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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1928.

A BILL

To make further provision for the regulation of motor vehicles and their drivers; to amend the Motor Traffic Act, 1909, and certain other Acts; and for purposes connected therewith.

BE 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 "Motor Traffic Short title. (Amendment) Act, 1928," and shall be read with the Motor Traffic Act, 1909, as amended by subsequent Acts.

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(2) The Motor Traffic Act, 1909, as so amended, is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the "Motor Traffic Act, 1909-1928."

2. (1) Section two of the Principal Act is amended— Amendment of Act No. 5, 1909. Sec. 2.

(a) by inserting after the words "by the public" in the definition of "public street" the words "and includes any place at the time open to or used by the public on the payment of money or otherwise";

(b) by inserting after the definition of "Superintendent" the following new definition:—

"Unauthorised number plate" means any number plate or article with number thereon, resembling, but not being, a prescribed number plate; or any prescribed number plate which has been altered in contravention of this Act, or of any regulation.

(2) Section three of the Principal Act is amended—

(a) by omitting from paragraph (m) the words "of fees for the same," and by inserting in lieu thereof the words "subject to such exemptions as may be specified of fees";

(b) by omitting paragraph (q 2) and by inserting in lieu thereof the following paragraph—

(q 2) provide for the issue of special number plates to manufacturers or repairers of, or dealers in, motor vehicles, and prescribe the conditions under which such plates may be used, and for the keeping by persons in whose custody such a special number plate, or a motor vehicle together with such a number plate is left, of the prescribed record of the name and address of each person who drives any motor vehicle on a public street with such number plate attached, and prescribe any matter which

which may be necessary, or convenient, in relation to such special number plates, or such records.

(c) by adding after paragraph (q2) the following new paragraphs:—

(q 3) regulate or prohibit the manufacture, repair, cleansing or assembling of a motor vehicle in a public street;

(q 4) regulate or prohibit the conveyance of inflammable liquid in or upon a public passenger motor vehicle;

(q 5) provide for the seizure and custody of any motor vehicle that is a danger or obstruction to traffic in a public street, and for the recovery of expenses incurred in the seizure and custody of the same; and for the disposal or destruction of such vehicle if the owner fails within the time prescribed to claim the same or to pay such expenses;

(q 6) require the carrying of efficient fire extinguishers upon public passenger motor vehicles;

(q 7) provide for the display of registration labels upon motor vehicles.

(d) by omitting from paragraph (r) the words "ten pounds" and by inserting in lieu thereof the words "twenty pounds";

(e) by adding at the end of the section the following new subsection:—

(2) (a) Any regulation made under this Act may be made to apply to the whole or any specified portion of the State, and unless otherwise provided or clearly intended shall apply to the whole of the State.

(b) Any regulation with respect to public streets may be made to apply either to all public streets or to any specified public streets, or to parts of specified public streets and either at all times or during specified times,

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times, and unless otherwise provided or clearly intended, shall apply to all public streets, and to the whole thereof and at all times.

(c) Any regulation may authorise any matter or thing to be from time to time determined, applied or regulated by the Commissioner of Police either generally or for any class of cases or in any particular case.

(d) Any regulation may be made to apply either to all motor vehicles or to any specified class or description of motor vehicles, and unless otherwise provided or clearly intended shall apply to all motor vehicles.

3. Section five of the Principal Act is amended—

Amendment of Act No. 5, 1909, s. 5.

(a) by omitting subsection two;

Subsec. (2).

(b) by omitting subsection three, and by inserting in lieu thereof the following :—

Subsec. (3).

(3) Any owner of a motor vehicle shall, if required by any member of the police force, give any information which it is in his power to give which may lead to the identification of any person who was driving such vehicle when an accident occurred in which such vehicle was concerned, or when an offence is alleged to have been committed by such driver against this or any other Act or any regulation, ordinance, or by-law made under the provisions of any Act; and if such owner fails to do so he shall be guilty of an offence under this Act.

