

TRAFFIC ACT, 1919-1954

ANALYSIS.

PART I.

Preliminary.

- Sec.
1. Short Title.
2. Division of Act.
3. Repeal.
4. Interpretation.

PART II.

Licensing of Vehicles.

5. Licenses.
6. Passenger Vehicles and Carriers' Licenses.
7. Licensing Authority. Public stands.
8. Operation of License.
9. Periods for which Licenses may be issued.
10. Licensing of Vehicles within the Metropolitan Area.
11. Fees.
12. Apportionment of Fees between Local Authorities.
13. Minister may sanction refund of License Fee.
14. The Commissioner of Police to be the Licensing Authority for the Metropolitan Area.
15. Obligation to grant Licenses.
16. Transfer of Licenses.
17. Cancellation of Licenses.
18. Appeal.
19. Exemptions.
20. Provision for Registration of Licensed Vehicles.
21. Offences.

PART III.

Traffic Inspectors.

22. Traffic Inspectors.
22A. Local Authorities may join in appointment of Inspector.

PART IV.

Regulation of Traffic.

Division (1)—Motor and Other Vehicles.

23. Licensing of Drivers.
24. Drivers' Licenses issued by Commissioner to mentally or physically incapable persons may be withdrawn.

Sec.

- 24A. Extraordinary Licenses.
25. Penalty for driving without a License.
26. Driver failing to give name and address to Police Officer, or Inspector, failing to stop, etc., failing to produce License, Witnesses to accident to furnish particulars.
27. Motor Vehicle to be numbered.
28. Driver of Motor Vehicle to pass Horse driven Vehicle, etc., with caution.
29. Duty to stop in case of accident, etc.
30. Duty to report accident.
31. Reckless driving.
32. Driving under influence of Liquor.
33. Suspension of License and Disqualification.
34. Duty of Owner to identify offending driver.
35. Special Licenses for Travellers with Motor cars.
36. Validity of Drivers' Licenses issued in other States.

Division (2)—Locomotive and Traction-Engines.

37. Drivers' Licenses.
38. Local Authorities not liable for damage of Traction-engine.
39. Driver to stop when requested.

Division (3)—Width of Tyres.

40. Application of this division.
41. Maximum weight of Vehicles.
42. Weight of Vehicles to be displayed.

Division (3A)—Weights, loads and Dimensions.

43. Load may be measured.
44. Weighing Machines.
45. Vehicles and Load to be weighed if required.
46. Vehicle to be weighed if required.
46A. Maximum width of Vehicles.

Division (4)—Regulations.

47. Regulations.
48. Regulations as to Motor Omnibuses.
49. Delegation of powers to Local Authorities.

- Sec.
 50. Effect of Regulations and By-Laws.
 51. Substitution of Vehicle for Vehicle whilst under repair.
 52. Special Regulations as to Speed.
 53. Notice of Regulations.
 54. Existing By-Laws.
 55. By-Laws under this Act to prevail.

PART V.

Miscellaneous.

56. Liability for damage.
 57. Power of Road Authority to recover expenses of heavy or extraordinary traffic.
 58. Regulation of Lights affecting Traffic on roads—Interpretation—Powers in relation to lights—Commissioner may cause requisition of notice to be carried out—Civil Rights—Saving provision.
 59. Advertising for passengers in private vehicles prohibited.
 60. Unauthorised use of vehicles.
 61. Unlawful interference with mechanism of motor vehicles.
 62. "Car watching" prohibited.

- Sec.
 63. Procuring use or hire of car by fraud, etc.
 64. Roads may be closed.
 65. Production of License.
 66. Forfeited License to be delivered up.
 67. Lost License.
 68. Offences.
 69. Proof of persons being unlicensed.
 70. Savings.
 71. Application of Act to Crown and Local Authorities.
 72. Protection of Minister, Local Authorities and Officers.
 73. Repeal of s. 237 of Act No. 32 of 1906 and s. 147 of Act No. 29 of 1911.
 74. Regulations.

FIRST SCHEDULE.

Repeals.

SECOND SCHEDULE.

Description of Licenses.

THIRD SCHEDULE.

License Fees.

FOURTH SCHEDULE.

Maximum weight per wheel of vehicle permitted.

WESTERN AUSTRALIA.

TRAFFIC.

No. 60 of 1919.

(Affected by Acts No. 42 of 1933 and No. 32 of 1943.)

[As amended by Acts No. 16 of 1922 (a), No. 37 of 1924 (b), No. 46 of 1925 (c), No. 22 of 1926 (d), No. 11 of 1927 (e), No. 20 of 1930 (f), No. 3 of 1931 (g), No. 21 of 1932 (h), No. 43 of 1933 (i), No. 39 of 1935 (j), No. 16 of 1941 (k), No. 32 of 1943 (l), No. 24 of 1946 (m), No. 48 of 1946 (n), No. 24 of 1947 (o), No. 51 of 1948 (p), No. 29 of 1949 (q), No. 24 of 1950 (r), No. 57 of 1951 (s), No. 29 of 1952 (t), No. 35 of 1952 (u), No. 74 of 1953 (v) and No. 47 of 1954 (w) and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT to consolidate and amend the Law relating to the Licensing and Use of Vehicles and the Regulation of Traffic, and for other incidental purposes.

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Traffic Act, 1919-1954*, and shall come into operation on a day to be fixed by proclamation,* and shall be read in conjunction with the Motor Vehicle (Third Party Insurance) Act, 1943.†

Short title.
No. 60 of
1919, s. 1
amended by
No. 32 of
1943, s.
29 (a);
No. 47 of
1954, s. 1 (3).

(a) Assented to 31st January, 1922.

(b) Assented to 31st December, 1924: By s. 1 (2) this Act came into operation on 1st January, 1925, except s. 4 which was proclaimed to commence on 15th May, 1925 (*Gazette* dated 15/5/25, p. 876). See also Act No. 22 of 1926, s. 38.

(c) Assented to 31st December, 1925.

(d) Assented to 30th October, 1926.

(e) Assented to 11th November, 1927.

(f) Assented to 11th December, 1930: Proclaimed to commence on 31st January, 1931—*Gazette* 30th January, 1931.

[NOTE.—The operation of s. 10a of the principal Act as inserted by s. 5 of this Act expired on 30th June, 1934: See No. 43 of 1933, s. 2.]

(g) Assented to 24th June, 1931.

(h) Assented to 15th December, 1932.

Division.
No. 60 of
1919, s. 2,
amended by
No. 20 of
1930, s. 2;
No. 39 of
1935, s. 28.

2. This Act is divided into Parts and Divisions,
as follows:—

PART I.—PRELIMINARY [ss. 1-4].

PART II.—LICENSING OF VEHICLES [ss. 5-21].

PART III.—TRAFFIC INSPECTORS [ss. 22-22A].

PART IV.—REGULATION OF TRAFFIC [ss. 23-55].

Division (1).—Motor and other Vehicles [ss. 23-36].

*Division (2).—Locomotive and Traction Engines
[ss. 37-39].*

Division (3).—Width of Tyres [ss. 40-42].

*Division (3A).—Weights, Loads and Dimensions
[ss. 43-46A].*

Division (4).—Regulations [ss. 47-55].

No. 35 of
1952, s. 8.

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- (i) Assented to 4th January, 1934.
(j) Assented to 7th January, 1936: Proclaimed to commence on 1st July, 1936—*Gazette* 8th May, 1936.
(k) Assented to 7th November, 1941.
(l) Assented to 12th November, 1943: Proclaimed to commence on 1st July, 1944—*Gazette* 12th May, 1944.
(m) Assented to 14th January, 1947.
(n) Assented to 24th January, 1947. S. 7 (1) was proclaimed to come into operation on 1st July, 1947—*Gazette* 19th May, 1947.
(o) Assented to 7th November, 1949.
(p) Assented to 7th January, 1949.
(q) Assented to 22nd October, 1949.
(r) Assented to 5th December, 1950.
(s) Assented to 7th January, 1952.
(t) Assented to 5th December, 1952.
(u) Assented to 17th December, 1952.
(v) Assented to 9th January, 1954.
(w) Assented to 8th December, 1954.
* Proclaimed to commence on 1st January, 1920—*Gazette* 12th December, 1919.
† Now Motor Vehicle (Third Party Insurance) Act, 1943-1954: See No. 36 of 1954, s. 1 (3).

[NOTE.—In this reprint—

(1) Any reference in the marginal or foot notes to—

(i) the 1926 reprint

is to the reprint of the Traffic Act, 1919-1926, published in the Appendix to the Sessional Volume of Statutes for the year 1926;

(ii) the 1935 reprint

is to the reprint of the Traffic Act, 1919-1935, published in the Appendix to the Sessional Volume of Statutes for the year 1935;

(iii) the 1947 reprint

is to the reprint of the Traffic Act, 1919-1947, reprinted pursuant to the Amendments Incorporation Act, 1938 (but not included in any Volume of Statutes or reprinted Acts); and to

(iv) the 1950 reprint

is to the reprint of the Traffic Act, 1919-1949, reprinted pursuant to the Amendments Incorporation Act, 1938, and included in Vol. 3 of the Reprinted Acts of the Parliament of W.A. (1950);

(2) the numbering of the Parts, Divisions, Sections, etc., as contained in the 1950 reprint is retained.]

PART V.—MISCELLANEOUS [ss. 56-74].

FIRST SCHEDULE.—REPEALS.

SECOND SCHEDULE.—DESCRIPTION OF LICENSES.

THIRD SCHEDULE.—LICENSE FEES.

FOURTH SCHEDULE.—WIDTH OF TYRES.

3. The Acts specified in the First Schedule are repealed to the extent therein mentioned.

Repeal. No. 60 of 1919, s. 3. Schedule I.

4. In this Act, subject to the context—

“district” means a municipal district or road district, and any outlying land which the Minister shall, by notice in the *Gazette*, declare to be a district for the purposes of this Act; the term includes sub-district;

Interpretation. No. 60 of 1919, s. 4, amended by No. 37 of 1924, s. 2; No. 22 of 1926, s. 2; No. 39 of 1935, s. 2; No. 16 of 1941, s. 2; No. 43 of 1946, s. 2; No. 57 of 1951, s. 3; No. 35 of 1952, s. 2.

“drive” includes “ride,” and “driver” includes “rider”;

“Government road” means a road declared by Order in Council under the Public Works Act, 1902¹, to be a Government road;

“inspector” means a traffic inspector appointed under this Act, and includes an assistant traffic inspector and a member of the police force lawfully acting as an inspector;

“license” means a license granted under this Act, and in Division (1) of Part IV. means and in Part V. includes a license to drive a motor vehicle;

Amended by No. 22 of 1926, s. 2.

“local authority” means a municipality and the council thereof or a road board; and means the Commissioner of Police in respect of outlying land and in the metropolitan area and as the licensing authority therein;

Ibid.

“Local Government Act” means an Act under which a local authority is constituted or a district is governed by a local authority;

“mechanical power” includes any motive power not being animal power;

¹ Now Public Works Act, 1902-1954: See Act No. 3 of 1954, s. 1 (3).

“Minister” means the Minister for Works or such other member of the Executive Council as is for the time being charged by the Governor with the administration of this Act;

Inserted by No. 37 of 1924, s. 2, and amended by No. 22 of 1926, s. 2.

“motor omnibus” means a motor vehicle used as omnibus;

Interpretation “motor vehicle” substituted by No. 57 of 1951, s. 3.

“motor vehicle” means any vehicle propelled or designed for propulsion wholly or partly by gas, motor spirit, oil, electricity, steam, or any other mechanical power, and includes a motor car, motor cycle, omnibus, motor truck, motor utility truck, tractor or traction engine and also a trailer, semi-trailer, or caravan, attached to or drawn by a motor vehicle.

Inserted by No. 22 of 1926, s. 2.

“omnibus” means and includes any vehicle used as a passenger vehicle to carry passengers at separate fares;

“outlying land” means land not comprised in any municipal or road district;

Amended by No. 22 of 1926, s. 2; No. 16 of 1941, s. 2.

“owner” means any person who owns a vehicle, and any person who has the use of a vehicle for a period of not less than three months under an agreement for the hire thereof, or under a hire-purchase agreement, or otherwise.

Inserted by No. 16 of 1941, s. 2.

Provided that—

- (a) where a vehicle is owned or used as aforesaid by more than one person as owner or hirer or otherwise, one only of such persons, to be nominated by all such persons, by notice in writing given to the local authority by which such vehicle is licensed, shall for the purposes of this Act be deemed to be the owner of such vehicle; and

- (b) any rebates or concessions in respect of license fees in relation to a vehicle, of which only one person is deemed to be the owner as aforesaid, which may be claimed under this Act upon the basis of the purpose for which such vehicle is used, shall be assessed only upon the basis of the purpose for which such vehicle is used by the person who is deemed to be the owner of such vehicle as aforesaid;

Inserted by
No. 16 of
1941, s. 2.

“parking” means the standing on a road of a vehicle when not employed in taking up or setting down persons or goods, but does not include the standing of a vehicle in compliance with a traffic sign or direction or with an order of a Police officer or Traffic Inspector lawfully made or given under this Act; and the verb, “to park” and its inflections and derivatives have correlative meanings;

Inserted by
No. 35 of
1952, s. 2.

“regulation” means a regulation made under this Act, and includes a by-law made under delegated authority;

“road” means and includes any street, road, lane, thoroughfare, footpath, or place open to or used by the public, and all bridges and culverts and other things appurtenant thereto and used in connection therewith;

“sub-district” means that portion of a municipal district or road district which is within the boundaries of the metropolitan area, as defined by regulation, where a portion only of any such district is comprised within that area;

“taxi-car” means a motor vehicle plying for hire or reward and licensed to carry not more than seven passengers at any one time;

Inserted by
No. 48 of
1946, s. 2.

As amended
by No. 39 of
1935, s. 2.

“vehicle” includes any vehicle mentioned in the Second Schedule to this Act, and every description of vehicle or locomotive engine or machine (whether used for carriage, traction or otherwise) drawn by animal traction, or propelled or drawn by any mechanical power, and used or intended to be used on roads; the term does not include a railway locomotive, railway carriage or wagon, tram motor, tram car, or trolley bus;

[S.A. No. 9,
1868-9.]

“width of bearing surface” means the actual width of the bearing surface of a tyre that would actually come into contact with or bear upon a hard smooth level surface when the wheels are attached to the axle and ready for use.

PART II.—LICENSING OF VEHICLES.

Licenses.
No. 60 of
1919, s. 5,
amended by
No. 22 of
1926, s. 3;
No. 20 of
1930, s. 3;
No. 39 of
1935, s. 3;
No. 48 of
1946, s. 3;
No. 24 of
1950, s. 3.
Schedule 2.

5. (1) A vehicle license is required for any vehicle described in the Second Schedule to this Act.

Para. (a)
added by
No. 24 of
1950, s. 3.

(2) (a) In this section “minimum penalty” means a penalty irreducible in mitigation, notwithstanding the provisions of section one hundred and sixty-six of the Justices Act, 1902-1948, and of sections nineteen and six hundred and sixty-nine of the Criminal Code, 1913.

(b) If any vehicle for which the owner is not the holder of the requisite vehicle license under this Act is used on any road, the owner of the vehicle and every person so using the same or causing or permitting such use thereof shall be guilty of an offence against this Act.

Penalty:

- (i) Where the annual license fee is one pound or less than one pound the minimum penalty shall be not less than the annual license fee. Amended by No. 39 of 1935, s. 3; No. 48 of 1946, s. 3; No. 24 of 1950, s. 3.
- (ii) Where the annual license fee is greater than one pound the minimum penalty shall be—
- (A) for a first offence: one pound;
- (B) for a second and any subsequent offence: one half of the annual license fee.
- (iii) The maximum penalty shall be twenty pounds.

Provided that it shall be a defence to a charge under this section against any person other than the owner of the vehicle if the defendant proves that he had no knowledge that the owner was not the holder of the requisite license.

(3) A vehicle which is in any manner drawn or propelled on any road shall be deemed to be used thereon.

(4) On a conviction for an offence under this or the next following section, the court shall order the defendant to pay the license fee that should have been paid in respect of the vehicle, in addition to the penalty imposed, and such order may be enforced as if the amount of such fee was a penalty imposed on the defendant. Inserted by No. 22 of 1926, s. 3.

(5) Any person who has at any time, after the coming into operation of this Act, committed an offence against this section for which he has not been prosecuted shall be liable to pay to the local authority the license fee which he might have been ordered to pay on conviction of such offence, and such fee shall be recoverable in any court of competent jurisdiction. Subsec. (5) added by No. 20 of 1930.

Subsec. (6)
added by
No. 57 of
1951, s. 4.

(6) For the purpose of this section, a vehicle license issued in any other State or territory of the Commonwealth shall, during the currency of such license, be deemed to be a license under this Act in respect of the vehicle so licensed when used on any road within the State of Western Australia by a visitor thereto.

Passenger
vehicles and
carriers'
licenses.
No. 60 of
1919, s. 6,
amended by
No. 22 of
1926, s. 4;
No. 39 of
1935, s. 4;
No. 48 of
1946, s. 4.

6. (1) A passenger-vehicle license is required for every vehicle used for carriage of passengers for hire or reward.

Subsec. (2)
repealed and
new subsec.
inserted by
No. 39 of
1935, s. 4.

(2) (a) A carrier's license is required for every vehicle used for the carriage of goods for hire or reward.

(b) A passenger-vehicle license is also required for every such vehicle if it is used for the carriage of passengers in an area lying within a circle having its centre at the General Post Office, Perth, and a radius of thirty miles; or within the district of any local authority which lies partly within the area contained within that circle:

Provided that no license shall be required when such vehicle is being used for the carriage of—

- (i) the owner or the wife or husband of the owner or any child of the owner or of the wife or husband of the owner, or for the carriage of any servant of the owner; or
- (ii) workmen to or from their work if no charge is made for hire or reward in connection with such use.

(c) Outside the areas mentioned in the preceding paragraph a passenger-vehicle license shall also be required for any such vehicle if it is used both for the carriage of goods and for the carriage of passengers for hire or reward, except with the permission of the local authority on some special occasion to be stated:

Provided that permission shall not be granted unless in the opinion of the local authority the vehicle may be safely used and is suitable for the carriage of passengers; and, further, that the local authority may at the time of granting such permission impose any conditions which the local authority thinks necessary for the purpose of insuring the safety of the passengers to be carried on the vehicle.

Any person who fails to comply with any of such conditions shall be guilty of an offence against this Act.

Penalty—Twenty pounds.

(3) If any vehicle for which the owner is not the holder of the requisite passenger-vehicle license or carrier's license under this Act is used on any road for the carriage of passengers for hire or reward, or for the carriage of goods for reward, the owner of the vehicle and every person so using the same or causing or permitting such use thereof shall be guilty of an offence against this Act.

Penalty—Twenty pounds.

(4) Every person to whom a passenger-vehicle or carrier's license is issued under this Part shall cause such license whilst it is being exercised to be kept in the personal custody of the person actually driving the vehicle.

Penalty—Three pounds.

(5) A person who has a passenger-vehicle or carrier's license in respect of any vehicle shall also be required to have a vehicle license in respect of such vehicle in addition thereto.

(6) The number of passengers to be carried in a vehicle licensed as a passenger vehicle shall be limited to the number stated in the license.

Inserted by
No. 22 of
1926, s. 4.

(7) The person to whom a passenger-vehicle or carrier's license is issued under this Part shall, within fourteen days of such issue, cause the vehicle to be plainly and conspicuously marked as prescribed with the name and address of such person, and shall keep the vehicle so marked during the currency of the license.

Inserted by
No. 48 of
1946, s. 4

The licensing authority.
No. 60 of 1919, s. 7, amended by No. 22 of 1926, s. 5.

7. (1) A vehicle license for any vehicle employed or to be employed in, about, or in connection with any business establishment shall be issued by the local authority of the district wherein such establishment exists. A branch establishment shall be deemed an establishment for the purposes of this subsection.

Public stands.
[See W.A. No. 32 of 1906, ss. 250-1.]

(2) Provided that when public stands for licensed vehicles plying for hire have been appointed and fixed in any district, no license issued by the local authority of any other district shall (unless the local authority of the district in which such stands are established so orders) authorise any person to cause or permit any vehicle to stand or be upon any such public stand; but such stands shall, subject to any such order, be for vehicles licensed by the local authority of such district only.

Any person who contrary to this subsection causes or permits any vehicle to stand or be upon any such public stand commits an offence against this Act.

Penalty—Ten pounds.

(3) Save as aforesaid, vehicle licenses shall be granted by the local authority within whose district the owner of the vehicle resides at the time of the application for the license. A body corporate shall be deemed to reside in the district in which its principal place of business is situated.

Operation of license.
No. 65 of 1919, s. 8, amended by No. 22 of 1926, s. 6; No. 48 of 1946, s. 5.

8. Subject to this Act, every license granted hereunder shall, whilst it is in force, be effective and operative throughout the State. Provided that this section is subject to the provisions of section forty-eight relating to omnibuses.

