

No. , 1923.

A BILL

To impose certain taxation upon motor omnibuses and motor lorries; to amend the Motor Traffic Act, 1909, and certain other Acts; and for purposes connected therewith.

[SIR ARTHUR COCKS;— *December, 1923.*]

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. This Act may be cited as the "Motor Vehicles Short title.
(Taxation) Act, 1923."

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2.

Definitions.

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

“Motor lorry” means motor vehicle 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. **5**

“Motor omnibus” means a motor vehicle plying **10** 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 **15** 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, but shall not mean or include any vehicle used on a railway or tramway. **20**

“Public street” means any street, road, lane, thoroughfare, footpath, or place open to or used by the public.

“Registration” means license under the Metropolitan Traffic Act, 1900, or registration under **25** the Motor Traffic Act, 1909, as amended by this Act.

“Taxi-cab” means a motor car, not being a motor omnibus, licensed to ply for hire in a public street under the Metropolitan Traffic Act, **30** 1900, the Irrigation Act, 1912, or the Local Government Act, 1919.

Weight, how determined.

3. For the purposes of this Act—

(a) the weight of a motor omnibus or motor lorry shall be ascertained as the gross weight of the **35** vehicle laden with the tools usually carried, with tanks full of fuel and oil, but otherwise unladen;

(b) the number of one half-hundredweights nearest to the weight so ascertained shall be the weight **40** upon which the tax imposed by this Act is to be paid. **4.**

Motor Vehicles (Taxation).

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4. (1) There shall be levied, collected, and paid for Taxation. the use of His Majesty taxes on motor omnibuses and motor lorries at the scale set out in the Schedule to this Act.

5 (2) Such taxes shall be paid on every motor omnibus or motor lorry in respect of which registration or renewal of registration is effected after the passing of this Act.

10 (3) Notwithstanding the provisions of the Motor Tax Management Act, 1914, as subsequently amended, the tax imposed by this Act shall be paid at the time of the issue of the certificate of registration or the license of the vehicle and at each renewal thereof respectively.

15 **5.** The Motor Tax Management Act, 1914, is Amendment of Act No. 34 of 1914. amended as follows:—

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

20 2. In this Act “motor vehicle” means any Definition. motor car, motor carriage, motor cycle, or other vehicle propelled upon any public street as defined by the Motor Traffic Act, 1909, wholly or partly by any volatile spirit, steam, gas, oil, or electricity, or by any means other than human or animal power, but shall not

25 mean or include any vehicle used on a railway or tramway.

(b) by inserting in section four before the word Sec. 4. “registered” the words “licensed or”;

30 (c) by inserting in section five before the word Sec. 5. “registration” wherever occurring the words “license or”;

(d) by inserting in sections six and seven after the Secs. 6, 7. word “horse-power” wherever occurring the words “or weight.”

35 **6.** The Motor Vehicles Taxation Act, 1916, is Amendment of Act No. 64 of 1916. amended—

(a) by omitting from section two the definitions of “public motor car” and “trade motor vehicle”

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vehicle" and "registration" and by inserting the following definitions:—

"Motor lorry" means a motor vehicle 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 as defined in the Motor Traffic Act, 1909, for hire for the conveyance of passengers at separate fares not being a taxi-cab;

"Registration" means license under the Metropolitan Traffic Act, 1900, or registration under the Motor Traffic Act, 1909, or any Act amending the same;

(b) by inserting in the Schedule after the words "motor cycle" where they first occur the words "motor omnibus or motor lorry";

(c) by omitting paragraphs (d) and (e) from the first proviso in the Schedule.

Amendment of Act No. 5 of 1909.

7. The Motor Traffic Act, 1909, is amended as follows:—By omitting the definition of "motor vehicle" and by inserting in lieu thereof the following definition:—

Sec. 2.

"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, but shall not mean or include any vehicle used on a railway or tramway.

Registration in certain cases.

8. (1) Any motor vehicle which prior to the passing of this Act was not required to be registered under the Motor Traffic Act, 1909, shall be registered thereunder by the owner thereof on or before the thirty-first day of January, one thousand nine hundred and twenty-four.

(2) This section does not apply to public vehicles licensed under the Metropolitan Traffic Act, 1900.

Motor Vehicles (Taxation).

SCHEDULE.

- 1. Any motor vehicle (being a motor lorry or motor omnibus)—
 - (a) Where the vehicle has pneumatic or semi-pneumatic rubber tyres—
 - 5 (i) Motor lorry—at the rate of 2s. 9d. per half cwt.
 - (ii) Motor omnibus „ 3s. 9d. „
 - (b) Where the vehicle has non-pneumatic or solid tyres—
 - (i) Motor lorry—at the rate of 3s. 6d. per half cwt.
 - (ii) Motor omnibus „ 5s. 0d. „

10 *Exemptions.*

- 15 Motor vehicles owned by the Crown or by the Railway Commissioners of New South Wales, the Sydney Harbour Trust Commissioners, the Metropolitan Board of Water Supply and Sewerage, the Hunter District Water and Sewerage Board, the Water Conservation and Irrigation Commission, the Fire Brigades Board, the Metropolitan Meat Industry Board, the Newcastle Abattoirs Board, or any other body exercising public functions which may be notified by the Governor by proclamation published in the Gazette.
- 20 Motor vehicles owned by the council of a municipality or shire or of the city of Sydney.
- 25 Motor vehicles used by manufacturers or dealers upon which traders' plates are used for trial purposes in accordance with paragraph (q 2) of section three of the Motor Traffic Act, 1909, as inserted by section two of the Motor Traffic Amendment Act, 1915.