(c) by inserting next after subsection three the following new subsection :—

(4) Any member of the police force authorised in that behalf by the Commissioner of Police may examine any motor vehicle for the purpose of determining whether such vehicle is equipped with brakes capable of stopping and holding the same under all conditions of service, and for such purpose may stop any motor vehicle.

The

The driver or any person in charge of any motor vehicle shall afford a member of the police force so authorised all facilities for making the examination and for such purpose shall, if required, stop the vehicle.

Any person who fails or neglects to comply with this section shall be guilty of an offence under this Act.

5. The Principal Act is hereby further amended by inserting next after section five the following new section :—

Further amendment of Act No. 5, 1909.

5A. (1) Any person found driving or occupying the driving seat of a motor vehicle whilst he is under the influence of intoxicating liquor shall be guilty of an offence under this Act.

Driving while intoxicated.

(2) Any member of the police force may without warrant apprehend any such person and take charge of and remove such vehicle to any convenient place for safe keeping, and the court adjudicating may, if it be of opinion that there was reasonable cause for such taking charge, removal, and safe keeping, order the costs, charges and expenses thereof to be paid by such person, and in default of payment may impose a penalty of imprisonment for a period not exceeding seven days.

6. Section six of the Principal Act is amended—

Further amendment of Act No. 5, 1909, s. 6.

- (a) by inserting in paragraph (c) next after the word "driven" the words "or to be";
- (b) by inserting after the word "visible" in subparagraph (iv) of the same paragraph the word "; or";
- (c) by inserting next after subparagraph (iv) of the same paragraph the following new subparagraph :—
 - (v) which is not registered.
- (d) by omitting the proviso to the same section and by inserting in lieu thereof the following new proviso :—

Provided that no person shall be liable to a penalty for a breach of paragraph (c) of this section

section if he proves to the satisfaction of the court hearing the case that such breach was the result of an accident or that the motor vehicle was being driven or was about to be driven to the nearest district registry for the purpose of being registered, and had affixed to the rear of such vehicle in the position prescribed for the fixing of number plates, and also to the front of such vehicle in a conspicuous position a paper number issued by the Commissioner of Police for use on such vehicle on the day on which it was driven as aforesaid.

7. The Principal Act is further amended by inserting next after the proviso at the end of section six the following new sections :—

Further amendment of Act No. 6, 1909, new s. 6A.

6A. (1) Any person to whom a number plate and certificate of registration have been issued shall within three days of the date of the expiration of the certificate surrender the number plate at a district registry or renew the certificate.

Renewal of registration and licenses.

(2) Any person to whom a driver's license has been issued shall within three days of the date of the expiration thereof surrender his license at a district registry or renew his license.

(3) Any person who fails to comply with any requirement of this section shall be deemed to have committed an offence under this Act.

(4) Proceedings under this section may be commenced within two years of the offence being committed.

6B. (1) Any owner who sells or otherwise becomes dispossessed of his motor vehicle, together with a prescribed number plate, shall forthwith give written notice to the superintendent of such sale or dispossession and forward to the superintendent—

Notice of sale, &c.

(a) the certificate of registration of such vehicle;

(b)

- (b) the full name and address of the person who purchased or otherwise became possessed of such vehicle ;
- (c) the date of such sale or dispossession.

(2) Any person who purchases or otherwise obtains possession of any motor vehicle, together with a prescribed number plate, during the currency of the certificate of registration issued in respect of such vehicle, shall forthwith make written application in the prescribed manner to the superintendent to have registration of such motor vehicle transferred to him and shall pay the prescribed fee, and shall also, within three days after the expiration of such registration, renew the same or surrender such number plate at a district registry.

(3) Any person who purchases or otherwise obtains possession of any motor vehicle, together with a prescribed number plate, after the expiration of the certificate of registration issued in respect of such vehicle, shall, within three days after such purchase or obtaining possession, renew such registration or surrender the number plate at a district registry.

