

**MOTOR TRAFFIC (AMENDMENT) ACT, 1978,  
No. 122**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 122, 1978.**

An Act to amend the Motor Traffic Act, 1909, with respect to procedures relating to penalty notices and for other purposes.  
[Assented to, 21st December, 1978.]

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See also Motor Vehicles (Third Party Insurance) Amendment Act, 1978.

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*Motor Traffic (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by 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. This Act may be cited as the "Motor Traffic (Amendment) Act, 1978". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—GENERAL AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909.

SCHEDULE 2.—AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909, BY WAY OF STATUTE LAW REVISION.

4. The Motor Traffic Act, 1909, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 5, 1909.

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*Motor Traffic (Amendment).*

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Sec. 4.

## SCHEDULE 1.

## GENERAL AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909.

## (1) (a) Section 3 (1) (j)—

After “shall be registered,” insert “that the registration of a motor vehicle may be unconditional or subject to such conditions relating to the transfer or use of the motor vehicle as may be specified in the certificate of registration for the motor vehicle.”.

## (b) Section 3 (1) (j)—

Omit “the same”, insert instead “motor vehicles”.

## (c) Section 3 (1) (q11), (q12)—

After section 3 (1) (q10), insert :—

(q11) where a motor vehicle is or is to be registered otherwise than in the name of one body corporate or one natural person, provide for the designation of a person to be treated as being, for the purposes of section 18A, the owner of the motor vehicle and for the consent of the designated person to the designation;

(q12) specify classes of persons (being persons appearing from the records kept by the Commissioner to be owners of motor vehicles) who shall be treated as being, for the purposes of section 18A, the owners of registered motor vehicles or motor vehicles that have been but are not registered;

## (2) (a) Section 4A (7) (b)—

Omit “or” where secondly occurring.

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*Motor Traffic (Amendment).*

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SCHEDULE 1—*continued.*

GENERAL AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—  
*continued.*

(b) Section 4A (7) (c)—

Omit “person,” insert instead “person; or”.

(c) Section 4A (7) (d)—

After section 4A (7) (c), insert :—

- (d) any vehicle referred to in paragraph (a), (b) or (c) whilst proceeding to any place to deal with an emergency,

(3) Section 12 (3)—

After section 12 (2), insert :—

(3) A certificate purporting to be signed by a prescribed officer and certifying that on any date or during any period specified in the certificate a person so specified was, pursuant to a regulation under section 3 (1) (q11) or (q12), a person to be treated as being, for the purposes of section 18A, the owner of a motor vehicle so specified shall, in all courts and upon all occasions whatsoever, without proof of the signature or of the official character of the person purporting to have signed the certificate and without the production of any record or document upon which the certificate is founded, be prima facie evidence of the particulars certified in and by the certificate.

(4) (a) Section 18A (5), definition of “Owner”—

From paragraph (c), omit “issue.” insert instead “issue; or”.

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*Motor Traffic (Amendment).*

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SCHEDULE 1—*continued.*GENERAL AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—  
*continued.*

## (b) Section 18A (5), definition of “Owner”—

After paragraph (c), insert :—

- (d) a person who, pursuant to a regulation under section 3 (1) (q11) or (q12), is to be treated as being, for the purposes of this section, the owner of the vehicle.

## (5) (a) Section 18B (1) (b)—

Omit “or” where secondly occurring.

## (b) Section 18B (1) (c)—

Omit “thereunder,”, insert instead “thereunder; or”.

## (c) Section 18B (1) (d)—

After section 18B (1) (c), insert :—

- (d) has committed any prescribed offence under the Motor Vehicles (Third Party Insurance) Act, 1942, or any regulation thereunder,

## (d) Section 18B (6) (a)—

Omit “paragraphs (a), (b) and (c) of subsection (1)”, insert instead “subsection (1) (a), (b), (c) or (d)”.