Inserted by No. 48 of 1946, s. 5.

Provided also that this section shall not apply to a taxi-car, and that in relation to such class of vehicle the following provisions shall apply:—

(a) The license issued in respect of a taxi-car shall, subject to paragraphs (b) and (c) of this proviso, be effective and operative

within the district of the licensing authority which issued the license;

- (b) Notwithstanding paragraph (a) of this proviso, where the license in respect of a taxi-car has been issued by one licensing authority and the owner of the taxi-car desires to ply for hire or reward in the district of another licensing authority, and such other licensing authority grants such owner in writing permission so to do for a stated period or periods the license issued in respect of the taxi-car as aforesaid shall be effective and operative in the district of such other licensing authority for such stated period or periods; and
- (c) the license issued in respect of a taxi-car by one licensing authority shall be effective and operative in the district of another licensing authority without any permission when the taxi-car is engaged to carry a passenger or passengers from a place within the district of the licensing authority which issued the license to any place outside such district, or is engaged to carry a passenger or passengers upon a journey which begins and ends at a place within the district of the licensing authority which issued the license, although part of such journey is made outside such district.

9. (1) From and after the commencement of the Traffic Act Amendment Act, 1946,* and with operation retrospective to such commencement, the provisions of this section shall apply and have effect in relation to the issue of vehicle licenses in every district and subdistrict other than the metropolitan area, but shall have no operation in relation to the issue of vehicle licenses within the metropolitan area.

Periods for which licenses may be issued. No. 60 of 1919, s. 9, amended by No. 39 of 1935, s. 5; No. 16 of 1941, s. 3; No. 48 of 1946, s. 6; No. 24 of 1947, s. 3; No. 29 of 1949, s. 3; No. 74 of 1953, s. 2. Subsec. (1) inserted by No. 24 of 1947, s. 3 as (1A) re-numbered (1) in 1950 reprint.

* No. 48 of 1946.

Inserted by No. 16 of 1941, s. 3, as subsec. (1) renumbered (2) in 1950 reprint: New subsec. substituted by No. 74 of 1953, s. 2.

(2) An application for a license for a motor vehicle or a renewal of the license shall be made to the appropriate local authority as provided by section seven of this Act, by or on behalf of the owner of the motor vehicle and at the time of making the application the prescribed fee shall be paid by the applicant to the local authority.

Inserted by No. 16 of 1941, s. 3 as subsec. (2) renumbered (3) in 1950 reprint: New subsec. substituted by No. 74 of 1953, s. 2.

(3) (a) Where an application is made and the prescribed fee paid in accordance with the provisions of subsection (2) of this section, the local authority shall, subject to the provisions of this Act and the Motor Vehicle (Third Party Insurance) Act, 1943-1951,¹ grant to the applicant a license or a renewal of the license as the case may be for any period at his option not exceeding one year, expiring on the last day of the months of June, September, December or March in any year and next following the date of the application.

(b) The local authority shall at the time the license is granted assign a number to the vehicle.

Inserted by No. 16 of 1941, s. 3 as subsec. (3) renumbered (4) in 1950 reprint: New subsec. substituted by No. 74 of 1953, s. 2.

(4) An application for a license for a vehicle which is not licensed or for a vehicle for which the previous license expired more than fifteen days prior to the date of the application, may be made at any time and the license commences and has effect from and including its date of issue.

Inserted by No. 16 of 1941, s. 3 as subsec. (4) renumbered (5) in 1950 reprint. Amended by No. 29 of 1949, s. 3. New subsec. substituted by No. 74 of 1953, s. 2.

(5) (a) An application for a renewal of a license may be made—

(i) at any time within the period of thirty days immediately preceding the date on which the license expires; or

(ii) within the period of fifteen days after the date of the expiry of the license.

(b) Where the application is granted the renewal is deemed to be a continuation of the license and to have effect on and from the day next succeeding the day upon which the license expires or expired.

¹ Now Motor Vehicle (Third Party Insurance) Act 1943-1954: See No. 36 of 1954, s. 1 (3).

(6) Where a vehicle has been previously licensed in the State under the provisions of this Act, a license shall not be granted for any period unless—

- (a) the vehicle is licensed for a period immediately preceding the proposed period of the license which is being applied for; or
- (b) the number plate or plates assigned to the vehicle have been returned to the authority which issued them within a period of fifteen days after the expiration of the last license issued in respect of the vehicle; or
- (c) the appropriate fee as required by subsection (7) of this section is paid to the local authority to which the application for a license is made.

Inserted by No. 16 of 1941, s. 3 as subsec. (5) renumbered (6) in 1950 reprint. New subsec. substituted by No. 74 of 1953, s. 2.

(7) (a) Where a license expires, the holder of the license shall within fifteen days of the date of its expiry return the number plate or plates assigned to the vehicle the subject of the license, to the local authority which issued them, and if the number plate or plates are not so returned the holder shall be liable to pay to the local authority either the license fee calculated in accordance with subsection (9) of this section for a period commencing on the date the license expired up to and including the date when the number plate or plates are so returned or a license fee for a period of six months whichever is the lesser fee.

Inserted by No. 16 of 1941, s. 3 as subsec. (6) renumbered (7) in 1950 reprint. New subsec. substituted by No. 74 of 1953, s. 2.

(b) The local authority which granted the license may recover in a court of competent jurisdiction as a debt due from the person who last held the license the amount required to be paid under the provisions of paragraph (a) of this subsection.

(8) Notwithstanding the provisions of paragraph (a) of subsection (3) of this section a license in respect of a road tractor, semi-trailer, trailer, or caravan may be granted for a period of one or two months on and from the date on which the application for the license is made.

Inserted by No. 24 of 1947, s. 3 as subsec. (7) renumbered (8) in 1950 reprint. New subsec. substituted by No. 74 of 1953, s. 2.

Added by
No. 74 of
1953, s. 2.

(9) The fee for any license or renewal of a license granted under the provisions of this section, for a period of less than one year, shall be in the same proportion to the prescribed license fee for one year for the same kind of license as the period for which the license is granted bears to one year plus an additional sum of one shilling.

Licensing
of vehicles
within the
metropolitan
area.
Inserted as
s. 9A by
No. 24 of
1947, s. 4.
Renumbered
s. 10 in 1947
reprint;
amended by
No. 29 of
1949, s. 4;
No. 57 of
1951, s. 5.

10. (1) From and after the commencement of the Traffic Act Amendment Act, 1946,* and with operation retrospective to such commencement, the provisions of this section shall apply and have effect in relation to the issue of vehicle licenses in every district and subdistrict comprising the metropolitan area, but shall have no operation in relation to the issue of vehicle licenses outside the metropolitan area.

(2) Every application for a license for a motor vehicle shall be made to the Commissioner of Police by or on behalf of the owner of the motor vehicle in accordance with the regulations, and at the time of making the application the fee for the license applied for as prescribed by or under this Act shall be paid to the Commissioner of Police.

(3) Upon application duly made and payment of the fee as required by subsection (2) of this section but subject to the provisions of this Act and of the Motor Vehicle (Third Party Insurance) Act, 1943-1945,† the Commissioner of Police shall grant a license for a period of three, six or twelve months, at the option of the person applying for the license, and shall assign a number to the vehicle.

(4) Application for a license for a vehicle which is not licensed or for a vehicle for which the previous license has expired for more than fifteen days prior to the date of the application, may be made at any time, and the license shall commence and have effect from and including its date of issue.

* No. 48 of 1946.

† Now Motor Vehicle (Third Party Insurance) Act, 1943-1954: See No. 36 of 1954, s. 1 (3).

(5) Application for a renewal of a license for a vehicle already licensed may be made during the month preceding the date on which the existing license shall expire or within fifteen days of that date, and the new license, when issued, shall commence and have effect from and after the date of expiry of the expired license.

Provided that—

(Aa) if an application is made for the renewal of a license which has expired, the license shall, if renewed within fifteen days of the expiry date of the previous license, be deemed to be a continuation of the previous license, and to have had effect on and from the day next succeeding the day upon which the previous license expired;

Para. (Aa)
added by
No. 57 of
1951, s. 5.

(a) when and as often as a license under this section has expired, the holder of such license shall, within fifteen days of such expiry, return the number plates of such vehicle to the Commissioner of Police; and in default thereof such holder shall be liable to pay to the Commissioner of Police a fee which shall be the fee payable for a license for three months or such lesser sum as the Commissioner of Police may demand, notwithstanding that such holder may not have obtained such license or may have ceased to be the owner of the vehicle; and

Amended by
No. 29 of
1949, s. 4.

(b) any fee payable by the holder of a license under the provisions of proviso (a) of this subsection may be recovered as a penalty by complaint before any two justices of the peace and may be added to any other penalty imposed upon such holder in connection with the failure to license the vehicle; but in no case shall the maximum penalty be increased beyond the amount applicable to the case under subsection (2) of section five of this Act.

Amended by
No. 57 of
1951, s. 5.

Amended by
No. 57 of
1951, s. 5.

(6) In respect of any motor vehicle for which a license granted under this section shall have expired, the Commissioner of Police may, on application duly made for a further license for such vehicle, and notwithstanding the provisions of the preceding subsections of this section, grant a license for such number of months or portions of months not exceeding the period applied for as the Commissioner of Police shall determine. The fee payable for the license granted shall be such amount as bears to the license fee for a license for twelve months the same ratio as the period for which the license is granted bears to a period of twelve months, and the Commissioner of Police shall make any necessary refund accordingly.

(7) On application by or on behalf of the owner of two or more vehicles licensed under the provisions of this section, the Commissioner of Police may issue licenses in respect of all or any two or more of such vehicles to expire on such date as the Commissioner may decide, and the license fee payable in respect of each such vehicle shall be adjusted proportionately to the license fee payable under this Act in respect of each such vehicle respectively for a period of twelve months.

(8) If a motor vehicle licensed under this section has been previously licensed by the Commissioner of Police, and the applicant for a subsequent license in respect of the same vehicle so requests, the Commissioner of Police shall assign to the motor vehicle on being again licensed the number assigned to the vehicle when previously licensed as aforesaid.

Provided that the Commissioner of Police may refuse so to assign the latter number if more than three months have elapsed between the expiration of the previous license and the application for a further license.

(9) Notwithstanding anything to the contrary contained in section eleven of this Act or in the Third Schedule to this Act, where any motor vehicle is licensed under this section for any period less than twelve months the fee payable for the license applied

for and granted shall be such amount as bears to the license fee for a license for twelve months the same ratio as the period for which the license is granted bears to a period of twelve months, plus one shilling.

Provided that such fee of one shilling shall not be payable in respect of licenses granted pursuant to subsection (6) of this section.

(10) Notwithstanding anything to the contrary in this section, a license in respect of a road tractor, semi-trailer, trailer or caravan may be granted for a period of one month or two months from the date on which the application is made, and when any such license is granted, the fee for such license shall be that proportion of the prescribed annual license fee for a road tractor, semi-trailer, trailer or caravan, as the case may be, that the period for which the license is applied for bears to a full year.

(11) All acts, matters and things done or executed and licenses issued by the Commissioner of Police since the commencement of the Traffic Act Amendment Act, 1946,¹ but prior to the commencement of the Traffic Act Amendment Act, 1947,² which if hereafter done, executed or issued in purported exercise of any such power or authority as is mentioned in this section, would be valid and lawful, shall be deemed always to have been valid and lawful, and are hereby authorised, approved, ratified, confirmed and validated accordingly.

Ratification.

11. (1) Fees shall be paid to local authorities for licenses as set out in the Third Schedule to this Act:

Provided that any vehicle license required for any vehicle belonging to the Crown or to any local authority, or belonging to any fire brigades' board or used exclusively for purposes connected with protection against fire or ambulance work, or for any vehicle used solely on a farm or pastoral holding and not on any road otherwise than in passing from one portion of the farm or holding to another portion

Fees.
Schedule 3.
No. 60 of
1919, s. 10,
renumbered
s. 11 in 1950
reprint.
Amended by
No. 22 of
1926, s. 7;
No. 20 of
1930, s. 4;
No. 3 of
1931, s. 2;
No. 39 of
1935, ss. 6, 28;
No. 16 of
1941, s. 4;
No. 48 of
1946, s. 7*;
No. 51 of
1948, s. 3;
No. 29 of
1952, s. 3;
No. 74 of
1953, s. 3.

¹ No. 48 of 1946.

² No. 24 of 1947.

* S. 7 (1) of No. 48 of 1946 was proclaimed to come into operation on 1st July, 1947: See *Gazette* dated 19th May, 1947, p. 875.

thereof, such portions being separated only by a road, or for any locomotive or traction engine or machine or other vehicle used solely for ploughing, reaping, threshing, or other agricultural purpose, or any trailer constructed and used solely for carrying any gas producer or other motive power producing plant for the driving or propelling of a motor vehicle together with the fuel necessary for the same, shall be granted without any fee being paid therefor, but such exemption from fees shall not extend to locomotive and traction engines or machines drawn or driven over roads from farm to farm for use, for hire or reward.

Provided also that any minister of religion shall be entitled to obtain free of charge a license for one vehicle owned and used by him.

Provided also that a local authority may, in exceptional circumstances, and with the approval of the Minister, grant a license to the owner of a particular vehicle therein mentioned without payment of the prescribed fee, under and subject to such conditions, if any, as may be stated in the license but if in the opinion of the local authority which granted a license for a vehicle without fee the vehicle is not being used solely or mainly for the purpose mentioned in the first and second provisos to this subsection by reason of which the license was granted without fee or the conditions as stated in the license granted under this proviso are not being complied with, the local authority may by notice in writing sent to the holder of the license at his last known place of abode revoke the license and the revocation shall have effect unless and until the person to whom the notice is sent pays the appropriate fee for a license for the vehicle.

Provided further, that only one-half of the fee payable, according to the scale in the Third Schedule, shall be chargeable in any case in which it is proved to the satisfaction of the licensing authority—

- (i) that the license applied for is required for a motor wagon, motor carrier, trailer, or semi-trailer or any vehicle used for the purpose of hauling such trailer or semi-trailer which is owned by a person carrying on the business of farming and/or grazing on any farm or other land and will be used during the currency of the license solely or mainly for the carriage of the products of or requisites for such business, or (if the farm or land is north of the twenty-sixth parallel of south latitude) between such farm or land and the nearest shipping port; provided the distance measured by the length of existing roads to such port is less than the distance measured by the length of existing roads to the nearest station or siding; or
- (ii) that the license is required for a motor vehicle which is owned by a *bona fide* prospector, and which will be used by such person during the currency of the license, solely or mainly in connection with his occupation of prospecting; or
- (iii) that the license is required for a motor vehicle which is owned by a *bona fide* sandalwood puller and which will be used by such person during the currency of the license solely or mainly in connection with the occupation of sandalwooding; or
- (iv) that the license is required for a motor vehicle which is owned by a *bona fide* kangaroo-hunter, and which is used by such person during the currency of the license solely or mainly in connection with the occupation of kangaroo-hunting;
- (v) that the license is required for a motor vehicle which is owned by a person who—
- (a) is a beekeeper within the meaning of the Bees Act, 1930-1950; and

Amended by
No. 16 of
1941, s. 4.

Para. (v)
inserted by
No. 29 of
1952, s. 3.

(b) is *bona fide* engaged in the keeping of bees substantially as a means of livelihood;

and which is used by such person during the currency of the license solely or mainly in connection with the occupation of bee-keeping;

but if in the opinion of the local authority any such vehicle is not being used solely or mainly for any one of the purposes specified in paragraphs (i), (ii), (iii) or (v) of this proviso the local authority may by notice in writing sent to the owner at his last known place of abode revoke the license: such revocation shall have effect unless and until the remaining half of the license fee is paid to the local authority.

Subsec. (2)
added by
No. 39 of
1935, s. 6.

(2) If any vehicle is found on any road loaded in excess of the load capacity used in the computation of the license fee the owner shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

The court shall order the owner of the vehicle to pay the difference between the license fee already paid on the vehicle and the greater license fee which would have been payable if the vehicle had been originally licensed to carry a load equal to that which is found on the vehicle or to carry such load as is based on the reasonable carrying capacity of the vehicle whichever is the less.

The difference in fees shall be recoverable in the same manner as the license fee, and the court shall make an order for the payment thereof accordingly and add the same to any penalty imposed by the court on the owner in respect of the loading of the vehicle in excess of the load on which the original license fee was based or in respect of the overloading of the vehicle.

Subsec. (2a)
added by
No. 74 of
1935, s. 3.

(2a) Where a license is issued pursuant to the provisions of this Act and the fees paid in respect of the license are subsequently found to be either in excess of or less than the fees which are properly

payable in respect of the license, the local authority which issued the license—

- (a) shall forthwith upon demand refund the amount of the excess to the person to whom the license was issued;
- (b) may recover the deficiency in a court of competent jurisdiction from the person to whom the license was issued, if that person fails to pay the deficiency to the local authority within seven days after the amount of the deficiency has been demanded in writing from him.

(3) (a) Notwithstanding the provisions of subsection (1) of this section, if, by or under any law made after the commencement of the Traffic Act Amendment Act, 1948, and having effect in the State, the quantity of motor spirit available or allowed for or for use in any or certain vehicles shall be reduced, the Governor, by Order in Council made prior to the first day of July, 1949, and published in the *Gazette*, may, in respect of any vehicle or class or type of vehicle specified in the Order in Council and in respect of any period or periods therein specified, reduce by a percentage not exceeding twenty-five per centum the amount of any license fee payable under this Act, and may fix different percentages and periods as aforesaid for or in relation to different vehicles or different classes or types of vehicles.

Power of Governor to decrease vehicle license fees in certain circumstances. Inserted by No. 51 of 1948, s. 3.

(b) The Governor may, by any subsequent Order in Council published as aforesaid, revoke or vary any Order in Council under this subsection.

(c) Any Order in Council made under this subsection shall, on publication as aforesaid or from such later date as may be fixed by the Order in Council, have effect according to its tenor.

(d) In this subsection the term "motor spirit" means liquid petroleum products or similar hydrocarbons distilling completely below 225° C. and

suitable for use as fuel in internal combustion engines, and includes motor benzole and power alcohol.

[NOTE: S. 10A of the 1930 reprint has been omitted pursuant to No. 39 of 1935, s. 28 (2) (iii). Ss. 11 and 11A of the 1930 reprint repealed by No. 39 of 1935, s. 5.]

Apportionment of fees between local authorities. No. 60 of 1919, s. 12, repealed and new section substituted by No. 39 of 1935, s. 7; Renumbered s. 11 in 1935 reprint and as s. 12 in 1950 reprint. Amended by No. 24 of 1950, s. 4; No. 74 of 1953, s. 4.

12. (1) The local authority of any district which has, after the commencement of the Traffic Act Amendment Act, 1950, received any vehicle or other license fee for a vehicle shall, if the license has been substantially exercised in any other one particular district, pay a fair proportion of such fee on demand to the local authority of such last-mentioned district.

(2) If any dispute shall arise between any local authority which has issued any such license and any other local authority in any such particular district as to whether the license has been substantially exercised in such last-mentioned district or as to a fair proportion of the fee to be paid to the local authority of such last-mentioned district the same shall be tried and determined by a police or resident magistrate in the prescribed manner.

Subsection (3) added by No. 24 of 1950, s. 4; amended by No. 74 of 1953, s. 4.

(3) (a) In this subsection "mileage" means mileage travelled during the period for which the license was issued.

(b) The amount of the fair proportion of the fee payable to the local authority of such last-mentioned district, shall bear the same ratio to the amount of the whole fee, as the mileage travelled by the vehicle on roads wholly maintained by that local authority bears to the total of the mileage so travelled on those roads plus the mileage travelled by the vehicle on roads wholly maintained by the local authority which has received the fee.

(c) There shall be excluded from the computation of the mileage referred to in the last preceding paragraph, the mileage travelled by the vehicle on—

- (i) roads maintained by the Commissioner of Main Roads pursuant to the provisions of the Main Roads Act, 1930-1939*, with the exception of roads so maintained pursuant to the provisions of section twenty-seven of that Act; and
- (ii) roads, which are not wholly maintained by the local authority of such last-mentioned district, nor by the local authority, which has received the fee.

(d) The provisions of this subsection apply only in the case of a dispute between local authorities whose districts are situate wholly or partly outside the Metropolitan Area.

Para. (d)
added by
No. 74 of
1953, s. 4.

13. On the recommendation of the local authority concerned the Minister may sanction a refund of a fair proportion of the license fee paid under this Act in respect of any vehicle in any circumstances which in the opinion of the Minister render it just and convenient that a refund should be made.

Minister
may sanction
refund of
license fee.
New section
inserted as
s. 12A by
No. 39 of
1935, s. 8;
Renumbered
s. 12 in
1935 reprint
and s. 13 in
1950 reprint.

14. (1) Notwithstanding anything hereinbefore contained, the Commissioner of Police shall be the licensing authority for every district and sub-district comprised in the metropolitan area, and shall have and may exercise therein such powers and discretions (under this Act or any regulation) of or concerning the issue and transfer of licenses and the effecting of registrations as are in other districts or sub-districts vested in the local authorities.