(4) Any person, not being the owner, who sells or otherwise disposes of any motor vehicle, together with a prescribed number plate, shall forthwith give written notice to the superintendent of such sale or disposal, and forward to the superintendent—

- (a) the full name and address of the person to whom such vehicle has been sold or disposed of ;
- (b) the date of such sale or disposal.

(5) Any person who fails to comply with the requirements of this section shall be deemed to have committed an offence under this Act.

(6) Proceedings under this section may be commenced within two years of the commission of the offence.

8. Section seven of the Principal Act is amended— Further amendment of Act No. 5, 1909, s. 7.

(a) by omitting paragraphs (a) and (b) and by inserting in lieu thereof the following new paragraphs:—

(a) by any false statement or misrepresentation obtains or attempts to obtain a license or a certificate of registration or who furnishes false or misleading information with regard to particulars required by the Act or the regulations to be furnished before obtaining a license or a certificate of registration; or

(b) without lawful excuse has in his possession—

(i) any license, certificate of registration, registration label, or number plate issued under this Act; or

(ii) any article resembling a license, certificate of registration, registration label, or number plate issued under this Act and calculated to deceive; or

(b) by inserting after the word “deceive” in paragraph (d) the word “or”;

(c) by inserting next after paragraph (d) the following new paragraphs:—

(e) transfers or causes or permits to be transferred a prescribed number plate issued under this Act in respect of any motor vehicle to any other motor vehicle, or who causes or permits such number plate to be upon such other vehicle without having first complied with the requirements of section 11A of this Act; or

(f) affixes or causes or permits to be affixed to or to be upon any unregistered motor vehicle any unauthorised number plate.

(d)

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

(2) Any proceedings under paragraphs (a), (c), (e) and (f) of this section may be commenced within two years of the commission of the offence.

9. Section eight of the Principal Act is amended— Further amendment of Act No. 5, 1909, s. 8.

(a) by inserting in subsection one next after the words “in charge of any person” the words “or if damage is done to any property”;

(b) by omitting subsection two and by inserting in lieu thereof the following new subsections :—

(2) In any such accident involving injury to any person or damage to any property it shall be the duty of the driver of the motor vehicle to render all practicable assistance, and if such driver does not report the accident to a member of the police force at the scene of the accident such driver shall within twenty-four hours thereafter report particulars of the accident to the officer in charge of the nearest police station.

(3) Any person knowingly acting in contravention of this section shall be guilty of an offence under this Act.

10. Section ten of the Principal Act is amended— Further amendment of Act No. 5, 1909, s. 10.

(a) by omitting from subsection one the words “twenty pounds for every such offence” and by inserting in lieu thereof the words “one hundred pounds for every such offence or in the case of any offence under section four or section 5A may impose a penalty of imprisonment for any period not exceeding *six* months without allowing the option of a fine”;

(b) by omitting from subsection two the words “shall cause particulars of the conviction, and of any order made under this section, to be endorsed upon his license,” and by inserting in lieu thereof the words “may order the license

license to be handed in to the superintendent within a time to be specified in the order, and in default of compliance with the order may impose a penalty not exceeding *fifty* pounds."

11. Part IV of the Principal Act is amended—

Further amendment of Act No. 5, 1909. Newsecs. 11A, 11B.

- (a) by inserting next after section eleven the following new sections :—

11A. The registered owner of any motor vehicle may transfer the number plate issued in respect of such vehicle to any other motor vehicle, provided that he surrenders the certificate of registration issued in respect of such number plate, and registers such other motor vehicle.

Transfer of number plate.

11B. Any member of the police force may seize any prescribed number plate if the registration issued in respect thereof has expired or is cancelled, or if such number plate has passed out of the custody of the person to whom the registration in respect of such number plate was issued ; or may seize any unauthorised number plate.

Seizure.

- (b) by omitting section twelve, and by inserting in lieu thereof the following :—

Sec. 12. Records.

