



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.

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Explanatory note

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**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.





New South Wales

# Traffic Legislation Amendment Bill 1997

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New South Wales

## Traffic Legislation Amendment Bill 1997

No. , 1997

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### **A Bill for**

An Act to amend the *Traffic Act 1909* to make some of the terminology of the Act consistent with the *Road Transport Reform (Heavy Vehicles Registration) Act 1997* of the Commonwealth and to enable the Minister by declaration to include or exclude certain areas from the operation of the *Traffic Act 1909* and regulations under the Act; to make consequential amendments to the *Motor Accidents Act 1988* and various other Acts and various Regulations; and for other purposes.

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

**1 Name of Act**

This Act is the *Traffic Legislation Amendment Act 1997*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation. 5

**3 Amendment of Traffic Act 1909 No 5**

The *Traffic Act 1909* is amended as set out in Schedules 1–3.

**4 Amendment of other Acts**

Each of the Acts specified in Schedule 4 is amended as set out in that Schedule. 10

**5 Amendment of Regulations**

Each of the Regulations specified in Schedule 5 is amended as set out in that Schedule.

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## Schedule 1 Amendments to Traffic Act 1909 concerning public streets

(Section 3)

### [1] The whole Act

Omit "public street" and "public streets" wherever occurring (except in the definition of *Public street* in section 2 (1)). 5  
Insert instead "road or road related area" and "roads or road related areas".

### [2] Section 2 Definitions

Omit the definition of *Public street* from section 2 (1). 10  
Insert in alphabetical order:

*Road* means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

*Road related area* means: 15

- (a) an area that divides a road, or
- (b) a footpath or nature strip adjacent to a road, or
- (c) an area that is open to the public and is designated for use by cyclists or animals, or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking motor vehicles, or 20
- (e) any other area that is open to or used by the public and that has been declared under section 2A to be an area to which specified provisions of this Act or the regulations apply. 25

### [3] Section 2A

Insert after section 2:

#### 2A Power to include or exclude areas

- (1) The Minister may declare, by notice published in the Gazette, that this Act and the regulations, or specified provisions of this Act or the regulations: 30

- (a) apply to a specified area of the State that is open to or used by the public, or
    - (b) do not apply to a specified road or road related area.
  - (2) Before making a declaration under subsection (1), the Minister is to consult with the Minister administering the *Motor Accidents Act 1988*. 5
  - (3) The declaration has effect until it is revoked, or for the period specified in the declaration.
- [4] Section 3B Shared traffic zones** 10
- Omit "street" where thirdly and fourthly occurring in section 3B (1).  
Insert instead "road or road related area".
- [5] Section 4 Negligent, furious or reckless driving**
- Omit "street" wherever occurring in section 4 (2).  
Insert instead "road or road related area". 15
- [6] Section 4A Speed limits**
- Omit "street" where lastly occurring in section 4A (2) (a).  
Insert instead "road or road related area".
- [7] Section 4A (2) (b)**
- Omit "street" where lastly occurring. 20  
Insert instead "road or road related area".
- [8] Section 4BA Conduct associated with street and drag racing and other activities**
- Omit "street surface" from section 4BA (2).  
Insert instead "surface of the road or road related area". 25

## Schedule 2 Amendments to Traffic Act 1909 concerning motor vehicles and trailers

(Section 3)

- [1] **Section 2 Definitions** 5
- Insert "or trailers" after "motor vehicles" in the definition of *District registry* in section 2 (1).
- [2] **Section 2 (1), definition of "Identification number"**
- Insert "or trailer" after "motor vehicle".
- [3] **Section 2 (1)** 10
- Omit the definitions of *Motor vehicle* and *Trailer*.  
Insert in alphabetical order:
- Motor vehicle* means a vehicle that is built to be propelled by a motor that forms part of the vehicle.
- Trailer* means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed. 15
- Use* of a vehicle includes standing the vehicle on a road or road related area.
- [4] **Section 2 (1), definition of "Radar detecting device"** 20
- Insert "or trailer" after "motor vehicle".
- [5] **Section 2 (1), definition of "Radio jamming device"**
- Insert "or trailer" after "motor vehicle".