The Commis-
sioner of
Police to be
the licensing
authority for
metropolitan
area.
No. 60 of
1919, s. 13,
amended by
No. 16 of
1922, s. 2,
No. 22 of
1926, s. 8,
No. 11 of
1927, s. 2,
No. 20 of
1930, s. 8,
and No. 39 of
1935, s. 9;
Renumbered
s. 14 in
1950 reprint
and amended
by No. 35 of
1952, s. 3;
No. 74 of
1953, s. 5;
No. 47 of
1954, s. 2.

* Now Main Roads Act, 1930-1952: See No. 34 of 1952, s. 1 (3).

Subsec. (2)
amended by
No. 74 of
1953, s. 5;
No. 47 of
1954, s. 2.

(2) All fees paid each year for licenses or transfers of licenses or registrations in the metropolitan area under this Act or any regulation—

- (a) shall be paid into the Treasury to the credit of an account to be called the Metropolitan Traffic Trust Account,
- (b) shall be chargeable with the costs of collection as certified by the Minister, and as to one-half of the net balance of said fees, to deduct therefrom the costs incurred by the Minister under section eighty-six of the Public Works Act, 1902,* in any financial year in repairing the Perth-Fremantle road from Ferdinand road to the North Fremantle bridge; the roadway or decking (exclusive of the tramway) of the Perth causeway; the roadway or decking (exclusive of the tramway) of the North Fremantle bridge; that portion of road (known as Guildford road) starting at the present north-east boundary of the City of Perth and proceeding thence along roads Nos. 1448 and 2 to Johnson street, along Johnson street to James street, along James street to Meadow street, along Meadow street to Swan street, along Swan street to Terrace road, along Terrace road to York road (No. 28), along York road (No. 28) to the present eastern boundary of the metropolitan area; that portion of Guildford road from the intersection of Lord street and Walcott street, Mount Lawley, to Johnson Street, Guildford; that portion of the Perth-Albany road (No. 122) from the present boundary of the City of Perth to the junction with the Bunbury road at the Old Narrogin inn; and that portion of road (known as Canning road No. 124 and Lower Canning road Nos. 780 and 9) from the present boundary of the City of Perth to the eastern boundary of the municipality of East Fremantle.

* Now Public Works Act, 1902-1954: See No. 3 of 1954, s. 1 (3).

(c) The remaining half of the net balance of the said fees shall, together with any moneys remaining unexpended out of the said first-mentioned half of the net balance of the said fees, be annually paid to and divided amongst the local authorities of the districts and sub-districts comprised in the metropolitan area and the Board controlling Reserve A1720 (the King's Park), in such shares and proportions as the Minister may determine.*

Inserted by
No. 22 of
1926, s. 8.
Amended by
No. 11 of
1927, s. 2.

(2a) The Minister may, from time to time, approve of the provision and maintenance, in the metropolitan area, of such lights and signs for the direction of traffic as he thinks fit, and may authorise payment, not exceeding twenty thousand pounds in any one year, for their provision and maintenance out of the one-half of the net balance mentioned in paragraph (b) of subsection (2) of this section, and may cancel, or, from time to time, vary an approval or authorisation given by him under this subsection.

Subsec. (2a)
added by
No. 35 of
1952, s. 3.

(2b) Where under subsection (2a) of this section the Minister has approved of the provision and maintenance of lights and signs for the direction of traffic and has authorised payment in any one year for their provision and maintenance, if the amount so authorised for the payment has not been expended in that year, the unexpended balance of that amount may, to the extent that it is not affected by a cancellation or variation made under that subsection of the approval or authorisation, be expended in the provision and maintenance of those lights and signs at any time after the expiration of that year.

Subsec. (2b)
added by
No. 47 of
1954, s. 2.

(3) The warrant of the Minister shall be sufficient authority to the Treasurer to make any payment provided for by this section.

Title
"Colonial
Treasurer"
amended
pursuant to
No. 8 of
1925, s. 2.

* The first paragraph of section 8 of the amending Act, No. 22 of 1926, enacts that section 13 of the principal Act is amended by adding to paragraph (c) of subsection 2 the words "and if so required by the Governor shall be expended on specified roads."

By the second paragraph of section 8 of the same amending Act, paragraph (c) of subsection 2 of section 13 of the principal Act is repealed and a new paragraph (c) inserted.

(4) The metropolitan area shall be prescribed by regulation.

Subsec. (5)
inserted by
No. 22 of
1926, s. 8.

(5) If money is appropriated by Parliament for the construction, reconstruction, improvement, or widening of any main road within the metropolitan area which is not within the scope of the Federal Aid Roads Agreement Act, 1926, an amount sufficient to provide for interest and sinking fund on one-half of the amount so appropriated (but not to exceed nine per centum) shall be charged annually against the said one-half of the net balance of said fees, so far as the same shall be available after providing for the deductions aforesaid.

Provided that the sum to be charged as aforesaid shall not exceed in any year one-fifth of the net amount available for distribution under paragraph (c) of subsection (2).

Obligation
to grant
licenses.

No. 60 of
1919, s. 14,
amended by
No. 22 of
1926, s. 9.

Renumbered
s. 15 in
1950 reprint.

15. (1) Except as hereinafter provided it shall not be competent for a local authority to refuse to grant any license under this Part of this Act, in respect of any vehicle, to an applicant tendering the proper fee or not bound to pay any fee, unless—

- (a) the vehicle is unfit to be used or driven on a road; or
- (b) the vehicle is unfit for the purpose for which the license is desired; or
- (c) the vehicle is not constructed and equipped in conformity with the provisions of this Act; or
- (d) the license applied for is not one that is appropriate to the vehicle; or
- (e) two convictions for offences against this Act have been obtained against the applicant during the preceding twelve months; or
- (f) in the case of an application for a passenger vehicle or a carrier's license, the applicant is of bad repute, or is not a fit and proper

person to be the holder of such a license, or, in the opinion of the local authority, the reasonable requirements of the public do not justify the granting of the license.

Provided that this section is subject to the provisions of section forty-eight relating to omnibuses.

(2) If in the opinion of the local authority any motor vehicle for which a license to carry passengers is held is so out of repair as to be unfit for use on a road, the local authority may, by complaint and summons in a court of summary jurisdiction, require the licensee to show cause why his license should not be cancelled, and the court may cancel the license, or suspend the license until the vehicle is repaired to the satisfaction of the court:

A license so suspended shall, during the period of suspension, be of no effect.

16. (1) If any person to whom a license in respect of a vehicle has been granted in any district shall cease to be the owner of the licensed vehicle, the licensing inspector or licensing officer of the district shall, on payment of the prescribed fee by the person who has become owner of the vehicle, indorse on the license a transfer thereof to him, and that person shall thereupon become the licensee.

Transfer of
licenses.
No. 60 of
1919, s. 15.
Renumbered
s. 16 in
1950 reprint.

(2) No such transfer shall be made to any person other than the executor or administrator of the licensee unless the inspector or officer is satisfied that the licensee or his executor or administrator has received notice of the application, provided that such notice may be dispensed with in the prescribed cases.

(3) An application for a transfer may be refused for any reason for which an application for a license by the same person for the same vehicle might be refused.

Cancellation of licenses. No. 60 of 1919, s. 16, renumbered s. 17 in 1950 reprint. Amended by No. 74 of 1953, s. 6.

17. (1) If a conviction for an offence against this Act shall be recorded or pronounced against the holder of a license granted under this Part during the currency of the license, then the justices before whom the licensee is convicted may, in lieu of or in addition to any other penalty provided by law which they may see fit to impose, order that the license be cancelled and the same shall thereupon become void.

(2) When any license has been so cancelled, the licensee shall be disqualified during the period for which the license was granted from obtaining a license under this Part in respect of any vehicle of the kind for which the forfeited license was granted.

Appeal. No. 60 of 1919, s. 17, renumbered s. 18 in 1950 reprint. [See N.S.W. 1909, No. 9, s. 3.]

18. (1) There shall be an appeal to a court of petty sessions, whose order shall be final, in any case where a license, or a transfer of a license, under this Part of this Act is refused.

(2) On the hearing of the appeal the court may order that the license shall be granted, or may dismiss the appeal, and may order either party to the appeal to pay such costs as in its discretion the court may think fit.

Exemptions. No. 60 of 1919, s. 18, renumbered s. 19 in 1947 reprint. Amended by No. 22 of 1926, s. 10; No. 39 of 1935, s. 10; No. 16 of 1941, s. 5; No. 29 of 1949, s. 5. [See 3 Edw. VII, c. 36, s. 2.]

19. Notwithstanding anything hereinbefore contained,—

- (a) a person shall not be liable to a penalty under section five in respect of any vehicle if he proves that he has had no reasonable opportunity of obtaining a license for the vehicle, and that the same is being driven on a road direct to the office of the local authority for the purpose of obtaining a license; or that the vehicle is being driven or towed on a road in the course of a journey to a repairer for the purpose of the vehicle being repaired;

Provided that—

- (i) this paragraph shall not apply where the vehicle is being driven

Inserted by No. 16 of 1941, s. 5.

on a road within the district of one local authority for the purpose of obtaining a license therefor from another local authority, unless the owner of the vehicle has obtained from the local authority in whose district the journey on which the vehicle is being driven commences a permit to drive the vehicle on such journey for the purpose aforesaid; and

- (ii) this paragraph shall not apply where the vehicle is being driven or towed on a road in course of a journey to a repairer for the purpose of the vehicle being repaired, unless the owner of the vehicle has obtained from the local authority, in whose district the journey on which the vehicle is being driven or towed, commences, a permit for the vehicle to be driven or towed upon the journey for that purpose;

Inserted by
No. 29 of
1949, s. 5 (b).

- (iii) every local authority shall have power to issue permits under and for the purposes referred to in paragraphs (i) and (ii) of this proviso in the prescribed form;

Inserted by
No. 16 of
1941, s. 5.

- (b) the local authority of any district in which the business premises of any manufacturer of or dealer in motor vehicles are situated may, on payment of such annual fee not exceeding five pounds as may be prescribed, assign annually to that manufacturer or dealer a general identification disc or tablet which may be used for any motor vehicle on trial after completion or on trial by an intending purchaser, and a person shall not be liable to a penalty under section five while so using the vehicle if the disc or tablet so assigned is fixed upon the vehicle in the prescribed manner, provided that any

such disc or tablet heretofore assigned by any local authority to a manufacturer or dealer shall, whilst the period for which it was assigned is unexpired, be deemed to have been assigned under this Act:

As amended by No. 39 of 1935, s. 10.

Provided that no disc or tablet issued to a manufacturer or a dealer shall be used on a Sunday or on a public holiday without the permission in writing of the local authority by which the plates were issued.

Provision for registration of licensed vehicles. New section inserted as s. 18A by No. 20 of 1930, s. 9, renumbered s. 19 in 1935 reprint and s. 20 in 1950 reprint.

20. (1) Every licensing authority shall keep a register of vehicle licenses, and enter therein as prescribed particulars of every vehicle license issued by such authority; and shall upon payment of the prescribed fee issue to every applicant for a vehicle license a certificate of such registration of such license.

(2) A certificate of registration shall have effect only whilst the license in respect of which it is issued remains in operation.

(3) Every owner of a licensed vehicle shall at all times whilst the license for such vehicle remains in operation affix and keep affixed to the vehicle the certificate of registration issued to him under this section by such means in such manner and in such place in the vehicle as may be prescribed.

Offences. New section inserted as s. 18B by No. 20 of 1930, s. 9, renumbered s. 20 in 1935 reprint and s. 21 in 1950 reprint.

21. Any person who drives or causes or permits to be driven upon any road a vehicle—

- (a) not having the proper certificate of registration as required by section twenty of this Act affixed thereto; or
- (b) not having such certificate of registration properly affixed thereto; or
- (c) having such certificate of registration obscured so that the same is not clearly visible; or

(d) having such certificate of registration obliterated by any material; or

(e) having such certificate of registration so damaged that the same is not completely and distinctly visible,

shall be guilty of an offence under this Act.

Penalty: Twenty pounds.

[NOTE: S. 19 as enacted by No. 60 of 1919 was repealed by No. 22 of 1926, s. 11.]

PART III.—TRAFFIC INSPECTORS.

22. (1) In each district there shall be a traffic inspector or two or more traffic inspectors appointed by the local authority.

Traffic Inspectors. No. 60 of 1919, s. 20, renumbered s. 19 in 1926 reprint, s. 21 in 1935 reprint and s. 22 in 1950 reprint; amended by No. 22 of 1926, s. 12, and No. 24 of 1946, s. 2.

(2) Every such inspector—

(a) may by virtue of his office, and without receiving express authority from the local authority institute and carry on any proceedings against any person for any alleged offence against this Act or any breach of the regulations thereunder;

Formerly para. (b) relettered (a) in 1926 reprint.

(b) may exercise all such powers and shall perform all such duties as are vested or imposed in or upon him by this Act;

Para. (c) relettered (b) in 1926 reprint.

(c) shall be reimbursed out of the ordinary revenue of the local authority all costs and expenses which he may incur or be put to in or about the premises;

Para. (d) relettered (c) in 1926 reprint.

(d) may be dismissed from office by the local authority.

Para. (e) relettered (d) in 1926 reprint.

(3) The power to appoint an inspector includes the power to appoint assistant inspectors.

(4) It shall be the duty of every police officer to aid and assist inspectors in the exercise and discharge of their powers and duties, and members of the police force may exercise such powers and shall perform such duties of inspectors (except the granting or transfer of licenses or the effecting of registrations) as the Commissioner of Police may by general or special order published in the *Gazette* think fit for the time being to vest in or impose upon them.

Inserted by
No. 24 of
1946, s. 2
as (4a)
renumbered
(5) in 1950
reprint.

(5) Every such member of the police force and every such inspector may exercise all such powers and shall perform all such duties as are vested or imposed in or upon him by this Act in respect of any road open to public traffic, notwithstanding that such road may be on Government or private property.

Formerly
subsec. (5),
renumbered
(6) in 1950
reprint.

(6) The Minister may appoint any person to be an inspector who shall, in respect of any road to which his appointment extends, have such powers and perform such duties of an inspector as the Minister may from time to time direct.

Formerly
subsec. (6),
renumbered
(7) in 1950
reprint.

(7) The local authority may review any action or decision of any inspector (not being a police officer or an inspector appointed by the Minister) in its district, and the Minister may review any act or decision of any inspector appointed by him.

Formerly
subsec. (7),
renumbered
(8) in 1950
reprint.

(8) Every inspector appointed under this Act or the regulations thereunder (not being a member of the police force) shall be furnished with the prescribed certificate of his appointment, and shall produce such certificate whenever required so to do by any person in respect of whom he has exercised or is about to exercise any of his powers under this Act.

Penalty: Five pounds.

Provided that within the metropolitan area the regulation and control of traffic shall, subject to the

next following proviso, be administered solely by the Commissioner of Police and the members of the police force; such area to be defined by regulation:

Provided also that the Minister may appoint officers of the Main Roads Board to regulate and control traffic within the metropolitan area, on roads under construction or maintained by the said Board under the provisions of the Main Roads Act, 1925.*

22A. (1) The local authorities of two or more districts may and if required by the Minister shall join in the appointment and remuneration of an inspector or inspectors for their districts or part of their districts which are situated wholly or partly outside the Metropolitan Area.

Local authorities may join in appointment, etc., of Inspector. S. 22A added by No. 74 of 1953, s. 7.

(2) Where the local authorities of two or more districts fail when required by the Minister, to join in the appointment and remuneration of an inspector or inspectors as provided in the last preceding subsection the Minister may, with the approval of the Governor—

- (a) appoint an inspector or inspectors for the local authorities;
- (b) fix his or their remuneration and the proportional part of the remuneration to be paid by the local authorities; and
- (c) determine which of the local authorities is responsible for the keeping of the accounts and records relating to the appointment of the inspector or inspectors and the carrying out of his or their duties under the provisions of this Act.

(3) An appointment made by the Minister under the provisions of subsection (2) of this section shall continue during the pleasure of the Minister or unless and until the local authorities acting pursuant to the provisions of subsection (1) of this section join in the appointment and remuneration of an inspector or inspectors.

* See now Main Roads Act, 1930-1952: No. 34 of 1952 s. 1 (3).

(4) (a) While the appointment of an inspector made by the Minister continues, the Minister may at any time and from time to time vary both the remuneration to be paid to the inspector and also the proportional part of the remuneration to be paid by each of the local authorities.

(b) The amount of remuneration fixed by the Minister, whether so varied from time to time or not, is a charge upon the general revenue of the local authority in accordance with the proportional part of the remuneration to be paid by it as fixed by the Minister.

(c) Where the local authority defaults in the payment of the remuneration or proportional part of it as the case may be the inspector to whom the payment is due may, subject to the right of contribution between the local authorities concerned, recover in a court of competent jurisdiction the amount due to him from the local authority.

(5) The provisions of subsection (2) of section twenty-two of this Act apply to any inspector appointed under the provisions of this section.

PART IV.—REGULATION OF TRAFFIC.

Division 1.—Motor and other Vehicles.

23. (1) The Commissioner of Police and any member of the police force acting with his authority may, subject to this Act, on the application of any person, grant and issue a license or renewal of a license to such person to drive any motor vehicle of the kind or kinds to be therein specified or act as conductor of an omnibus or other passenger vehicle:

[Heading amended by No. 16 of 1922, s. 5.]
 Licensing of drivers.
 No. 60 of 1919, s. 21, renumbered s. 20 in 1926 reprint, s. 22 in 1935 reprint and s. 23 in 1950 reprint; amended by No. 22 of 1926, s. 13, No. 20 of 1930, s. 19, No. 16 of 1941, s. 6, No. 43 of 1946, s. 8, No. 24 of 1947, s. 5, No. 24 of 1950, s. 5, No. 57 of 1951, s. 6, No. 35 of 1952, s. 4, No. 74 of 1953, s. 8.

Provided that no license or renewal of the license shall be granted until the applicant has proved to the reasonable satisfaction of an examiner, to be appointed by the Commissioner of Police, that the applicant is qualified to drive a motor vehicle of the kind for which the license is required or act as a conductor of an omnibus or other passenger vehicle, as the case may be.

Amended by
No. 57 of
1951, s. 6;
No. 74 of
1953, s. 8.

Provided also that, where any application is made for a license or renewal of a license to drive an omnibus or other passenger vehicle, the examiner referred to in the next preceding proviso to this subsection shall, in addition to any other examination conducted in accordance with the provisions of the said next preceding proviso, satisfy himself, by means of the special tests (if any) prescribed by regulations made under section forty-seven of this Act, that the applicant is qualified to drive the particular type of omnibus or other passenger vehicle in respect of which the license or renewal of a license is applied for.

Inserted by
No. 16 of
1941, s. 6.
Amended by
No. 74 of
1953, s. 8.

Provided also that, where an application is made for a license or renewal of a license to act as a conductor of an omnibus or other passenger vehicle, the applicant shall establish, in accordance with the regulations, that he is a fit and proper person to hold the license.

Inserted by
No. 57 of
1951, s. 6;
amended by
No. 74 of
1953, s. 8.

Provided further that in the case of an application for a license or renewal of a license to drive a passenger vehicle or act as conductor of an omnibus or other passenger vehicle, but subject to the right of appeal mentioned in subsection (5) of this section, the Commissioner of Police may from time to time, by notice in writing disclosing his reasons, refuse to grant a driver's license or a license to act as conductor of an omnibus or other passenger vehicle or any renewal of either license as the case may be to the applicant, or suspend or cancel any such driver's license or a license to act as conductor of an omnibus or other passenger vehicle after its issue.

Inserted by
No. 24 of
1947, s. 5.
Amended by
No. 57 of
1951, s. 6;
No. 74 of
1953, s. 8.

Subsec. (2)
repealed and
re-enacted
by No. 35 of
1952, s. 4;
amended by
No. 74 of
1953, s. 8.

(2) The following fees are payable—

license or renewal thereof to drive a motor vehicle not being a passenger vehicle, ten shillings per annum;

license or renewal thereof to drive a motor vehicle being a passenger vehicle, five shillings per annum;

conductor's license or renewal thereof, five shillings per annum.

Repealed
and new
subsec.
inserted by
No. 48 of
1946, s. 8;
amended by
No. 74 of
1953, s. 8.

(3) Every license under this section shall, subject to the provisions of this Act, remain in force for twelve months from the date upon which it was issued and may from time to time be renewed as provided in this section.

Provided that, in respect of any license under this section which may be granted and issued during the year one thousand nine hundred and forty-seven, the license shall remain in force for such number of months not being less than six nor more than eighteen as the Commissioner of Police or member of Police Force granting the same shall determine and shall specify in the license issued.

Added by
No. 22 of
1926, s. 13;
amended by
No. 57 of
1951, s. 6;
No. 74 of
1953, s. 8.