12. The particulars of the registration of motor vehicles and the licenses of drivers shall be recorded at the office of the superintendent, and an extract from or copy of any such entry so recorded, certified under the hand of the superintendent or any officer authorised by the superintendent, or a certificate purporting to be under the hand of the superintendent or of any officer expressed to be authorised by the superintendent, certifying that any person is not the registered owner of any motor vehicle nor the holder of any driver's license, or that certain particulars do not appear on such records, shall in all courts and upon all occasions whatsoever be received as evidence, and be deemed

deemed sufficient proof of all particulars contained in such entry or certificate without requiring the production of such records or any license, requisition, notice, or other document upon which such entry or certificate may be founded.

- (c) by omitting section thirteen and by inserting Sec. 13. in lieu thereof the following section:—

13. (1) All regulations made under this Act Regulations. shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication, or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2) If either House of Parliament passes a resolution, of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulations or part thereof, such regulation or part shall thereupon cease to have effect.

- (d) (i) by omitting from section eighteen the words Sec. 18: “under this Act or the regulations,” and by inserting in lieu thereof the words “in any court”;
- (ii) by inserting in paragraph (b) of section eighteen next after the word “registered” the words “or applied for and was granted transfer of registration of.”

- (e) by inserting next after section eighteen the following new sections:— New secs.
18A, 18B.

18A. (1) When any loss or damage is sus- Onus of proof.
tained or incurred by any person by reason of
a motor vehicle in motion, the onus of proof
that such loss or damage did not arise through
the

the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver of the motor vehicle.

(2) This section shall not apply in the case of a collision between motor vehicles upon a public street.

18B. The owner of a motor vehicle for which a certificate of registration has been issued under the provisions of this Act shall be liable for the violation of any of the provisions thereof or of any regulations in connection with the operation of such motor vehicle, unless such owner shall prove to the satisfaction of the court trying the case that at the time of the offence such motor vehicle was not being driven by him, nor by any other person with his consent, express or implied :

Liability of owner.

Provided that if the owner was not at the time of the offence driving the motor vehicle, he shall not in any event be liable to imprisonment.

(f) by adding after section nineteen the following new sections :—

New secs. 20-22.

20. (1) In any case in which a license issued in accordance with this Act or the regulations, is not surrendered or renewed within the prescribed period, the superintendent may impose a fine not exceeding ten shillings.

Fine by superintendent.

(2) The superintendent may, without instituting proceedings for the recovery of any such fine, demand and receive the amount thereof from the person liable to pay the same, and if demand is not complied with may institute proceedings to recover the amount.

(3) The superintendent may remit any fine incurred under this section and may refund the amount of any such fine paid to him.

21. Any prescribed fee or fine may be recovered at any time, and in any court of competent jurisdiction and in any action or proceedings

Recovery and evidence.

proceedings the production by the superintendent or on his behalf of a certificate purporting to be signed by him certifying that any such fee or fine has become due and payable on a certain day shall be conclusive evidence of the fact so certified.

22. The superintendent may forego the whole or any part of any prescribed fee in any case in which it shall appear to him that there is good and sufficient reason for so doing.

Power to remit prescribed fees.

12. The Schedule of the Principal Act is amended—

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

- (a) by omitting the word “yearly” wherever occurring and by inserting in lieu thereof where that word firstly and secondly occur the words “to be paid on the issue and each renewal of the registration”;
- (b) by omitting the words “issue or” where those words firstly and secondly occur and by inserting in lieu thereof the words “issue and each”;
- (c) by adding at the end of the Schedule the following new items:—

Trader's plate for use as prescribed on a motor vehicle other than a motor cycle—Fee, eight pounds yearly.

Trader's plate for use as prescribed on a motor cycle—Fee, two pounds yearly.

Loss of number plate—Fee, two shillings.

Damage to number plate—Fee two shillings.

Substitute for lost certificate—Fee, two shillings and sixpence.

Substitute for lost license—Fee, two shillings and sixpence.
