

No. 3901.

An Act to amend the *Motor Car Act* 1928  
and for other purposes.

[18th December, 1930.]

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title  
construction  
and citation.  
No. 3741.

1. This Act may be cited as the *Motor Car Act* 1930 and shall be read and construed as one with the *Motor Car Act* 1928 (hereinafter called the Principal Act) which Act and this Act may be cited together as the Motor Car Acts.

*Interpretation.*

Interpretation.

2. In the Motor Car Acts unless inconsistent with the context or subject-matter—

"Officer in  
charge of the  
Motor  
Registration  
Branch."

"Officer in charge of the Motor Registration Branch" means the person who is for the time being in charge under the Chief Commissioner of the registration of motor cars and the licensing of drivers under the Motor Car Acts.

Amendment of  
No. 3741 s. 3.  
"Motor cycle."

3. In section three of the Principal Act at the end of the interpretation of "Motor cycle" there shall be inserted the words "and also includes a motor tricycle which is used solely for the conveyance of an invalid person."

*Registration*

*Registration of Motor Cars Motor Cycles and Trailers.*

4. (1) For sub-section (1) of section four of the Principal Act there shall be substituted the following sub-section:—

Amendment of  
No. 3741 s. 4.  
Registration of  
motor cars  
motor cycles  
and trailers.

“(1) Every motor car and every trailer attached to a motor car (other than a motor cycle) and every motor cycle together with the trailer fore-car or side-car (if any) attached thereto shall be registered by the Chief Commissioner who shall keep a register and shall assign a separate identifying number to every motor car and to every trailer attached to any motor car (other than a motor cycle) and to every motor cycle so registered and shall enter in the register every such number and such other particulars as are required by this Act or the regulations thereunder.”

(2) In the Second Schedule to the Principal Act—

(a) for the words and figures—

Amendment of  
No. 3741  
Second  
Schedule.

“Any motor cycle of whatever horse power ... £1 0 0”  
under the heading “A.—Motor cycles:—” there shall be substituted the following words and figures:—

“Any motor cycle (without a trailer fore-car or side-car attached) of whatever horse power £1 0 0  
Any motor cycle (with a trailer fore-car or side-car attached) of whatever horse power £1 10 0”;

(b) the heading “B.—Trailers, fore-cars or side-cars which when in use are attached to motor-cycles” and the words and figures under that heading are hereby repealed.

(3) In sub-section (3) of section four of the Principal Act for the words “trailer fore-car or side-car” there shall be substituted the words “or trailer”.

Consequential  
amendment of  
No. 3741 s. 4 (3).

(4) When the registration or (as the case may be) the renewal of the registration—

Pro rata  
fees in respect  
of side-cars &c.

(a) of any trailer fore-car or side-car expires after the commencement of this Act and before the expiry of the registration or (as the case may be) the renewal of the registration in force at the commencement of this Act of the motor cycle to which it is attached there shall be payable to the Chief Commissioner in respect of such trailer fore-car or side-car a fee equal to One shilling for each month or part thereof  
of

of the period between the expiry of the registration or (as the case may be) of the renewal of the registration of such trailer fore-car or side-car and the expiry of such registration or (as the case may be) of such renewal of registration of such motor cycle ; or

- (b) of any motor cycle is in force at the commencement of this Act and after the commencement of this Act but before the expiry of such registration or renewal a trailer fore-car or side-car is attached to such motor cycle there shall be payable to the Chief Commissioner in respect of such trailer fore-car or side-car a fee equal to One shilling for each month or part thereof of the unexpired period of such registration or renewal :

Provided that the fee payable under this sub-section shall not in any case exceed the sum of Ten shillings.

Penalty for using motor cycle with trailer side-car or fore-car unregistered under Principal Act attached where no fee paid in respect of such trailer side-car or fore-car.

(5) If any motor cycle the registration or renewal of registration of which is in force at the commencement of this Act is before the expiry of such registration or renewal used on a public highway with a trailer fore-car or side-car which is not registered under the Principal Act attached thereto the owner of such motor cycle shall be liable to a penalty of not more than Fifty pounds unless the appropriate fee payable to the Chief Commissioner in respect of such trailer fore-car or side-car under the provisions of the last preceding sub-section has been paid.

Reduction of fee for motor cycles with side-car &c. attached where side car &c. already registered.

(6) If at the date of the first registration or (as the case may be) the first renewal of registration after the commencement of this Act of a motor cycle with a trailer fore-car or side-car attached there is in force a registration or (as the case may be) a renewal of registration under the Principal Act of the trailer fore-car or side-car the fee payable on such registration or (as the case may be) such renewal of registration of such motor cycle with such trailer fore-car or side-car attached shall be reduced by a sum equal to One shilling for every month or part thereof of the period between such date and the expiry of the registration or (as the case may be) of the renewal of registration of such trailer fore-car or side-car :

Provided

Provided that the fee payable under this sub-section shall not be reduced in any case by a sum of more than Ten shillings.

(7) In sub-section (4) of section four of the Principal Act—

Consequential amendment to No. 3741 s. 4 (4).