(4) Every applicant for a driver's license or a license to act as conductor of an omnibus or other passenger vehicle or any renewal of either license as the case may be may be required by regulation to submit himself to a sight and hearing test, and in the case of an application for a license to drive a passenger vehicle or to act as conductor of an omnibus or other passenger vehicle or any renewal of either license as the case may be, to such medical examination as may be prescribed and every applicant shall establish his age and good character as required by the regulations.

Amended by
No. 20 of
1930, s. 10,
No. 24 of
1950, s. 5;
No. 74 of
1953, s. 8.

(5) Any person aggrieved by the suspension or cancellation of, or by the refusal of the Commissioner of Police or any member of the Police Force acting with his authority to grant and issue to such person a license or renewal of the license under this section may, subject to regulations, appeal against

such suspension, cancellation or refusal to the resident magistrate exercising jurisdiction under the Local Courts Act, 1904-1931,* in the district in which such license or renewal of the license was issued in the case of suspension or cancellation or was applied for and refused as the case may be, and such resident magistrate shall, by virtue of this section but subject to section thirty-three of this Act, have jurisdiction to hear and determine such appeal, and to make such order in relation thereto as he may think fit; and any such order shall be final and conclusive and binding upon all parties concerned.

(6) (a) An application for a renewal of a license may be made at any time within the period of thirty days before the date on which the license expires or subject to the provisions of this Act at any time within twelve months after the date of expiry.

Subsec. (6)
added by
No. 74 of
1953, s. 8.

(b) Where the holder of a license does not intend to renew it he shall notify in writing the Commissioner of Police of his intention at any time not later than fifteen days after the date of expiry of the license.

(c) Except as provided in the next succeeding paragraph where the holder of a license fails to renew it prior to the date of its expiry, if the holder subsequently applies for a renewal of the license within a period of twelve months from the date of expiry and the application is granted the renewal shall be deemed to be a continuation of the expired license as from the date of the renewal and shall operate for a period expiring twelve months from the date of expiration of the license for which the renewal is granted.

(d) Where the holder of a license notifies the Commissioner that he does not intend to renew the license as provided in paragraph (b) of this subsection and he subsequently makes an application for a renewal of the license, or where an application for renewal is made after a period of twelve months from the expiry of a license, if the application is

* Now Local Courts Act, 1904-1954: See No. 26 of 1954, s. 1 (3).

granted, notwithstanding the expiration of the license the granting of the application shall operate so as to renew the license and shall be deemed to be a continuation thereof on and from the date of the renewal for a period of twelve months, but if the application is made more than twelve months after the date of the expiration of the license, in addition to the test and examination referred to in subsection (4) of this section, the Commissioner of Police may require the applicant to submit himself to such test or examination as the Commissioner considers in the circumstances of the case to be appropriate.

Subsec. (7)
added by
No. 74 of
1953, s. 8.

(7) When and as often as a license is renewed under the provisions of this section, the Commissioner of Police may cause to be endorsed on the license so renewed particulars of any conviction or order made by any court under the provisions of sections thirty-two and thirty-three of this Act relating to the license or the holder of the license.

Drivers'
licenses
issued by
Commis-
sioner to
mentally or
physically
incapable
persons
may be
withdrawn.
New section
inserted as
s. 20A by
No. 39 of
1935, s. 11,
renumbered
s. 23 in
1935 reprint
and s. 24 in
1950 reprint;
amended by
No. 24 of
1950, s. 6;
No. 57 of
1951, s. 7;
No. 35 of
1952, s. 5.

24. (1) The Commissioner of Police may in his discretion refuse to grant and issue any license, or suspend any license issued under the preceding section to any person whom he suspects on reasonable grounds to be unfit to hold such license on account of habitual addiction to alcoholic drink or drugs to such an extent as to render such person a danger to public safety when in control of a motor vehicle on the road or mental incapacity or physical disability pending an examination of the person concerned by a medical practitioner approved by the Commissioner, or if the Commissioner of Police is of opinion that the person is not of good character or the prescribed age or whose license to drive a motor vehicle is suspended or has been cancelled or who is otherwise disqualified from holding or obtaining a license to drive a motor vehicle in any other State or territory of the Commonwealth.

(2) If the report of the medical practitioner is to the effect that the person concerned is unfit to hold the license on account of habitual addiction to alcoholic drink or drugs to such an extent as to render such person a danger to public safety when in control of a motor vehicle on the road or mental

or physical disability or the Commissioner of Police is of opinion that the person concerned is not of good character or the prescribed age, the Commissioner of Police shall, where a license has been applied for, refuse the issue and grant of the license, and where a license has already been granted and issued, it shall become void but otherwise shall continue in force.

(3) Any person aggrieved by the decision of any such medical practitioner concerning mental incapacity or physical disability or the opinion of the Commissioner of Police concerning age or character and where a license has been applied for, the consequent refusal of the grant and issue of the license, or, where the license has already been issued, the consequent voiding of a license issued to him under the preceding section may, subject to regulations, appeal to the resident or stipendiary magistrate exercising jurisdiction under the Local Courts Act, 1904-1931,* in the district in which such license was applied for or was already issued, as the case may be, and such magistrate shall by virtue of this section have jurisdiction to hear and determine such appeal and to make such order in relation thereto as he shall think fit. Any such order shall be final and conclusive upon all parties concerned.

(4) The provisions of this section are in addition to and not in derogation of those of the last preceding section.

Subsec. (4)
added by
No. 24 of
1950, s. 6.

24A. (1) In this section—

“extraordinary license” means a license authorising, in unusual circumstances, the holder to drive motor vehicles on roads so as to avoid unnecessary hardship and inconvenience which otherwise would result from denial of authority to do so.

Extra-
ordinary
licenses.
S. 24A added
by No. 57 of
1951, s. 8.

(2) The Commissioner of Police and any member of the Police Force acting with his authority may, in accordance with the regulations, grant applications for, issue, suspend, and cancel, extraordinary licenses.

* Now Local Courts Act, 1904-1954: See No. 26 of 1954, s. 1 (3).

(3) An extraordinary license may limit the hours and locality in which the holder is authorised to drive, and limit the authority of the holder to drive any vehicle or vehicle of a class of vehicles, and may impose other conditions subject to the observance of which the authority to drive on roads pursuant to the license may be exercised.

Cf. subpara. (zk) added to s. 47 (1) (1) by No. 57 of 1951, s. 13.

(4) Regulations giving effect to this section shall not be regarded as invalid on the ground that they delegate to or confer on any person or any class of persons a discretionary authority.

Penalty for driving without license. No. 60 of 1919, s. 22 renumbered s. 21 in 1926 reprint, s. 24 in 1935 reprint and s. 25 in 1950 reprint; amended by No. 39 of 1935, ss. 12 and 13, No. 16 of 1941, s. 7; No. 57 of 1951, s. 9; No. 47 of 1954, s. 3. [See Edw. VII., c. 36, ss. 3, 6; N.S.W. No. 5 of 1909; Vic. No. 2702, s. 6.]

25. (1) No person shall—

- (a) drive a motor vehicle on a road without being duly licensed under this Division for that purpose; or
- (b) employ or permit any person not so licensed to drive a motor vehicle on a road.

Amended by No. 57 of 1951, s. 9.

Penalty—For a first offence, twenty pounds; for any subsequent offence, fifty pounds or imprisonment for three months and where a person commits an offence by driving a motor vehicle on a road without being so licensed and is not so licensed because—

having applied for the license, the grant and issue of the license has been refused; or
having held a license, the license has been suspended or cancelled, or he has been disqualified from obtaining the license;

the person may be arrested by any member of the Police Force without warrant, and on conviction of the offence, shall be liable to—

a fine of not more than one hundred pounds or imprisonment for a term of not more than twelve months,

and shall be disqualified from holding such a license for a period of not less than six months and not more than two years as may be adjudged by the Court from the date of the offence.

Provided that the Commissioner of Police or any member of the police force acting with his authority may in his discretion issue on payment of a fee of two shillings and sixpence, a learner's permit for any period not exceeding two months to any person who desires to learn to drive a motor vehicle. Such permit may limit the hours and locality in which the learner may drive the vehicle and may specify the class of vehicle in respect of which the permit is issued.

Amended by
No. 47 of
1954, s. 3.

Provided also that—

(i) a learner's permit shall not be issued to any learner unless such learner, when applying for the permit, satisfies the authority to which the application for the learner's permit is made that the person who will sit beside him when the learner is learning to drive will be a person who has, for a period of at least one year, been licensed to drive the class of vehicle which the learner will drive under the authority of the permit; and

Repealed and
inserted by
No. 18 of
1941, s. 7.

(ii) a learner shall not drive the motor vehicle (not being a motor cycle) specified in the learner's permit held by him, on a road unless, while he is so driving, a person who has, for a period of at least one year, been licensed to drive the class of vehicle specified in the said permit sits beside the learner.

Inserted by
No. 16 of
1941, s. 7.

(2) No person to whom a learner's permit has been issued shall drive a motor vehicle on a road otherwise than in accordance with the conditions of the permit, and every person who is instructing the learner to drive shall conform to the conditions of the permit.

Subsec. (2)
added by
No. 39 of
1935, s. 12.

Penalty—Ten pounds.

Driver failing to give name and address to police officer or inspector, failing to stop, etc.
Former s. 22 of 1930 reprint repealed and new s. enacted by No. 39 of 1935, s. 13.
Renumbered s. 25 in 1935 reprint and s. 26 in 1950 reprint.
Amended by No. 16 of 1941, s. 8.

Falling to produce license.

Witnesses to accident to furnish particulars. Inserted by No. 16 of 1941, s. 8.

Motor vehicle to be numbered. No. 60 of 1919, s. 24: Renumbered s. 23 in 1926 reprint, s. 26 in 1935 reprint and s. 27 in 1950 reprint; amended by No. 22 of 1926, s. 14.

26. (1) Any driver of a vehicle who when required by a member of the police force or an inspector to state his name and place of abode refuses to do so, or states a false name or place of abode, or refuses or fails to stop his vehicle when called upon to do so by a member of the police force or an inspector commits an offence against this Act.

Penalty—Twenty pounds.

(2) Any driver of a vehicle who when required by any member of the police force or an inspector does not produce his driver's license on demand commits an offence against this Act, and shall be liable to a penalty not exceeding ten pounds: provided that it shall not be an offence if the driver subsequently produces such license within three days after such demand to the officer in charge of the police station nearest to the place where he resides.

(3) Any person who was present at the scene of any accident in which a vehicle was involved, and who, in the opinion of a member of the police force or of an inspector, may be able to give information or evidence in relation to such accident, shall, if requested so to do by such member of the police force or by such inspector, furnish to him particulars of his name and place of abode, and if any such person refuses to furnish any such particulars when requested so to do as aforesaid, or furnishes particulars of his name or place of abode which are false or untrue he shall be guilty of an offence.

Penalty—Ten pounds.

27. (1) Any person who drives or causes or permits to be driven upon any road a vehicle—

(a) not having the number plates properly affixed thereto; or

- (b) having the number plates obscured so that the number or letter and number upon such plates are not clearly visible; or
- (c) having the original number or letter and number upon the number plates obliterated by any material; or
- (d) having the number of plates so damaged that the original number or letter and number are not completely and distinctly visible,

[N.S.W. No. 5 of 1909, s. 6; No. 11 of 1915, s. 5.]

shall be guilty of an offence under this Act.

Penalty—Ten pounds.

(2) No person shall be liable to a penalty for any breach of this section if he proves to the satisfaction of the court hearing the case that such breach was the result of an accident.

(3) "Number plate" means the identification tablet or number plate issued by a local authority on the licensing of a vehicle.

28. (1) No driver of any motor vehicle shall pass any horse being driven, ridden, or led, or any drove of animals, in such a manner or at such a rate as is likely to endanger the safety of such horse or drove of animals or the driver, rider, or leader thereof.

Driver of motor vehicle to pass horse-driven vehicles, etc., with caution. New section inserted as s. 24A by No. 22 of 1926, s. 15; renumbered s. 24 in 1926 reprint, s. 27 in 1935 reprint and s. 28 in 1950 reprint.

Penalty—Five pounds.

29. (1) Where any vehicle or animal, which is in the course of being driven or ridden, is involved in any accident by reason whereof any person is injured or the property of any person is damaged, the person driving or riding or otherwise for the time being having the care of such vehicle or animal shall stop immediately after the occurrence of such accident, and, if required, shall produce his license and give his name and address, and also the name and address of the owner of the vehicle or animal, to any person who has been injured or whose property

Duty to stop in case of accident, etc. No. 80 of 1919, s. 25, amended by No. 22 of 1926, s. 16, No. 39 of 1935, s. 14; No. 16 of 1941, s. 9; No. 48 of 1946, s. 9; Renumbered s. 28 in 1935 reprint and s. 29 in 1950 reprint, Subsec. (1) repealed and inserted by No. 16 of 1941, s. 9. Amended by No. 48 of 1946, s. 9.

has been damaged, or to a member of the police force, or an inspector, or to any person representing a person who has been injured, or the owner of any property which has been damaged.

Any person convicted under this subsection of an offence of which the failing to stop immediately after the occurrence of any accident by reason whereof any person is injured, is an ingredient, shall be liable to imprisonment for a term not less than three months nor exceeding twelve months.

Provided that if the Court shall be satisfied that the person convicted was not aware of the occurrence of the accident or if in the opinion of the Court there are special reasons why a sentence of imprisonment should not be imposed the Court may in lieu of imprisonment impose a fine not more than One hundred pounds.

Any person convicted of any other offence under this subsection shall be liable to a fine not exceeding fifty pounds or for imprisonment for a term not exceeding six months.

Subsec. (2)
added by
No. 39 of
1935, s. 14.

(2) If in the opinion of the court the offence is of a serious nature the court may make an order in all or any of the following terms:—

- (a) that any license held by the offender be cancelled or suspended;
- (b) that the offender be disqualified from holding any kind of driver's license under this Act during such period as the court orders.

Subsec. (3)
added by
No. 39 of
1935, s. 14.

(3) In addition to the obligations set out in subsection (1) it shall be the duty of any person, who in the course of using a vehicle on a road has caused injury to another person, to render such person all such assistance as may be necessary or practicable under the circumstances, including the obtaining of medical aid, and any person who refuses or neglects to render such assistance and obtain such aid shall be guilty of an offence against this Act.

Penalty Fifty pounds; and, if in the opinion of the court the offender has shown a callous disregard

for the injured person, the court shall in addition impose a sentence of imprisonment for a term not exceeding twelve months.

30. Where, in the course of the use of any vehicle on a road, an accident occurs whereby bodily injury is caused to any person or damage is caused to any property the driver or person in charge of such vehicle shall (unless disabled by personal injury himself) report the accident forthwith to the officer in charge of the nearest police station or traffic inspector of the district of the nearest local authority:

Duty to report accident. New section inserted as s. 25A by No. 39 of 1935, s. 15; Renumbered s. 29 in 1935 reprint and s. 30 in 1950 reprint.

Provided that it shall be a sufficient compliance with this section if a police officer or such traffic inspector attends at the scene of the accident and takes the necessary particulars of the accident.

Penalty—Twenty-five pounds.

31. (1) If any person drives a vehicle on a road recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the road, that person shall be guilty of an offence under this Act.

Reckless driving. No. 60 of 1919, s. 26, amended by No. 16 of 1922, s. 3; No. 24 of 1947, s. 6; No. 74 of 1953, s. 9; Renumbered s. 30 in 1935 reprint and s. 31 in 1950 reprint. [See 3 Edw. VII., c. 36, s. 1; Vic. No. 2702, s. 10.]

Penalty—for a first offence a fine not exceeding fifty pounds; for any subsequent offence a fine not exceeding one hundred pounds or imprisonment for three months and the court before whom the person is convicted shall in any case suspend any license to drive held by the convicted person for such period as the court thinks fit but in no case less than three months and shall disqualify him from obtaining a license under this division of this Act during the period of suspension.

(2) Any member of the police force may apprehend without warrant the driver of any vehicle who commits an offence under this section within his

view, if he refuses to give his name and address, or if he does not produce his license on demand, or if the vehicle does not bear the prescribed number plate.

Inserted by
No. 24 of
1947, s. 6.

(3) For the purposes of subsection (1) of this section, the term "vehicle" includes a tram motor, tram car and trolley bus.

Inserted by
No. 24 of
1947, s. 6.

(4) Where any person convicted of an offence under this section is an employee, the court in deciding what penalty, if any, it should inflict upon such person, shall take into consideration any punishment proved to have been already inflicted upon such person by his employer in relation to the circumstances constituting such offence.

Driving
under
influence
of liquor.
No. 60 of
1919, s. 27,
repealed
and new s.
substituted
by No. 20 of
1930, s. 11:
Renumbered
s. 31 in
1935 reprint
and s. 32 in
1950 reprint.
Amended by
No. 48 of
1946, s. 10;
No. 24 of
1947, s. 7;
No. 24 of
1950, s. 7;
No. 57 of
1951, s. 10;
No. 74 of
1953, s. 10.

32. (1) Any person who, when driving or attempting to drive, or when in charge of a vehicle in motion on a road, or when attempting to drive a vehicle on a road, or when in charge of a horse or other animal or drove of animals on a road, is under the influence of drink or drugs to such an extent as to be incapable of having proper control of the vehicle or the horse or other animal or drove of animals, shall be guilty of an offence under this Act.

Amended by
No. 57 of
1951, s. 10.

(2) Such person may be apprehended without warrant by any member of the police force or an inspector, and charged with such offence, and the vehicle, or the horse or other animal or drove of animals may be driven or conveyed to and detained at any police station or other place of security pending the hearing of the charge against such person.

No. 57 of
1951, s. 10.

Provided that immediately after such person is charged he shall be told by the person laying the charge that he has the right to be examined by a medical practitioner nominated by him, if one is available, and if he desires to exercise this right, every facility in this regard shall be afforded him.

(3) (a) A person who is convicted of an offence against the provisions of subsection (1) of this section is liable to the following penalties:—

Subsec. (3) amended by No. 48 of 1946, s. 10; No. 57 of 1951, s. 10: repealed and re-enacted by No. 74 of 1953, s. 10.

- (i) For a first offence, a fine not exceeding fifty pounds or to imprisonment for three months and the court before whom the person is convicted shall in any case suspend any license to drive held by him for a period of three months and shall disqualify the person from obtaining a license under this division of this Act for the same period.
- (ii) For a second offence a fine not exceeding one hundred pounds or to imprisonment for six months and the court before whom the person is convicted shall in any case suspend any license to drive held by him for a period of twelve months and shall disqualify the person from obtaining a license under this division of this Act for the same period.
- (iii) For a third offence a fine not exceeding two hundred pounds or imprisonment for twelve months and the court before whom the person is convicted shall in any case permanently suspend any license to drive held by the person and shall permanently disqualify the person from obtaining a license under this division of this Act.

(b) The court before whom a person is convicted of an offence against the provisions of subsection (1) of this section or subsection (1) of section thirty-one of this Act shall in each case cause particulars of the conviction and of the order of the court to be endorsed on any license held by the person under this division of this Act and shall cause a copy of the particulars to be sent to the Commissioner of Police.

(4) (a) A license so suspended by the Court shall, during the term of suspension be of no effect and the person whose license is suspended or who is declared by the Court to be disqualified from obtain-

Inserted by No. 48 of 1946, s. 10: Amended by No. 74 of 1953, s. 10 (2).

ing a license shall, during the period of suspension or disqualification, be disqualified from obtaining and holding a license under this division.

Para. (b)
added by
No. 74 of
1953, s. 10 (2).

(b) The provisions of this subsection also apply to a license suspended under subsection (1) of section thirty-one of this Act and to a person who is disqualified from obtaining a license under that subsection.

Inserted by
No. 24 of
1947, s. 7.

(5) For the purposes of this section, the words "motor vehicle" and "vehicle" include a tram motor, tram car and trolley bus, but so that the Court before whom any person as the driver of any tram motor, tram car or trolley bus is convicted of an offence under this section shall have no jurisdiction to punish such driver for any such offence otherwise than by inflicting the penalty or sentencing to the term of imprisonment mentioned in this section.

Suspension
of license
and disquali-
fication.
No. 60 of
1919, s. 28:
renumbered
s. 32 in 1935
reprint and
s. 33 in
1950 reprint.
Amended by
No. 32 of
1943, s. 29.
[3 Edw. VII.,
c. 36, s. 4.]

33. (1) Any court before whom a person is convicted of any offence in connection with the driving of a motor vehicle—

- (a) may, if the person convicted holds a license under this Division, suspend such license for such time as the court thinks fit, and may also declare the person convicted disqualified for obtaining a license for such time as the court thinks fit; and
- (b) may, if the person convicted does not hold a license, declare him disqualified for obtaining a license for such time as the court thinks fit; and
- (c) if the person convicted holds any such license shall cause particulars of the conviction and of any order of the court made under this section to be endorsed thereon, and shall cause a copy of those particulars to be sent to the Commissioner of Police.

(2) A license so suspended by the court shall, during the term of suspension, be of no effect, and a person whose license is suspended, or who is declared by the court to be disqualified for obtaining a license,

shall, during the period of suspension or disqualification, be disqualified for obtaining a license under this Division.

