thereof the word " Commissioner ";
- (e) by omitting from section seven the words " Commissioner of Road Transport " and by inserting in lieu thereof the word " Commis-sioner ";
- (f) (i) by omitting from paragraph (a) of sub-section one of section 7A the figures " 1930 " and by inserting in lieu thereof the figures " 1935 ";
- (ii)

Sec. 5A.  
(Refund of certain taxes to councils.)

Sec. 6.  
(Examination of motor vehicles.)

Sec. 7.  
(Statutory declaration.)

Sec. 7A.  
(Power to seize unregistered vehicle.)

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- (ii) by inserting in paragraph (b) of the same subsection after the word "current" the words and figures "permit under the Motor Traffic Act, 1909-1935, or a current."

5. (1) The Motor Tax Management Act, 1914, as amended by subsequent Acts, is further amended by omitting subsection one of section eight and by inserting in lieu thereof the following subsections:—

Further amendment of Act No. 34, 1914. Sec. 8. (Regulations.)

(1) The Governor may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular and without prejudice to the generality of the foregoing power, may thereby—

- (a) regulate matters relating to exemptions from tax;
- (b) provide that specified motor vehicles or specified classes of motor vehicles shall be exempted from classification as motor omnibuses and shall be subject to tax at the rates applicable to motor cars;
- (c) provide for the furnishing, at the time of application for registration or renewal of registration of a motor vehicle or at any time during the currency of the registration, of weighbridge tickets showing the weight of the vehicle; or for the determination of such weight at a weight approximating the average weight of motor vehicles of the same make and description;
- (d) impose a penalty not exceeding *ten* pounds for any breach of or failure to comply with any regulation or any condition, requirement or request imposed or made by or under this Act or any regulation.

(1A) A regulation may authorise any matter or thing to be from time to time determined, applied or regulated by the Commissioner either generally or in any class of cases or in any particular case, and may confer



confer on the Commissioner or on any officer or employee of the Commissioner any power or authority required for carrying into effect all or any of the provisions of that or any other regulation or of this Act.

(1B) A regulation may be made to apply to the whole or any part of the State, may be of general or specially limited application according to time, place, or circumstances, and may be general or restricted to any specified class of subject-matter.

(2) Any regulation made before the commencement of this Act under the Motor Tax Management Act, 1914, as amended by subsequent Acts, and in force immediately before such commencement, shall continue in force.

Any regulation so continued may be varied, amended or repealed by regulations made under the Motor Tax Management Act, 1914-1935.

**6.** The Motor Tax Management Act, 1914, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 34, 1914.  
New s. 9A.

(a) by inserting next after section nine the following new section:—

9A. The court shall cause particulars of each conviction or order under this Act or the regulations to be forwarded to the Commissioner.

Particulars of conviction or order.

(b) by omitting from section ten all words after the word "certifying" and by inserting in lieu thereof the following words:—

Sec. 10. (Evidence.)

- “(a) that tax upon any motor vehicle was due or paid on a certain date or was not paid before a certain date;
- (b) that an adjustment of tax or a requirement to pay additional tax upon any motor vehicle was made in accordance with section 10A of this Act;
- (c) that the amount specified in the certificate is due as tax upon any motor vehicle— shall be prima facie evidence of the particulars contained in such certificate.”

(c)

(c) by inserting next after section ten the following new section:—

New s. 10A.

10A. (1) Notwithstanding anything contained in this or any other Act, in order to ensure that the correct amount of tax imposed on any motor vehicle shall be paid, the Commissioner may at any time cause to be made any adjustment of tax which he thinks necessary and may for this purpose—

Adjustment of tax.

- (a) alter or rescind any determination made of the tax;
- (b) make a refund of the whole or any portion of any tax paid;
- (c) require any person in whose name a motor vehicle is or was registered to pay tax additional to the tax, if any, already paid on such vehicle.

(2) No person shall be required to pay additional tax in accordance with subsection one of this section after the expiration of three years from the date when the tax was originally due and payable unless the Commissioner is of opinion that there has been an avoidance of tax and that the avoidance was due to fraud or evasion.

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

Substituted s. 11.

