

**MOTOR TRAFFIC, METROPOLITAN TRAFFIC AND
TRANSPORT (AMENDMENT) ACT.**

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 2, 1968.

An Act to make further provisions with respect to the control of traffic upon public streets, the issue of drivers' licenses and the testing of drivers of motor vehicles; for these and other purposes, to amend the Motor Traffic Act, 1909, the Metropolitan Traffic Act, 1900, the Transport Act, 1930, and certain other Acts; and for purposes connected therewith. [Assented to, 10th April, 1968.]

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BE

Motor Traffic, Metropolitan Traffic and Transport (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No. 2, 1968
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
follows:—

1. (1) This Act may be cited as the "Motor Traffic, Metropolitan Traffic and Transport (Amendment) Act, 1968". Short title,
citation
and com-
mencement.

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909–1968.

(3) The Metropolitan Traffic Act, 1900, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Traffic Act, 1900–1968.

(4) The Transport Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Transport Act, 1930–1968.

(5) This section shall commence on the day upon which this Act receives the Royal assent and, subject to this subsection and subsection four of section eight of this Act, the provisions of this Act shall commence upon such day, or upon such different days in respect of different provisions, as the Governor may appoint in that behalf and notify by proclamation published in the Gazette.

2. Nothing in any provision of this Act shall affect the liability of any person, incurred before the commencement of that provision, under an Act amended by this Act or the regulations made under an Act so amended, and any such Act and regulations shall, in respect of any liability so incurred, apply as if this Act had not been enacted. Saving as
to prior
liability.

3. The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended by inserting next after section 4C the following new section:— Amendment
of Act No.
5, 1909.
New sec. 4D.

4D. (1) In this section "traffic control sign" means a standard, sign, notice or device in or similar to a form, or generally answering a description, prescribed for the purposes of this section. Traffic
control
signs.

(2)

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(2) The Commissioner of Police may give such a direction for the control of motor vehicles upon a public street as, in his opinion, may be necessary or desirable and any such direction—

- (a) may be limited as to time, place or subject-matter; and
- (b) may be varied or revoked by the Commissioner of Police.

(3) A direction given pursuant to subsection two of this section shall have effect only while there is erected or displayed upon or near, or marked upon, the public street to which the direction relates a traffic control sign that is notice of the direction.

(4) The direction appearing upon, or prescribed as given by, a traffic control sign that is erected or displayed upon or near, or marked upon, a public street with the authority of the Commissioner of Police shall, whether the traffic control sign was so erected, displayed or marked before or after the commencement of section three of the Motor Traffic, Metropolitan Traffic and Transport (Amendment) Act, 1968, be deemed to be a direction, for the time being in force, given pursuant to subsection two of this section in relation to that public street and the traffic control sign shall, for the purposes of subsection three of this section, be deemed to be notice of that direction.

(5) Regulations may be made for and with respect to—

- (a) the control of motor vehicles upon public streets by means of traffic control signs;
- (b) prescribing the form or description of traffic control signs;
- (c) the interpretation of words, figures, symbols or abbreviations appearing on a traffic control sign;
- (d)

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- (d) the direction represented by a sign or device comprising, or partly comprising, a traffic control sign; No. 72, 1968
- (e) the observance of a direction appearing on, or prescribed as being represented by, a traffic control sign.
- (6) Any person who—
- (a) without the authority of the Commissioner of Police—
- (i) erects or displays upon or near, or marks upon, a public street any traffic control sign; or
- (ii) interferes with, alters or removes any traffic control sign erected or displayed upon or near, or marked upon, a public street; or
- (b) erects or displays upon or near, or marks upon, a public street any standard, sign, notice or device that might reasonably be mistaken to be a traffic control sign,

shall be guilty of an offence under this Act.

(7) The Commissioner of Police or any member of the police force authorised by him in that behalf may direct any person who contravenes subsection six of this section to remove, within a time specified by him when giving the direction, the standard, sign, notice or device in respect of which the contravention took place and any such person who fails to comply with such a direction within the time so specified shall be guilty of an offence under this Act.

