

## No. 3379.

An Act to make further provision with respect to Highways and Country Roads Motor Cars and Traction Engines and for other purposes.

[30th December, 1924.]

**BE** 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.  
Commencement
1. This Act may be cited as the *Highways and Vehicles Act* 1924 and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.
- Division of Act.
2. This Act is divided into Parts as follows :—  
Part I.—State Highways and Country Roads.  
Part II.—Motor Cars and Traction Engines.
- Interpretation.
3. In this Act unless inconsistent with the context or subject-matter—
- “ Board.”  
No. 2635 s. 4.
- “ By-law.”
- “ Council.”
- “ Developmental road.”  
No. 2944 &c.
- “ Highway.”
- “ Main road.”  
No. 2635 s. 3.
- “ Motor car.”  
No. 2702.
- “ Board ” means the Country Roads Board constituted under the Country Roads Acts.  
“ By-law ” means by-law of a council made for any purpose for which a council is authorized to make by-laws under this Act.  
“ Council ” means the council of a municipality.  
“ Developmental road ” means developmental road within the meaning of the Country Roads Acts.  
“ Highway ” includes any State highway under this Act and any other public highway and any street or road and any main road or developmental road or any portion thereof respectively.  
“ Main road ” means main road within the meaning of the Country Roads Acts.  
“ Motor car ” means motor car within the meaning of the *Motor Car Act* 1915.

“ Municipality ”

- “Municipality” includes the city of Melbourne and the city of Geelong. “Municipality.”
- “Part” means Part of this Act. “Part.”
- “Pneumatic tire” means a tire composed of flexible material and when in use kept inflated at an air pressure greater than atmospheric pressure. “Pneumatic tire.”
- “Prescribed” means prescribed by this Act or any regulation or by-law. “Prescribed.”
- “Regulations” means regulations under this Act. “Regulations.”
- “Schedule” means Schedule to this Act. “Schedule.”

#### PART I.—STATE HIGHWAYS AND COUNTRY ROADS.

4. This Part shall be read and construed as one with the Country Roads Acts. Construction  
this Part.  
No. 2635 &c.

5. (1) In the construction of the Country Roads Acts unless inconsistent with the context or subject-matter— Interpretation.

“State highway” means any highway (including any main road or developmental road) or any portion of a highway main road or developmental road declared and confirmed as a State highway under this Part or any portion of such State highway. “State highway.”

(2) Unless inconsistent with the context or subject-matter in the construction of this Part and of any of the provisions of the Country Roads Acts extended and applied for the purposes of this Part—

“Maintenance” includes all works of maintenance or repair of any State highway or any drain draining the carriage way thereof which in the opinion of the Board are necessary to make and keep the carriage way of such State highway in a serviceable condition for traffic and also all works of restoration which in the opinion of the Board are necessary to restore the carriage way to its original standard of construction; and “maintain” has a corresponding interpretation. “Maintenance.”

“Permanent improvements” includes all works of every description exclusive of maintenance which are in the opinion of the Board calculated to increase the utility of the carriage way of a State highway, and includes drains for draining such carriage way. “Maintain.”  
“Permanent improvements.”

“Permanent

"Permanent works."

"Permanent works" includes any new State highways deviations from State highways and permanent improvements to State highways.

(3) Save as aforesaid expressions in this Part which are defined in the Country Roads Acts shall have the same meaning in this Part:

Provided that any reference to main roads in the provisions extended and applied as aforesaid shall be deemed and taken to refer to State highways.

Declaration &c. of State highways.

6. (1) The Board may by resolution declare to be a State highway any highway (including any main road or developmental road) or any portion of a highway main road or developmental road which in the opinion of the Board is of sufficient importance to be declared a State highway, and may rescind such resolution as regards any State highway or portion of a State highway which owing to the diversion or cessation of traffic is in the opinion of the Board no longer of sufficient importance to be considered a State highway.