11. No refund of tax shall be made where application for such refund is made after the lapse of more than three years from the date of payment of the tax.

Time limit for refunds.

(e) by omitting section twelve and by inserting in lieu thereof the following section:—

Substituted s. 12.

12. Where before the expiration of the registration of a motor vehicle the registration certificate for such vehicle is surrendered and—

Refund of tax on surrender of registration.

- (a) the number-plate for such vehicle is surrendered; or
- (b) proof is furnished by declaration or otherwise to the satisfaction of the Commissioner that the number-plate for such vehicle has been lost or stolen; **the**

the Commissioner may, subject to such conditions as may be prescribed by regulation, grant to the person in whose name such registration certificate was issued, or, in the case of a transferred registration certificate, to the person in whose name such certificate was transferred, a refund of tax calculated pro rata, in the manner prescribed by regulation, for each complete month in the portion of the period for which the vehicle was registered unexpired at the date on which the number-plate is surrendered or proof is furnished as aforesaid, less any cancellation fee which may be prescribed by regulation.

- (f) by omitting from subsection one of section thirteen all words after the words " pay additional tax " and by inserting in lieu thereof the following words:—

Sec. 13 (1).  
(Notice of alteration and additional tax.)

“ Such tax or additional tax shall be calculated pro rata, in the manner prescribed by regulation, for each month or part thereof in the portion of the period for which the vehicle is registered unexpired at the date of the alteration.”

- (g) by inserting next after section thirteen the following new section:—

New s. 14.

14. (1) The Minister may, from time to time, on the recommendation of the Commissioner—

Power to waive exchange on cheques.

- (a) authorise the Commissioner to accept (subject to collection) in satisfaction or part satisfaction of the amount payable to the Commissioner in respect of any tax, fee or charge under this or any other Act, any cheque tendered to the Commissioner in payment or part payment, as the case may be, of such tax, fee or charge, to the extent of the sum stated in the cheque, notwithstanding that such sum does not include any exchange payable to a bank in respect of the amount in payment of which the cheque is tendered;

- (b) vary or revoke any such authority.

(2) Any such authority may be given, varied or revoked generally, or in relation to payments of a specified class or to all payments other than payments of a specified class.

PART III.

AMENDMENT OF MOTOR TRAFFIC ACT, 1909-1930.

7. The Motor Traffic Act, 1909-1930, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1935. Citation.

8. The Motor Traffic Act, 1909-1930, as amended by subsequent Acts, is amended— Amendment of Act No. 5, 1909.

(a) (i) by omitting from section two the definition of " Commissioner " and by inserting in lieu thereof the following definition:— Sec. 2. (Definitions.)

" Commissioner " means the Commissioner for Road Transport and Tramways appointed under the Transport (Division of Functions) Act, 1932;

(ii) by inserting in the definition of " Motor vehicle " in the same section after the word " includes " the words " a tractor or ";

(iii) by inserting in the same section next after the definition of " Motor vehicle " the following new definition:—

" Permit " means a permit issued under and in accordance with this Act or the regulations;

(iv) by omitting from the same section the definition of " Superintendent ";

(b) by omitting from section 2A the words " Commissioner of Road Transport " and by inserting in lieu thereof the word " Commissioner "; Sec. 2A. (Consequential.)

(c) by omitting from section 2B the words " Commissioner of Road Transport " wherever occurring and by inserting in lieu thereof the word " Commissioner. " Sec. 2B. (Consequential.)

9. (1) The Motor Traffic Act, 1909-1930, as amended by subsequent Acts, is further amended— Further amendment of Act No. 5, 1909.

(a) by omitting paragraphs (i) and (j) of subsection one of section three and by inserting in lieu thereof the following paragraphs:— Sec. 3. (Regulations.)

