

THE SECOND SCHEDULE—*continued.*

Department.	1961-62.	Reserved by Law.	Voted.
<i>Brought forward</i>	£ 20,983,574	£ 11,038,003	£ 9,945,571
VIII.—MINISTER FOR MINES. Mines	167,798	.....	167,798
IX.—MINISTER FOR AGRICULTURE. Agriculture	900,440	.....	900,440
Miscellaneous—Minister for Ag- riculture	302,514	20,344	282,170
X.—MINISTER FOR HEALTH. Health Services	3,797,910	.....	3,797,910
Miscellaneous — Minister for Health	122,010	.....	122,010
XI.—MINISTER FOR HOUSING. Housing	61,976	.....	61,976
XII.—MINISTER FOR TRANSPORT. Police	1,076,870	.....	1,076,870
XIII.—MINISTER FOR AGRICULTURE. Tourist and Immigration	228,470	.....	228,470
XIV.—MINISTER FOR HOUSING. Forestry	542,990	537,490	5,500
XV.—MINISTER FOR TRANSPORT. Miscellaneous — Minister for Transport	1,744,104	1,369,454	374,650
	£29,928,656	£12,965,291	£16,963,365

MOTOR VEHICLES TAX.

No. 26 of 1961.

AN ACT to amend the *Motor Vehicles Tax Act 1917.*

[31 October 1961.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Motor Vehicles Tax Act 1961.* Short title and citation.

(2) The *Motor Vehicles Tax Act 1917*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section three of the Principal Act is repealed and the following section substituted therefor:—

“ 3 In this Act, unless the contrary intention appears—

Interpre-
tation.

‘ lorry ’ means—

(a) a motor vehicle that is constructed mainly for the carriage of goods; or

(b) a motor vehicle (not being a motor vehicle that is constructed mainly for the carriage of passengers) that is constructed or equipped for the towing of a trailer,

and includes a utility truck;

‘ motor vehicle ’ includes a trailer;

‘ Registrar ’ means a registering authority within the meaning of the Principal Act;

‘ registration ’, when used in relation to a motor vehicle, means the registration or the renewal of the registration of that motor vehicle under the Principal Act;

‘ weight ’, when used in relation to a vehicle, means the weight of that vehicle, including the oil, fuel, buffers, spare wheels or rims, tools, and other accessories with which the vehicle is supplied or equipped or which are usually carried therein or thereon, but not including any passengers or load.”.

3 Section four of the Principal Act is amended—

Motor vehicles
tax.

(a) by omitting from subsection (1) the words “(as defined by the Principal Act)”;

(b) by omitting from subsection (2) the words “, except as provided by section five,”;

(c) by omitting from that subsection the words “on or before such registration being” and substituting therefor the words “before or at the time at which any registration of the motor vehicle is”;

(d) by inserting in subsection (3), after the word “When” (first occurring), the words “, otherwise than by virtue of the coming into operation of any enactment,”;

(e) by omitting from that subsection the words “or re-registration” (twice occurring);

(f) by omitting from that subsection the words “and the motor regulations”;

(g) by omitting from subsection (5) the word “Commission” (twice occurring) and substituting therefor, in each case, the word “Registrar”.

4 Section six of the Principal Act is repealed.

Vehicles
registered
outside the
State.

5 Section seven of the Principal Act is amended by omitting the words “by the motor regulations”.

Persons by
and to whom
tax to be paid.

6 Sections eight and nine of the Principal Act are repealed and the following sections are substituted therefor:—

Offences.

“8—(1) No person shall, in a declaration made by him for the purposes of this Act, make a statement which to his knowledge is untrue in any particular.

Penalty: One hundred pounds.

“(2) No person shall—

- (a) use a motor vehicle equipped with a tyre other than a pneumatic tyre;
- (b) use a motor vehicle the weight of which exceeds that set out in the application last made for the registration of that vehicle; or
- (c) use a motor vehicle that is a lorry,

unless the tax due under this Act in respect of that vehicle has been paid.

Penalty: One hundred pounds.

Rebates from motor vehicles tax.

“9—(1) Where the Registrar is satisfied by statutory declaration or otherwise that the owner of a lorry is engaged in farming, dairying, pastoral, or horticultural pursuits and that he in good faith—

- (a) intends to use that lorry for the transporting of his produce or stock or of goods required for the purpose of such of those pursuits in which he may be engaged; and
- (b) does not intend to use that lorry in connection with the carrying on of any other trade or business or in connection with any employment in which he may be engaged, or to let it or allow it to be used by any other person for any consideration,

the Registrar may grant to the owner of that lorry in such cases and subject to such conditions as may be prescribed a rebate of two-fifths of the tax which would otherwise be payable under this Act in respect of that lorry.