(2) Every such resolution shall describe the course of and distinctly specify the points of commencement and termination of any State highway or portion thereof as aforesaid.

(3) The Governor in Council by Order published in the *Government Gazette* may confirm any such resolution; and thereupon—

(a) any highway (including any main road or developmental road) or any portion of a highway main road or developmental road mentioned in such resolution shall be a State highway; or

(b) (as the case may be) any State highway or portion thereof mentioned in such resolution shall cease to be a State highway.

(4) Every such Order in Council shall set forth the terms of the resolution; and a copy of the *Government Gazette* containing any such Order in Council shall be evidence of the facts therein set forth.

Permanent improvements and permanent works on State highways.  
No. 2635  
ss. 22, 23.

7. (1) The provisions of sections twenty-two and twenty-three of the *Country Roads Act* 1915 with respect to permanent improvements to and the construction of permanent works on main roads shall extend and apply with respect to permanent improvements to and the construction of permanent works on State highways.

(2) The

(2) The provisions of Part III. of the said Act as amended by any Act so far as they relate to permanent works on main roads shall extend and apply with respect to permanent works on State highways; and notwithstanding anything in the *Country Roads Act* 1920 as amended by any Act so much of any moneys legally available for making permanent works under that Act as so amended as is required for the purpose of making permanent works on State highways under this Part may be applied accordingly.

No. 2635  
Part III.

No. 3057;  
No. 3334.

8. (1) The Board out of moneys legally available for the purpose shall maintain every State highway and no municipality shall be liable to pay any contribution in respect of such maintenance.

Board to maintain State highways.

(2) The Board and the council of any municipality may contract upon such terms and conditions as are mutually agreed upon for or with respect to the carrying out by the council for and on behalf of the Board of the maintenance of any portion of any State highway whether within or without the municipal district of such municipality and the council may carry out such maintenance accordingly:

Power to Board and councils to contract with respect to maintenance of State highways.

Provided however that in the carrying out of such work or any other work done by the Council of any municipality for and on behalf of the Board no fee or commission shall be paid or become payable to any officer employed by or acting for any such municipality.

(3) Money to the credit of the Country Roads Board Fund may be applied in payment of the cost of the maintenance of any State highway as if such maintenance were included in the maintenance of main roads within the meaning of sub-paragraph (1) of paragraph (b) of section thirty-nine of the *Country Roads Act* 1915.

Cost of maintenance.

No. 2635 s. 89.

9. The enactments mentioned in the First Schedule as amended by or re-enacted in any Act shall so far as applicable and with such alterations modifications and substitutions as are necessary extend and apply with respect to State highways and be read and construed accordingly.

Application of certain enactments.  
First Schedule.

10. In section two of the *Country Roads Act* 1918 for the words—

Amendment of No. 2986 s. 2.

“ which sum is hereby appropriated for the maintenance of main roads and for the purposes of the Country Roads Acts ”

Allocation of annual payment from consolidated revenue into “ Country Roads Board Fund.”

there shall be substituted the words—

“ one-fifth of which sum is hereby appropriated for the maintenance of main roads and State

State

Fourth  
Schedule.

State highways and for the purposes of the Country Roads Acts and four-fifths for distribution in such amounts as the Commissioner of Public Works directs among the several municipalities mentioned in the Fourth Schedule to the *Highways and Vehicles Act* 1924 and cities or towns not mentioned in the said Schedule, and shall be applied by the respective councils towards the construction renewal reconstruction repair or maintenance of streets or roads in such manner and of such materials as the Board may direct and not otherwise."

Reduction of contributions of municipalities in respect of maintenance of main roads.  
No. 2635 s. 27.

11. In section twenty-seven of the *Country Roads Act* 1915 after the words "half the amount expended on permanent works" (wherever occurring) for the words "and maintenance" there shall be substituted the words "and one-third of the amount expended on maintenance of main roads."

Extension of provisions of No. 2635 s. 50 and No. 3057 s. 8 to case of lands purchased or leased by the Board.