(i) provide for the regulation of the owners, registered owners, drivers or persons in charge

charge or having the custody of motor vehicles;

- (j) provide that certificates of registration shall be issued upon the registration of motor vehicles, and that drivers of motor vehicles shall be licensed, and appoint district registries where motor vehicles may be registered or drivers licensed either provisionally or otherwise;
- (b) by omitting from paragraph (m) of the same subsection all the words before the words " Provided that " and by inserting in lieu thereof the following words " regulate the manner of registration of motor vehicles and of the licensing of drivers and of the issue of permits and the granting, refusal, renewal, suspension and cancellation of registrations, licenses or permits, and the duration of licenses or permits, and the transfer of registrations, and the return or destruction of certificates of registration, licenses, permits, registration labels or permit labels ";
- (c) by omitting paragraph (n) of the same subsection (including the proviso) and by inserting in lieu thereof the following paragraph:—
  - (n) prescribe the qualifications and minimum ages of drivers and registered owners of motor vehicles;
- (d) by omitting paragraph (q1) of the same subsection and by inserting in lieu thereof the following paragraph:—
  - (q1) provide for and regulate the issue of temporary licenses or permits to drivers whose usual place of residence is outside New South Wales and who are temporarily in that State;
- (e) by inserting at the end of paragraph (q5) of the same subsection the words " and may provide that any person acting pursuant to the regulations made under this paragraph shall not be responsible

responsible for any loss or damage arising from any act done by him pursuant to such regulations except only loss or damage arising from his negligence ”;

- (f) by inserting at the end of paragraph (s) of the same subsection the words “and provide for the making of a refund of the whole or any part of any such fee in such circumstances and subject to such conditions as may be prescribed ”;

by inserting next after paragraph (s) of the same subsection the following new paragraph:—

- (t) exempt specified classes of motor vehicles from registration under such circumstances and subject to such conditions as may be prescribed.

Such conditions may include a requirement that a permit and/or permit label shall be obtained in all or any of the classes of cases in which exemption from registration is granted, and that the permit label shall be displayed as prescribed.

The regulations may limit the period during which any such exemption, permit or permit label shall operate and may prescribe any matter necessary or convenient to be prescribed in relation to any such exemption, permit or permit label.

Without limiting the generality of this paragraph, the powers conferred thereby may be exercised in respect of motor vehicles or specified classes of motor vehicles which are owned by persons ordinarily resident outside New South Wales and which are temporarily in that State.

- (h) by inserting next after paragraph (d) of subsection two of the same section the following new paragraph:—

- (e) Any regulation may confer on the Commissioner or any officer authorised by him

or

or on the Commissioner of Police or any member of the Police Force or on any employee of the Crown or other prescribed person any powers or authorities necessary or convenient for carrying into effect all or any of the provisions of that or any other regulation or of this Act.

(2) Any regulation in relation to any of the matters referred to in paragraph (i), paragraph (j), paragraph (m), or paragraph (n) of subsection one of section three of the Motor Traffic Act, 1909-1930, as amended by subsequent Acts, made under that Act before the commencement of this Act, and in force immediately before such commencement, shall continue in force, except to the extent to which it is inconsistent with the Motor Traffic Act, 1909-1935.

The regulations so continued may be varied, amended or repealed by regulations made under the Motor Traffic Act, 1909-1935.

**10.** (1) The Motor Traffic Act, 1909-1930, as amended by subsequent Acts, is further amended by inserting next after section four the following new sections:—

Further amendment of Act No. 5, 1909.  
New ss. 4A and 4B.  
Races, reliability trials, etc.

4A. (1) Any person who organises or promotes or takes part in any race between motor vehicles upon a public street shall be guilty of an offence under this Act, unless the approval in writing of the Commissioner of Police to the holding of the race has been obtained, and unless any conditions imposed by the Commissioner of Police and specified in such approval are observed and complied with.

The Commissioner of Police may impose any conditions he deems necessary in the interests of public safety and convenience.

Any such approval or conditions may be of general or limited application.

(2) Any person who organises or promotes or takes part in any attempt to break any motor vehicle speed record upon a public street shall be guilty of an offence under this Act.

(3)

(3) Any person who organises or promotes or takes part in any reliability trial of a motor vehicle upon a public street shall be guilty of an offence under this Act unless the conditions as to route, time, and measures for ensuring the safety and convenience of the public, to be observed in the holding of such reliability trial, have been approved by the Commissioner of Police, and unless such conditions are observed and complied with.

Any such approval may be of general or limited application.

