



ANNO DECIMO NONO

# GEORGI V REGIS.

## A.D. 1928.

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### No. 1884.

An Act to repeal the Motor Transport Control Act, 1927, to provide for the Licensing of certain motor vehicles, and for purposes incidental thereto.

*[Assented to, November 7th, 1928.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

1. This Act may be cited as the " Motor Vehicles (Special Licences) Act, 1928." Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. In this Act, unless the context otherwise requires— Definitions.

"Carry" includes haul :

"Commercial motor vehicle" means any motor vehicle adapted wholly or mainly for the carriage of goods and every tractor :

"Goods" includes goods, wares, and merchandise of all kinds, including livestock :

"Hundred" means any land proclaimed as a hundred pursuant to section 5 of the Crown Lands Act, 1915, or pursuant to any other enactment whether prior or subsequent to the said Act :

"Motor Vehicle" includes any vehicle propelled wholly or partly by volatile spirit, oil, steam, electricity, or by means other than animal power, but does not include any vehicle run on a railway or tramway. The term includes any motor bicycle with a side-car attached (though not a motor bicycle without a side-car) and any trailer or semi-trailer at any time attached to and drawn by a motor vehicle :

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“Owner” when used with reference to a motor vehicle means the person, or each of the persons (if more than one) entitled for the time being to the use and possession of the motor vehicle whether as the owner or one of the owners, or as the hirer or one of the hirers thereof: the term “to own” has a corresponding meaning:

“Passenger motor vehicle” means any motor vehicle wholly or mainly adapted for the carriage of passengers:

“Registrar of Motor Vehicles” means the Registrar of Motor Vehicles holding office for the time being under the Motor Vehicles Act, 1921:

“Semi-trailer” means any vehicle without motive power and adapted for being drawn by a motor vehicle, and so designed and so used in conjunction with a motor vehicle that some part of its weight and of the weight of its load rests upon or is carried by that motor vehicle:

“Trailer” means any vehicle without motive power and adapted for being drawn by a motor vehicle and designed for carrying goods wholly on its own structure.

Repeal of Motor  
Transport Control  
Act.  
Administration.

4. The Motor Transport Control Act, 1927, is repealed.

5. (1) This Act shall, subject to the control and direction of the Treasurer, be administered by the Registrar of Motor Vehicles.

(2) The Registrar may, with the consent of the Treasurer, for the purpose of transacting any business under this or any other Act relating to motor vehicles, open a branch office at any place in the State.

Inspectors and their  
powers.

6. (1) The Governor may appoint fit and proper persons to be inspectors for the purposes of enforcing this Act. Every person so appointed shall be appointed under and subject to the Public Service Act, 1916.

(2) Every inspector so appointed shall for the purposes of enforcing this Act have all the powers of a member of the Police Force.

(3) Any inspector may—

(a) examine or stop and examine any motor vehicle and the machinery thereof for the purpose of ascertaining whether that motor vehicle is the vehicle referred to in any licence which has been issued under this Act, and for any other purposes of this Act:

(b) enter any premises at any time for the purpose of making such an examination.

(4) If any person—

(a) in any way obstructs or interferes with any inspector in the exercise of any of the powers conferred on him by this section or prevents him from exercising any of those powers; or

(b) fails

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- (b) fails or neglects or refuses to comply with any reasonable requirement or direction given by an inspector for the purpose of the exercise of the said powers,

he shall be guilty of an offence against this Act punishable summarily, and shall be liable to a penalty not exceeding Twenty Pounds.

7. (1) After the expiration of one month from the commencement of this Act, no person shall drive on any road or street within any hundred and not being a road or street on Kangaroo Island—

*Duty to obtain licences in certain cases.*

- (a) any commercial motor vehicle for the purpose of carrying goods unless a private freight licence or a carrier's freight licence has been obtained for that vehicle, and that licence is for the time being in force :
- (b) any commercial motor vehicle owned by a person whose sole or principal business is that of a carrier of goods, for the purpose of carrying goods for hire or reward unless a carrier's freight licence has been obtained for that vehicle, and that licence is for the time being in force :
- (c) any passenger motor vehicle for the purpose of carrying passengers for hire or reward unless a passenger licence has been obtained for that vehicle, and that licence is for the time being in force.