12. The provisions of section fifty of the *Country Roads Act* 1915 as amended by section eight of the *Country Roads Act* 1920 shall extend and apply with respect to any land purchased by the Board or of which the Board has a lease for the purpose of obtaining materials for any State highway main road or developmental road or any works thereon or in connexion therewith as if such land were land from which the Board was by the said section as so amended authorized to carry away materials.

## PART II.—MOTOR CARS AND TRACTION ENGINES.

Construction of Part.  
No. 2702.

13. This Part shall be read and construed as one with the *Motor Car Act* 1915.

Amendment of No. 2702 s. 4.  
Registration of motor cars &c.

14. (1) Section four of the *Motor Car Act* 1915 is hereby amended as follows:—

(a) For sub-sections (1) (2) and (3) there shall be substituted the following sub-sections:—

"(1) Every motor car motor cycle trailer fore-car and side-car shall be registered by the Chief Commissioner who shall keep a register and shall assign a separate identifying number to every motor car motor cycle trailer fore-car and side-car

side-car 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) The identifying number of each motor car motor cycle trailer fore-car and side-car shall be fixed and kept fixed on such motor car motor cycle trailer fore-car or side-car.

(3) A fee as provided for in the Second Schedule shall be paid to the Chief Commissioner on the registration of or the renewal of the registration of a motor car motor cycle trailer fore-car or side-car. No registration shall have any force or effect after the expiration of twelve months from the date of such registration or renewal and where the fee amounts to Ten pounds or upwards may be payable in equal half-yearly instalments in advance. The horse-power of a motor car for the purposes of the said Schedule shall be determined as provided in the said Schedule."

Fees payable on registration or renewal of registration of motor cars &c.

(b) At the end of the said section there shall be inserted the following sub-section:—

"(6) In the case of any motor car propelled by electricity or steam or any mechanical power (other than an internal combustion engine) the owner thereof shall with his application for the registration thereof declare by statutory declaration the horse power thereof; and if the horse power has been indicated or certified by the manufacturer it shall be sufficient if the horse power as so indicated or certified is stated in the declaration."

Horse power of certain motor cars how determined.

(2) The Second Schedule to this Act is hereby substituted for and may be cited as the Second Schedule to the *Motor Car Act 1915*.

New Schedule substituted for Second Schedule to No. 2702.

(3) The provisions of sub-section (4) of section four and of paragraphs (a) (b) and (k) of sub-section (1) of section fifteen and section twenty-one of the *Motor Car Act 1915* shall so far as applicable and with such alterations modifications and substitutions as are necessary extend and apply with respect to motor cycles trailers fore-cars and side-cars.

Second Schedule. Extension of certain provisions of No. 2702.

15. In sub-section (3) of section six of the *Motor Car Act 1915* for the words "A fee of Two shillings and sixpence" there shall be substituted the words "A fee of Five shillings."

Amendment of No. 2702 s. 6. Fees for driver's licence.

16. In

Amendment of  
No. 2635 s. 41.  
Registration  
fees for traction  
engines.

16. In section forty-one of the *Country Roads Act* 1915 for the words—

“A fee of Three pounds three shillings shall be paid to the Chief Commissioner of Police on the registration of or the renewal of the registration of a traction engine”

there shall be substituted the words—

“On the registration or the renewal of the registration of a traction engine there shall be paid to the Chief Commissioner of Police a fee as provided for in the Third Schedule to the *Highways and Vehicles Act* 1924 provided that no fee shall be charged in respect of any traction engine owned by a municipality.”

Third Schedule.

Restrictions on  
width height  
and weight of  
motor cars and  
loads carried  
thereon &c.

