

Act No. 110

**MOTOR TRAFFIC (TRANSPORT ADMINISTRATION)  
AMENDMENT BILL 1988**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Transport Administration Bill 1988.

The object of this Bill is to amend the Motor Traffic Act 1909 so as—

- (a) to transfer from the Commissioner for Motor Transport to the proposed Roads and Traffic Authority the functions of that Commissioner under the Act (being generally the functions of the registration of vehicles and the licensing of drivers); and
- (b) to transfer to the Act from the Traffic Authority Act 1976 the functions of the Traffic Authority and to provide for their exercise by the proposed Roads and Traffic Authority (being generally functions relating to traffic arrangements and traffic safety); and
- (c) to incorporate in the Act the relevant provisions of the General Traffic Act 1900 (formerly the Metropolitan Traffic Act 1900) relating to the regulation of pedestrians, vehicles (other than motor vehicles) and horses; and
- (d) to make other miscellaneous changes.

As a result of the proposed amendments, the short title of the Act is to be changed to the Traffic Act 1909.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act is to commence on a day or days appointed by proclamation.

**Clause 3** is a formal provision which gives effect to the Schedule of amendments.

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**SCHEDULE 1—AMENDMENTS**

**Vehicle registration and licensing functions**

Schedule 1 (4) (b) and (c), (7) (b), (18), (21), (24) and (27) replace references to the Commissioner for Motor Transport or the Department of Motor Transport in the Principal Act with references to the Roads and Traffic Authority constituted under the proposed Transport Administration Act 1988.

**Functions of Traffic Authority**

Schedule 1 (6) inserts new Part 1A into the Principal Act. The new Part confers on the Roads and Traffic Authority the functions of the Traffic Authority (which is to be abolished) relating to traffic arrangements and traffic safety. The relevant provisions of the Traffic Authority Act 1976 (namely, sections 4, 5, 17, 18, 19 and 21) have been reproduced without any significant alteration. However, provision has been made in proposed section 2G to authorise the Roads and Traffic Authority to bring proceedings in the Supreme Court to ensure that public and local authorities comply with its traffic safety etc. directions.

Schedule 1 (4) (k), (5), (7) (h), (10), (13) (b) and (14) make consequential changes.

**Incorporation into Act of General Traffic Act 1900**

At present, the Motor Traffic Act 1909 deals with the control of motor vehicle traffic. The General Traffic Act 1900 (which originally dealt with all traffic matters) continues to deal with pedestrian traffic, horses and vehicles such as bicycles. The retention of the General Traffic Act 1900 results in duplication and uncertainty.

Accordingly, the General Traffic Act 1900 is to be repealed and the relevant provisions of the Motor Traffic Act 1909 extended to cover non-motor vehicle traffic.

Schedule 1 (4) (except (4) (b), (c), (k) and (l)), (7) (a) and (f), (9), (11), (12), (13) (a), (c) and (d), (16), (17), (19), (23) and (28) give effect to the proposed changes.

**Fees and charges**

At present fees and charges under the Principal Act are determined by order under section 265B of the Transport Act 1930. The provision for increases in fees and charges in accordance with the formula in the Transport Act 1930 is to be repealed.

Schedule 1 (4) (l), (7) (d) and (e), (20) and (25) replace references to the determination of fees and charges under the Transport Act 1930 with references to the determination of fees and charges by regulations under the Principal Act.

**Seizure of unregistered vehicles**

Schedule 1 (29) inserts proposed section 24 into the Principal Act. The provision re-enacts section 6 of the Motor Vehicles Taxation Management Act 1949 and is being transferred to the Principal Act as a result of the proposed consolidation of the motor vehicle taxation legislation.

**Registration of certain public vehicles**

Schedule 1 (8) repeals section 3A of the Principal Act. As a result of the repeal, taxis and other public passenger vehicles (including UTA buses) operating in the metropolitan areas of Sydney, Newcastle and Wollongong (which at present are registered under the Transport Act 1930) will be required to be registered under the Principal Act. The amendment is consequent on the transfer to the Secretary of the Ministry of Transport of the functions of the Department of Motor Transport relating to the control of public passenger vehicles.

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**Titles of Act**

**Schedule 1 (1)** amends the long title of the Principal Act, and **Schedule 1 (2)** changes the short title from the Motor Traffic Act 1909 to the Traffic Act 1909, as a consequence of the proposed extension of the Principal Act to deal with all traffic matters.

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