(2) Where a motor vehicle is a trailer or semi-trailer it shall be deemed to be driven by any person who drives the motor vehicle to which the trailer or semi-trailer is attached.

(3) A motor vehicle for which a passenger licence under this section has been obtained may during the currency of that licence be driven and used as a commercial motor vehicle without any other licence, and a commercial motor vehicle for which a carrier's freight licence has been obtained may during the currency of that licence be driven and used as a passenger motor vehicle without any other licence.

8. Any licence under this Act may be obtained on application made to the Registrar of Motor Vehicles in the manner prescribed by regulation and on payment of the proper fee in accordance with the Schedule.

*Mode of obtaining licences.*

9. (1) A licence under this Act may be obtained for the period ending on the thirty-first day of March next after the issue thereof, or for the period ending on the thirtieth day of September next after the issue thereof.

*Duration of licence.*

(2) A licence shall remain of full force and effect for the period for which it is issued notwithstanding any change of ownership in the motor vehicle for which it is issued.

10. If

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Refund of fees in certain cases.

**10.** If the Registrar of Motor Vehicles is satisfied that any motor vehicle has been destroyed or become permanently unfit for use as a motor vehicle and at the time of destruction or becoming unfit as aforesaid a licence for such motor vehicle was in force the Registrar may on application made for the purpose refund to the owner of the motor vehicle a part of the licence fee paid in respect thereof proportionate to the number of months for which the licence had still to run at the time aforesaid.

Issue of and duty to carry licence cards.

**11.** (1) The Registrar shall issue to every person who obtains any licence under this Act a licence card having printed or written thereon the nature of the licence, particulars of the motor vehicle licensed, the duration of the licence, and any other matters which the Registrar thinks proper to insert.

(2) Every licence card shall be carried in a holder affixed on the near side of the motor vehicle for which the licence is issued in such a position as to be easily legible from the said near side. The licence holder shall be made of some waterproof material and shall have a front of clear glass or some other transparent material.

(3) Any person who drives on any road or street any motor vehicle licensed under this Act which does not carry the licence card referred to in this section or which carries the said licence card otherwise than in conformity with all the requirements of this section shall be guilty of an offence punishable summarily.

Penalty—For a first offence, not exceeding Ten Pounds; for a second or any subsequent offence, not exceeding Fifty Pounds.

(4) If any motor vehicle is shown not to have carried at any time a licence card issued in respect of that vehicle and for the time being in force, that fact shall be *prima facie* evidence that the said vehicle was not licensed at that time.

Offences.

**12.** (1) Any person who drives any motor vehicle in contravention of section 7 shall be guilty of an offence punishable summarily.

Penalty—For a first offence, not exceeding Twenty Pounds; for any subsequent offence, not exceeding Fifty Pounds.

(2) Where the person contravening section 7 is not the owner of the motor vehicle in respect of which the contravention occurs, the said owner shall be guilty of an offence, and shall be subject to the same penalties as are provided in subsection (1) of this section.

In addition to imposing a penalty on the owner, the Court may summarily order him to pay to the Registrar of Motor Vehicles the amount payable under this Act for a licence for the motor vehicle in respect of which the offence was committed for the period commencing on the day of the offence and ending on the next succeeding thirtieth day of September.

Evidentiary provisions.