17. (1) A motor car shall not be used on any highway except under and in accordance with a special permit under this Part—

- (a) if the width of the motor car together with the load (if any) carried thereon exceeds eight feet;
- (b) if the height of the motor car together with the load (if any) carried thereon exceeds twelve feet;
- (c) if the weight of the motor car and of the load (if any) carried thereon together exceeds eight tons ;
- (d) if the weight on any one axle exceeds two-thirds of the weight of the motor car and of the load carried thereon together;
- (e) with a trailer attached thereto if the weight of the trailer and of the load (if any) carried on the trailer together exceeds five tons ; or (where the trailer has not more than two wheels in contact with the ground and is by partial superimposition attached to the motor car) if the weight on any one axle of the motor car or of the trailer exceeds six tons ;
- (f) if it is fitted with one or more metal tires or with a trailer attached thereto if the trailer is fitted with one or more metal tires ; or
- (g) where the motor car or any trailer attached thereto is fitted with one or more rubber tires other than pneumatic tires—if any such tire

Tires.

is

is not in good condition or has not rubber at least one inch thick on the whole of the circumference of the wheel.

(2) A motor car shall not be used on any highway at a greater speed than— Limits of speed

(a) in the case of a motor car carrying goods for hire or goods in the course of trade and fitted entirely with pneumatic tires—

(i) if the weight of the motor car and of the load carried thereon together does not exceed three tons—twenty-five miles per hour ; or

(ii) if such weight exceeds three tons—fifteen miles per hour ; or

(b) in the case of such a motor car fitted with one or more tires other than pneumatic tires—

(i) if the weight of the motor car and of the load carried thereon together does not exceed three tons—fifteen miles per hour ; or

(ii) if such weight exceeds three tons—twelve miles per hour ;

(c) in the case of a motor car carrying passengers for hire and fitted entirely with pneumatic tires—

(i) if the weight of the motor car and of the load carried thereon together does not exceed three tons—thirty miles per hour ; or

(ii) if such weight exceeds three tons—twenty-five miles per hour ; or

(d) in the case of a motor car fitted with one or more tires other than pneumatic tires and carrying passengers for hire—

(i) if the weight of the motor car and of the load carried thereon together does not exceed three tons—twenty-five miles per hour ; or

(ii) if such weight exceeds three tons—twenty miles per hour :

Provided



Provided that this sub-section shall not prejudice or affect the operation of any provisions—

of the *Motor Car Act 1915* ; or

of any regulation under that Act or of any regulation or by-law under any other Act prescribing a lower rate of speed.

**Penalties.**

(3) If any motor car or trailer 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.

**Power to compel unloading in certain cases.**

(4) In any case where a motor car or trailer is used on a highway in contravention of or non-compliance with any of the provisions of paragraph (a) or (b) or (c) or (d) or (e) of sub-section (1) of this section—

(a) any member of the police force or any officer of the Board or any officer of the council of the municipality in the municipal district of which any part of the highway on which the motor car or trailer is so used is situate may require the driver or the person in charge thereof to unload so much of the load carried as is in excess of the width height or weight prescribed by paragraph (a) or (b) or (c) or (d) or (e) of sub-section (1) of this section ; and

(b) any such driver or person who fails neglects or refuses to unload the same shall be liable to a penalty of not more than Twenty pounds ; and

(c) the owner of the motor car or trailer shall be responsible for any damage or loss occasioned by or arising out of any such unloading.

**Exemptions.**

(5) The provisions of this section shall not apply to any motor car or trailer of any public statutory corporation or to any motor omnibus licensed as a hackney carriage in accordance with the *Motor Omnibus Act 1924*.

**Prohibition of motor racing and speed trials on highways.**

18. If any motor car is used on a highway for purposes of racing or of trial of speed the driver or the person in charge thereof shall be liable to a penalty of not more than Fifty pounds.

19. (1) The

19. (1) The Board having regard to the nature of the construction and to the condition of any State highway or main road or any part thereof may prohibit the use thereon of motor cars the weight of which and of the load (if any) carried thereon together exceeds five tons, except under and in accordance with a special permit granted by the Board.