(3) Nothing in this section shall affect or in any way limit the operation of section eighteen of the Motor Vehicle (Third Party Insurance) Act, 1943.*

Inserted by No. 32 of 1943, s. 29.

34. Any owner of a vehicle and any person to whom for the time being the possession or control of a vehicle may be entrusted shall, if required by a member of the police force, or an inspector, give any information which it is in his power to give, which may lead to the identification of any person who was driving or who was in charge or control of such vehicle when an offence under this Act is alleged to have been committed.

Duty of owner to identify offending driver. No. 60 of 1919, s. 29, amended by No. 16 of 1922, s. 3; No. 39 of 1935, s. 16. Renumbered s. 33 in 1935 reprint and s. 34 in 1950 reprint.

Penalty—Ten pounds.

35. (1) A person who is a visitor to the State from any place not being a State or Territory of the Commonwealth of Australia merely as a tourist and having in his possession a motor car belonging to himself, may apply to the Commissioner for a license under this section, and the Commissioner may, in his absolute discretion, issue to the applicant a license in the prescribed form which shall, in respect of the said motor car have effect as a vehicle license and also as a driver's license to the applicant and any person in his employ named therein.

Special licenses for travellers, with motor cars. No. 60 of 1919, s. 30, amended by No. 39 of 1935, s. 17. Renumbered s. 34 in 1935 reprint and s. 35 in 1950 reprint. Amended by No. 37 of 1951, s. 11.

(2) No fee shall be charged for such license.

(3) Such license shall not be for a longer period than three months, and no more than one such license shall be granted for the same car or to the same applicant during any period of twelve months.

(4) Subject as aforesaid, the provisions of this Act, applicable to motor cars and to vehicle and drivers' licenses and to licensed persons, shall, according to their tenor, apply *mutatis mutandis* to such cars and licenses as are mentioned in this section and to any person making use of such licenses; any license granted hereunder may be forfeited for any cause for which a vehicle license or

* Now Motor Vehicle (Third Party Insurance) Act, 1943-1954: See No. 36 of 1954, s. 1 (3).

driver's license might be forfeited, and, in addition, shall be liable to revocation by the Commissioner at any time in his absolute discretion.

Validity of
drivers'
licenses
issued in
other States.
S. 36 of
1950 reprint
repealed and
re-enacted
by No. 57 of
1951, s. 12.

36. (1) Where a person usually resident outside the State—

- (a) is temporarily within the State;
- (b) holds a license or permit to drive a vehicle, issued pursuant to the laws of the State or Territory of the Commonwealth of Australia in which he usually resides;
- (c) has not been served with notice pursuant to subsection (2) of this section; and
- (d) is not otherwise disqualified from obtaining or holding a driver's license in this State;

the license or permit shall, so long as it remains in force, authorise him to drive in this State any vehicle of the type or class to the driving of which the license or permit is applicable.

(2) Where, in the opinion of the Commissioner of Police, a person referred to in the last preceding subsection—

- (a) suffers from mental or physical disability likely to affect his ability to drive a motor vehicle efficiently, having regard to the safety of the public generally;
- (b) is otherwise unfit to drive a motor vehicle, or, having regard to the safety of the public generally, it is not desirable that he should be permitted to drive a motor vehicle; or
- (c) has been convicted of an offence in connection with the driving of a motor vehicle,

the Commissioner of Police may at any time by notice in writing served upon the person, withdraw the authority conferred by that subsection.

(3) A person referred to in subsection (1) of this section shall, while driving a motor vehicle pursuant to the authority conferred by that subsection—

- (a) carry the license or permit; and
- (b) produce the license or permit for inspection at the request of any member of the Police Force.

Division 2.—Locomotive and Traction Engines.

37. (1) No person shall drive a locomotive or traction engine or other vehicle propelled by steam on a road unless such person is the holder of a locomotive or traction engine-driver's certificate under the Inspection of Machinery Act, 1921.*

Drivers' licenses. No. 60 of 1919, s. 31, amended by No. 22 of 1926, s. 13. Renumbered s. 36 in 1935 reprint and s. 37 in 1950 reprint.

Penalty—For a first offence, Twenty pounds; for any subsequent offence, Fifty pounds or imprisonment for three months.

(2) No person shall drive a locomotive or traction engine propelled by any mechanical power except steam unless he is duly licensed under Division 1 of this Part.

38. No local authority shall be liable for any damage done to any locomotive or traction engine, or anything carried, drawn, or impelled thereby by reason of the same falling through or from any bridge or culvert, or by reason of any defect in any road.

Local authorities not liable for damage to traction engine. No. 60 of 1919, s. 32. Renumbered s. 37 in 1935 reprint and s. 38 in 1950 reprint.

39. The driver of any locomotive or traction engine when travelling on a road shall, when requested or signalled so to do by any person driving a horse in any vehicle, or riding a horse, or in charge of a horse or other animal or drove of animals, stop until the vehicle, horse, animal, or drove of animals has passed the locomotive or traction engine, or such person as aforesaid signals that the vehicle which has been stopped may pass.

Driver to stop when requested. No. 60 of 1919, s. 33, amended by No. 22 of 1926, s. 19. Renumbered s. 38 in 1935 reprint and s. 39 in 1950 reprint. [See Vic. No. 2686, s. 591.]

Penalty—Twenty pounds.

* Now Inspection of Machinery Act, 1921-1954: See No. 55 of 1954, s. 1 (3).

Division 3.—Width of Tyres.

Application of this Division. No. 60 of 1919, s. 34, amended by No. 39 of 1935, s. 19. Renumbered s. 39 in 1935 reprint and s. 40 in 1950 reprint.

40. (1) The Governor may, by Order in Council, published in the *Gazette*,* declare that the provisions of this Division shall apply to and be in force and effect in any district from and after a date to be specified, and thereupon such provisions shall come into force in such district, and the Width of Tyres Act, 1895, and section eighty-nine of the Public Works Act, 1902-1945,† shall cease to have effect therein.

(2) Except in pursuance of an Order in Council under this section, this Division shall not have any force or effect in any district.

(3) This Division shall not apply to any motor vehicle or cycle using only pneumatic tyres.

Maximum weight of vehicles. No. 60 of 1919, s. 35, repealed and new section inserted by No. 39 of 1935, s. 20. Renumbered s. 40 in 1935 reprint and s. 41 in 1950 reprint, Schedule 4.

41. (1) The maximum weight to be borne by any one wheel of a vehicle laden or unladen shall be limited—

- (a) in the case of a wheel equipped with a solid rubber tyre or a cushion tyre—according to the width of bearing surface of the tyre as set out in the table in the first part of the Fourth Schedule
- (b) in the case of a wheel equipped with a steel or an iron tyre—according to the width of bearing surface of the tyre as set out in the table in the second part of the Fourth Schedule:

Provided that this section shall not apply where the width of bearing surface of the tyre in question is six inches or more.

(2) For the purpose of this section the “width of the bearing surface of any tyre” shall be measured when the tyre is not in contact with the road, and no account shall be taken of any extra width occasioned by use or otherwise.

* See *Gazette* dated 25th June, 1920, p. 1185.

† Now Public Works Act, 1902-1954: See No. 3 of 1954, s. 1 (3).

(3) Any person who drives or causes or permits any vehicle to be driven on any road the width of tyre on any wheel of which is less than that prescribed by this section commits an offence.

Penalty—Twenty pounds.

(4) Nothing in this section shall affect the provisions of any regulation governing the maximum load to be carried on any vehicle or the thickness and condition of tyres to be used on any vehicle.

42. (1) No owner of any cart, motor wagon, goods vehicle, or locomotive or traction engine shall use or cause or permit the use of such vehicle on any road unless the correct weight of the vehicle is painted and displayed on some conspicuous part on the off-side in white letters of the prescribed size on a black ground.

Weight of vehicle to be displayed. No. 60 of 1919, s. 36. Renumbered s. 41 in 1935 reprint and s. 42 in 1950 reprint. [S.A. No. 9 of 1868-9, s. 5.]

Penalty—Five pounds.

(2) As from a date to be fixed by proclamation,* no person shall sell or offer or exhibit for sale or import any new vehicle of the kind specified in subsection one hereof unless the correct weight of the vehicle is painted in some conspicuous part on the off-side thereof, in white letters of the prescribed size on a black ground.

Penalty—Five pounds.

Division 3A.—Weights, Loads and Dimensions.

New heading inserted by No. 35 of 1952, s. 6.

43. (1) Every person in charge of a vehicle shall, at the request of any member of the police force or an inspector or other officer of a local authority, allow such member of the police force, inspector, or officer to ascertain the weight of the load on the vehicle by measurement or otherwise in accordance with the appropriate regulation.

Load may be measured. No. 60 of 1919, s. 37. Renumbered s. 42 in 1935 reprint and s. 43 in 1950 reprint. [See S.A. No. 12 of 1867, s. 4.]

Penalty—Five pounds.

* See Gazette dated 25th June, 1920, pp. 1184-5.

(2) The result ascertained shall be conclusively taken for the purposes of this Division to be the actual weight of the load, unless the owner or person in charge of the vehicle shall at the time give notice to the member of the police force, officer, inspector, or other officer of his intention to have the load weighed, and shall forthwith at his own expense have the same weighed in the presence of the member of the police force, inspector or other officer.

Weighing machines. No. 60 of 1919, s. 38. Renumbered s. 43 in 1935 reprint and s. 44 in 1950 reprint. [S.A. No. 12 of 1867, s. 9.]

44. (1) Local authorities may erect weighing machines with suitable houses or structures for the weighing of vehicles, goods, or merchandise for the purpose of this Division.

(2) Local authorities may also, for the purposes of this Act, by resolution recognise any weighing machine as fit and accurate, and may in like manner withdraw any such recognition.

Vehicles and load to be weighed if required. No. 60 of 1919, s. 39. Renumbered s. 44 in 1935 reprint and s. 45 in 1950 reprint. [S.A. No. 12 of 1867, s. 6.]

45. Every person in charge of a vehicle shall, if required by a member of the police force or an inspector or other officer of the local authority, forthwith cause such vehicle with the load (if any) thereon to be weighed at the most convenient weighing machine erected or recognised by a local authority within one mile of the place where the requisition is made.

Penalty—Ten pounds.

Vehicle to be weighed if required. No. 60 of 1919, s. 40. Renumbered s. 45 in 1935 reprint and s. 46 in 1950 reprint.

46. (1) The owner of any vehicle being served with a notice in the prescribed form signed by an inspector and a justice of the peace, requiring him with all practicable speed to cause the vehicle to be weighed unladen on any weighing machine erected or recognised by a local authority, shall obey such order, and shall forthwith forward the document showing the result of the weighing to such inspector.

Penalty—Ten pounds.

(2) This section shall not apply if the owner has a certificate of the weight of such wagon from any inspector, and the distance to the nearest weighing machine erected, or recognised by, the local authority is greater than two miles.

46A. No vehicle having a greater overall width, including the load, than eight feet, shall be licensed, driven, used or towed on any road. For the purposes of this section "vehicle" includes any implement except an implement used or to be used in agricultural or horticultural pursuits while such implement is being driven, used or towed, during the hours between sunrise and sunset, on any road in a district or sub-district outside the metropolitan area from a place in such district or sub-district to another place in the same or an adjoining district or sub-district; provided that the implement while being so driven, used or towed carries, bears or has attached thereto such signs, notices or markings as are or may from time to time be prescribed in respect of over-width vehicles permitted under this section to be licensed, driven, used or towed on any roads.

Maximum width of vehicles. Section 46A added by No. 24 of 1950, s. 8; amended by No. 57 of 1951, s. 13; No. 74 of 1953, s. 11; No. 47 of 1954, s. 4.

A person who drives a vehicle contrary to the provisions of this section commits an offence.

Penalty—Twenty pounds.

A person who employs or permits a person to drive a vehicle contrary to the provisions of this Act commits an offence.

Penalty—Twenty pounds.

Provided that, with the permission of the Minister or a local authority authorised by the Minister to give the permission, and under such special circumstances and conditions as may be set out in the permit, a vehicle having a greater overall width, including the load, than eight feet may be licensed, driven, used or towed on any road.

And where, prior to the commencement of the Traffic Act Amendment Act, 1950,* a permit has been given by the Minister authorising or purporting to authorise the licensing, driving, using or towing on any road of a vehicle exceeding seven feet six inches in width, including the load, the authority so given or purporting to have been so given, is hereby ratified and validated.

* No. 24 of 1950.

Division 4.—Regulations.

47. (1) Subject to this Act, the Governor may by regulations—

(i) Regulate traffic and the use of vehicles upon roads and the use of footpaths, and for that purpose may—

(a) prescribe the rules to be observed in respect of any vehicles being driven or used on roads and the use of footpaths;

(b) regulate pedestrian traffic on roads and footpaths and the rules to be observed by pedestrians using roads and footpaths;

(c) prohibit the use on roads of any vehicles that cannot be safely used;

(d) prescribe rules in regard to the safe construction of vehicles and prohibit the use of vehicles which do not conform to such rules;

(e) prescribe the method of loading and distributing the load on vehicles for the purpose of insuring safety to persons and property;

(f) prescribe the number and kind of lamps and reflectors and the lighting equipment with which a vehicle or class of vehicle shall be equipped, the manner and position in which any lamp, reflector or lighting equipment shall be carried on a vehicle or class of vehicle and the occasions when they shall be carried or used and prohibit the use of lights, reflectors and lighting equipment other than those prescribed;

Regulations.
No. 60 of
1919, s. 41.
Renumbered
s. 46 in
1935 reprint
and s. 47 in
1950 reprint.
Amended by
No. 16 of
1922, s. 4;
No. 22 of
1926, s. 20;
No. 39 of
1935, ss. 21
and 28;
No. 16 of
1941, s. 10;
No. 48 of
1946, s. 11;
No. 24 of
1947, s. 9;
No. 24 of
1950, s. 9;
No. 57 of
1951, s. 14;
No. 35 of
1952, s. 7;
No. 74 of
1953, s. 12.

Added by
No. 39 of
1935, s. 21
as (aa),
relettered
(b) in 1935
reprint.

Formerly (b),
relettered
(c) in 1935
reprint.

Added by
No. 39 of
1935, s. 21
as (ba),
relettered
(d) in 1935
reprint.

Added by
No. 39 of
1935, s. 21
as (bb),
relettered
(c) in 1935
reprint.

Formerly
para. (c),
relettered
(f) in 1935
reprint.
New para.
substituted
by No. 74 of
1953, s. 12.

- (g) prescribe the use on any vehicle of efficient brakes and similar appliances; Formerly (d), relettered (g) in 1935 reprint.
- (h) provide for the issue at a prescribed charge by the local authority of identification tablets or number plates for vehicles, and require any person owning or in charge of any vehicle (whether a license is required therefore or not) to keep such a tablet or number plate displayed thereon in any manner; and enabling an officer duly authorised by the local authority to take possession of an identification tablet or number plate if the officer has reason to believe that it was not issued by a local authority in connection with a current license, or is in use on a vehicle for which it was not issued; Formerly (e), relettered (h) in 1935 reprint.
- (i) provide for registers to be kept in the prescribed form by persons who let out any vehicle or vehicles for hire on the "hire and drive yourself" principle and for the inspection of such registers by inspectors; Added by No. 39 of 1925, s. 21 as (ea); relettered (i) in 1935 reprint.
- (j) prescribe and regulate the use on any vehicles of bells and alarms; Formerly (f), relettered (j) in 1935 reprint.
- (k) prohibit or restrict the driving of any specified kinds of vehicles on any road on which, in the opinion of the Governor, such traffic would be especially dangerous; and regulate, prohibit, or restrict the driving or hauling of agricultural machines (including tractors and ploughs) on roads; Formerly (g), relettered (k) in 1935 reprint.
- (l) provide for minimising the noise and the issue of fumes or smoke from the working of motor vehicles and locomotive or traction engines; Formerly (h), relettered (l) in 1935 reprint.

Formerly (l),
relettered
(m) in
1935 reprint.

(m) prescribe the hours during which and the conditions on which locomotive or traction engines, jinkers, and whims may proceed over any road;

Formerly (j),
relettered
(n) in 1935
reprint.

(n) regulate the manner in which horses or other animals in teams shall be driven, yoked, or harnessed;

Formerly
(k), re-
lettered (o)
in 1935
reprint.

(o) regulate the use of roads by travelling stock;

Formerly (l),
relettered
(p) in 1935
reprint.

(p) regulate the use of trailers;

Formerly
(m), re-
lettered (q)
in 1935
reprint;
amended by
No. 39 of
1935, s. 21.

(q) require persons in charge of vehicles or animals on roads to duly secure or be in attendance on the same; and authorising unattended vehicles or animals in streets or public places to be seized and taken charge of, and for the recovery of any expense thereby incurred;

Added by
No. 39 of
1935, s. 21
as (ma),
relettered
(r) in 1935
reprint.

(r) regulate the use, management, and equipment during locomotion of the caravan type of vehicle when used or let for hire;

Formerly
(n), re-
lettered (s)
in 1935
reprint.

(s) prohibit or regulate processions on roads;

Formerly
(o), re-
lettered (t)
in 1935
reprint.

(t) define the powers and duties of inspectors with regard to traffic on roads;

Formerly
(p), re-
lettered (u)
in 1935
reprint.

(u) prohibit the use of any specified road by any vehicle, or by any person riding, driving, or in charge of any animal;

Formerly
(q), re-
lettered (v)
in 1935
reprint.

(v) prohibit the use of any specified road by any vehicle, or by any person riding, driving, or in charge of any animal, except when proceeding in a prescribed direction;

- (w) prescribe the routes to be followed by all classes of traffic, or of any particular class of traffic or vehicle, from one specified point to another, either generally or between any specified times; Formerly (r), relettered (w) in 1935 reprint.
- (x) regulate the relative position in the roadway of traffic of different speeds or types; Formerly (s), relettered (x) in 1935 reprint.
- (y) provide for the placing, erection or installation on roads or footpaths of traffic signs, lights and directions for the control and direction of traffic, both vehicular and pedestrian and including the driving of animals, for the marking on roads or footpaths of signs for the control and direction of the traffic and for the regulation and prohibition of the traffic in relation to the signs, lights and directions; Added by No. 39 of 1935, s. 21 as (aa) relettered (y) in 1935 reprint. New (y) substituted by No. 74 of 1953, s. 12.
- (z) prescribe safety regulations in connection with pillion riding; Added by No. 39 of 1935, s. 21 as (ab), relettered z in 1935 reprint.
- (za) prescribe the places where vehicles or vehicles of any particular class or description may not be turned so as to face in the opposite direction to that in which they were proceeding, or where they may only be so turned under the conditions prescribed; Formerly (t), relettered (za) in 1935 reprint.
- (zb) [*Repealed by No. 24 of 1950, s. 9.*] Formerly (u), relettered (zb) in 1935 reprint.
- (zc) prohibit the use for heavy traffic of all roads within a defined area, except certain defined roads on which by such regulation heavy traffic is permitted, and the use on any road of a vehicle the weight of which exceeds a prescribed weight; Formerly (u), relettered (zc) in 1935 reprint.

Added by
No. 39 of
1935, s. 21
as (w),
relettered
(zd) in 1935
reprint.

(zd) empower any local authority subject to its local government acts to make by-laws in respect of any area, or portion of the area, of a local authority situate outside the metropolitan area appointing stands and parking places for different classes of vehicles and regulate the use thereof, and to appoint officers to take charge thereof;

Inserted by
No. 16 of
1941, s. 10.

(ze) regulate the conveyance of petroleum spirit on roads, and, in relation thereto, prescribe conditions for protecting persons and property from risk of danger or injury likely to arise from the conveyance of petroleum spirit on roads: Provided that no regulations made under subparagraph (ze) shall apply to any vehicle which is owned by any of the persons, and used solely or mainly for any of the purposes, mentioned in subparagraphs (ii) to (iv), both inclusive, of the fourth proviso to subsection (1) of section eleven of the principal Act, in respect to the carriage of petroleum spirit in metal drums or other similar containers;

Inserted by
No. 16 of
1941, s. 10.

(zf) regulate the construction of and the classes of vehicles specially constructed for the conveyance of petroleum spirit on roads;

Inserted by
No. 16 of
1941, s. 10.