(a) for the words "The provisions of" there shall be substituted the words "Subject to the express provisions of sub-section (5) of section four of the *Motor Car Act* 1930 the provisions of"; and

Extension of penalty provisions to unregistered motor cycles and trailers attached to motor cars.

(b) for the words "motor cycles trailers fore-cars and side-cars" there shall be substituted the words "motor cycles (with or without trailers fore-cars or side-cars attached) and to trailers attached to motor cars (other than motor cycles)."

5. Section four of the Principal Act is hereby amended as follows:—

Amendment of No. 3741 s. 4.

Registration fees for certain motor cars.

(a) In paragraph (a) of the first proviso to sub-section (3) after the words "Country Fire Brigades Board" there shall be inserted the words "or any body corporate or unincorporate approved by the Minister" and after the expression "*Fire Brigades Act* 1928" there shall be inserted the words "or for combating outbreaks of fire";

(b) At the end of sub-section (3) there shall be inserted the words "Provided further that where the fee payable in respect of the registration or renewal of registration of any motor car amounts to Ten pounds or upwards and the Chief Commissioner is satisfied that the payment of the whole fee in one payment would in the circumstances of any particular case be unduly onerous, such fee may in such case with the approval of the Minister be paid in equal half-yearly instalments in advance, but if the second of such half-yearly instalments is not paid in advance the registration of such motor car shall forthwith be cancelled by the Chief Commissioner."

Half-yearly payments of fees in certain cases.

(c) For

Use of general  
identification  
marks.

(c) For paragraph (b) of the proviso to sub-section (4) there shall be substituted the following paragraph :—

“(b) (i) the Chief Commissioner may on payment of an annual fee of Five pounds assign to any manufacturer of or dealer in motor cars a general identification mark ;

(ii) every such mark and every general identification mark assigned prior to and in force at the commencement of this Act shall after a date to be fixed by proclamation of the Governor in Council published in the *Government Gazette* be displayed by means of a special identification plate fixed on any car when it is being used *bonâ fide* by such manufacturer or dealer or by any person employed directly by such manufacturer or dealer for any of the following trade purposes, namely: testing the car, demonstrating to a purchaser or probable purchaser the powers and qualities of the car, selling the car or delivering the car after sale ;

(iii) every such special identification plate shall on payment of a fee of Ten shillings be issued annually by the Chief Commissioner who may also limit the number of such plates to be issued in respect of any general identification mark ; and

(iv) such manufacturer dealer or person so employed shall not be liable to a penalty under this section while so using the car if a special identification plate issued as aforesaid is fixed on the car as prescribed ; but the car shall not be used on Sunday unless the Chief Commissioner or some member of the police force authorized by him in that behalf has given authority in writing for such use” ;

Fees payable  
for motor cars  
in accordance  
with purpose  
for or manner  
in which same  
are used.

(d) In paragraph (b) of sub-section (5) after the words “for any purpose” there shall be inserted the words “or in any manner” ; and

(e) For

(e) For sub-section (7) there shall be substituted the following sub-sections:—

Non-application  
of No. 3741  
ss. 4, 6 to certain  
motor cars and  
drivers.

“(7) (a) This section shall not apply to a motor car (other than a motor car which is used in Victoria for carrying passengers for hire or goods for hire or in the course of trade)—

- (i) which is owned by a person resident in another State ;
- (ii) which is temporarily in Victoria ;
- (iii) which is registered in such other State; and
- (iv) on which the number allotted to the motor car in such other State is exhibited.

(b) If the driver of such a motor car is licensed in the State where the motor car is registered—

- (i) the provisions of this section shall not apply to such driver ; and
- (ii) such driver shall not be deemed to be guilty of any offence under section six of this Act (as amended by the *Motor Car Act* 1930) in respect of—

driving a motor car upon a public highway without being licensed for the purpose ; or

any failure to produce a licence referred to in that section if he produces the licence issued to him in such other State.

(8) Where any motor car is registered in Victoria and the Chief Commissioner is satisfied that such motor car has been sold or transferred for use in and has been removed to any other State or has been accidentally destroyed the Chief Commissioner, upon application being made to him by the person who was the owner of such motor car immediately prior to such sale or transfer and removal or destruction for a refund, may issue to such person a certificate stating that such person is entitled to the refund of an amount which bears the same proportion to the fee paid in respect of the registration or renewal of

Refund of  
portion of  
registration fee  
in certain  
cases.

Comp. No. 3701  
s. 02.

of registration of such motor car as the remainder of the period for which the motor car was registered bears to the period of twelve months less Ten per centum of the fee so paid ; and the amount of every such refund certificate shall be paid by the Treasurer out of the Country Roads Board Fund.

(9) Where any motor tricycle which is used solely for the conveyance of an invalid person is registered as a motor cycle and the Chief Commissioner is satisfied upon application made to him by the person in whose name such motor cycle is registered that such person is in indigent circumstances —

(a) the Chief Commissioner may with the approval of the Minister issue to such person a certificate entitling such person to a refund of the fee paid in respect of the registration or renewal of registration of such motor cycle; and

(b) the amount of such refund certificate shall be paid by the Treasurer out of the Country Roads Board Fund."

