

**MOTOR TRAFFIC (DRIVERS' LICENCES) AMENDMENT  
ACT 1988 No. 82**

NEW SOUTH WALES



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**MOTOR TRAFFIC (DRIVERS' LICENCES) AMENDMENT ACT 1988**  
**No. 82**

NEW SOUTH WALES



**Act No. 82, 1988**

An Act to amend the Motor Traffic Act 1909 to make further provision with respect to licences under that Act, and for other purposes. [Assented to 6 December 1988]

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See also Motor Vehicle Driving Instructors (Amendment) Act 1988; Tow-truck (Amendment) Act 1988.

*Motor Traffic (Drivers' Licences) Amendment 1988*

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**The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Motor Traffic (Drivers' Licences) Amendment Act 1988.

**Commencement**

2. (1) This Act commences on the date of assent, except as provided by subsection (2).

(2) Schedule 1 (3), and section 3 in its application to that provision, commence on a day to be appointed by proclamation.

**Amendment of Motor Traffic Act 1909 No. 5**

3. The Motor Traffic Act 1909 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 7 (**Unlawfully obtaining or possessing licences etc.**)—

At the end of the section, insert:

(2) A member of the police force or an authorised person—

(a) to whom any licence, or any article resembling a licence, is produced by a person representing it to be the person's licence; and

(b) who reasonably suspects that the licence or article—

(i) has been forged or altered in contravention of this section; or

(ii) is being used in contravention of this section; or

(iii) is unlawfully in the possession of the person who produced it,

may, with no authority other than the provisions of this section, seize the licence or article.

(3) A person by whom any licence or article is produced as referred to in subsection (2) (a) and who fails to provide, at the request of the member of the police force or authorised person to whom it was produced (and on being supplied with adequate materials) a specimen of his or her signature is guilty of an offence under this Act.

*Motor Traffic (Drivers' Licences) Amendment 1988*SCHEDULE 1—AMENDMENTS—*continued*

(4) The grounds on which a reasonable suspicion, sufficient to authorise a seizure under subsection (2), may be formed include (but are not limited to) any of the following:

- (a) a lack of resemblance between the person depicted in a photograph affixed to the licence or article, purporting to be a photograph of a licensee, and the person who produced the licence or article;
- (b) a lack of resemblance between a signature inscribed on the licence or article, purporting to be the signature of a licensee, and a specimen signature provided by the person who produced the licence;
- (c) a refusal by the person, after producing the licence or article, to comply with a request under subsection (3).

(5) A licence or article seized under subsection (2) shall be forwarded to the Commissioner, who—

- (a) on being satisfied that it is a genuine licence that was lawfully in the possession of the person who produced it, shall cause it to be returned, by delivery or by post, to the licensee; or
- (b) on being satisfied that—
  - (i) it was forged or altered in contravention of this section; or
  - (ii) it was being used in contravention of this section; or
  - (iii) it was unlawfully in the possession of the person who produced it,

shall deal with it in such manner as the Commissioner thinks fit.

(6) The holder of a genuine driver's licence which is seized under subsection (2) does not commit any offence merely because he or she is not in possession of the licence at any time after the seizure and before the licence is returned.

(7) In this section, "authorised person" means a person acting in the administration of this Act.

(2) Section 7A (**Offences committed by disqualified drivers etc.**)—

(a) After section 7A (2), insert:

(2A) Subsection (2) (a), (b) and (c) do not apply to the driving of a motor vehicle in circumstances prescribed by the regulations.

(b) Section 7A (3)—

Omit "(b), (d)", insert instead "(b), (c), (d)".

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SCHEDULE 1—AMENDMENTS—*continued*

- (3) Section 10AA (**Effect of disqualification**)—
- (a) Section 10AA (1) (b)—  
Omit the paragraph, insert instead:  
(b) the person shall, immediately after being convicted or within such time as the court may allow, surrender the licence to the court.
- (b) Section 10AA (2)—  
Omit “deliver”, insert instead “surrender”.
- (c) Section 10AA (3)—  
After section 10AA (2), insert:  
(3) A licence surrendered under this section shall be delivered to the Commissioner.
- (4) Section 11AA (**Grant and renewal of driver's licence**)—
- (a) After section 11AA (3), insert:  
(3A) The regulations may make provision for or with respect to the exemption of persons from all or any of the requirements of subsection (3).
- (b) After section 11AA (7), insert:  
(8) Without affecting the generality of subsection (7), any negative of, or data capable of being used for reproducing the likeness of a person depicted in, a photograph taken under this section shall be destroyed immediately following the issue of the licence concerned.  
(9) A person employed or engaged in connection with any aspect of the production of licences that feature a photograph of the licensee, or otherwise concerned in the administration of this Act, who—  
(a) reproduces, by photographic or other means, the likeness of a person that is depicted, or is to be depicted, in a licence; or  
(b) causes or permits another person to do so,  
otherwise than as required for the purposes of this Act is guilty of an offence under this Act.
- (5) Section 11AD—  
After section 11AC, insert:  
**Demand for production of licence**  
11AD. (1) A person who (knowing that he or she is not by law authorised to require its production) demands production by another person of that other person's driver's licence is guilty of an offence under this Act.

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SCHEDULE 1—AMENDMENTS—*continued*

(2) For the purposes of this section, the making of a statement that could reasonably be understood, by the person to whom the statement is made, as indicating that that person is being required to produce his or her licence shall be taken to be a demand for its production.

(3) Nothing in this section prohibits a request for production of a licence as a means of evidencing the identity or age of a person—

- (a) in connection with the supply of any goods or services; or
- (b) in connection with the conferring of any right, title or benefit; or
- (c) in other circumstances,

where it is reasonable for the person making the request to require evidence of the other person's identity or age.

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[*Minister's second reading speech made in—  
Legislative Assembly on 10 November 1988  
Legislative Council on 30 November 1988*]

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