(zg) regulate the construction and fitting and use upon or in connection with motor vehicles of attachments or appliances such as gas producers, filters, coolers, gas cylinders, gas bags, and other attachments and appliances which are not normally an integral part of the motor vehicle to which they are attached;

- (zh) prescribe the maximum height for any vehicle and the maximum height of any load which may be carried in any vehicle; Inserted by
No. 16 of
1941, s. 10.
- (zi) prescribe special provisions in relation to major roads and authorise the Minister to declare and define, by notice published in the *Gazette*, major roads for the purpose of the regulations pursuant to this subsection, and to cancel or vary any such notice by subsequent notice published in the *Gazette*; Added by
No. 57 of
1951, s. 14.
- (zj) provide for the grant and issue of permits by or with the authority of the Minister, authorising the use of vehicles on any road in such circumstances and for such purposes as may be prescribed, and subject to such conditions as the Minister may impose, and may prescribe fees for such permits; Added by
No. 57 of
1951, s. 14.
- (zk) provide for the grant, issue, suspension, and cancellation of extraordinary licenses and impose, or provide for the imposition by any person or class of persons, in exercise of a discretionary authority, of conditions subject to the observance of which, authority to drive on roads pursuant to an extraordinary license may be exercised, and may prescribe fees for such licenses; Added by
No. 57 of
1951, s. 14.
[Cf. s. 24A
(4) ante.]
- (zl) prohibit or restrict the parking of vehicles or vehicles of a specified class or classes in all roads or in specified roads or specified parts of roads, at all times or at specified times; Added by
No. 35 of
1952, s. 7.
- (zm) prescribe the penalty mentioned in paragraph (xiv) of this subsection as the penalty for a breach of a regulation made under subparagraph (zl) of this paragraph; Added by
No. 35 of
1952, s. 7.

(ii) Regulate the use, management, and equipment of passenger vehicles, and for that purpose may—

Subpara.
(a) repealed
and new
subpara.
inserted by
No. 24 of
1947, s. 9.

(a) subject to the right of appeal mentioned in subsection (5) of section twenty-three of this Act, prevent any person not being of good character and of a prescribed age from becoming or remaining licensed to drive a passenger vehicle, or from acting as driver or conductor of any such vehicle;

Amended by
No. 24 of
1947, s. 9.

(b) provide for the issue (subject to sections twenty-three, twenty-five, and thirty-seven) of licenses to drivers and conductors, and prohibit any unlicensed person or (subject to the right of appeal mentioned in subsection (5) of section twenty-three of this Act) prohibit any person of bad character from acting or being employed as a driver or conductor, and prescribe the fees to be paid for such licenses;

Inserted by
No. 16 of
1941, s. 10
as (b1),
relettered
(c) in 1950
reprint.

(c) prescribe special tests in relation to any types of passenger vehicle for ascertaining the qualification of persons to drive any particular type of passenger vehicle;

Inserted by
No. 48 of
1946, s. 11
as (b2),
relettered
(d) in 1950
reprint.

(d) prescribe working hours and conditions in relation to drivers and conductors respectively employed on passenger vehicles;

Inserted by
No. 48 of
1946, s. 11
as (b3),
relettered
(e) in 1950
reprint.

(e) provide for the employment of conductors on omnibuses;

Inserted by
No. 48 of
1946, s. 11
as (b4),
relettered
(f) in 1950
reprint.

(f) regulate the queuing of intending passengers at points upon the routes of omnibuses where such omnibuses stop to take on passengers.

Provided that if any award of the State Court of Arbitration covers or deals with any of the matters set out in paragraphs (d) or (e) above, the provisions of such award shall prevail and any order or regulation made under the said paragraphs (d) or (e) which conflicts with any such award shall have no force or effect;

- (g) limit the number of passengers and the quantity of baggage and goods to be carried; Formerly subpara. (c), relettered (g) in 1950 reprint.
- (h) prescribe rules for the taking up and setting down of passengers; Formerly subpara. (d), relettered (h) in 1950 reprint.
- (i) prescribe how vehicles are to be equipped and maintained in proper order and condition; Formerly subpara. (e), relettered (i) in 1950 reprint.
- (j) provide for the disposal of articles left in such vehicles; Formerly subpara. (f), relettered (j) in 1950 reprint.
- (k) prevent smoking in or on any such vehicle; Formerly subpara. (g), relettered (k) in 1950 reprint.
- (l) prohibit the conveyance of any corpse in or on any such vehicle; Formerly (h), relettered (l) in 1950 reprint.
- (m) regulate the routes to be observed by such vehicles plying as omnibuses; and require the licensee of the vehicle to have a route endorsed on his license and prohibit the use of vehicles as omnibuses on any route other than that endorsed on the license; Formerly (i), relettered (m) in 1950 reprint.
- (n) require the carrying of inside lights after sunset; Formerly (j), relettered (n) in 1950 reprint.
- (o) require the rates of fares to be kept displayed inside such vehicles; Formerly (k), relettered (o) in 1950 reprint.
- (p) prevent what is called the nursing or shepherding of passenger vehicles by other passenger vehicles and Formerly (l), relettered (p) in 1950 reprint.

prevent one passenger vehicle being persistently driven before or after another passenger vehicle;

Formerly
(m), re-
lettered (q)
in 1950
reprint.

(q) provide for the punishment of persons hiring passenger vehicles or riding therein, and evading or attempting to evade payment of fares; and provide that any fare shall be recoverable summarily before justices either in proceedings to inflict punishment or otherwise;

Formerly (n),
relettered
(r) in 1950
reprint.

(r) prevent touting on roads or in public places for passenger vehicles;

Formerly (o),
relettered
(s) in 1950
reprint.

(s) impose an obligation on owners and drivers to convey passengers on demand;

- (iii) Fix the rates and fares which may be taken by the drivers and owners of passenger and goods vehicles;
- (iv) Regulate, subject to section seven, the use of public stands appointed for the use of any passenger or goods vehicles, and prohibit the driver of any passenger or goods vehicle loitering or standing for hire therewith in any road except on a place which may lawfully be used as a stand for that particular vehicle;
- (v) Regulate the conduct of drivers and conductors of, and persons attending any passenger or goods vehicle, and for that purpose may prohibit careless or furious driving or racing, or the demand or receipt of more than the legal fare or rate;
- (vi) Impose an obligation on the owners and drivers of any goods vehicles to carry merchandise and goods on demand;
- (vii) regulate the use of roads with a view to the prevention of undue damage thereto or obstruction thereof, and for that purpose may—

- (a) define what shall be deemed heavy traffic for the purposes of this Act;
- (b) prohibit the passage of heavy or obstructive traffic over any specified road, either generally or during certain months in the year;
- (c) prescribe the maximum weight which may be taken across any bridge or culvert;
- (d) prohibit or regulate the use on any road of any vehicle not having the nails in the wheels countersunk in such a manner as may be specified in the regulation, or having on any wheel any bars, spikes, or projections specified in the regulation;
- (e) prohibit or regulate the drawing or trailing of any sledge, timber, or heavy material on any road;
- (f) prohibit or regulate the use on any road of any vehicle with a locked wheel;
- (g) provide for the ascertainment by measurement or otherwise of the weight of any vehicle or the load carried by any vehicle on a road;
- (h) prescribe by what distance or length of axle-tree any wheel of a vehicle shall be separated from the opposite wheel;
- (i) limit the weight of loads to be carried or drawn by jinkers or whims, and prohibiting the use of jinkers and whims on any road or portion of a road either generally or during certain months in the year;
- (j) prescribe special rules for requiring the tyres of jinkers and whims to be of a special width, and to be suitably protected or covered;

Inserted by
No. 22 of
1926, s. 20 as
subpara. (m),
relettered
(k) in 1926
reprint.

- (k) regulate the maximum weight of the load that may be carried by any vehicle (inclusive of the weight of the vehicle) on roads other than such roads as are specifically prescribed in any prescribed area, and prohibiting the carriage of any such load exceeding the prescribed maximum weight;

Inserted by
No. 22 of
1926, s. 20 as
subpara. (n),
relettered
(l) in 1926
reprint.
New subpara.
substituted
by No. 74 of
1953, s. 12.

- (l) prohibit the carriage by a vehicle on any road of a load which (including the weight of the vehicle) exceeds the weight prescribed as the maximum load that may be lawfully carried on the road, notwithstanding the fact that there may have been issued a license which authorises the carrying by the vehicle of a greater load;

- (viii) Provide for the suspension and cancellation of licenses granted under any regulation;

- (ix) Prescribe the method by which the horse power, carrying power, and any other matter may be determined in regard to any particular kind of vehicle for the purposes of this Act;

- (x) Prescribe any rule that may be deemed necessary or conducive to the exercise of any of the foregoing powers, or to the exercise of any powers vested in the Governor or the Minister or any local authority;

New para.
substituted
by No. 39 of
1935, s. 21.

- (xi) Prescribe that any person who, as principal or agent, disposes of or acquires any vehicle shall give notice thereof to the local authority in the prescribed time and manner;

Inserted by
No. 22 of
1926, s. 20 as
(xb), re-
numbered
(xii) in
1926 reprint.

- (xii) Enable a license obtained by misrepresentation or fraud to be cancelled, and its return to be required or enforced;

- (xiii) Prescribe all matters which by this Act are required or permitted to be prescribed or which may be necessary or convenient to be prescribed for giving effect to this Part of this Act; Formerly (xi), re-numbered (xii) in 1926 reprint.
- (xiv) Impose a penalty not exceeding twenty pounds or imprisonment not exceeding one month with or without hard labour for the breach of any regulation; Formerly (xii), re-numbered (xiii) in 1926 reprint.
- (xv) Prescribe the fee and regulate other matters for any vehicle not otherwise provided for in this Act; Formerly (xiii), re-numbered (xiv) in 1926 reprint.
- (xvi) Regulate the driving or leading of cattle (within the meaning of that word in the Municipal Corporations Act, 1906*) on roads and the use and driving of camels, and for that purpose may— Formerly (xiv), re-numbered (xv) in 1926 reprint. Amended by No. 22 of 1926, s. 20.
- (a) limit the number of camels to be driven by one driver;
 - (b) require the annual registration of camels and the payment of an annual registration for pack camels.

(2) The mention herein of any means or method of exercising a power of regulation hereby conferred shall not be deemed to imply that, in the exercise of that power, the Governor is to be debarred from the use and employment of appropriate means and methods not specifically mentioned.

(3) Regulations under this Division may, if the Governor deems it necessary or expedient, be of a local nature and limited in their application to a particular area, and may be restricted in their operation either to any specified class or kind of vehicle, or to vehicles with the exception of any specified class or kind.

(4) The power of making regulations under this Division extends to Government roads.

* Now Municipal Corporations Act, 1906-1953: See No. 37 of 1953, s. 1 (3).

Regulations as to motor omnibuses. New section inserted as s. 41A by No. 22 of 1926, s. 21. Renumbered s. 42 in 1926 reprint, s. 47 in 1935 reprint and s. 48 in 1950 reprint. Amended by No. 20 of 1930, s. 12; No. 2 of 1931, s. 4.

48. (1) The Governor, by regulations made under this Act, may prescribe the routes within the metropolitan area, or in any other defined parts of the State, to be observed by omnibuses, and prohibit the use of omnibuses elsewhere than along a prescribed route; and may prescribe—

Para. (b) inserted by No. 20 of 1930, s. 12 as (a1), re-lettered (b) in 1935 reprint.

(a) sections and terminal points of such routes;

(b) that prescribed routes shall be classified as “continuous routes” in cases where it appears that a continuous service is necessary for the benefit of the travelling public, and as “non-continuous routes” in cases where it appears that such a continuous service is not so necessary;

Formerly (b), amended by No. 20 of 1930, s. 12, relettered (c) in 1935 reprint.

(c) that timetables, approved by the local authority, shall be framed and observed by owners and drivers of omnibuses plying for hire on prescribed routes or sections thereof; and that such timetables, in so far as they relate to continuous routes, shall make provision for one or more omnibuses running continuously on the route to which the particular timetable relates;

Formerly (c), relettered (d) in 1935 reprint.

(d) the maximum fares for prescribed routes or sections thereof to be charged for passengers carried by omnibuses;

Formerly (d), relettered (e) in 1935 reprint.

(e) the maximum number of omnibuses which may be licensed to ply for hire on any prescribed route; and

Formerly (e), relettered (f) in 1935 reprint.

(f) stopping places on such routes, and prohibit the taking up or setting down of passengers elsewhere than at a prescribed stopping place, or within a prescribed distance from the junction or intersection of prescribed roads;

Provided that before any route as aforesaid is so prescribed, the Minister—

- (i) shall take into consideration the maximum number of omnibuses proposed to be licensed for the route;
- (ii) shall confer with any local authority concerned; and
- (iii) shall satisfy himself that the condition of the roads to be included in the route is such as to be capable of carrying omnibus traffic thereon without unreasonable damage to the roads, and that there are not sufficient other facilities for the conveyance of passengers to, from, or within the district proposed to be served.

(2) The Governor may by regulations made under this Act prohibit, either absolutely or subject to prescribed conditions, the picking up and/or setting down of passengers, for or from any omnibus, at any place on any such portion of a prescribed route as coincides with or runs along or beside the route of any tramway or railway or at any place within one hundred and fifty yards from the point where a prescribed route intersects a tramway or railway or ceases to coincide with or run along or beside the route of a tramway or railway.

Inserted by No. 3 of 1931, s. 4 as subsec. (1a), renumbered (2) in 1935 reprint.

(3) The Governor may, by regulations under this Act, prohibit the use of vehicles as omnibuses within the metropolitan area, or in any other defined part of the State, unless a prescribed route is specified in or indorsed on the license for the vehicle by the local authority, and on any route other than the route so specified in or indorsed on the license.

Formerly subsec. (2), renumbered (3) in 1935 reprint.

(4) The Governor may, by regulations under this Act, prescribe—

Formerly subsec. (3), renumbered (4) in 1935 reprint.

- (a) that a passenger vehicle license for an omnibus shall be a "regular service" license or a "special service" license;

Traffic.

- (b) that a "regular service" license shall authorise the omnibus for which it is granted to ply for hire for the purpose only of maintaining a regular service upon a prescribed route to be specified in the license (including any authorised temporary deviation from such a route), except in cases where the local authority may consent in writing to such omnibus plying for hire for the purpose only of maintaining a regular service on such other prescribed route and for such period, as specified in the consent; and except where a special consent is granted by the local authority to authorise the omnibus to ply elsewhere on specified days;

- (c) that in any case where such a consent is granted, the omnibus shall not ply for hire during the period so specified on any route other than the prescribed route specified in the consent;

- (d) that a "regular service" license shall not be granted, and a consent as aforesaid under such a license shall not be granted, in respect of any prescribed route for any omnibus in excess of the number of omnibuses prescribed for that route;

- (e) that a "special service" license shall authorise the omnibus for which it is granted to ply for hire in accordance only with permits in writing to be issued from time to time by the local authority, permitting the omnibus to ply for hire to and from such places, and on such special occasions, and on such dates as are specified in the permit; and that no such permit shall be granted more than twenty-one days before the date of the special occasion for which it is granted;

- (f) that a license shall not be granted for any omnibus unless the provisions of this Act or of any regulations under this Act, so far as they apply to such omnibus, have been complied with;
- (g) that a permit under a "special service" license shall not be granted unless the local authority is satisfied that there are not other sufficient facilities for the conveyance of passengers; and
- (h) that any license, consent, or permit granted pursuant to such regulations may be granted subject to such further conditions (if any) as the local authority thinks fit.

(5) The Governor may, by regulations under this Act—

Formerly subsec. (4), renumbered (5) in 1935 reprint.

- (a) prescribe that the owner of an omnibus for which a "regular service" license is granted shall (except with the permission in writing of the local authority) maintain a regular service in accordance with the license and any relevant regulation, unless such failure is due to circumstances which could not reasonably have been avoided by him; and that if such service is not maintained, the license shall be liable to forfeiture; and
- (b) enable permission to be granted by the local authority for temporary deviations from prescribed routes, and temporary alterations of any sections or terminal points thereof or stopping places thereon.

(6) The Governor may, by regulations under this Act, prescribe—

Formerly subsec. (5), renumbered (6) in 1935 reprint.

- (a) the maximum height, length, and breadth of omnibuses and motor wagons;
- (b) the maximum weight of and the maximum load for omnibuses and motor wagons;

- (c) that tyres other than rubber tyres shall not be used on motor omnibuses, and the thickness and condition of tyres used on motor omnibuses and motor wagons;
- (d) the design and construction of omnibuses so as to secure the safety, comfort, and convenience of passengers and the public, and to minimise damage to roads;
- (e) for the maintenance and repair of omnibuses;
- (f) for the provision and regulation of efficient brakes and steering gear on motor omnibuses;
- (g) for the supply to the Minister by owners of omnibuses of such statistics as are prescribed;
- (h) the limit of speed that shall not be exceeded whether generally or in any specified locality or any specified street or road or part thereof by omnibuses; and
- (i) generally, all such matters and things as are authorised or permitted to be prescribed for carrying this Act into effect.

Formerly
subsec. (6),
renumbered
(7) in 1935
reprint.

(7) The Governor, by regulations made under this section,—

- (a) may prescribe that the holder of a passenger vehicle license for an omnibus in force at the commencement of the first regulations made under this section shall surrender such license, and may be granted in lieu thereof a passenger vehicle license to be issued in accordance with such regulations on payment of a proportional part of the additional fee prescribed by Part II of the Third Schedule to this Act; and

- (b) may impose a penalty not exceeding twenty pounds, or imprisonment not exceeding one month with or without hard labour, for the breach of any regulation.

(8) When routes within the metropolitan area or other defined part of the State have been prescribed under this section as the routes to be observed by omnibuses, and the use of vehicles as omnibuses has been prohibited unless a prescribed route is specified in or indorsed on the license for the vehicle, any owner of, or person in charge of, a vehicle who uses the vehicle or suffers or permits the vehicle to be used within the metropolitan area or other defined part of the State as an omnibus without a prescribed route being specified in or indorsed on the license, or on any route other than that specified in or indorsed on the license, or in a consent granted by the local authority under a regulation prescribed pursuant to subsection (4) of this section, or on any road within the metropolitan area or such defined part of the State as aforesaid which is not a prescribed route, shall be guilty of an offence against this Act and shall be liable on conviction to a penalty not exceeding twenty pounds, or to imprisonment with or without hard labour for not exceeding one month.

Formerly subsec. (7), renumbered (8) in 1935 reprint.

(9) This section shall apply to all vehicles used as omnibuses in the metropolitan area as prescribed by regulation or other defined part of the State as aforesaid, notwithstanding that the license for the vehicle may have been obtained in any other part of the State.

Formerly subsec. (8), renumbered (9) in 1935 reprint.

49. (1) The Governor may, by Order in Council, empower a local authority to exercise, within its district, any power of making regulations which the Governor could exercise under this Division.

Delegation of powers to local authorities. No. 60 of 1919, s. 42, renumbered s. 43 in 1926 reprint, s. 48 in 1935 reprint and s. 49 in 1950 reprint. Amended by No. 24 of 1950, s. 10.

(2) The order shall define any power conferred in the words used in the definition of such power in this Division: provided that the word "by-law" may be substituted for "regulation," and "local authority" for "Governor."

(3) Such order may, until revoked, be acted on by the local authority in the manner and subject to the conditions and restrictions (if any) therein set out.

Subsec. (4)
added by
No. 24 of
1950, s. 10.

(4) Every order made pursuant to the provisions of this section—

whether made before or after the coming into operation of the Traffic Act Amendment Act, 1950,*—

shall be deemed to empower and to have always empowered the local authority to prescribe a penalty—

not exceeding twenty pounds or imprisonment not exceeding one month, with or without hard labour—

for the breach of any regulation or by-law made by the local authority pursuant to the order—

unless the order either expressly or by implication from its context provides otherwise.

Effect of regulations and by-laws No. 60 of 1919, s. 43, renumbered s. 44 in 1926 reprint, s. 49 in 1935 reprint and s. 50 in 1950 reprint; amended by No. 22 of 1926, s. 23; No. 20 of 1930, s. 13; No. 39 of 1935, s. 28.

50. Every license or registration to be granted or effected under any regulation shall be granted or effected by the local authority as prescribed, to whom all lawful fees shall be paid, and every such license or registration shall, subject to this Act and the regulations made by the Governor, be effective throughout the State.

Substitution of vehicle for vehicle whilst under repair. New section inserted by No. 22 of 1926, s. 22 incorporated in 1926 reprint as s. 45, renumbered s. 50 in 1935 reprint; repealed and new section substituted by No. 16 of 1941, s. 11; renumbered s. 51 in 1950 reprint.

51. Any license granted in respect of an omnibus, or passenger vehicle, or goods vehicle shall, during such time or times as such omnibus or vehicle is under repair, authorise the holder of such license, with the previous consent in writing of the Commissioner of Police, or any officer acting for him, when the omnibus or passenger vehicle or goods vehicle is licensed within the metropolitan area or any outlying land, or with the previous consent in writing of the local authority in whose district the omnibus

or passenger vehicle or goods vehicle is licensed, when such omnibus or passenger vehicle or goods vehicle is not licensed within the metropolitan area or any out-lying land as aforesaid, to substitute another omnibus or vehicle for the bus or vehicle under repair, and to ply for hire therewith or otherwise use the same for profit without being required to pay a further license fee during only such period or periods as the first-mentioned omnibus or vehicle is under repair and not plying for hire or otherwise being used for profit.

52. (1) Whenever any number of persons, or any club or clubs, intimate to the local authority that they desire permission of the local authority to hold race meetings or speed tests in any particular place or locality on a day to be fixed, the holding of which will necessitate the temporary suspension of the operation of any regulations under this Act, the local authority may refuse permission, or may grant permission and by notice published in the *Government Gazette* temporarily suspend the operation of any regulations under this Act for such purpose, and may define the conditions under which such race meetings or speed tests shall be conducted.