**13.** (1) In any proceedings for an offence against this Act—

- (a) the allegation in the complaint that any road or street is within any hundred shall be *prima facie* evidence of that fact : (b) the

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- (b) the allegation in the complaint that a vehicle was at any time mentioned in the complaint a commercial motor vehicle or a passenger motor vehicle shall be *prima facie* evidence of that fact :
- (c) the allegation in the complaint that any person therein mentioned was at any time therein mentioned the owner of any motor vehicle therein mentioned shall be *prima facie* evidence of that fact :
- (d) the allegation in the complaint that any person therein mentioned was a person whose sole or principal business was at any time mentioned in the complaint that of a carrier of goods shall be *prima facie* evidence of that fact :
- (e) a document purporting to be a certificate under the hand of the Registrar or Deputy Registrar of Motor Vehicles, stating that a licence for any motor vehicle therein described or referred to was or was not in force under this Act at the time mentioned in the certificate shall be *prima facie* evidence of the fact certified :
- (f) if it is shown that any passengers or goods were carried on any motor vehicle those passengers or goods shall be deemed to have been carried for hire or reward unless the defendant satisfies the Court to the contrary.

(2) The Court may take judicial notice of the fact that any road or street is not on Kangaroo Island.

14. The licence fees payable under this Act are in addition to any fees or taxes payable under any other Act.

Saving of other provisions relating to tax.

15. The power-weight of any motor vehicle ascertained for the purposes of the Motor Vehicles Tax Acts, 1915 to 1927, shall be deemed to be the power-weight of the said vehicle for the purposes of this Act.

Mode of determining power-weight of vehicles.

16. The Governor may make all such regulations as are necessary or convenient for carrying this Act into effect, and may by any regulation impose a penalty not exceeding Ten Pounds for breach of any regulation.

Regulations.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Deputy Governor.

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## THE SCHEDULE.

## MODE OF COMPUTING LICENCE FEES UNDER THIS ACT.

Licence fees under this Act shall be computed in accordance with the following rules :—

1. The power-weight (indicated in this Schedule by the letters P.W.) of a motor vehicle shall be ascertained by adding the weight in hundredweights of the vehicle to the horsepower calculated in the manner laid down in the Motor Vehicles Tax Act, 1915.
2. If the actual number of hundredweights which any vehicle weighs, or the number of horsepower of any vehicle, is not a whole number, the number of hundredweights or the horsepower shall be calculated to the nearest whole number.
3. The fees set out in this Schedule are for a full period of twelve months. If any licence is required for part only of a year as allowed by this Act, a proportionate part only of the fee shall be payable, calculated according to the number of months for which the licence is required, including the whole of the month in which the licence is applied for.
4. The fee for a carrier's freight licence for a commercial motor vehicle shall be as follows :—

	£	s.	d.
A. Where the said motor vehicle is a motor cycle and side-car . . .	5	0	0
B. Where the said motor vehicle is a trailer or semi-trailer . . . .	10	0	0
C. For any other commercial motor vehicle the fee for a carrier's freight licence shall be based upon the power-weight as follows :—			

If the vehicle does not exceed 25 P.W. the fee shall be . . . 8 0 0

If the vehicle exceeds 25 P.W. the fee shall be £8 plus 5s. for every P.W. in excess of 25 P.W.

If the commercial motor vehicle has all or any of its wheels fitted with rubber tyres other than pneumatic tyres the fee for a carrier's freight licence shall be at such one of the above rates as is applicable plus 50 per cent. thereof.

If the commercial motor vehicle has all or any of its wheels fitted with metal tyres the fee for a carrier's freight licence shall be at such one of the above rates as is applicable plus 100 per cent. thereof.

5. The fee for a private freight licence for a commercial motor vehicle shall, subject to the other provisions of the Schedule, be 75 per cent. of the fee for a carrier's freight licence for a vehicle of the same power-weight and type of tyres : Provided that if the Registrar of Motor Vehicles is satisfied by statutory declaration or such other evidence as he requires—
  - (a) that any commercial motor vehicle is owned by a primary producer ;
  - (b) that such motor vehicle will not be used on roads or streets except for transporting goods the produce of the land of such primary producer or goods necessary for working such land,

the Registrar shall issue a private freight licence for that motor vehicle without any charge.