Power to the Board and to councils to prohibit heavy motor traffic on certain highways.

(2) The council of any municipality having regard to the nature of the construction and to the condition of any highway or any part thereof under the care and management of the council may prohibit the use thereon of motor cars the weight of which and of the load (if any) carried thereon together exceeds five tons, except under and in accordance with a special permit granted by the council.

(3) If any motor car is used in contravention of or non-compliance with this section or of any prohibition thereunder the driver or the person in charge thereof shall be liable to a penalty of not more than Fifty pounds.

(4) The provisions of this section shall be read and construed as in aid and not in derogation of any other provisions of this or any other Act relating to State highways main roads or other public highways streets or roads.

20. The following provisions shall have effect with regard to special permits provided for in this Part :—

General provisions as to special permits.

(1) Every such permit may be granted—

(a) in the case of any State highway or main road—  
by the Board or by any officer of the Board thereto authorized in writing either generally or in any particular case ; or

(b) in the case of any other highway—by the council of the municipality having the care and management thereof or by an officer of such council thereto authorized in writing either generally or in any particular case.

(2) Every such permit—

(a) shall be in writing ;

(b) may be granted for a single trip or for a specified period ;

(c) shall designate the roads and bridges to be traversed ; and

(d) may contain such other conditions and provisions and require such undertaking or security as  
the

the Board or the council (as the case may be) thinks necessary for the protection of roads and bridges from injury and for the payment to the Board or the council (as the case may be) of any damages caused to any road or bridge by reason of the use of any motor car for which a permit is granted.

(3) Every such permit shall—

- (a) be carried in the motor car to which it refers; and
- (b) on demand of any member of the police force or any officer of the Board or of the council (as the case may be) be produced by the driver or the person in charge of the motor car.

(4) Any person using a motor car under any such permit shall pay to the Board or the council (as the case may be) the amount of any and all damage that may be caused to any road or bridge by reason of the use of such motor car thereon, and the granting of the permit shall not relieve any person from liability for such damage.

(5) Any person who contravenes or fails to observe any provisions of this section or any of the conditions or provisions of any special permit shall (without affecting any other liability of such person) be liable to a penalty of not more than Fifty pounds.

Changing  
pneumatic  
tires for other  
tires.

21. (1) If after the registration or the renewal of the registration of a motor car fitted entirely with pneumatic tires any pneumatic tire is removed and a tire other than a pneumatic tire is fitted in place thereof the owner of the motor car shall within seven days after the fitting of such last-mentioned tire give notice thereof to the Chief Commissioner of Police and pay to him the amount of the difference between the fee paid on the registration or the renewal of the registration of the motor car and the fee which would have been payable on such registration or renewal if the motor car had been then fitted with one or more tires other than pneumatic tires.

(2) If the owner of any such motor car contravenes or fails to comply with any of the provisions of this section he shall (without affecting any other liability of such owner) be liable to a penalty of not more than Fifty pounds.

**SCHEDULES.**

## SCHEDULES.

## FIRST SCHEDULE.

The <i>Country Roads Act</i> 1915— Sections fifteen, sixteen, and nineteen to twenty-one and Part IV. of the said Act.	Section 9. No. 2685.
The <i>Country Roads Act</i> 1916.	No. 2862.
The <i>Developmental Roads Act</i> 1918— Sections fifteen to seventeen.	No. 2944.
The <i>Country Roads Act</i> 1918— Section four so far as it relates to permanent works. Sections five and seven.	No. 2986.
The <i>Country Roads Act</i> 1920— Section seven so far as it relates to permanent works. Section eight.	No. 3057.
The <i>Country Roads Act</i> 1921— Section five.	No. 3137.

## SECOND SCHEDULE.

Section 14.

(Substituted for and may be cited as the Second Schedule to the "Motor Car Act 1915.")

## METHOD OF DETERMINING POWER-WEIGHT UNITS.

1. (a) The number of power-weight units for a motor car is that number which is equal to the sum of the horse power and the weight in hundredweights of the motor car unladen and ready for use.

