

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1935.

# A BILL

To define the period for which motor vehicles may be registered; to validate certain matters; to amend in this and certain other respects the Motor Traffic Act, 1909-1930, and certain other Acts; 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:—

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

(2) 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.

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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 the Motor Traffic Act, 1909-1930, or the Transport Act, 1930, as amended by subsequent Acts, and which would have been valid if done or performed after such commencement is hereby validated. Validation.

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

(a) (i) by inserting in section two next before the definition of "Court" the following new definition:— Sec. 2. (Definitions.)

"Articulated vehicle" means any motor vehicle having at the rear thereof a trailing portion which is so joined to the forward portion of the vehicle by partial superimposition that a substantial part of the weight of the trailing portion and its loading rests upon and is carried by the forward portion of the vehicle;

(ii) by omitting from the same section the definition of "Commissioner" and by inserting in lieu thereof the following definition:—

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

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

"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;

(iv) by inserting in the same section next after the definition of "Regulation" the following new definitions:—

"Semi-trailer" means a vehicle used or intended to be used as the trailing portion of an articulated vehicle;

"Side-car"

“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;

(v) by inserting at the end of the same section the following new definition:—

“Trailer” includes a semi-trailer.

(b) (i) by omitting paragraph (q1) of subsection one of section three and by inserting in lieu thereof the following paragraph:— Sec. 3.  
(Regulations.)

(q1) provide for 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, and prescribe any matter necessary or convenient to be prescribed in relation to any such driver or any such license or permit;

(ii) by inserting next after paragraph (q9) of the same subsection the following new paragraphs:—

(q10) exempt from the obligations imposed by or under this Act relating to registration such motor vehicles as are being used for the purposes or in the circumstances specified, subject to compliance with such conditions as may be specified.

Such conditions may include a requirement that a permit and/or permit label shall be obtained from the Commissioner 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

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.

(q11) prescribe 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.

(iii) 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 specified in the regulations."

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

Further amendment of Act No. 5, 1909, New sec. 4A.

4A. (1) (a) Any person who organises or promotes or takes part in—

Races, reliability trials, etc.

- (i) any race between motor vehicles upon a public street; or
- (ii) any attempt to break any motor vehicle speed record upon a public street; or
- (iii) any trial of the speed of a motor vehicle upon a public street for a distance exceeding one mile,

shall be guilty of an offence under this Act, unless the approval in writing of the Commissioner of Police to the holding or making of the race, attempt or trial has been obtained.

(b) The Commissioner of Police shall have power to grant or refuse such approval.

(c) The Commissioner of Police may in any such approval impose any conditions he deems necessary in the interests of public safety and convenience.

Any

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

(d) Where any person taking part in any such race, attempt or trial fails to observe or comply with any condition imposed as aforesaid, such person and the organiser or promoter of such race, attempt or trial shall be guilty of an offence under this Act.

(e) This subsection shall not apply to any test of the slow running of a motor vehicle.

(2) Where a person taking part in a race between motor vehicles or in an attempt to break a motor vehicle speed record or in a trial of the speed of a motor vehicle is convicted of any offence under subsection one of this section such conviction shall operate to suspend his license and to disqualify him 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.

Such suspension and/or disqualification shall be in addition to any pecuniary penalty for which the person convicted may be liable under any other provision of this Act.

(3) There shall be an appeal to a court of petty sessions holden before a stipendiary or police magistrate 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 approved under such subsection.

The regulations may prescribe the manner of appeal and the court to which it is to be brought.

(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.

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

Further amend-  
ment of Act  
No. 5, 1909.

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

Sec. 5.  
(Information as  
to identity of  
driver.)

(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 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 sec. 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 regis-  
tered.

(2) Registration of a motor vehicle effected after the commencement of the Motor Traffic (Amendment) Act, 1935, shall, except where otherwise approved under subsection three or subsection four of this section, be for a period of either one year or three months.

(3)

(3) (a) Every trailer (other than a trailer exempted from registration by or under this Act or a semi-trailer) drawn by a motor vehicle upon a public street shall be subject to separate registration.

(b) The Commissioner may approve that the registrations of interchangeable trailers shall be for periods expiring on a common date, and such registrations shall operate accordingly.

(4) (a) The registration of an articulated vehicle shall comprise the forward portion of the vehicle and one semi-trailer used in conjunction therewith.

(b) Except as provided in paragraph (a) of this subsection, every semi-trailer (other than a semi-trailer exempted from registration by or under this Act) used upon a public street shall be subject to separate registration.

(c) The Commissioner may approve that the registration of an articulated vehicle and any separate registrations of interchangeable semi-trailers used as portions of such vehicle shall be for periods expiring on a common date, and such registrations shall operate accordingly.

(c) by omitting subparagraph (v) of paragraph (c) of subsection one of section six and by inserting in lieu thereof the following subparagraphs:— Sec. 6. (Driving unregistered vehicle.)

(v) which (not being exempted from registration) is unregistered; or

(vi) to which is affixed any trailer which (not being exempted from registration) is unregistered.

(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 this Act or the regulations, the Commissioner may impose such conditions as he thinks Commissioner may impose, revoke or vary conditions, etc.

thinks fit, and may revoke or vary or may add any 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, varied or added 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 person 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 person 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.

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

Further amendment of Act No. 5, 1909.

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

(Schedule.)

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



- (b) by omitting the items relating to "Motor driver" and "Motor cycle rider" and by inserting in lieu thereof the following:—

License to drive a motor cycle or other class of motor vehicle specified in the regulations which has mechanism resembling the mechanism of a motor cycle—Fee, five shillings, to be paid on issue and each renewal of license.

License to drive any other motor vehicle—Fee, ten shillings, to be paid on issue and each renewal of license.

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) 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.

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

- (a) 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 Traffic (Amendment) Act, 1935, shall be for a period of either one year or three months.
- (b) 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.)
- (c) by inserting next after paragraph (u) of subsection one of section two hundred and sixty-four the following new paragraph:— Sec. 264.  
(Regulations.)
  - (u1) the display of registration labels upon motor omnibuses and other public motor vehicles

vehicles, and the regulation of matters necessary or convenient to be regulated in relation to such registration labels.

- (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:—

5. Registration certificate and each renewal thereof . . . . . 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 specified classes of cases or for all cases other than those specified, 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.