(4) Any person who organises or promotes or takes part in any trial of the speed of a motor vehicle upon a public street for a distance exceeding one mile, otherwise than as an incident of a reliability trial made in conformity with subsection three of this section, shall be guilty of an offence under this Act.

(5) Any person convicted of an offence under subsection one or subsection two of this section shall be liable to imprisonment for a term not exceeding *three* months or to a fine not exceeding *fifty* pounds or to both.

Any such conviction shall operate to suspend the license of a person convicted of taking part in a race between motor vehicles upon a public street or of taking part in any attempt to break any motor vehicle speed record upon a public street, and to disqualify such person for obtaining a license for a period of twelve months from the date of conviction unless the court thinks fit to order a shorter or longer period of suspension and/or disqualification.

(6) There shall be an appeal to a court of petty sessions whose decision shall be final against—

- (a) the refusal to grant any approval under subsection one of this section;
- (b) any condition imposed upon the grant of any approval under such subsection;
- (c) the refusal to approve of any conditions under subsection three of this section.



4B. (1) When any person guilty of an offence under section four or section 4A of this Act, in the course of committing such offence, does or causes to be done to any other person, any bodily harm, such first mentioned person shall be liable on conviction to imprisonment for a term not exceeding *two* years.

Offences occasioning bodily harm.

(2) Any imprisonment imposed under this section may be so imposed in addition to or in substitution for any pecuniary penalty for which the person convicted may be liable under any other provision of this Act.

(2) The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting at the end of paragraph (v) of section two hundred and forty-nine the following proviso—

Amendment of Act No. 41, 1919, s. 249. (Consequential.)

Provided that, where the speed contest is a speed contest for motor vehicles, permission shall not be given unless the provisions of section 4A of the Motor Traffic Act, 1909-1935, are complied with.

**11.** The Motor Traffic Act, 1909-1930, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 5, 1909.

(a) by omitting subsections two and three of section five and by inserting in lieu thereof the following subsections—

Sec. 5. (Provisions relating to drivers.)

(2) Any person who whilst he is under the influence of intoxicating liquor or of a narcotic drug—

Driver intoxicated or under influence of narcotic drug.

- (a) drives a motor vehicle; or
- (b) occupies the driving seat of a motor vehicle and attempts to put such motor vehicle in motion,

shall be guilty of an offence under this Act.

(3) Where the driver of a motor vehicle is alleged to be guilty of an offence under this Act or any regulation—

Information to be given to identify driver. 20 & 21 Geo. V, c. 43, s. 113 (3).

- (a) the owner of the vehicle, or the person in whose name the vehicle is registered, or the person having the custody of the vehicle, shall give such information as he may

may

may be required by a member of the Police Force to give as to the identity of such driver, and if any such owner or person fails to do so he shall be guilty of an offence under this Act, unless he proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver was; and

(b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of such driver and, if he fails to do so, he shall be guilty of an offence under this Act.

(b) by inserting next after section 5A the following new section— New s. 5B.

5B. (1) Every motor vehicle (other than a motor vehicle exempted from registration by or under this Act) shall be registered before being used or driven upon a public street. Motor vehicles to be registered.

(2) Motor vehicles registered under the Transport Act, 1930-1935, shall be exempt from registration under this Act.

(3) Registration of a motor vehicle effected after the commencement of the Motor Tax Management, Motor Traffic and Transport (Amendment) Act, 1935, shall be for a period of either one year or three months.

(c) by inserting next after subparagraph (v) of paragraph (c) of subsection one of section six the following word and new subparagraph— Sec. 6.  
(Driver must be licensed, etc.)

“ or

(vi) to which is affixed any trailer which is not registered.”

(d) by inserting next after section six the following new sections— New ss.  
6A, 6B, 6C.

6A. (1) In respect of any license, certificate of registration, exemption, permit, authority or approval issued or granted by the Commissioner under Commissioner may impose, revoke or vary conditions, etc.

under this Act or the regulations, the Commissioner may impose such conditions as he thinks fit, and may revoke or vary any such condition at any time during the currency of the license, certificate, exemption, permit, authority, or approval.