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*Motor Traffic (Amendment).*

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SCHEDULE 1—*continued.*

GENERAL AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—  
*continued.*

(e) Section 18B (6)—

Omit “or the Metropolitan Traffic Act, 1900, as amended by subsequent Acts,” insert instead “, the Metropolitan Traffic Act, 1900, or the Motor Vehicles (Third Party Insurance) Act, 1942,”.

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SCHEDULE 2.

**Sec. 4.**

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909, BY WAY OF  
STATUTE LAW REVISION.

(1) Long title—

Omit “to amend the Government Motor Omnibus Act, 1905;”.

(2) (a) Section 2 (1), definition of “Commissioner”—

Omit the definition, insert instead :—

“Commissioner” means the Commissioner for  
Motor Transport.

(b) Section 2 (1), definition of “Commissioner of  
Police”—

Omit the definition.

(c) Section 2 (1), definition of “Prescribed”—

Omit the definition.

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*Motor Traffic (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909, BY WAY OF  
STATUTE LAW REVISION—*continued.*

## (3) (a) Section 2A—

Omit “under this Act” wherever occurring.

## (b) Section 2A (1) (b)—

Omit “section”, insert instead “sections”.

## (c) Section 2A (2)—

Omit “for Motor Transport”.

## (4) Section 2B—

Omit “of Road Transport” wherever occurring.

## (5) Section 2C—

Omit “, or by regulation under this Act”, insert instead  
“or by regulation,”.

## (6) (a) Section 2D—

Omit “, or by regulation under this Act”, insert instead  
“or by regulation”.

## (b) Section 2D—

Omit “thereunder”.

## (7) (a) Section 3 (1) (g2) (v)—

Omit “or” where thirdly occurring, insert instead “of”.

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*Motor Traffic (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909, BY WAY OF  
STATUTE LAW REVISION—*continued.*

- (b) Section 3 (1) (j)—  
Omit “for Road Transport and Tramways”.
- (c) Section 3 (1) (k1)—  
Omit “for Motor Transport”.
- (d) Section 3 (1) (k2)—  
Omit “for Motor Transport”.
- (e) Section 3 (1) (k2)—  
Omit “subsection (1) of section 2”, insert instead  
“section 2 (1)”.
- (f) Section 3 (1), proviso—  
Omit “Railway Commissioners”, insert instead  
“Public Transport Commission of New South Wales”.
- (g) Section 3 (1) (s)—  
Omit “the Schedule”, insert instead “Schedule 1”.
- (h) Section 3 (1A)—  
Omit “paragraph (j1) of subsection (1)”, insert  
instead “subsection (1) (j1)”.
- (i) Section 3 (2) (a)—  
Omit “Any regulation made under this Act”, insert  
instead “A regulation”.
- (j) Section 3 (2) (b), (c), (d)—  
Omit “Any regulation” wherever occurring, insert  
instead “A regulation”.



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*Motor Traffic (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909, BY WAY OF  
STATUTE LAW REVISION—*continued.*

## (8) (a) Section 4A (1)—

Omit “paragraph (c) of subsection (3)” wherever occurring, insert instead “subsection (3) (c)”.

## (b) Section 4A (8)—

Omit “paragraph (a) of subsection (1) of section 4B”, insert instead “section 4B (1) (a)”.

## (c) Section 4A (8)—

Omit “the said”.

## (9) (a) Section 4B (2)—

Omit “as amended by subsequent Acts”.

## (b) Section 4B (2) —

Omit “from the date of conviction unless the court thinks fit to order a shorter or longer period of suspension and/or disqualification”, insert instead “, or such shorter or longer period as the court thinks fit to order, from the date of conviction”.

## (c) Section 4B (2)—

Omit “and/or” where secondly occurring, insert instead “or”.

## (d) Section 4B (3)—

Omit “or police”.

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*Motor Traffic (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909, BY WAY OF  
STATUTE LAW REVISION—*continued.*

(10) (a) Section 4E (7) (b)—

Omit “paragraph (a), (b) or (c) of subsection (2)”,  
insert instead “subsection (2) (a), (b) or (c)”.