Manufacturer or dealer to keep record of persons driving motor cars with general identification marks displayed thereon.

No. 3741  
s. 4 (4).

See (S.A.) 1921  
No. 1480 s. 24.

6. (1) Every manufacturer or dealer in motor cars to whom a general identification mark has been assigned pursuant to section four of the Principal Act or pursuant to that section as amended by this Act shall—

(a) keep a record in the prescribed form of the name and address of each person who drives any motor car on which such general identification mark is displayed ; and

(b) on demand produce such record for inspection by any member of the police force acting in the execution of his duty under the Motor Car Acts.

Offences.

(2) Any such manufacturer or dealer who—

(a) fails to keep the prescribed record ;

(b) enters any particulars therein which are not true and correct ; or

(c) refuses to produce such record for inspection when demanded as aforesaid—

shall be guilty of an offence against the Principal Act.

7. (1) When

7. (1) When any person resident in another State comes to Victoria and purchases in Victoria a motor car which he desires to register in the State in which he resides he may upon application to the Chief Commissioner and upon supplying the prescribed particulars and on payment of a fee of Ten shillings be supplied with an identifying number-plate and a permit in the prescribed form allowing such motor car to be used in Victoria for any period not exceeding twenty-eight days.

Permits as to motor cars purchased in Victoria by residents in other States.

(2) Any person who uses such motor car on a public highway in Victoria during the period for which the permit has been granted shall not be deemed within the meaning of the Principal Act to be using a motor car on a public highway without being registered.

Use in Victoria during period of permit.

(3) Any person who at the expiration of the period for which the permit was granted fails to return to the Chief Commissioner the identifying number-plate supplied to him in accordance with the provisions of this section shall be guilty of an offence against the Principal Act.

Identifying number to be returned.

8. (1) Notwithstanding anything in the Motor Car Acts where the registration of a motor car is obtained or renewed or, before the commencement of this Act, has been obtained or renewed after the expiration of the preceding registration or (as the case may be) renewal of registration—

As to date of registration or renewal of registration of car when obtained or renewed after expiration of previous registration, &c.

(a) the subsequent registration or renewal shall be dated or (if the case so requires) be deemed to have been dated as if the registration had been obtained or renewed forthwith upon the expiration of the preceding registration or renewal of registration ; and

(b) any fees in respect of such subsequent registration or renewal shall be payable or (if the case so requires) be deemed to have been payable accordingly—

unless the Chief Commissioner is satisfied that the motor car has not been used on a public highway in Victoria since the expiration of the said preceding registration or renewal of registration.

(2) Nothing in this section shall relieve or be deemed to relieve any person from any liability for using or having used on a public highway in Victoria without being actually registered a motor car in contravention of the provisions

Saving.



provisions of the Motor Car Acts at any time during the period between the expiration of the registration or of the renewal of the registration thereof and the subsequent registration or renewal thereof.

Trailers  
attached to  
traction engines  
used on  
highways to be  
registered.

9. (1) Every trailer attached to any traction engine used for haulage purposes on any highway shall be registered by the Chief Commissioner who shall keep a register and assign a separate identifying number to every such trailer and shall enter in the register every such number and such other particulars as are prescribed.

Identifying  
numbers to be  
fixed on trailers.

(2) The identifying number of every such trailer shall be displayed on a number-plate which shall be fixed and kept fixed on such trailer as prescribed.

Fees to be paid  
for trailers.

No. 3741.  
Second  
Schedule.

(3) A fee as provided in the Second Schedule to the Principal Act as amended by this Act shall be paid to the Chief Commissioner on the registration of or the renewal of the registration of such trailer.

Currency of  
registration to  
be twelve  
months.

(4) No registration shall have any force or effect after the expiration of twelve months from the date of such registration or renewal.

Application to  
trailers attached  
to traction  
engines and  
or No. 3741 s. 4  
(4).

Provisions of  
this Act relating  
to number-  
plates.

(5) The provisions of—

(a) sub-section (4) of section four of the Principal Act as amended by this Act ; and

(b) the provisions of this Act relating to number-plates—

shall so far as applicable and with all necessary adaptations apply to such trailers.

Amendment of  
No. 3741.  
Second  
Schedule.  
Fees.

(6) At the end of the heading “D.—Trailers which when in use are attached to motor cars other than motor cycles” in the Second Schedule to the Principal Act there shall be inserted the words “or to traction engines used for haulage purposes on any highway.”

(7) In this section “trailer” means any vehicle without motive power of its own and designed solely or principally for the carriage of goods for hire or in the course of trade and drawn by a traction engine and detachable therefrom, but does not include a vehicle owned by a primary producer (as defined in the Second Schedule to the Principal Act) and used for carrying goods and chattels the property of such primary producer to or from the premises of such primary producer.

Date of  
operation of  
section.

(8) This section shall come into operation on a day to be fixed by the Governor in Council by proclamation published in the *Government Gazette*.