Special regulations as to speed. No. 60 of 1919, s. 44, renumbered s. 46 in 1926 reprint, s. 51 in 1935 reprint and s. 52 in 1950 reprint; amended by No. 22 of 1926, s. 24. [S.A. 1907, No. 938, s. 26.]

(2) A person who—

Subsec. (2) added by No. 35 of 1952, s. 8.

- (a) conducts or takes part in a race meeting or speed test mentioned in subsection (1) of this section permission mentioned in that subsection not having been obtained; or
- (b) that permission having been obtained fails to observe the conditions if any so defined as those under which the race meeting or speed test shall be conducted;

commits an offence.

Penalty: Twenty pounds.

Notice of regulations. No. 60 of 1919, s. 45; renumbered s. 47 in 1926 reprint, s. 52 in 1935 reprint and s. 53 in 1950 reprint; amended by No. 22 of 1929, s. 25.

53. Local authorities shall give public notice of any regulation of the Governor made in pursuance of this Act prohibiting or restricting the use of vehicles on any road or limiting the speed of vehicles within any limits or place, and for the purpose of giving effect to any such regulation shall place notices in conspicuous places on or near the road, limits, or place to which the regulation refers.

Existing by-laws. No. 60 of 1919, s. 46; renumbered s. 48 in 1926 reprint, s. 53 in 1935 reprint and s. 54 in 1950 reprint.

54. On the commencement of this Act, all by-laws and regulations theretofore made by any local authority under any statutory provision repealed by this Act shall be deemed to be repealed but so that all licenses and registrations granted or effected thereunder shall be operative and have effect as if granted under this Act.

By-laws under this Act to prevail. No. 60 of 1919, s. 47; renumbered s. 49 in 1926 reprint, s. 54 in 1935 reprint and s. 55 in 1950 reprint.

55. When any by-law or regulation made by any local or other authority or any Minister of the Crown or other person is inconsistent with any regulation made under this Act, the latter shall prevail, and the former shall, to the extent of the inconsistency, be void.

PART V.—MISCELLANEOUS.

Liability for damage. No. 60 of 1919, s. 48; renumbered s. 50 in 1926 reprint, s. 55 in 1935 reprint and s. 56 in 1950 reprint. Amended by No. 22 of 1926, s. 26.

56. (1) The owner of a vehicle shall be liable in damages to any local authority for any extraordinary damage or injury caused or happening to any road under the control of such local authority by such vehicle in consequence of the use or passage thereof or of anything carried, drawn, or propelled thereby on or along such road.

(2) If any such damage or injury as aforesaid is caused to any bridge or culvert, the person in charge of the vehicle shall immediately place a conspicuous warning mark or sign, in accordance with the regulations, on or near such bridge or culvert, and shall forthwith send notice of the damage or injury to the town clerk or secretary of the local authority in whose district the damage or injury was done.

Penalty—Ten pounds.

57. (1) Where it appears to a local authority which is liable or authorised or has undertaken to repair any road that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by such authority in repairing such road by reason of the damage caused by heavy traffic passing along the same, or extraordinary traffic thereon, such authority may recover in any court of competent jurisdiction from any person by or in consequence of whose order such traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court, having cognisance of the case to have been incurred by such authority by reason of the damage arising from such traffic as aforesaid:

Power of road authority to recover expenses of damage caused by heavy or extraordinary traffic.
No. 60 of 1919, s. 49; renumbered s. 51 in 1926 reprint, s. 56 in 1935 reprint and s. 57 in 1950 reprint; amended by No. 22 of 1926, s. 27. [See 41 and 42 Vic. c. 77, s. 23; 61 and 62 Vic., c. 29, s. 12.]

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with such authority as is mentioned in this section for the payment to them of a composition in respect of such traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section.

(2) For the purposes of this section the Minister shall be deemed the authority which is liable or authorised or has undertaken to repair any Government road, and he may in his name of office bring an action for recovery of expenses under this section accordingly: provided that any moneys recovered by him shall be paid into the consolidated revenue fund.

(3) Proceedings for the recovery of any expenses hereunder shall be commenced within twelve months of the time when the damage has been done, or where the damage is the consequence of any particular building contract or work extending over a long period, shall be commenced not later than six months after the completion of the contract or work.

Regulation of lights affecting traffic on roads. New section inserted as s. 56A by No. 16 of 1941, s. 12; renumbered s. 58 in 1950 reprint. See No. 15 of 1939, s. 3. Interpretation.

Powers in relation to lights.

58. (1) For the purposes of this section—

“Commissioner” means the Commissioner of Police;

“light” includes any fire, lamp, light, illuminated sign, street light, or other mechanical manufactured or constructed illumination, and also the glow from any such light;

“owner” includes the owner, lessee, tenant, purchaser, hirer, or other person in possession or entitled to the possession of a light, and, in the case of a street light, means the local government authority in whose district such street light is erected or installed.

(2) Where any light is used, kept, burnt, or exhibited between the hours of sunset and sunrise at any place or in such a manner as in the opinion of the Commissioner to be likely to confuse or create circumstances or conditions likely to interfere with adversely or to cause risk of danger to the traffic of persons, animals, or vehicles on any road, the Commissioner may by notice in writing require the owner of or the person in charge of such light or the occupier of the place or premises where such light is used, kept, burnt, or exhibited within a time specified in the notice to take effectual means—

- (a) to extinguish the light; or
- (b) to remove the light entirely or to some other position; or
- (c) to modify the light or to alter its character or colour, or to screen the light to such an extent and in such manner as the Commissioner may direct; or
- (d) to refrain from using, keeping, burning, or exhibiting the light either entirely or for such period or during such hours as the Commissioner may direct; or
- (e) to do or refrain from doing such other act, matter, or thing in relation to using, keeping, burning, or exhibiting the light as the Commissioner may direct and in accordance with his directions.

(3) Any notice under subsection (2) of this section may be served, either personally or by delivery, at the place of abode of the person to be served, or by affixing it in some conspicuous place on or near the place or premises upon or in which the light to which the notice relates is used, kept, burnt, or exhibited.

(4) It shall be the duty of the owner or occupier or other person served with a notice under subsection (2) of this section to comply with such notice.

(5) Every owner, occupier, or other person on whom a notice is served under subsection (2) of this section who fails without reasonable cause (proof whereof shall lie upon him) to comply in all respects with the directions contained in the notice shall be guilty of an offence against this Act.

Penalty—One hundred pounds, and, in addition, a daily penalty of five pounds for every day or part of a day during which the directions contained in the notice are not complied with after the time specified in the notice for the compliance therewith.

(6) If any owner, occupier, or other person served with a notice under subsection (2) of this section fails in any respect to comply with the directions of such notice within the time specified in the notice for such compliance, the Commissioner or any person authorised in writing by the Commissioner may enter upon the place or premises whereon the light to which the notice relates is used, kept, burnt or exhibited, and forthwith take effectual means (but doing no unnecessary damage) to carry out and otherwise give effect to the directions contained in the notice which have not been complied with as aforesaid.

Commissioner
may cause
requisitions
of notice to
be carried
out.

(7) Any expense incurred by the Commissioner or the person authorised by the Commissioner under subsection (6) of this section shall be a debt owing to the Commissioner by the person upon whom the notice was served as aforesaid and shall be recoverable at the suit of the Commissioner in any court of competent jurisdiction.

(8) If the owner, occupier, or other person upon whom a notice under subsection (2) of this section has been served, or any other person obstructs or hinders, prevents, or interferes with or attempts to obstruct, hinder, prevent, or interfere with the Commissioner or the person authorised by the Commissioner in the exercise of the power conferred by subsection (6) of this section, he shall be guilty of an offence against this Act.

Penalty: Fifty pounds.

Civil rights.

(9) Where any owner, occupier, or other person upon whom a notice under subsection (2) of this section has been served has failed within the time specified in such notice to comply with the directions of such notice, and by reason of such non-compliance and by reason of the light to which the said notice relates confusing or creating circumstances or conditions which interfered with adversely or caused risk of danger to the traffic of persons, animals, or vehicles on a road, any person suffers injury to the person or damage to his property, the said non-compliance with the said notice shall, for the purpose of enabling the person who has suffered such injury or damage to recover compensation or damages in respect of the injury or damage suffered, be deemed to be a tort in the nature of a nuisance committed by such owner, occupier, or person aforesaid upon which an action for damages may be instituted.

Saving provision.

(10) The omission on the part of the Commissioner to give any notice under subsection (2) of this section, or the failure on the part of the Commissioner to exercise the power conferred by subsection (6) of this section shall not make the Commissioner in any respect responsible or liable for any injury to the person or damage to property suffered as the result of any light confusing or creating circumstances or conditions which interfered with adversely or caused risk of danger to the traffic of any person or vehicle on a road.

59. (1) No person shall by advertisement or public notification with the object of obtaining a passenger in a motor vehicle not licensed for the carriage of passengers make it known that he or any other person intends to make any journey in a motor vehicle.

Advertising for passengers in private vehicles prohibited. New section inserted as s. 52A by No. 39 of 1935, s. 23; renumbered s. 58 in 1935 reprint and s. 59 in 1950 reprint.

(2) No person shall—

- (a) advertise any inquiry or request for conveyance in any motor vehicle;
- (b) insert or accept for insertion in any newspaper any advertisement of the nature hereinbefore referred to,

without the approval in writing of the Commissioner of Police.

60. Subject to this Act, no person shall, without the consent of the owner or person in charge of a vehicle, drive or otherwise assume control of or use such vehicle.

Unauthorised use of vehicles. No. 60 of 1919, s. 50; renumbered s. 53 in 1926 reprint, s. 59 in 1935 reprint and s. 60 in 1950 reprint; amended by No. 22 of 1926, s. 29, No. 20 of 1930, s. 14. [See N.S.W. 1915, No. 11, s. 6.]

Penalty: One hundred pounds, or imprisonment with or without hard labour for one year.

61. Any person who unlawfully interferes with the mechanism or parts of any motor vehicle or locomotive or traction engine shall be guilty of an offence under this Act.

Unlawful interference with mechanism of motor vehicles. No. 60 of 1919, s. 51; renumbered s. 54 in 1926 reprint, s. 60 in 1935 reprint and s. 61 in 1950 reprint.

Penalty: Fifty pounds, or imprisonment with or without hard labour for three months.

62. No person shall, upon any public street or public reserve, mind, care for, or take charge of a motor vehicle other than a motor vehicle of which he is the driver, or offer his services for any such purpose: Provided that this section shall not apply to any public reserve set apart for parking under the control of any road board or municipality.

"Car watching" prohibited. New section inserted as s. 54A by No. 39 of 1935, s. 24; renumbered s. 61 in 1935 reprint and s. 62 in 1950 reprint.

Penalty: Five pounds.

Procuring use or hire of car by fraud, etc. No. 60 of 1919, s. 52; renumbered s. 55 in 1926 reprint, s. 62 in 1935 reprint and s. 63 in 1950 reprint; amended by No. 22 of 1926, s. 30. [See N.S.W. No. 11 of 1915, s. 6.]

Roads may be closed. No. 60 of 1919, s. 53; renumbered s. 56 in 1926 reprint, s. 63 in 1935 reprint and s. 64 in 1950 reprint; amended by No. 22 of 1926, s. 31.

Production of license. No. 60 of 1919, s. 54; renumbered s. 57 in 1926 reprint, s. 64 in 1935 reprint and s. 65 in 1950 reprint.

Forfeited license to be delivered up. No. 60 of 1919, s. 55; renumbered s. 58 in 1926 reprint, s. 65 in 1935 reprint and s. 66 in 1950 reprint.

Lost license. No. 60 of 1919, s. 56; renumbered s. 59 in 1926 reprint, s. 66 in 1935 reprint and s. 67 in 1950 reprint.

63. Any person who procures the use or hire of any vehicle by fraud or misrepresentation, and any person who aids or abets any such person, shall be guilty of an offence under this Act.

Penalty: Fifty pounds, or imprisonment with or without hard labour for three months.

64. (1) The Minister may, if he considers any road unsafe for public traffic, cause the same to be closed for such period as he considers necessary.

(2) A local authority for a period of one month may exercise a similar power with regard to any road under its control, but the exercise of such power shall not extend beyond such period, except with the approval in writing of the Minister.

(3) No person shall drive, take, or use any vehicle on to or on any road while such road is closed under this section.

Penalty: Twenty pounds.

65. (1) Every holder of a license shall, whenever he is charged with an offence under this Act, produce his license to the justices hearing the charge.

Penalty: Three pounds.

(2) If such person is convicted, the justices shall indorse a memorandum of the conviction on the license.

66. When any license is forfeited the licensee shall, on demand made by an inspector or licensing officer, deliver such license to him.

Penalty: Five pounds.

67. Whenever a license is lost or destroyed, a duplicate or certified copy thereof shall, on payment of the prescribed fee, be issued by the licensing authority, and shall serve and be available in lieu of the original.

68. No person shall—

- (a) whilst disqualified for obtaining any particular license apply for or obtain any such license; or
- (b) wilfully mislead any inspector, police officer, or licensing officer in any particular likely to affect the discharge of his duty under this Act; or
- (c) forge or fraudulently alter any license or any identification tablet or number plate or certificate of registration for any vehicle or animal; or
- (d) use any forged or fraudulently altered license or identification tablet or number plate or certificate of registration, or any license or identification tablet or number plate or certificate of registration to which he is not entitled; or
- (e) fraudulently permit his license or identification tablet or number plate or certificate of registration to be used by any other person; or
- (f) drive any vehicle or cause or permit any vehicle to be driven on any road whilst it has on it any forged or fraudulently altered identification tablet or number plate or certificate of registration, or any identification tablet or number plate or certificate of registration other than one issued for such vehicle; or
- (g) without lawful excuse have in his possession a license or any article resembling a license or a certificate of registration or any article resembling a certificate of registration and calculated to deceive; or
- (h) lend or allow to be used by any other person any license or any identification tablet or number plate or certificate of registration.

Offences.
 No. 60 of
 1919, s. 57;
 renumbered
 s. 60 in
 1926 reprint,
 s. 67 in 1935
 reprint and
 s. 68 in
 1950 reprint;
 amended by
 No. 20 of
 1930, s. 15.

Penalty: Twenty-five pounds.

Proof of person being unlicensed. No. 60 of 1919, s. 58; renumbered s. 61 in 1926 reprint, s. 68 in 1935 reprint and s. 69 in 1950 reprint; amended by No. 22 of 1926, s. 32.

69. In any prosecution under this Act an averment in the complaint that any person is or was the owner of a vehicle or is or was unlicensed, or that any person is or was not the holder of any particular license (either personal or in respect of any vehicle), or that the vehicle was used on a road shall be deemed to be proved in the absence of proof to the contrary.

Savings. No. 60 of 1919, s. 59; renumbered s. 62 in 1926 reprint, s. 69 in 1935 reprint and s. 70 in 1950 reprint.

70. Nothing in this Act shall take away or diminish any liability of the driver or owner of a vehicle by virtue of any other Act or at common law.

Application of Act to Crown and local authorities. No. 60 of 1919, s. 60; renumbered s. 63 in 1926 reprint, s. 70 in 1935 reprint and s. 71 in 1950 reprint; amended by No. 24 of 1947, s. 10, No. 35 of 1952, s. 9.

71. This Act applies to persons and vehicles in the public service of the Crown, or of any local authority, but does not apply to any extent to a vehicle for the personal use of the Governor nor to a person in charge of the vehicle while carrying out the Governor's personal directions; and does not apply to any other vehicle or class of vehicle or person or class of person to the extent of such exemption as may from time to time be declared by the Governor by Order in Council,* which the Governor may from time to time vary or cancel by further Order in Council, and section seventy-two of the Justices Act, 1902-1948, applies in respect of complaints of offences against this Act as if the complaints negatived exemptions under this section.

Protection of Minister, local authorities and officers. No. 60 of 1919, s. 61; renumbered s. 64 in 1926 reprint, s. 71 in 1935 reprint and 72 in 1950 reprint; amended by No. 22 of 1926, s. 33.

72. No matter or thing done by the Minister or any person acting with the authority of the Minister or by the Commissioner of Police or any local authority, inspector, or member of the police force in good faith for the purpose of executing this Act shall subject the Crown or the Minister, or any person acting with the authority of the Minister or the Commissioner of Police, local authority, inspector, or member of the police force to any liability in respect thereof.

* See Order in Council published in Gazette dated 28/8/53, p. 1599.

73. Subsection (a) of section two hundred and thirty-seven of the Municipal Corporations Act, 1906, and subsection (a) of section one hundred and forty-seven of the Roads Act, 1911, are hereby repealed.

Repeal of s. 237 of Act No. 32 of 1906, and s. 147 of Act No. 29 of 1911. No. 60 of 1919, s. 62; renumbered s. 65 in 1926 reprint, s. 72 in 1935 reprint, and s. 73 in 1950 reprint.

74. (1) The Governor may, in addition to the powers conferred by Division 4 of Part IV., make such regulations as may be necessary or convenient for carrying out or giving effect to the provisions of this Act, and by such regulations may prescribe forms for use under this Act.

Regulations. No. 60 of 1919, s. 63; renumbered s. 66 in 1926 reprint, s. 73 in 1935 reprint and s. 74 in 1950 reprint; amended by No. 57 of 1951, s. 15.

(2) Such regulations may require that the form of any license or of the certificate of registration to be issued to the owner of a licensed vehicle shall be in accordance with a form to be determined from time to time by the Minister and published in the *Gazette*.

Subsec. (2) added by No. 57 of 1951, s. 15.

Section 3.
[See also
s. 73 of this
reprint.]

FIRST SCHEDULE.

REPEALS.

Date and Number.	Short Title.	Extent of Repeal.
40 Vict., No. 5	The Cart and Carriage Licensing Act, 1876.	The whole.
No. 32 of 1906	The Municipal Corporations Act, 1906.	The following portions of Section 179, namely:—Paragraphs 6 and 30 (except subparagraphs e and x); Sub-paragraphs f, i, n, o, p, and u of paragraph 42, and the words “and carriage” in subparagraph m of paragraph 42, and subparagraph t of paragraph 42, except in so far as it relates to perambulators, and paragraph 46.
No. 29 of 1911	The Roads Act, 1911.	The following portions of Section 181, namely:—Paragraphs a, b, and c. The following portion of the 12th Schedule, namely:—Part VII (except subdivision 3 relating to porters).
		The following portions of Section 179, namely:—Paragraphs 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 52, 53 and 54.

Section 5.

SECOND SCHEDULE.

Amended by
No. 22 of
1926, s. 34.
No. 20 of
1930, s. 16.
No. 39 of
1935, s. 25,
No. 48 of
1946, s. 12;
No. 47 of
1954, s. 5.

Vehicle.	Description.
Caravan (motor propelled)—	A vehicle which is fitted or designed for habitation for any person or party in the course of a journey and which is capable of being propelled by its own power.
Caravan (trailer type)—	A vehicle which is fitted or designed for habitation for any person or party in the course of a journey, and to be drawn by another vehicle or by any tractive unit or animal power.
Carriage	Any description of vehicle with springs drawn or propelled by animal but not human power, and mainly used for the carriage of persons.
Cart	Any description of vehicle drawn or propelled by animal but not human power, and solely or mainly used for the carriage of goods, the term includes jinker and whim.
Cycle	A bicycle, tricycle, or velocipede driven or propelled by human power only.
External power vehicle	A vehicle which derives its motive power from a source external to the vehicle or from an electrical storage battery which is not connected to any source of power when the vehicle is in motion.
Hand-cart	A cart drawn or propelled by human power.

Inserted by
No. 48 of 1946,
S. 12.

Vehicle.	Description.	
Motor car	Any motor vehicle designed primarily for the carriage of persons, whether the vehicle is, or is not, provided with space for the carriage of personal luggage, including the class of motor vehicles some of which are known by the trade names, "Estate Car," "Countryman" or "Station Wagon," which class is designed primarily for the carriage of passengers in rural areas and provided with greater space for the carriage of personal luggage and other things than is provided in motor cars designed for use in urban and suburban areas, but excluding motor cycles, motor carriers, and motor omnibuses.	Amended by No. 47 of 1954 s. 5.
Motor carrier	A motor vehicle constructed for the carriage therein or thereon of passengers or goods or both passengers and goods, designed to travel on three wheels and weighing unladen not more than twenty hundredweights; the term also includes a motor cycle and sidecar weighing unladen not more than twenty hundredweights where the motor cycle and sidecar are fitted or adapted for the carriage of goods and are used for that purpose; and also includes a motorised wheel chair, being a class of chair-type vehicle fitted with a low powered motor and three or more wheels, and designed for the use of or by incapacitated or crippled persons only.	Amended by No. 47 of 1954, s. 5.
Motor cycle	Subject to the provisions of the preceding description of a "motor carrier," a motor vehicle designed to travel on two wheels and includes a sidecar attached to the vehicle.	
Motor omnibus	A motor vehicle used as an omnibus.	
Motor wagon	Any motor vehicle (not being a motor carrier or a motor cycle or a locomotive or traction engine) which is constructed for the conveyance therein or thereon of goods or merchandise or for the conveyance therein or thereon of any kind of materials used in any trade, business or industry or for use in any work whatsoever other than for the conveyance of passengers and includes a wagon driven by steam if fitted with wheels similar to those of a motor vehicle or to those of a sentinel or a similar vehicle. The term also includes any vehicle which comes within the popular conception of a motor car but which is fitted or adapted for the conveyance of any such goods, merchandise, or materials and is in fact used for that purpose where the appropriate license fee for the vehicle licensed as a motor car would be less than the appropriate fee for the same vehicle licensed as a motor wagon.	
Omnibus	A vehicle used as a passenger vehicle to carry passengers at separate fares.	
Trailer	A vehicle (including a semi-trailer) drawn by another vehicle but not including a sidecar attachment to a motor cycle or any vehicle which comes within the foregoing description of a caravan.	