- [6] **Sections 2 (2), 3 (1) (g2), (j), (j1)–(m), (q1), (q2), (q7), (q11) and (q12), (1A) and (7), 4A (9), 4AD (3), 4AE (1) and (2), 4B (2), 4E (1B) (g), 6 (1) (c), 7 (1), 7B (1), 7C (1), 8 (3) (b), 8A, 8B, 10A (4), 11AE (1), 11A, 11C, 11D, 12 (3), 18, 18A (1), (3) and (6), 18B (1) (e) and (2) (b), 21 (1) (a) and (2), 24 (1) and (2) and 26** 5
- Omit “motor vehicle” and “motor vehicles” wherever occurring. Insert instead “motor vehicle or trailer” and “motor vehicles or trailers” respectively.
- [7] **Section 2 (2A)** 10
- Insert “(whether or not in combination with a trailer)” after “motor vehicle” where lastly occurring.
- [8] **Section 3 Regulations**
- Omit the second paragraph of section 3 (1) (k2).
- [9] **Section 4AD Sale, purchase or use of radar detectors and jammers** 15
- Omit “motor vehicle” where secondly occurring in section 4AD (2). Insert instead “motor vehicle or trailer”.
- [10] **Section 5C Driving etc of dangerously defective vehicles** 20
- Insert “or trailer” after “motor vehicle” where secondly occurring in section 5C (7).
- [11] **Section 6A Standing of unregistered vehicles on roads or road related areas**
- Insert after paragraph (b) of the definition of *motor vehicle* in section 6A (1):
- , and 25
- (c) a trailer.

**[12] Section 7B Offences relating to identification numbers of engines etc of vehicles**

Omit section 7B (2).

**[13] Section 8 Requirements in case of accident**

Insert "or trailer" after "motor vehicle" where secondly occurring in section 8 (3) (a). 5

**[14] Section 10F Definitions**

Insert in alphabetical order in section 10F (1):

*motor vehicle* includes a trailer.

**[15] Section 10ZD Definitions (as inserted by the Traffic Amendment (Vehicle Identification) Act 1996)** 10

Omit the definition of *motor vehicle*. Insert instead:

*motor vehicle* includes a trailer.

**[16] Section 12 Records and evidence**

Omit "motor vehicles" from section 12 (1) (a). 15  
Insert instead "motor vehicles or trailers".

## Schedule 3 Other amendments to Traffic Act 1909

(Section 3)

**[1] Section 3 Regulations**

Insert "or for a permit referred to in paragraph (j1)" after "vehicle" in section 3 (1) (t).

5

**[2] Section 11A Transfer of number-plate**

Omit "or section 22A of the *State Transport (Co-ordination) Act 1931*".

**[3] Section 18B Penalty notices for certain offences**

Omit "*Motor Vehicles (Third Party Insurance) Act 1942*" from section 18B (6).

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Insert instead "*Motor Accidents Act 1988*".

**[4] Schedule 1 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Traffic Legislation Amendment Act 1997*, but only in relation to the amendments made to this Act or regulations made under this Act

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**[5] Schedule 1, Part 4**

Insert after Part 3:

**Part 4 Provisions consequent on enactment of Traffic Legislation Amendment Act 1997**

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**9 Definitions**

In this Part:

*amending Act* means the *Traffic Legislation Amendment Act 1997*.

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*public street* means public street as defined in section 2 of this Act immediately before the commencement of Schedule 1 [1] to the amending Act.

**10 Savings in relation to public streets**

- (1) Any act, matter or thing: 5
- (a) that, immediately before the commencement of Schedule 1 [1] to the amending Act, had effect under this Act in relation to a public street is taken to have effect under this Act in relation to a road or road related area, or 10
- (b) that, immediately before the commencement of Schedule 1 [1] to the amending Act, was done or omitted to be done on or in relation to a public street is taken to have been done or omitted to be done on or in relation to a road or road related area. 15
- (2) Without limiting the generality of subclause (1), the following matters are taken to have effect under this Act in relation to a road or road related area:
- (a) any traffic control sign within the meaning of section 4D of this Act as in force immediately before the commencement of Schedule 1 [1] to the amending Act that was in effect under this Act in relation to a public street immediately before that commencement, 20 25
- (b) any speed limit that was applicable to a length of public street under this Act immediately before the commencement of Schedule 1 [1] to the amending Act,
- (c) any shared traffic zone or other traffic or parking arrangement that was in effect under this Act in relation to any public street immediately before commencement of Schedule 1 [1] to the amending Act. 30