“(2) Where a rebate has been granted under subsection (1) of this section in respect of a lorry for any period and during that period—

- (a) the owner of the lorry ceases to be engaged in such a pursuit as is referred to in subsection (1) of this section; or
- (b) the lorry is used, or let, or allowed to be used in a manner referred to in paragraph (b) of subsection (1) of this section,

the owner shall, for the purposes of this section, be deemed to cease to be entitled to that rebate, and he shall pay to the Registrar one-twelfth of the amount of that rebate for each month or part of a month comprised in the period from the date on which he ceased to become entitled to the rebate to the end of the period in respect of which the rebate was granted.”.

7 Section ten of the Principal Act is amended by omitting the words commencing with the word "additional" and ending with the word "aforesaid" and substituting therefor the words "other sum payable thereunder". Tax a debt due to Crown.

8 Section eleven of the Principal Act is amended by omitting the words "additional amount and interest in respect thereof" and substituting therefor the words "other amount, payable under this Act". Recovery of tax.

9 Section twelve of the Principal Act is amended by omitting from subsection (1) the words commencing with the words "Any person" and ending with the words "and any" and substituting therefor the words "An authorized officer or a". Inspection of vehicles, &c.

10 Section thirteen of the Principal Act is amended by omitting the words "or the motor regulations" and by omitting all the words in the section following the word "before" and substituting therefor the words "such person as may be prescribed". Statutory declarations.

11 Section fourteen of the Principal Act is amended by omitting the word "Twenty" and substituting therefor the words "One hundred". Obstruction of officers.

12 The schedule to the Principal Act is amended— Schedule.

(a) by adding at the end of the table intituled "MOTOR VEHICLES OTHER THAN MOTOR CYCLES AND TRAILERS", in the first and second columns thereof respectively, the following items:—

" Motor vehicles, other than lorries, motor cycles, and trailers, propelled otherwise than by means of an internal combustion engine	One pound per weight unit.
" Lorries propelled otherwise than by means of an internal combustion engine	Twelve shillings and sixpence per weight unit.";

(b) by inserting in paragraph II under the heading "EXEMPTIONS", after the word "trust", the words "or by a hospitals board within the meaning of the *Hospitals Act 1918*";

(c) by omitting paragraph IV under that heading, and substituting therefor the following paragraphs:—

" IV Motor vehicles upon which there are authorized or required to be used, in accordance with regulations made under section ten of the Principal Act, number plates issued under regulations made under paragraph VIII of subsection (1) of that section:

“IVA Any motor vehicle that is not registered elsewhere than in this State and is not used in this State otherwise than for the purpose of the carriage of passengers or goods by that motor vehicle in the course of trade, commerce, or intercourse between this State and any other part of the Commonwealth:”; and

(d) by omitting the definitions of “Lorry” and “Weight”.

Transitory provisions.

13 Until regulations are made for the purposes of section thirteen of the Principal Act (as amended by this Act) an authorized officer and the persons referred to in that section as it had effect immediately before the commencement of this Act shall be deemed to be persons prescribed for the purposes of that section as so amended.

Adaptations of amendments to the reprint of Acts.

14—(1) On and after the date of the reprinting of the Principal Act this Act is to have effect as if from section twelve of this Act the symbols “II”, “IV”, and “IVA” (wherever occurring) were omitted and the symbols “(b)”, “(d)”, and “(da)”, respectively, were substituted therefor, and, on and from that date, the Principal Act, as amended by this Act, shall be construed accordingly.

(2) On and after the date of the reprinting of the *Traffic Act 1925* this Act is to have effect as if from paragraph (c) of section twelve of this Act the symbol “VIII” were omitted and the symbol “(j)” were substituted therefor, and, on and from that date, the Principal Act, as amended by this Act, shall be construed accordingly.

(3) The Principal Act, the *Traffic Act 1925*, and this Act are, by force of this subsection, amended to such extent as may be necessary to give effect to the foregoing provisions of this section.

(4) Subject to this section, the provisions of this Act remain in full force and effect as if this section had not been enacted.

(5) In this section “date of the reprinting” means, when used in relation to an Act, the date of the giving of the certificate printed, pursuant to section six of the *Reprint of Statutes Act 1954*, in the volume of reprinted Acts published pursuant to that Act in which the reprint of the Act in relation to which the expression is used is included.