Vehicle.	Description.
Semi-Trailer	A vehicle drawn by another vehicle, and which comes within the description of a trailer but which is so constructed and by partial superimposition attached to the vehicle drawing the same in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle drawing the same.
Amended by No. 47 of 1954, s. 5.	Tractor (prime mover type)—
	A motor vehicle which is a tractive unit designed for hauling a semi-trailer.
	Tractor (other than prime mover type)—
	That class of motor vehicle, which not being designed for use primarily for the carriage on roads of passengers or goods, is designed for use primarily in industry, including, without limiting the meaning of the expression, "industry," agricultural pursuits, earth moving, forestry pursuits, industrial pursuits generally, and road making, maintenance, and cleansing, and including, without limiting the generality of the description of the class of vehicle, tractors, rollers, flushers, sweepers, sprayers, excavators, elevators, graders, dozers, fork lifts, and scoops.

THIRD SCHEDULE.

PART I.*

License Fees shall be as indicated hereunder—

VEHICLE LICENSES.

	£	s.	d.
For a handcart	0	2	6
For a carriage (passengers only) per wheel	0	7	6
For a sulky, per wheel	0	7	6
For a cart, per cwt. of the weight of the vehicle and the load weight	0	1	0

The minimum fee being fifteen shillings.

Provided that if it is proved to the satisfaction of the licensing authority that the license is required for a cart owned and used only on occasions by a farmer for the carriage of produce or farming requisites to and from his own farm; or for a cart mainly used for the carriage of ore and mining requisites within the mining area; or for a cart used only in connection with the sandalwood industry; or for a cart belonging to a pastoralist or grazier and mainly used for the carriage of supplies to and from the pastoral or grazing property of the pastoralist or grazier—the fee shall be one-fourth of such prescribed fee, with a minimum fee of fifteen shillings.

* Part I. proclaimed to come into operation on 15th May, 1925. See Gazette dated 15/5/25, p. 876 and No. 37 of 1924, s. 4.

Section 10.
This
Schedule was
inserted by
s. 4 of No.
37 of 1924,
and was
amended by
s. 2 of No.
46 of 1925,
s. 35 of No.
22 of 1926,
No. 20 of
1930, ss. 17,
18, No. 3 of
1931, s. 5,
No. 39 of
1935, s. 26,
No. 16 of
1941, s. 13,
No. 48 of
1946, s. 13,
No. 24 of
1947, s. 11,
No. 35 of
1952, s. 10,
No. 47 of
1954, s. 6.

Traffic.

89

	£	s.	d.
For a cart being a jinker or whim	6	0	0
For a motor car, or motor omnibus, fitted with pneumatic tyres:—			
Up to 20 power weights (P.W.)	2	10	0
Exceeding 20 P.W. but not exceeding 25 P.W.	3	0	0
Exceeding 25 P.W. but not exceeding 30 P.W.	4	0	0
Exceeding 30 P.W. but not exceeding 35 P.W.	5	0	0
Exceeding 35 P.W. but not exceeding 40 P.W.	6	0	0
Exceeding 40 P.W. but not exceeding 45 P.W.	7	0	0
Exceeding 45 P.W. but not exceeding 50 P.W.	8	0	0
Exceeding 50 P.W. but not exceeding 55 P.W.	9	0	0
Exceeding 55 P.W. but not exceeding 60 P.W.	10	0	0
Exceeding 60 P.W. but not exceeding 70 P.W.	13	0	0
For every additional power weight	0	7	6
For a motor carrier, fitted with pneumatic tyres—			
Used for the carriage of persons only—	£	s.	d.
Where the weight of the vehicle does not exceed 10 cwt.	1	10	0
Where the weight of the vehicle exceeds 10 cwt. but does not exceed 20 cwt.	2	0	0
Not used exclusively for the carriage of persons—			
Of gross weight with load not exceeding 10 cwt.	2	10	0
Of gross weight with load exceeding 10 cwt. but not exceeding 15 cwt.	2	15	0
Of gross weight with load exceeding 15 cwt. but not exceeding 20 cwt.	3	0	0
When the weight exceeds 20 cwt., the fee payable shall be calculated as if the motor carrier were a motor car, when used for persons only, and as a motor wagon, when used otherwise than for persons only.			
For a motor cycle	1	0	0
For a motor cycle with sidecar attachment, per wheel	0	10	0
For a motor or steam wagon, using pneumatic tyres:—			
Not exceeding 25 P.L.W.	3	10	0
Exceeding 25 P.L.W. but not exceeding 30 P.L.W.	5	0	0
Exceeding 30 P.L.W. but not exceeding 40 P.L.W.	5	10	0
Exceeding 40 P.L.W. but not exceeding 50 P.L.W.	6	0	0
Exceeding 50 P.L.W. but not exceeding 60 P.L.W.	7	0	0
Exceeding 60 P.L.W. but not exceeding 70 P.L.W.	8	0	0
Exceeding 70 P.L.W. but not exceeding 80 P.L.W.	9	0	0
Exceeding 80 P.L.W. but not exceeding 90 P.L.W.	10	0	0
Exceeding 90 P.L.W. but not exceeding 100 P.L.W.	11	0	0
Exceeding 100 P.L.W. but not exceeding 110 P.L.W.	13	0	0
Exceeding 110 P.L.W. but not exceeding 120 P.L.W.	15	0	0
Exceeding 120 P.L.W. but not exceeding 130 P.L.W.	17	0	0
Exceeding 130 P.L.W. but not exceeding 140 P.L.W.	19	0	0
Exceeding 140 P.L.W. but not exceeding 150 P.L.W.	22	0	0

Traffic.

	£	s.	d.
For every additional P.L.W. up to but not exceeding 200 P.L.W.	0	7	6
For every exceeding 200 but not exceeding 300 P.L.W.	0	10	0
For every exceeding 300 P.L.W.	0	12	6
For a Caravan—			
(a) being a caravan (motor propelled) fitted with pneumatic tyres—			
Not exceeding 30 power weights	5	0	0
Exceeding 30 but not exceeding 40 power weights	5	10	0
Exceeding 40 but not exceeding 50 power weights	6	0	0
Exceeding 50 but not exceeding 60 power weights	7	0	0
Exceeding 60 but not exceeding 70 power weights	8	0	0
Exceeding 70 but not exceeding 80 power weights	9	0	0
Exceeding 80 but not exceeding 90 power weights	10	0	0
For every additional power weight exceeding 90 power weights	0	5	0
(b) being a caravan (trailer type) fitted with pneumatic tyres—			
Not exceeding 10 cwts. in weight	1	0	0
Exceeding 10 cwts. but not exceeding 20 cwts. in weight	2	0	0
Exceeding 20 cwts. but not exceeding 30 cwts. in weight	3	0	0
Exceeding 30 cwts. but not exceeding 40 cwts. in weight	4	0	0
Exceeding 40 cwts. but not exceeding 50 cwts. in weight	5	0	0
For every additional cwt. exceeding 50 cwts. in weight	0	5	0
For a tractor (prime mover type) fitted with pneumatic tyres:—			
Up to 40 power weights (P.W.), £0 4s. 0d. per power weight.			
Exceeding 40 P.W. but not exceeding 50 P.W., £0 4s. 6d. per p.w.			
Exceeding 50 P.W. but not exceeding 60 P.W., £0 5s. 0d. per p.w.			
Exceeding 60 P.W. but not exceeding 70 P.W., £0 5s. 6d. per p.w.			
Exceeding 70 P.W., for every additional power weight, £0 6s. 0d. per p.w.			
For a Tractor (other than a prime mover type) fitted with pneumatic tyres—			
Not exceeding 10 cwts. in weight	2	0	0
Exceeding 10 cwts. but not exceeding 20 cwts. in weight	4	0	0
Exceeding 20 cwts. but not exceeding 30 cwts. in weight	6	0	0
Exceeding 30 cwts. but not exceeding 40 cwts. in weight	8	0	0
Exceeding 40 cwts. but not exceeding 50 cwts. in weight	10	0	0
Exceeding 50 cwts. but not exceeding 60 cwts. in weight	12	0	0
Exceeding 60 cwts. but not exceeding 70 cwts. in weight	14	0	0

	£	s.	d.
Exceeding 70 cwts. but not exceeding 80 cwts. in weight	16	0	0
Exceeding 80 cwts. but not exceeding 90 cwts. in weight	18	0	0
Exceeding 90 cwts. but not exceeding 100 cwts. in weight	20	0	0
Exceeding 100 cwts. but not exceeding 110 cwts. in weight	22	0	0
Exceeding 110 cwts. but not exceeding 120 cwts. in weight	24	0	0
Exceeding 120 cwts. but not exceeding 130 cwts. in weight	26	0	0
Exceeding 130 cwts. but not exceeding 140 cwts. in weight	28	0	0
Exceeding 140 cwts. but not exceeding 150 cwts. in weight	30	0	0
Exceeding 150 cwts. but not exceeding 160 cwts. in weight	32	0	0
Exceeding 160 cwts. but not exceeding 170 cwts. in weight	34	0	0
Exceeding 170 cwts. but not exceeding 180 cwts. in weight	36	0	0
Exceeding 180 cwts. but not exceeding 190 cwts. in weight	38	0	0
Exceeding 190 cwts. but not exceeding 200 cwts. in weight	40	0	0
Exceeding 200 cwts. but not exceeding 210 cwts. in weight	42	0	0
Exceeding 210 cwts. but not exceeding 220 cwts. in weight	44	0	0
Exceeding 220 cwts. but not exceeding 230 cwts. in weight	46	0	0
Exceeding 230 cwts. but not exceeding 240 cwts. in weight	48	0	0
Exceeding 240 cwts. in weight	50	0	0

For a trailer or semi-trailer (including a semi-trailer type of omnibus):—

Up to 10 cwt. including the weight of the trailer or semi-trailer plus declared maximum load	1	0	0
Exceeding 10 cwt. but not exceeding 1 ton 5 cwt.	2	0	0
Exceeding 1 ton 5 cwt. but not exceeding 1 ton 10 cwt.	4	0	0
Exceeding 1 ton 10 cwt. but not exceeding 2 tons	6	0	0
Exceeding 2 tons but not exceeding 3 tons	9	10	0
Exceeding 3 tons but not exceeding 4 tons	13	10	0
Exceeding 4 tons but not exceeding 5 tons	18	0	0
Exceeding 5 tons but not exceeding 6 tons	23	0	0
Exceeding 6 tons but not exceeding 7 tons	28	10	0
Exceeding 7 tons but not exceeding 8 tons	34	10	0
Exceeding 8 tons but not exceeding 9 tons	41	0	0
Exceeding 9 tons but not exceeding 10 tons	48	0	0
For every additional ton	4	0	0

Provided that only one half of the prescribed fee shall be payable for a trailer or semi-trailer which is used or intended to be used exclusively on roads outside the South-West Land Division of the State.

All motor vehicles and all wagons or engines, and all trailers or semi-trailers using approved cushion tyres (neither solid nor pneumatic) to be charged an additional 10 per cent.

Traffic.

As from and including the first day of January, 1931, all motor vehicles (other than motor omnibuses) and all wagons or engines and all trailers or semi-trailers fitted with solid rubber tyres, to be charged an additional 40 per cent. of the above fees.

As from and including the first day of January, 1931, all motor vehicles (other than motor omnibuses) and all wagons or engines and all trailers or semi-trailers fitted with metal tyres, to be charged an additional 80 per cent. of the above fees.

PASSENGER VEHICLE AND CARRIERS' LICENSES.

	£	s.	d.
Fee for a passenger vehicle license, per wheel or per pair of dual wheels	0	10	0
Fee for a carrier's license, per wheel or per pair of dual wheels	0	10	0

Provided that if the owner of several vehicles for which carriers' licenses have been obtained, proves to the satisfaction of the licensing authority that the number of drivers employed (including himself if a driver) was at no time during the currency of such licenses equal to the number of such licensed vehicles, the licensing authority shall allow a rebate of the fees paid for any licenses in excess of the drivers employed.

For the purposes of this Schedule "load" means the greatest load which is within the limits of the vehicle's capacity, as ascertained according to the prescribed method.

All the above fees are payable annually.

TRANSFERS.

The following fees are payable on transfers of licenses:—

Transfer of license of—	s.	d.
Motor car, motor carrier, motor waggon, tractor, whether a prime mover type or other than a prime mover type	10	0
Motor cycle, trailer, semi-trailer, carriage or cart	5	0
Hand cart	2	6
Transfer of passenger vehicle or carrier's license	5	0

PART II.

In the case of a motor omnibus for which a passenger vehicle license is granted or held, the following additional license fees shall be payable, namely:—

- (1) If a motor omnibus is used within the metropolitan area as prescribed under section fourteen, and within two miles of the Town Hall, Perth, or the Town Hall, Fremantle, the additional fee shall be—
 - (a) if the motor omnibus is fitted with tyres other than pneumatic tyres, a fee calculated at the rate of £4 for each passenger the motor omnibus is licensed to carry;
 - (b) if the motor omnibus is fitted with no tyres other than pneumatic tyres, a fee calculated at the rate of £3 for each passenger the motor omnibus is licensed to carry;

when the omnibus is used on a continuous route, and one-half of the said rates respectively when the omnibus is used on a non-continuous route

- (2) If the motor omnibus is used within the metropolitan area, but not within two miles of the Town Hall of Perth, or the Town Hall of Fremantle, the additional fee shall be a fee calculated at the rate of two-thirds of the respective fees above-mentioned, according to whether the motor omnibus is, or is not, fitted with any tyres other than pneumatic tyres.
- (3) If a motor omnibus is used in a prescribed route outside the metropolitan area, prescribed as aforesaid, an additional fee of £1 10s. shall be payable for each passenger the omnibus is licensed to carry.

Such additional license fees shall be apportioned so that, if and according as the license is granted in the financial year on or after the first day of the fourth month but before the first day of the seventh month, or on or after the first day of the seventh month but before the first day of the tenth month, or on or after the first day of the tenth month, the licensee shall be required to pay only three-quarters, or one-half, or one-quarter, as the case may be, of the prescribed additional fee.

The amount of the additional license fees provided for by clauses (1) and (2) shall be a debt due to the Minister and payable for him to the Commissioner of Police, and the additional license fee provided for by clause (3) shall be a debt due to the local authority in whose district the prescribed route is situate; and such fees shall be recoverable by the Minister or the local authority, as the case may be, by action in any court of competent jurisdiction.

This part shall apply notwithstanding that the passenger vehicle license for the motor omnibus is a "regular service license"; but in the case of a motor omnibus for which a passenger vehicle license is granted as a "special service" license, such fee for the license and for every permit issued thereunder shall be payable as prescribed by regulations made under this Act.

PART III.

RULES FOR ASCERTAINING POWER WEIGHT AND POWER LOAD WEIGHT FOR THE PURPOSES OF THIS SCHEDULE.

1. The Power Weight (P.W.) of a motor vehicle is ascertained by adding the weight expressed in hundredweights (cwt.) of the car complete and ready for use (including the tools, oil, spare parts, tyres and other accessories usually carried) to the horse-power calculated on the Dendy Marshall formula.

Amended by
No. 39 of
1935, s. 28;
No. 16 of
1941, s. 13;
No. 48 of 1946.
S. 13.

Provided that—

- (i) in the case of a vehicle in which the fuel normally used to generate the motive power is petroleum spirit only, but to which an appliance is fitted, or a trailer or other vehicle is attached carrying an appliance, which enables some fuel other than petroleum spirit to be used for generating the motive power of such vehicle, the weight of such appliance or the weight with such appliance of such trailer or other vehicle aforesaid shall not be taken into account when ascertaining the weight of such first-mentioned vehicle for the purpose of assessing the power weight thereof.
- (ii) This proviso shall have effect and be deemed to have had effect as from and including the first day of January, one thousand nine hundred and forty-two.

2. The Power Load Weight of a motor wagon is ascertained by adding to the Power Weight of the vehicle the carrying capacity (expressed in hundredweights) as verified by statutory declaration when application is made for the license.

3. The horse-power (H.P.) of a motor vehicle is ascertained according to the Dendy Marshall formula by multiplying the square of the diameter of the cylinders (expressed in inches) by the number of cylinders, and the length of stroke (expressed in inches) and dividing the result by 12.

The formula is as follows:—

d = diameter of a cylinder in inches.

n = number of cylinders.

s = length of stroke in inches.

$$\text{H.P.} = \frac{d^2 \times n \times s}{12}$$

$$\text{Or H.P.} = \frac{d^2 \times n \times s}{200000} \text{ when } d \text{ and } s \text{ are taken in millimetres.}$$

4. If in any case the result obtained by applying the above rules contains a fraction, then the result shall be taken to be the next higher integral figure.

The horse-power of any mechanically propelled vehicle deriving its power wholly from a steam-engine shall be taken to be proportional to the effective heating surface of the boiler supplying steam to such engine, at the rate of one horse-power for every three square feet in such effective heating surface, and the effective heating surface shall be taken to be—

- (a) in the case of a boiler having horizontal or approximately horizontal tubes, the whole of that surface of the tubes which is exposed to the flame or hot gases;
- (b) in the case of a boiler having vertical or approximately vertical tubes, half of that surface of the tubes which is exposed to the flame or hot gases.

5. The horsepower (H.P.) of an electrically propelled vehicle shall be ascertained by the following formula, that is to say—The product of the volts and amperes (divided by 1,000) taken by the motor when full battery voltage is applied to the motor and such motor is running at a speed of 1,000 revolutions per minute shall be taken as the horsepower of the vehicle.

FOURTH SCHEDULE.

Scale of weights referred to in section forty-one of the Act regulating maximum load (including the weight of a vehicle) to be carried according to width of tyre on any one wheel of a vehicle.

FIRST PART.

Maximum weight per inch width of tyre of solid rubber tyres or cushion tyres.

Width of tyre.	Weight in hundredweights per inch width of tyre.
For tyres under 3½ inches	3¼
For tyres not less than 3½ inches but under 4 inches	3¾
For tyres not less than 4 inches but under 5 inches	4½
For tyres not less than 5 inches but under 6 inches	5¼

SECOND PART.

Maximum weight per inch width of tyre on steel or iron tyres.

Vehicle.	Width of Tyre.	Weight per inch, in hundred- weights.	Load.		
wheels.			tons.	cwt.	qrs.
2	For Tyres of $1\frac{1}{2}$ inches	4	0	12	0
4	" " $1\frac{1}{2}$ "	$4\frac{1}{2}$	1	5	2
2	" " $1\frac{3}{4}$ "	$4\frac{1}{2}$	0	15	3
4	" " $1\frac{3}{4}$ "	$4\frac{3}{4}$	1	13	1
2	" " 2 "	5	1	0	0
4	" " 2 "	$5\frac{1}{2}$	2	2	0
2	" " $2\frac{1}{2}$ "	$5\frac{1}{2}$	1	7	2
4	" " $2\frac{1}{2}$ "	$5\frac{3}{4}$	2	17	2
2	" " 3 "	6	1	16	0
4	" " 3 "	$6\frac{1}{2}$	3	15	0
2	" " $3\frac{1}{2}$ "	$6\frac{1}{2}$	2	5	2
4	" " $3\frac{1}{2}$ "	$6\frac{3}{4}$	4	14	2
2	" " 4 "	7	2	16	0
4	" " 4 "	$7\frac{1}{4}$	5	16	0
2	" " $4\frac{1}{2}$ "	$7\frac{1}{2}$	3	7	2
4	" " $4\frac{1}{2}$ "	$7\frac{3}{4}$	6	19	2
2	" " 5 "	8	4	0	0
4	" " 5 "	$8\frac{1}{2}$	8	5	0
2	" " $5\frac{1}{2}$ "	$8\frac{1}{2}$	4	13	2
4	" " $5\frac{1}{2}$ "	$8\frac{3}{4}$	9	12	2

The width of bearing surface as defined by section 4 of the Act is for tyres as originally made, and does not permit of any extra weight by increased width owing to any spread of tyre occasioned by wear or otherwise.

[*Fifth Schedule omitted pursuant to No. 39 of 1935, s. 28*].