10. In

10. In paragraph (b) of the proviso under the heading "*C.—Motor cars other than motor cycles*" in the Second Schedule to the Principal Act, after the words "course of trade" there shall be inserted the words "(unless the only goods carried in the course of trade in such car are samples for inspection by prospective purchasers and not for sale)."

Amendment of  
No. 3741  
Second  
Schedule.

Fees for  
registration of  
certain motor  
cars, &c.

### *Number Plates.*

11. (1) The following provisions shall have effect with respect to identifying numbers under the Motor Car Acts:—

Identifying  
numbers and  
number-plates.  
See No. 3741  
R. 4.

(a) In the case of—

(i) any motor car; or

(ii) any trailer attached or to be attached to a motor car (other than a motor cycle);

the registration or renewal of registration of which occurs after the date of the coming into operation of this section the identifying number shall be shown on number plates issued by the Chief Commissioner which shall be fixed and kept fixed on such motor car and trailer and (where the motor car is a motor cycle) on such motor cycle and on any trailer fore-car or side-car attached to such motor cycle so long as the registration or any renewal of registration of such motor car trailer or motor cycle (as the case may be) continues in force ;

(b) The Chief Commissioner shall procure a sufficient quantity of number-plates for the purposes of this section, and shall, on the registration of a motor car or such a trailer after the coming into operation of this section and on the first renewal after the coming into operation of this section of the registration of a motor car or such a trailer registered before the coming into operation of this section, issue to the person in whose name the motor car is registered number-plates bearing the appropriate identifying number thereon and permit the use of such number-plates by such person ;

(c) Every

(c) Every number-plate issued by the Chief Commissioner—

(i) shall be and remain the property of the Crown; and

(ii) shall be returned to the Chief Commissioner as provided by this Act or whenever on account of the same being damaged or of the number being no longer clearly distinguishable he requires it to be returned to him;

(d) The person to whom number-plates are issued shall—

(i) at the time of the first registration of the motor car or trailer in respect of which they are issued; or

(ii) in the case of any motor car or trailer the registration of which is in force immediately before the coming into operation of this section—at the time of the first renewal after the coming into operation of this section of the registration of the motor car or trailer; or

(iii) in the case of any motor car or trailer the number-plates or number-plate of which are or is returned or required to be returned to the Chief Commissioner pursuant to this Act—at the time of the subsequent issue of number-plates or a number-plate in respect of such motor car—

pay for the use of every number-plate such sum as is demanded by the Chief Commissioner not exceeding the average cost of and incidental to procuring and issuing a number-plate;

(e) The Chief Commissioner on being satisfied whether by statutory declaration of the owner of a motor car or otherwise that a number-plate is lost may issue to such owner a new number-plate bearing the same identifying number on payment for the use thereof of such sum as is demanded by the Chief Commissioner not exceeding the average cost of and incidental to procuring and issuing a new number-plate;

(f) If

(f) If on the expiration of the period for which any registration or renewal of registration of any motor car or trailer is in force the registration is not renewed, or if the registration thereof is cancelled, or if the motor car or trailer is sold or otherwise disposed of to any person outside Victoria, the person in whose name the motor car or trailer was registered at the time of such expiration cancellation sale or disposal (as the case may be) shall forthwith return any number-plates issued in respect of such motor car or trailer to the Chief Commissioner, and in default thereof shall be liable to a penalty of not more than Two pounds;

(g) No number-plate shall be fixed to or used upon—

(i) any motor car or trailer attached or to be attached to any motor car (not being a motor cycle) other than the motor car or trailer in respect of which the number-plate was issued ;  
or

(ii) any trailer fore-car or side-car attached or to be attached to a motor cycle other than the trailer fore-car or side-car attached to the motor cycle in respect of which the number-plate was issued ;

(h) All expenses incurred by the Chief Commissioner in or incidental to procuring and issuing number-plates pursuant to this Act shall be deemed to be an advance to and shall be and remain a charge on the account kept in the Treasury known as The Country Roads Board Fund and shall be recouped therefrom accordingly ; and all sums received under this section for the issue or use of number-plates shall be paid into and form part of the said Fund ;

See No. 2662.

(i) No type or types of number-plates shall be adopted until the Chief Commissioner has considered any designs or suggestions relating to number-plates and submitted to him before a date to be prescribed by regulations.

(2) Sub-section

Consequential  
amendment  
of No. 3741 s. 4.

Offences with  
respect to  
number-plates,  
&c.

(2) Sub-section (2) of section four of the Principal Act is hereby repealed.

(3) Any person who—

(a) without lawful authority or excuse—

(i) makes any number-plate which resembles a number-plate issued by the Chief Commissioner;

(ii) knowingly has in his possession a number-plate issued by the Chief Commissioner;

(iii) knowingly has in his possession any number-plate which resembles a number-plate issued by the Chief Commissioner and is calculated to deceive; or

(iv) uses any number-plate issued by the Chief Commissioner which is altered or defaced;

(b) fraudulently or knowingly alters or defaces any number-plate issued by the Chief Commissioner;

(c) fraudulently uses lends or permits to be used any number-plate issued by the Chief Commissioner; or

(d) buys or sells any number-plate which resembles a number-plate issued by the Chief Commissioner and is calculated to deceive—

shall be liable for a first offence to a penalty of not more than Twenty pounds or to imprisonment for a term of not more than one month, and for a second or any subsequent offence to a penalty of not more than One hundred pounds or to imprisonment for a term of not more than twelve months.