(8) Without affecting any liability of any person under subsection six or seven of this section, the Commissioner of Police may remove, or cause to be removed,

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removed, a standard, sign, notice or device erected, displayed or marked in contravention of subsection six of this section.

(9) The allegation, in an information in respect of an offence under this Act or a breach of a regulation, that a standard, sign, notice or device was erected, displayed or marked with the authority of the Commissioner of Police, or that a standard, sign, notice or device was erected, displayed, marked, interfered with, altered or removed without the authority of the Commissioner of Police, shall be accepted by the court as evidence of the truth of the allegation, unless the contrary is proved.

(10) The provisions of this section shall be supplemental to, and not in derogation from, any other provision of this Act.

Amendment
of Act No.
8, 1900.
New sec.
13D.

Traffic
control
signs.

4. The Metropolitan Traffic Act, 1900, as amended by subsequent Acts, is amended by inserting next after section 13C the following new section :—

13D. (1) In this section “traffic control sign” means a standard, sign, notice or device in or similar to a form, or generally answering a description, prescribed for the purposes of this section.

(2) The Commissioner of Police may give such a direction for the control of vehicles or horses upon a public street as, in his opinion, may be necessary or desirable and any such direction—

- (a) may be limited as to time, place or subject-matter; and
- (b) may be varied or revoked by the Commissioner of Police.

(3)

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(3) A direction given pursuant to subsection two of this section shall have effect only while there is erected or displayed upon or near, or marked upon, the public street to which the direction relates a traffic control sign that is notice of the direction. **No. 2, 1968**

(4) The direction appearing upon, or prescribed as given by, a traffic control sign that is erected or displayed upon or near, or marked upon, a public street with the authority of the Commissioner of Police shall, whether the traffic control sign was so erected, displayed or marked before or after the commencement of section four of the Motor Traffic, Metropolitan Traffic and Transport (Amendment) Act, 1968, be deemed to be a direction, for the time being in force, given pursuant to subsection two of this section in relation to that public street and the traffic control sign shall, for the purposes of subsection three of this section, be deemed to be notice of that direction.

(5) Regulations may be made for and with respect to—

- (a) the control of vehicles or horses upon a public street by means of traffic control signs;
- (b) prescribing the form or description of traffic control signs;
- (c) the interpretation of words, figures, symbols or abbreviations appearing on a traffic control sign;
- (d) the direction represented by a sign or device comprising, or partly comprising, a traffic control sign;
- (e) the observance of a direction appearing on, or prescribed as being represented by, a traffic control sign.

(6)

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(6) Any person who—

- (a) without the authority of the Commissioner of Police—
 - (i) erects or displays upon or near, or marks upon, a public street any traffic control sign; or
 - (ii) interferes with, alters or removes any traffic control sign erected or displayed upon or near, or marked upon, a public street; or
- (b) erects or displays upon or near, or marks upon, a public street any standard, sign, notice or device that might reasonably be mistaken to be a traffic control sign,

shall be guilty of an offence against this Act.

(7) The Commissioner of Police or any member of the police force authorised by him in that behalf may direct any person who contravenes subsection six of this section to remove, within a time specified by him when giving the direction, the standard, sign, notice or device in respect of which the contravention took place and any such person who fails to comply with such a direction within the time so specified shall be guilty of an offence against this Act.

(8) Without affecting any liability of any person under subsection six or seven of this section, the Commissioner of Police may remove, or cause to be removed, a standard, sign, notice or device erected, displayed or marked in contravention of subsection six of this section.

(9) The allegation, in an information in respect of an offence under this Act or a breach of a regulation, that a standard, sign, notice or device was erected,
displayed

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displayed or marked with the authority of the Commissioner of Police, or that a standard, sign, notice or device was erected, displayed, marked, interfered with, altered or removed without the authority of the Commissioner of Police, shall be accepted by the court as evidence of the truth of the allegation, unless the contrary is proved.

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(10) The provisions of this section shall be supplemental to, and not in derogation from, any other provision of this Act.

5. The Motor Traffic Act, 1909, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 5, 1909.

(a) (i) by omitting from section 2c the words “the testing of drivers of motor vehicles, and”;

Sec. 2c. (Enforcement by police.)