For example: in the case of a motor car of 20 horse power weighing 30 hundredweight, the number of power-weight units is 50.

(b) For the purposes of this Schedule—

- (i) an unladen motor car or trailer means a motor car or trailer in ordinary running condition and not carrying any person luggage or freight;
- (ii) the weight of any motor car or trailer shall be calculated to the nearest hundredweight.

2. (a) The horse power of a motor car propelled by any internal combustion engine shall be determined by squaring the measurement in inches of the internal diameter of the cylinders of the engine and multiplying the number so found by the number of cylinders and dividing the product by 2.5.

(b) The horse power of a motor car propelled by electricity or steam or any other mechanical power (except an internal combustion engine) shall be the horse power as indicated or certified by the manufacturer of the motor car or as declared by statutory declaration of the owner.

FEEES ON THE REGISTRATION OR THE RENEWAL OF THE REGISTRATION OF MOTOR CARS, MOTOR CYCLES, TRAILERS, FORE-CARS OR SIDE-CARS:—

A.—Motor cycles:—

Any motor cycle of whatever horse power .. .. £1 0 0  
SECOND

## SECOND SCHEDULE—continued.

*B.—Trailers, fore-cars or side-cars which when in use are attached to motor cycles :—*

Any such trailer fore-car or side-car .. .. £0 10 0

*C.—Motor cars other than motor cycles :—*

For each power-weight unit .. .. 0 3 0

Provided that—

(a) If the motor car is a motor omnibus licensed as a hackney carriage in accordance with the *Motor Omnibus Act 1924* the fee for such motor car shall be Five pounds.

(b) If the motor car is used for carrying passengers for hire and is not licensed as aforesaid or is used for carrying goods for hire or in the course of trade the fee shall be at the following rate—

(i) if fitted entirely with pneumatic tires: For each power-unit .. £0 3 9

(ii) if fitted with one or more tires other than pneumatic tires: For each power-unit .. .. 0 5 0

(c) The minimum fee for any motor car other than a motor cycle shall be Three pounds.

*D.—Trailers which when in use are attached to motor cars other than motor cycles :—*

If any such trailer is fitted entirely with pneumatic tires and—

(i) does not exceed one ton in weight unladen.. £1 0 0

(ii) exceeds one ton but does not exceed two tons in weight unladen .. .. 1 10 0

(iii) exceeds two tons in weight unladen .. 2 0 0

If any such trailer is fitted with one or more tires other than pneumatic tires and—

(i) does not exceed one ton in weight unladen £2 0 0

(ii) exceeds one ton but does not exceed two tons in weight unladen .. .. 3 0 0

(iii) exceeds two tons in weight unladen .. 4 0 0

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 THIRD SCHEDULE.

Section 18.

FEES ON THE REGISTRATION OR THE RENEWAL OF THE REGISTRATION OF TRACTION ENGINES.

Any traction engine used for haulage purposes on any highway—not exceeding five tons in weight .. £6 0 0

Any traction engine used for haulage purposes on any highway—exceeding five tons in weight but not exceeding ten tons in weight .. .. 10 0 0

Any traction engine used for haulage purposes on any highway—exceeding ten tons in weight .. 15 0 0

FOURTH

## FOURTH SCHEDULE.

Section 10.

The cities of Brighton, Brunswick, Camberwell, Caulfield, Coburg, Collingwood, Essendon, Fitzroy, Footscray, Hawthorn, Kew, Malvern, Melbourne, Northcote, Port Melbourne, Prahran, Richmond, Sandringham, South Melbourne, St. Kilda, and Williamstown.

The towns of Mordialloc, Oakleigh, and Preston.

The shires of Braybrook, Broadmeadows, Doncaster, Eltham, Heidelberg, Keilor, Moorabbin, Mulgrave, Nunawading, Werribee, and Whittlesea.