Authority to  
members of  
police force to  
take possession  
of and retain  
number-plates  
in certain  
circumstances.

(4) Any member of the police force may take possession of any number-plate which he has reason to believe—

(a) is affixed to any motor car trailer fore-car or side-car in contravention of the provisions of this section; or

(b) was not issued in accordance with the Motor Car Acts—

and retain the same until the Chief Commissioner is satisfied that the same was not affixed in contravention of such provisions and was issued in accordance with such Acts.

(5) The

(5) The provisions of this section shall come into operation on a day (not being earlier than the first day of July One thousand nine hundred and thirty-one) to be fixed by the Governor in Council by proclamation published in the *Government Gazette*.

Coming into operation of provisions as to identifying numbers and number-plates.

*Provisions relating to Drivers and Driving.*

12. Section six of the Principal Act is hereby amended as follows:—

Amendment of No. 3741 s. 6.

(a) In sub-section (1) after the word "employ" there shall be inserted the words "or permit or allow";

Licensing drivers of motor cars.

(b) For sub-section (4) there shall be substituted the following sub-sections:—

"(4) Any person driving a motor car upon any public highway shall when requested so to do by any member of the police force produce his licence for inspection and state his name and address.

Production of licence on request by police.

(5) If such person fails to produce his licence or refuses to state his name and address or states a false name or address he shall be guilty of an offence against this Act:

Failure to produce licence &c.

Provided that any person failing to produce his licence as aforesaid who gives a reasonable excuse for such failure and within seven days after such failure produces his licence at the police station (if any) specified by the member of the police force who requested its production shall not in respect of such failure be guilty of an offence.

(6) Any person who is requested by a member of the police force as aforesaid to state his name and address and who refuses to state his name and address or gives a false name and address may be apprehended (with or without warrant) by any member of the police force who shall take such person before a justice of the peace to be dealt with according to law."

Power to apprehend person failing to give name and address &c.

Comp. No. 3689 s. 22 (2).

13. In section seven of the Principal Act after the words "being a person" there shall be inserted the words "over the age of eighteen years and."

Amendment of No. 3741 s. 7.

Provisions for persons learning to drive.

14. (1) Notwithstanding

Power to refuse  
licence to  
certain  
offenders.  
No. 3741 s. 6.

14. (1) Notwithstanding anything in the Motor Car Acts the Chief Commissioner may refuse to issue a licence under section six of the Principal Act as amended by this Act to any person who has been convicted (whether before or after the commencement of this Act) of any offence which in the opinion of the Chief Commissioner renders such a person unfit to hold such a licence.

Appeal against  
such refusal.  
Comp. No. 3770  
s. 6.

(2) In any case where the Chief Commissioner refuses to issue any such licence the applicant on giving to the Chief Commissioner at least three days' notice in writing of his intention so to do may appeal against such refusal to any court of petty sessions consisting of a police magistrate sitting without justices, and if after hearing the appeal the court decides that a licence ought to be issued to the applicant the Chief Commissioner shall issue the licence accordingly ; and every such decision shall be final and conclusive.

Power of Chief  
Commissioner in  
certain cases to  
issue temporary  
licences to drive  
motor cars.

15. (1) On the application of any person who is a resident of another State temporarily in Victoria and licensed to drive a motor car in such other State the Chief Commissioner may if he thinks fit issue a temporary licence in the prescribed form to such person to drive a motor car.

Fee for and  
period of  
temporary  
licences.

(2) A fee of One shilling shall be paid for such licence which shall remain in force for twenty-eight days from the date thereof.

Amendment of  
No. 3741 s. 8.  
Suspension of  
licence and  
disqualification.

16. Section eight of the Principal Act is hereby amended as follows:—

(a) In sub-section (1) the words "other than a first or second offence consisting solely of exceeding any limit of speed fixed under this Act" are hereby repealed;

(b) In paragraph (c) of sub-section (1)—

(i) for the words "shall cause particulars" there shall be substituted the words "may cause particulars";

(ii) for the words "those particulars" there shall be substituted the words "the particulars of such conviction and of such order"; and

(iii) for the words beginning with "Provided that" to the end of the paragraph there

there shall be substituted the words  
 “Such indorsement shall remain in  
 force for a period of three years from  
 the date thereof and shall be entered  
 on any annual licence to drive a motor  
 car issued subsequently to the said date  
 to him during the said period” ; and

(c) For sub-section (2) there shall be substituted the  
 following sub-section:—

“(2) Any person so convicted if he holds  
 any licence under this Act shall if required  
 produce such licence within seven days from  
 the date of such conviction to the clerk of petty  
 sessions at the court where such conviction was  
 recorded for purposes of indorsement or cancel-  
 lation and if he fails to do so he shall be guilty  
 of an offence under this Act and in addition  
 such licence if not already cancelled may be  
 cancelled by the court of petty sessions  
 recording the conviction.”