(ii) by omitting from the same section the word “such”;

(b) (i) by inserting in paragraph (m) of subsection one of section three after the word “licenses” the words “and the testing of applicants therefor”;

Sec. 3. (Regulations.)

(ii) by inserting next after paragraph (s) of the same subsection the following new paragraph :—

(t) make provision for or with respect to the refund, or partial refund, of the fee paid for a driver’s license issued for a period in excess of one year.

(iii) by inserting next after paragraph (d) of subsection two of the same section the following new paragraph :—

(e) Any regulation may fix alternative periods for the duration of drivers’ licenses.

(c)

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Schedule.

- (c) (i) by omitting from the Schedule the words "four dollars" where firstly occurring and by inserting in lieu thereof the words "at the rate of four dollars yearly";
- (ii) by omitting from the Schedule the words "three dollars" where secondly occurring and by inserting in lieu thereof the words "at the rate of three dollars yearly".

Further
amendment
of Act No.
18, 1930.

6. The Transport Act, 1930, as amended by subsequent Acts, is amended—

Sec. 202.
(Fund to be
established.)

- (a) by inserting in paragraph (b) of subsection one of section two hundred and two next before the word "all" the words "subject to section 202A of this Act";

New sec.
202A.

- (b) by inserting next after section two hundred and two the following new section :—

Road Trans-
port and
Traffic Fund
Advance
Payments
Account.

202A. (1) There shall be established and kept in the Treasury a Road Transport and Traffic Fund Advance Payments Account into which shall be paid that part of any fee charged under the Motor Traffic Act, 1909, as amended by subsequent Acts, for a driver's license, that is in excess of the fee charged for such a license for a period of one year.

(2) The amounts paid to the credit of the Road Transport and Traffic Fund Advance Payments Account shall be applied—

- (a) in payment of the amounts expended in refunding fees for drivers' licenses as provided by the regulations made under the Motor Traffic Act, 1909, as amended by subsequent Acts; and

(b)

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- (b) by paying, at the end of each financial year, to the credit of the Road Transport and Traffic Fund the amount of that part of the fees paid for drivers' licenses that is attributable to that year, less any amounts paid in that year under paragraph (a) of this subsection. No. 2, 1968

7. In the exercise of his powers, authorities, duties and functions relating to the testing of applicants for licenses under the Motor Traffic Act, 1909, as amended by subsequent Acts, the Commissioner for Motor Transport may make use of the services of members of the police force in such circumstances, upon such terms and conditions and for such periods as may be arranged with the Commissioner of Police. Testing of applicants for drivers' licenses.

8. (1) Any person whose services, immediately before the commencement of this section, were utilised by the Commissioner of Police exclusively in connection with the exercise by him of his powers, authorities, duties and functions relating to the testing of applicants for licenses under the Motor Traffic Act, 1909, as amended by subsequent Acts, and who at such time was an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, shall, on and from that commencement, become and be an officer or employee of the Department of Motor Transport. Transfer of certain officers and employees.

(2) An officer or employee referred to in subsection one of this section shall—

- (a) retain any rights which, on the day on which he becomes an officer or employee of the Department of Motor Transport, have accrued or are accruing to him as an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or as an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, and shall continue

to

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to contribute to any fund or account and shall be entitled to receive any annual leave, sick leave or long service or extended leave and any payment, pension or gratuity as if he had continued to be such an officer or employee and, for the purposes of this paragraph, service with the Department of Motor Transport shall be deemed to be service as such an officer or employee; and

- (b) be paid salary or wages at a rate not less than the rate that was payable to him immediately before the commencement of this section, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may require, for the time being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

(3) Where any condition of employment of an officer or employee referred to in subsection one of this section was, immediately before the commencement of this section, regulated by an award or industrial agreement or agreement made under and in accordance with the Public Service Act, 1902, as amended by subsequent Acts, such condition shall continue to be so regulated until an award regulating such condition and binding on the Commissioner for Motor Transport is made by a competent tribunal, or such condition is regulated by an industrial agreement to which that Commissioner is a party.

(4) This section shall commence on the day on which paragraph (a) of section five of this Act commences.