(2) Any person who fails to comply with or observe any condition imposed or varied as aforesaid shall be guilty of an offence under this Act.

(3) The regulations may prescribe any matter necessary or convenient to be prescribed to carry into effect any of the matters referred to in subsection one of this section.

6b. Where this Act or any regulation thereunder gives power to the Commissioner or any officer to issue or grant any exemption, permit, authority or approval or to give any direction or to make any request or to do any act, matter or thing, it shall be implied that such Commissioner or officer may revoke or vary the same from time to time as occasion requires.

Exemptions, etc., may be revoked or varied.

6c. (1) A driver's license may be restricted so as to apply only to motor vehicles of a specified class or to all motor vehicles with the exception of a specified class.

License may apply to a class of vehicles.

(2) Any person who drives upon a public street any motor vehicle of a class to which his driver's license does not apply shall be guilty of an offence under this Act.

- (e) (i) by omitting from paragraph (a) of section seven the words " or a certificate of registration " wherever occurring, and by inserting in lieu thereof the words " certificate of registration, registration label, number-plate, permit or permit label ";
- (ii) by omitting from paragraph (b) of the same section the words " or number-plate " wherever occurring, and by inserting in lieu thereof the words " number-plate, permit, or permit label ";

Sec. 7. (Unlawfully obtaining or possessing licenses, etc.)

(iii)

(iii) by inserting in paragraph (c) of the same section after the word " license " the words " certificate of registration, registration label, permit or permit label ";

(iv) by inserting next after paragraph (c) of the same section the following new paragraphs—

(c1) otherwise than in accordance with the authority of the Commissioner given in writing (which authority he is hereby authorised to give), makes or prints any number-plate or distinguishing number or any form of license, certificate of registration, registration label, permit or permit label identical with or so nearly resembling any number-plate, distinguishing number, or form of license, certificate of registration, registration label, permit or permit label issued by the Commissioner under this Act or the regulations as to be likely to deceive; or

(c2) without lawful authority or excuse makes, uses or knowingly has in his possession the whole or any part of any die, plate or instrument resembling or apparently intended to resemble wholly or in part any die, plate or instrument provided by or used with the approval of the Commissioner for manufacturing or printing a number-plate, distinguishing number or form of license, certificate of registration, registration label, permit or permit label or for impressing a facsimile signature of the Commissioner; or

(f) (i) by inserting in subsection one of section ten after the words " offence under this Act " where firstly occurring, the words " for which no special penalty is provided ";

Sec. 10.  
(Court may impose penalty and suspend license, etc.)

(ii)

- (ii) by omitting from subsection four of the same section the words " Commissioner of Road Transport " and by inserting in lieu thereof the word " Commissioner ".

12. The Motor Traffic Act, 1909-1930, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 5, 1909.

- (a) by omitting section twelve and by inserting in lieu thereof the following section—

Substituted s. 12.

12. Particulars of registrations of motor vehicles, licenses of drivers, permits and traders' plates shall be recorded at the office of the Commissioner.

Records and evidence.

An extract from or copy of any entry so recorded, purporting to be certified under the hand of a prescribed officer, or a certificate purporting to be under the hand of a prescribed officer certifying that any person was or was not on a specified date the person in whose name a motor vehicle was registered or the holder of any driver's license, permit or trader's plate, or that on a specified date a motor vehicle was or was not registered, or that certain particulars do not appear on such records, shall, in all courts and upon all occasions whatsoever be received as prima facie evidence of all the particulars contained in such extract, copy or certificate without requiring the production of such records or of any license, certificate of registration, permit, requisition, notice or other document upon which such entry or certificate may be founded and without proof of the signature of the officer so certifying.

- (b) by inserting in section fifteen after the words " member of the police force " the words " or any employee of the Crown or other prescribed person ";
- (c) (i) by omitting from paragraph (a) of section eighteen the words " a motor vehicle has not

Sec. 15. (Compensation for loss of time, etc.)