17. (1) Any owner of a motor car who when required  
 so to do by a member of the police force acting in the  
 execution of his duty fails to give any information which  
 it is within the power of such owner to give with  
 respect to any person (other than such owner himself)  
 who was the driver of the motor car on any occasion  
 and which may lead to the identification of such person  
 shall be guilty of an offence against the Principal Act.

Duty of owner  
 to give  
 information  
 as to identity  
 of driver of  
 his motor car.

Comp. No.  
 3741 s. 10 (3).

See (S.A.) 1921  
 No. 1480 s. 23.

(2) For the purposes of this section “owner” means the  
 person in whose name the motor car was registered at  
 the time when the person with respect to whom the informa-  
 tion is sought was the driver of the motor car and also  
 includes any person who at such time was the hirer of the  
 motor car under a hire purchase agreement.

Meaning of  
 “owner” for  
 purposes of  
 this section.

18. At the end of sub-section (2) of section fourteen of  
 the Principal Act there shall be inserted the words—

Amendment of  
 No. 3741  
 s. 14 (2).

Motor racing  
 and speed trials  
 on highways.

“Provided that this sub-section shall not apply to  
 a motor car used as aforesaid on any highway or  
 portion thereof specified by Order in Council pub-  
 lished in the *Government Gazette* and on such days and  
 during such hours as are specified in the Order.”

19. (1) (a) Any person who takes or in any manner  
 uses any motor car without the consent of the  
 owner

Taking or using  
 motor car  
 without  
 authority.



owner or person in lawful possession thereof shall be liable for a first offence to a penalty of not more than Fifty pounds or to imprisonment for a term of not more than six months and for a second or any subsequent offence shall be liable to imprisonment for a term of not more than twelve months.

Application of  
No. 3749 s. 199.

(b) The provisions of section one hundred and ninety-nine of the *Police Offences Act* 1928 shall extend and apply where any person is found offending (within the meaning of that section) against the foregoing provisions of this sub-section.

Saving.  
Comp. No. 3749  
s. 204 (2).

(c) Nothing in this sub-section shall affect any other liability civil or criminal of any person guilty of an offence under this section.

Consequential  
amendment of  
No. 3749 s. 204.  
Taking or using  
vehicle without  
consent of  
owner.

No. 3741 s. 3.

(2) In section two hundred and four of the *Police Offences Act* 1928 for the words "(including a motor car or motor cycle as defined in section three of the *Motor Car Act* 1928 or a bicycle)" there shall be substituted the words "(including a bicycle but not including a motor car within the meaning of section three of the *Motor Car Act* 1928)."

New section  
substituted for  
No. 3741 s. 17.  
Duty to stop in  
case of  
accident.

20. For section seventeen of the Principal Act there shall be substituted the following section :—

"17. (1) Where owing to the presence of a motor car on any road an accident occurs—

to any person whether on foot or on horseback or in a vehicle; or

to any vehicle or horse or cattle or sheep in charge of any person; or

whereby any property is injured or destroyed—

the person driving such motor car shall—

(a) stop and render such assistance as is necessary ;

(b) give his name and address and also the name and address of the owner and the identifying number of the motor car to—

(i) any person who has been injured or to the owner of any such animal or other property which has been injured; or

(ii) some person representing such injured person or such owner; and

(c) (i) give

(c) (i) give such names addresses and identifying number to any member of the police force who is present; or

(ii) (if there is no member of the police force present and an accident has occurred to any person as aforesaid) report without delay full particulars at the police station nearest the place where such accident occurred.

(2) Any person who acts in contravention of this section shall be liable for a first offence to a penalty of not more than Twenty pounds or to imprisonment for a term of not more than three months and for a second or any subsequent offence to a penalty of not more than Fifty pounds or to imprisonment for a term of not more than twelve months."

21. For paragraph (g) of sub-section (1) of section eighteen of the Principal Act there shall be substituted the following paragraph :—

Amendment of  
No. 3741 s. 18.  
Regulations.

"(g) with respect to licences to drivers of motor cars and applications for such licences."

22. (1) Any member of the police force may give such reasonable directions to persons driving motor cars upon any public highway as are in his opinion necessary for carrying into execution the provisions of the Motor Car Acts or any regulations thereunder.

Police  
directions.

(2) Any person who disobeys any lawful direction of a member of the police force given as aforesaid shall be guilty of an offence and shall be liable for a first offence to a penalty of not more than Five pounds and for a second or any subsequent offence to a penalty of not less than Five pounds and not more than Twenty pounds.

Penalty.

23. In sub-section (2) of section twenty-three of the Principal Act—

(a) after the word "liable" there shall be inserted the words "for a first offence"; and

(b) after the words "three months and" there shall be inserted the words "for a second or any subsequent offence to imprisonment for a term of not less than three months and in every case."