If any motor vehicle for which a private freight licence is issued without charge, as mentioned in this paragraph, is used otherwise than for the purposes mentioned in sub-paragraph (b) of this paragraph, that licence shall as from the time when the said vehicle is first so used be and remain void.

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6. The fee for a passenger licence shall be the same as that for a carrier's freight licence for a motor vehicle of the same power-weight and type of tyre.
7. (1) If the Registrar is satisfied that any passenger motor vehicle for which a passenger licence is applied for has seating capacity for not more than eight persons, and will be used solely on roads and streets within the Metropolitan Area, or within any proclaimed country municipality, and solely for plying for hire for the purpose of carrying passengers in consideration of a lump sum paid for the use of the vehicle and not at separate and distinct fares for each passenger, the fee for a passenger licence for that vehicle shall be 25 per cent. of the amount which would otherwise be payable under this Schedule.

In this sub-paragraph "Metropolitan Area" means—

- (a) the Municipalities of Adelaide, Brighton, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Port Adelaide, St. Peters, Thebarton, and Unley ;
- (b) the District Council Districts of Burnside, Campbelltown, Marion, Mitcham, Payneham, Prospect, Walkerville, West Torrens, Woodville, Yatala North, and Yatala South ; and
- (c) the Garden Suburb.

"Proclaimed country municipality" means any municipality outside the Metropolitan Area proclaimed under this sub-paragraph together with any area or areas contiguous to such Municipality and mentioned in the proclamation.

If any motor vehicle for which a licence is issued under this sub-paragraph at the reduced fee is used otherwise than for the purposes mentioned in this sub-paragraph, that licence shall as from the time when the said vehicle is first so used be and remain void.

- (2) If the Registrar is satisfied that any motor vehicle for which a carrier's freight licence is applied for is owned by a person who has entered into one or more contracts with any person, firm, or company or with the Commonwealth or any person on behalf of the Commonwealth Government, for the carriage of mails, and that the said motor vehicle will be used solely for the purpose of carrying mails in accordance with the said contract or contracts, the Registrar may issue a carrier's freight licence for that motor vehicle for any period not extending beyond the term of the said contract without payment of any fee. If any motor vehicle for which a licence is issued without fee as mentioned in this sub-paragraph is used otherwise than for the purposes mentioned in this sub-paragraph, that licence shall as from the time when the said vehicle is first so used be and remain void.
- (3) If the Registrar of Motor Vehicles and the Minister are satisfied that any passenger motor vehicle being a motor omnibus will be used solely on roads or streets within a proclaimed country municipality under sub-paragraph (1) and solely for the purpose of carrying passengers for hire or reward, the fee for a passenger licence for that vehicle shall be 25 per cent. of the amount which would otherwise be payable under this Schedule.

If any motor vehicle for which a licence is issued under this sub-paragraph at the reduced fee is used otherwise than as mentioned in this sub-paragraph, that licence shall as from the time when the said vehicle is first so used be and remain void.

8. If the Registrar is satisfied that any motor vehicle for which any licence is applied for will be used on roads or streets solely within an area on Eyre's Peninsula, approved by the Minister as a partially exempt area under this paragraph, the Registrar may issue the licence applied for on payment of a fee of 50 per cent. of the amount which would otherwise be payable under this Schedule. If any motor vehicle for which a licence is issued at the reduced fee mentioned in this paragraph is used elsewhere than in an area approved under this paragraph, that licence shall as from the time when the said vehicle is first so used, be and remain void.
9. If

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9. If any motor vehicle for which any licence is required has been proclaimed as a commercial motor vehicle of British origin pursuant to section 4 of the Motor Vehicles Tax Act, 1927, and the said proclamation is for the time being still in force as regards that motor vehicle, the licence fee shall be of the amount which would otherwise be payable under this Schedule less 10 per cent. thereof.
10. In this Schedule—
- “Primary producer” means any person engaged in agricultural, horticultural, viticultural, pastoral, or other like pursuits :
  - “Weight” means the weight of the vehicle without passengers or load, but including the oil, petrol, buffers, accessories, and tools usually carried.