

[Act 1997 No 115]



New South Wales

Traffic Legislation Amendment Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Traffic Act 1909* to adopt (with minor modifications) the definitions of **road** and **road related area** in the *Road Transport Reform (Heavy Vehicles Registration) Act 1997* of the Commonwealth (“the Commonwealth Act”) and to replace references to public streets in the *Traffic Act 1909* with references to roads and road related areas, and
 - (b) to replace the definitions of **motor vehicle** and **trailer** in the *Traffic Act 1909* with definitions that are consistent with the definitions of those terms in the Commonwealth Act, and
 - (c) to empower the Minister for Roads to declare, by notice published in the Gazette, that the *Traffic Act 1909* or regulations under that Act apply to specified areas that are open to or used by the public or do not apply to specified roads or road related areas, and
-

- (d) to make amendments to the *Traffic Act 1909* in the nature of statute law revision and to provide for savings and transitional matters, and
- (e) to make consequential amendments to various other Acts and various Regulations to adopt the updated terminology in the *Traffic Act 1909*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Traffic Act 1909* set out in Schedules 1–3.

Clause 4 is a formal provision giving effect to the amendments to various other Acts set out in Schedule 4.

Clause 5 is a formal provision giving effect to the amendments to various Regulations set out in Schedule 5.

Schedule 1 amends the *Traffic Act 1909* by:

- (a) removing references to “public street” in the Act and replacing them with references to “road or road related area”, and
- (b) inserting new definitions of *road* and *road related area* that are consistent with the definitions of those terms in the Commonwealth Act, and
- (c) conferring a power on the Minister for Roads, in a manner consistent with the Commonwealth Act, to declare, by notice published in the Gazette, that the Act or regulations (or specified provisions of them):
 - (i) apply to any specified area that is open to or used by the public, or
 - (ii) do not apply to a specified road or road related area.

Schedule 2 amends the *Traffic Act 1909* by replacing the definitions of *motor vehicle* and *trailer* with definitions (and by inserting a definition of *use* of a vehicle) that are consistent with the definitions of those terms in the Commonwealth Act and by making consequential amendments to the rest of the Act.

Schedule 3 amends the *Traffic Act 1909* to make certain amendments in the nature of statute law revision and to provide for certain savings and transitional matters consequent on the enactment of the proposed Act. In particular, Schedule 3 [1] enables regulations to be made for the refund of fees for unregistered vehicle permits.

Schedule 4 makes amendments to various other Acts that are consequential on the amendments made to the *Traffic Act 1909*.

Schedule 5 makes amendments to various Regulations that are consequential on the amendments made to the *Traffic Act 1909*.

A list of the Acts and Regulations to be amended by the proposed Act is set out in the Note at the end of the Bill.