Amendment of  
No. 3741 s. 23.  
Penalty for  
driving motor  
car whilst  
under influence  
of intoxicating  
liquor.  
Penalty.

*Provisions relating to Weight and Speed.*

24. In section eleven of the Principal Act for the words "five tons" (wherever occurring) there shall be substituted the words "six tons".

Amendment of  
No. 3741 s. 11.  
Power to the  
Country Roads  
Board and to  
councils to  
prohibit heavy  
motor traffic.

25. In

Amendment of  
No. 3741  
s. 13 (2).  
Limits of speed.

**25.** In sub-section (2) of section thirteen of the Principal Act—

- (a) in paragraph (a) after the word “trade” there shall be inserted the words “or constructed primarily to carry goods of any kind”;
- (b) after the word “load” (wherever occurring) there shall be inserted the words “(if any)”;
- (c) in sub-paragraph (i) of paragraph (a) after the word “together” there shall be inserted the words “exceeds thirty hundredweights but”; and
- (d) for sub-paragraph (ii) of paragraph (a) there shall be substituted the following sub-paragraphs:—
  - “(ii) if such weight exceeds three tons but does not exceed eight tons—twenty miles per hour;
  - (iii) if such weight exceeds eight tons—fifteen miles per hour.”

Restrictions  
relating to  
trailers  
attached to  
traction  
engines used on  
highways.  
Comp. No. 3741  
s. 13.

**26. (1)** A traction engine shall not be used on any highway (except under and in accordance with a special permit granted by the Country Roads Board or the council of a municipality)—

(a) with a trailer attached thereto—

- (i) if the weight of the trailer and of the load (if any) is such that the weight on any one axle of the trailer exceeds three tons ; or
- (ii) if any part of the trailer or its load is more than eight feet in width ; or
- (iii) unless the trailer is attached to the traction engine by—

couplings approved by the Chief Commissioner or a member of the police force authorized in writing either generally or in any particular case by the Chief Commissioner ; or

other devices so approved—

which are fitted in such a manner as to prevent lateral swing of the trailer when the traction engine and trailer are in motion ; or

(iv) if

(iv) if the trailer is fitted with one or more metal tires ; or

(v) if the trailer is fitted with one or more rubber tires other than pneumatic tires if any such tire is not in good condition or has not rubber at least one inch thick on the circumference of the wheel ; or

(b) if the traction engine has more than one trailer attached thereto ; or

(c) with trailer attached thereto, if the length of the traction engine together with the length of the trailer and the space between the traction engine and the trailer together exceed forty-five feet.

(2) In this section "trailer" means any vehicle without motive power of its own and designed solely or principally for the carriage of goods for hire or in course of trade and drawn by a traction engine and detachable therefrom.

"Trailer."  
Comp. No. 3741  
s. 3.

(3) The provisions of section twelve of the Principal Act shall so far as applicable and with all necessary adaptations extend and apply with respect to permits provided for in this section.

Application of  
No. 3741 s. 12.  
Permits.

(4) If any traction engine is used on a highway in contravention of or non-compliance with any of the provisions of this section the driver thereof or the person in charge thereof shall be liable to a penalty of not more than Fifty pounds.

Penalty.

(5) The provisions of this section shall not apply to any traction engine of any public statutory corporation.

Exemptions.  
Comp. No. 3741  
s. 13 (5).

27. (1) For the purpose of ascertaining whether the provisions of the last preceding section of this Act or of section eleven or thirteen of the Principal Act as amended by this Act are being contravened any inspector of weights and measures any member of the police force any officer of the Country Roads Board or any officer of or person acting by or under the authority of any municipality may request the driver of any motor car or traction engine on any highway—

Drivers of  
motor cars  
and traction  
engines to allow  
loads to be  
weighed.  
No. 3741 ss. 11,  
13.

(a) to allow such motor car or any trailer attached to such motor car or to any traction engine with any load (whether of goods or passengers or both) on such motor car or trailer to be weighed on a portable mechanical device ; or

(b) to

(b) to take such motor car or any trailer attached to such motor car or to any traction engine with any load (whether of goods or passengers or both) on such motor car or trailer—

(i) to the nearest weighbridge or weighing machine on the route towards the place to which such motor car or traction engine is being taken; or

(ii) to any weighbridge or weighing machine within two miles in any direction from the place at which the request is made—

and to allow such motor car or any trailer attached to such motor car or traction engine with any load as aforesaid to be weighed on such weighbridge or weighing machine; or

(c) to allow any goods on such motor car or on any trailer attached to such motor car or traction engine to be measured for the purpose of ascertaining the weight thereof in accordance with any regulation under the Motor Car Acts.

(2) If the weight of such goods is ascertained by measurement only, the result of such measurement shall be taken to be the actual weight of such goods for the purposes of the last preceding section of this Act and of the said sections eleven and thirteen of the Principal Act unless the owner or the driver of the motor car or traction engine (as the case may be) at the time gives notice of his intention of having the same weighed and forthwith at his own expense proceeds to have the same weighed at the nearest or most convenient weighbridge or weighing machine.

(3) Any person who when requested as aforesaid refuses to comply with such request shall be liable to a penalty of not more than Fifty pounds.