Sec. 18. (Facilitation of proof.)

not upon it a distinguishing number as prescribed by the regulations ” and by inserting in lieu thereof the words “ either a prescribed number-plate is not affixed to a motor vehicle or that a current registration label is not displayed upon a motor vehicle as prescribed ”;

- (ii) by inserting in paragraph (b) of the same section after the words “ motor vehicle ” the words “ or a permit to use a motor vehicle upon a public street ”;
- (d) by omitting from section twenty the words “ has become due and payable on a certain day ” and by inserting in lieu thereof the words “ was due or was paid on a certain date or was not paid before a certain date ”.

Sec. 20.  
(Recovery and evidence.)

**13.** The Schedule to the Motor Traffic Act, 1909-1930, as amended by subsequent Acts, is amended—

Further amendment of Act No. 5, 1909.  
(Schedule.)

- (a) by omitting the item relating to “ Motor vehicles including tri-cars ” and by inserting in lieu thereof the following—

Motor vehicles including tri-cars (other than motor cycles)—Registration, to be paid on issue of—

- (i) each registration other than a renewal of registration, one pound;
  - (ii) each renewal of registration for a period of one year, one pound;
  - (iii) each renewal of registration for a period of three months, such amount not exceeding one pound as may be fixed by regulation either generally or for specified classes of cases or for all cases other than those specified.
- (b) by inserting next after the item relating to “ Motor cycle rider ” the following item—  
Permit issued in respect of unregistered motor vehicle—Fee, such amount not exceeding five pounds as the Commissioner may determine in each particular case.

(c)

- (c) by omitting the item relating to "Transfer of registration of a motor vehicle" and by inserting in lieu thereof the following—

Transfer of registration of a motor vehicle—  
Fee, two shillings and sixpence.

PART IV.

AMENDMENT OF TRANSPORT ACT, 1930.

**14.** The Transport Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Transport Act, 1930-1935. Citation.

**15.** The Transport Act, 1930, as amended by subsequent Acts, is amended— Amendment of Act No. 18, 1930.

(a) by inserting in section four next after the definition of "Commissioner of Police" the following new definition—"Commissioner for Road Transport and Tramways" means the Commissioner for Road Transport and Tramways appointed under the Transport (Division of Functions) Act, 1932. Sec. 4. (Definitions.)

(b) by inserting at the end of section fifteen the following new subsection— Sec. 15. (Public vehicles.)  
(3) Registration of a public motor vehicle effected after the commencement of the Motor Tax Management, Motor Traffic and Transport (Amendment) Act, 1935, shall be for a period of either one year or three months.

(c) by omitting from subsection one of section one hundred and forty-six the words "for a period of one year from the date stated therein" and by inserting in lieu thereof the words "for the period of one year or of three months, as the case may be, for which the same was issued"; Sec. 146. (Duration of certificate of registration.)

(d) (i) by inserting in subsection four of section one hundred and fifty after the words "driver's license" where firstly occurring the words "or any holder of any such license"; Sec. 150. (Drivers and conductors.)

(ii)

- (ii) by inserting in the same subsection after the words " driver's license " where secondly occurring the words " or the holder of such a license as the case may be ";
- (iii) by inserting in the same subsection after the words " the applicant " wherever occurring the words " or holder, as the case may be ";
- (iv) by inserting at the end of subsection five of the same section the words " or by the holder of any such license ";
- (e) by inserting at the end of subsection four of section one hundred and fifty-two the following proviso—

Sec. 152.  
(Fees.)

Provided that the Commissioner for Road Transport and Tramways may grant exemption from the payment of the whole or any part of the prescribed fee in respect of any application for a provisional service license or service license or may, where such fee has been paid, grant a refund of the whole or any part thereof, subject to such conditions as may be prescribed.

- (f) (i) by inserting next after paragraph (c) of subsection one of section two hundred and two the following paragraph—
- (d) all fees charged under the Motor Tax Management Act, 1914-1935;
- (ii) by inserting at the end of subsection two of the same section the following words—
- " The provisions of section three of this Act relating to the application of this Act only within transport districts shall not and shall be deemed never to have controlled or limited or in any way affected the operation of this subsection "
- (g) by inserting at the end of paragraph (a) of subsection one of section two hundred and four the words " or the Motor Vehicles (Taxation) Act, 1935."

Sec. 202.  
(Road Transport and Traffic Fund.)