(b) Section 4E (8)—

Omit “paragraph (a) of subsection (7)”, insert  
instead “(7) (a)”.

(c) Section 4E (11)—

Omit “paragraph (a), (b) or (c) of subsection (2)”,  
insert instead “subsection (2) (a), (b) or (c)”.

(d) Section 4E (14) (b)—

Omit “subsection (2) of section 5”, insert instead  
“section 5 (2)”.

(e) Section 4E (15)—

Omit “paragraph (a), (b) or (c) of subsection (2)”,  
insert instead “subsection (2) (a), (b) or (c)”.

(f) Section 4E (15)—

Omit “subsection (2) of section 5”, insert instead  
“section 5 (2)”.

(11) Section 5 (4)—

Omit “paragraph (a) of subsection (3)”, insert instead  
“subsection (3) (a)”.

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*Motor Traffic (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909, BY WAY OF  
STATUTE LAW REVISION—*continued.*

## (12) Section 5A—

Omit “subsection (2) of section 5”, insert instead “section 5 (2)”.

## (13) (a) Section 7A (1)—

Omit “, as amended by subsequent Acts”.

## (b) Section 7A (3)—

Omit “paragraph (a) or paragraph (b) or paragraph (d) or paragraph (e) of subsection (2)”, insert instead “subsection (2) (a), (b), (d) or (e)”.

## (14) (a) Section 7B (1) (a)—

Omit “for Motor Transport”.

## (b) Section 7B (2)—

Omit “subsection (1) of section 2”, insert instead “section 2 (1)”.

## (15) Section 8c (6)—

Omit “of Australia”.

## (16) (a) Section 10 (1)—

Omit “subsection (3) of section 7A”, insert instead “section 7A (3)”.

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*Motor Traffic (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909, BY WAY OF  
STATUTE LAW REVISION—*continued.*

(b) Section 10—

Omit “as amended by subsequent Acts,” wherever occurring.

(c) Section 10 (3A) (a)—

Omit “subsection (1) or subsection (7) of section 4E, or of an offence under subsection (2) of section 5 or of an offence under subsection (1) of section 8”, insert instead “section 4E (1) or (7), section 5 (2) or section 8 (1)”.

(d) Section 10 (4)—

Omit “of Road Transport”.

(e) Section 10 (5)—

Omit “subsection (1) or subsection (7) of section 4E, or with an offence under subsection (2) of section 5, or with an offence under subsection (1) of section 8”, insert instead “section 4E (1) or (7), section 5 (2) or section 8 (1)”.

(17) Section 12 (1)—

Omit “for Motor Transport”.

(18) Section 13—

Omit the section, insert instead :—

13. Section 41 of the Interpretation Act, 1897, applies Regulations in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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*Motor Traffic (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909, BY WAY OF  
STATUTE LAW REVISION—*continued.*

## (19) (a) Section 18A—

Omit “as amended by subsequent Acts,” wherever occurring.

## (b) Section 18A—

Omit “the said” where firstly, thirdly and fourthly occurring.

## (20) (a) Section 18B (1) (a)—

Omit “any regulation made thereunder”, insert instead “the regulations”.

## (b) Section 18B (1) (b), (c), (2) (b)—

Omit “as amended by subsequent Acts,” wherever occurring.

## (21) Section 19—

Omit “or police”.

## (22) Section 21 (1)—

Omit “for Motor Transport (hereinafter in this section referred to as ‘the Commissioner’)”.

## (23) (a) Section 22 (1)—

Omit “for Motor Transport (hereinafter in this section referred to as ‘the Commissioner’)”.

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*Motor Traffic (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909, BY WAY OF  
STATUTE LAW REVISION—*continued.*

(b) Section 22 (8)—

Omit “subparagraph (ii) of paragraph (b) of sub-  
section (3) of section 21”, insert instead “section  
21 (3) (b) (ii)”.

(24) Schedule—

Omit “SCHEDULE”, insert instead “SCHEDULE 1”.

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