(4) In any prosecution for any contravention of the provisions of section eleven or thirteen of the Principal Act as amended by this Act any weight which is painted on such motor car and which purports to be the weight of such motor car shall be deemed to be *prima facie* evidence of the weight of such motor car.

In prosecutions under No. 3741 ss. 11, 13 tare weight painted on motor car constructed to carry goods to be *prima facie* evidence of weight of car.  
See No. 3720 s. 628.

28. (1) In any case where any officer of the Country Roads Board has reasonable grounds for believing—

Power to officers of Country Roads Board to request production of driving licence in certain cases.

(a) that the provisions of section eleven or thirteen of the Principal Act as amended by this Act are being contravened by any person driving a motor car on any main road developmental road or State highway within the meaning of the *Country Roads Act 1928*; or

No. 3602.

(b) that any of the provisions of the Motor Omnibus Acts relating to country motor omnibuses are being contravened by any person driving a motor car on any road—

Nos. 3742, 3851.

such officer may request such person to produce for inspection his licence to drive a motor car and to state his name and address.

(2) If such person fails to produce his licence or refuses to state his name and address or states a false name or address he shall be guilty of an offence against the Principal Act: Provided that any person failing to produce his licence as aforesaid who gives a reasonable excuse for such failure and within seven days after such failure produces his licence at the police station (if any) specified by the officer who requested its production shall not in respect of such failure be guilty of an offence.

### *Miscellaneous Provisions.*

29 Any person who—

(a) by any false statement or any misrepresentation obtains or attempts to obtain any licence or registration or the renewal of any registration under the Motor Car Acts; or

Obtaining licence or registration by false statements &c.

(b) without lawful authority or excuse has in his possession any licence certificate of registration or renewal so obtained—

Unlawful possession of licences or certificates.

shall be guilty of an offence against the Principal Act; and any licence or any certificate of registration or renewal of registration so obtained shall be void and of no effect.

30. In sub-section (2) of section twenty-six of the Principal Act for the words “of this Act or of the regulations thereunder—

Amendment of No. 3741 s. 26.

(a) limiting the weight of—

Power of officers of Country Roads Board to prosecute for offences.

(i) motor cars or trailers or both used on highways; or (ii) the

(ii) the load that may be carried on motor cars or trailers or both on highways; or

(b) limiting the speed of motor cars on highways"—  
there shall be substituted the words "of section eleven or section thirteen of this Act."

Occupiers of  
garages &c. to  
keep register of  
repairs.

31. (1) The occupier of every garage or premises where motor cars are repaired for reward shall keep or cause to be kept a register in the prescribed form containing in respect of every motor car to which repairs are effected at such garage or premises—

(a) the make and the registered number of such motor car;

(b) the name and address of the owner of such motor car; and

(c) the date and time of receiving such motor car at such garage or premises.

Production of  
register on  
demand.

(2) Such register shall be produced for inspection whenever demanded by a member of the police force.

Offences.

(3) Every such occupier who—

(a) fails to keep or cause to be kept such a register;

(b) fails to produce such register to a member of the police force on demand; or

(c) makes or causes or permits to be made any false incorrect or misleading entry in such register—

shall be guilty of an offence against the Principal Act.

Alteration  
defacing or  
placing of  
numbers on  
engines of  
motor cars an  
offence unless  
permission of  
Chief  
Commissioner  
obtained or  
notice given.

32. Any person who—

(a) alters or defaces any number on the engine of any motor car purporting to be the number of such engine without the permission in writing of the Chief Commissioner; or

(b) places on the engine of any motor car any number purporting to be the number of such engine without previously forwarding to the Chief Commissioner a notice in writing stating that a number is to be placed on such engine and containing particulars of such number and the registered number of such motor car—

shall be guilty of an offence against the Principal Act.

Proof of  
registration &c.

33. In any proceedings for offences under the Motor Car Acts or regulations where it is necessary to prove that any motor car was or was not registered on a certain date or

or that any person was or was not licensed to drive a motor car on a certain date a certificate in the prescribed form or to the like effect signed or purporting to be signed by the officer in charge of the Motor Registration Branch or his deputy setting out that on the date any offence is alleged to have taken place such motor car was or was not registered or that such person was or was not licensed to drive a motor car shall be *prima facie* evidence that such motor car was or was not so registered or that such person was or was not so licensed (as the case may be).

34. The provisions of section eighteen of the Principal Act as amended by this Act shall extend and apply—

(a) to the making of regulations for or with respect to—

- (i) the temporary registration in Victoria of motor cars owned by persons resident outside Victoria ;
- (ii) the drivers thereof ;
- (iii) the issue of different types of number-plates for different classes of motor cars ; and
- (iv) declaring the weight by measurement of any specified descriptions or classes of goods carried on motor cars ; and

(b) to such regulations when made.

Extension of  
No. 3741 s. 18.

Regulations as  
to temporary  
registration of  
motor cars  
by residents of  
other States, to  
different types  
of number-  
plates, and to  
declaring  
weight by  
measurement.