Sec. 204.  
(Public Vehicles Fund.)

(h)



(h) by inserting in section two hundred and fifteen after the words and figures " Motor Vehicles (Taxation) Act, 1924 " the words and figures " or of the Motor Vehicles (Taxation) Act, 1935." Sec. 215.  
(Extension of Act to certain vehicles.)

**16.** The Transport Act, 1930, as amended by subsequent Acts, is further amended— Further amendment of Act No. 18, 1930.

(a) (i) by inserting next after section two hundred and fifteen the following new sections:— New ss. 215A, 215B.

215A. (1) In respect of any license, registration certificate, exemption, permit, consent, authority or approval issued or granted under this Act or the regulations, the Commissioner for Road Transport and Tramways may impose such conditions as he thinks fit, or may revoke or vary any such conditions at any time during the currency of the license, registration certificate, exemption, permit, consent, authority or approval. Commissioner may impose, revoke or vary conditions, etc.

(2) The regulations may prescribe any matter necessary or convenient to be prescribed to carry into effect any of the matters referred to in subsection one of this section.

215B. Where this Act or any regulation thereunder gives power to any person or officer to issue or grant any exemption, permit, consent, authority or approval or to give any direction or to make any request or to do any act, matter or thing, it shall be implied that such person or officer may revoke or vary the same from time to time as occasion requires. Matters may be revoked or varied.

(ii) by omitting from the matter relating to Part XVII in section two the figures " 215 " and by inserting in lieu thereof the figures and letter " 215B." Sec. 2. (Consequential).

(b)

(b) by inserting next after section two hundred and forty-one the following section—

News.  
241A.

241A. (1) The Commissioner for Road Transport and Tramways or any person authorised by him may request any person to surrender at a place and within a time stipulated in such request, any number-plate used in contravention of this Act or the regulations or any prescribed number-plate if the registration of the vehicle in respect whereof it was issued has expired or is cancelled or suspended or any prescribed number-plate which has passed out of the custody of the person to whom such registration was issued or transferred.

Return of  
number-  
plate.  
cf. Act No.  
5, 1909,  
s. 11B.

(2) Any person who wilfully fails to comply with such request shall be guilty of an offence under this Act.

(3) Any member of the police force or other person authorised by the Commissioner for Road Transport and Tramways may seize any such number-plate.

Seizure.

(c) (i) by omitting from section two hundred and fifty-five the words "the issue of permits shall be recorded in books or on cards kept for the purpose" and by inserting in lieu thereof the words "permits shall be recorded";

Sec. 255.  
(Records  
and  
evidence.)

(ii) by omitting from the same section all words after the words "copy of any" and by inserting in lieu thereof the words "entry so recorded purporting to be certified under the hand of a prescribed officer or a certificate purporting to be under the hand of a prescribed officer certifying that any person was or was not on a specified date the person in whose name a public vehicle was registered or the holder of any service or other license or permit or that on a specified date a public vehicle was or was not registered or that certain particulars do

not

not appear on such records, or that any return or information required by or under this Act to be supplied has not been supplied, shall, in all courts and upon all occasions whatsoever, be received as prima facie evidence of all particulars contained in such extract, copy or certificate without requiring the production of such records or of any service or other license, registration certificate, permit, requisition, notice or other document upon which such entry or certificate may be founded and without proof of the signature of the officer so certifying”

- (d) (i) by omitting from section two hundred and fifty-eight the words “forwarded by registered post to” and by inserting in lieu thereof the words “left at or forwarded by prepaid letter post addressed to such person at”;
- (ii) by omitting from the same section the words “to such subsequent address” and by inserting in lieu thereof the words “at such subsequent address.”

Sec. 258.  
(Service of notices.)

17. The Transport Act, 1930, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 18, 1930.

- (a) by inserting next after subsection five of section two hundred and sixty-two the following subsection:—

Sec. 262.  
(Regulations.)

(5A) Any regulation may authorise any matter or thing to be from time to time determined, applied or regulated by the Commissioner for Road Transport and Tramways either generally or for any class of cases or in any particular case.

- (b) (i) by inserting in subparagraph (iii) of paragraph (t) of subsection one of section two hundred and sixty-four after the word “ refusal ” the words “ amendment, correction”;

Sec. 264.  
(Regulations.)

(ii)

- (ii) by inserting in paragraph (aw) of the same subsection after the words "motor omnibuses" the words "or other public vehicles";
- (c) by omitting from subsection one of section two hundred and sixty-five the words "or this Act" and by inserting in lieu thereof the words "this Act, the State Transport (Co-ordination) Act, 1931, or any other Act relating to the taxation of motor vehicles or to the control of road traffic which may be specified from time to time by the Governor by proclamation published in the Gazette"; Sec. 265.  
(Minor traffic offences.)
- (d) by omitting item five of Schedule Two down to and including the words and symbols "Other public vehicle . . . £1" and by inserting in lieu thereof the following:— Schedule Two.

<p>5. Registration certificate and each renewal thereof.</p>	<p>Such amount, not exceeding two pounds in respect of any motor omnibus and not exceeding one pound in respect of any other public vehicle, as may be fixed by regulation either generally or for particular classes of cases, less, in the case of a motor omnibus, any fee paid in respect of the same period for a provisional registration certificate for the same motor omnibus.</p>
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PART V.

AMENDMENTS OF VARIOUS ACTS.

**18.** The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts, is hereby amended by omitting from subsection four of section sixteen the words "The license shall expire on the anniversary of the date upon which it is issued." Amendment of Act No. 32, 1931, s. 16 (4).

**19.**

19. The Transport (Division of Functions) Act, 1932, is amended—

Amendment of Act No. 31, 1932.

(a) by inserting at the end of section seven the following new subsection:—

Sec. 7.

(4) Each such Commissioner shall be entitled to such leave of absence as may be fixed by the Governor.

(b) by inserting at the end of section twenty-one the following new subsection:—

Sec. 21.

(6) In this section the expression "officers and employees of the Department of Transport" shall be construed to include any officer or employee whose services were, immediately before the twenty-ninth day of December, one thousand nine hundred and thirty-two, on loan to the Department of Transport, and any officer or employee who had been appointed on probation but whose appointment had not, before the twenty-ninth day of December, one thousand nine hundred and thirty-two, been confirmed.

(Officers and employees.

(c) by inserting next after section twenty-three the following new section:—

New s. 23A.

23A. (1) The Governor may on the recommendation of the Commissioner for Road Transport and Tramways and of the Public Service Board transfer to the Department of Road Transport and Tramways any officer of the Public Service.

Transfer of officers from the Public Service to the Department of Road Transport and Tramways.

(2) Any officer so transferred shall continue to contribute to any fund or account, and shall be entitled to receive any annual, sick, deferred, or extended leave, and any payment, pension, or gratuity as if he had remained an officer within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, or any Act amending those Acts, and for any such purpose, his service under this Act shall be deemed to be service for the purposes of any of such first-mentioned Acts.

20. The Main Roads Act, 1924-1931, is amended—

Amendment of Act No. 24, 1924.

(a) by inserting in paragraph (a) of subsection one of section ten after the words "subsequent Acts" the words "or under the Motor Vehicles (Taxation) Act, 1935";

Sec. 10. (County of Cumberland Main Roads Fund.)

(b) by inserting in paragraph (a) of subsection one of section twenty after the words "subsequent Acts" the words "or under the Motor Vehicles (Taxation) Act, 1935."

Sec. 20. (County Main Roads Fund.)

21. The enactments referred to in the Schedule to this Act are to the extent therein indicated hereby repealed.

Consequential repeals of certain enactments.

SCHEDULE.

Sec. 21.

Number of Act.	Short Title.	Extent of Repeal.
1915, No. 11 ...	Motor Traffic Amendment ... ..	Sec. 10 (a).
1916, No. 65 ...	Motor Tax Management (Amendment).	Sec. 2.
1924, No. 76 ...	Motor Vehicles (Taxation) Amendment.	Sec. 2 (b).
1926, No. 10 ...	Motor Vehicles (Taxation) Amendment.	The whole.
1930, No. 18 ...	Transport ... ..	Secs. 180 (b), 182, 276 (a).