**11 Savings in relation to other matters**

Any act, matter or thing:

- (a) that, immediately before the commencement of Schedule 2 [3] to the amending Act, had effect under this Act in relation to a road, motor vehicle, trailer or vehicle (as defined by this Act, or having the meaning it otherwise had, immediately before the commencement of that item) is taken to have effect under this Act in relation to a road, motor vehicle, trailer or vehicle within the meaning of this Act (as amended by the amending Act), or 5
- (b) that, immediately before the commencement of Schedule 2 [3] to the amending Act, was done or omitted to be done with, on or in relation to a road, motor vehicle, trailer or vehicle (as defined by this Act, or having the meaning it otherwise had, immediately before the commencement of that item) is taken to have been done or omitted to be done with, on or in relation to a road, motor vehicle, trailer or vehicle (as amended by the amending Act). 15 20

**12 References to public street**

Any reference in any Act (other than this Act or the amending Act) or instrument made under any Act or in any instrument of any kind to a public street within the meaning of this Act is taken to be a reference to a road or road related area within the meaning of this Act (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of this Act). 25

**13 References to motor vehicles** 30

- (1) Any reference in any Act (other than this Act or the amending Act) or instrument made under any Act or in any instrument of any kind to a motor vehicle within the meaning of this Act (as defined immediately before the commencement of Schedule 2 [3] to the amending Act) 35

is taken to be a reference to a motor vehicle or trailer within the meaning of this Act (as amended by the amending Act).

- (2) This clause does not apply to the Acts and Regulations amended by Schedules 4 and 5 to the amending Act. 5

#### 14 References to trailers

- (1) Any reference in any Act (other than this Act or the amending Act) or instrument made under any Act or in any instrument of any kind to a trailer within the meaning of this Act (as defined immediately before the commencement of Schedule 2 [3] to the amending Act) is taken to be a reference to a trailer within the meaning of this Act (as amended by the amending Act). 10
- (2) This clause does not apply to the Acts and Regulations amended by Schedules 4 and 5 to the amending Act. 15

#### 15 References to motor vehicle in Justices (Short Descriptions of Motor Traffic and Other Offences) Regulation 1986

- (1) A reference in column 1 or 2 of Schedule 1 to the Short Description Regulation to a motor vehicle in relation to an altered offence is taken to include a reference to a trailer. 20
- (2) A penalty notice issued after the commencement of Schedule 2 [1] to the amending Act which describes an altered offence concerning a trailer by reference to an existing short description for that offence contained in column 2 of the Short Description Regulation: 25
- (a) is taken to include a reference to a trailer, and
- (b) is not invalid only by reason of it describing the offence by reference to the existing short description. 30
- (3) In this clause:
- altered offence*** means an offence specified in column 1 of the Short Description Regulation that is contained in a provision of an Act or Regulation that is amended by the amending Act to change references to a motor vehicle to references to a motor vehicle or trailer. 35

*Short Description Regulation* means so much of the *Justices (Short Descriptions of Motor Traffic and Other Offences) Regulation 1986* as relates to the following:

- (a) the *Motor Traffic Regulations 1935*,
- (b) the *Traffic Act 1909*.

5

**16 Validation of refunds for unregistered vehicle permits**

Any refund or partial refund by the Authority of a fee paid for a permit referred to in section 3 (1) (j1) of this Act before its amendment by Schedule 3 [1] to the amending Act is taken to have been done lawfully despite anything in this or any other Act or law.

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## Schedule 4 Amendment of other Acts

(Section 4)

### 4.1 Community Land Management Act 1989 No 202

#### [1] Section 116 Open and private access ways

Omit "public street" wherever occurring. 5  
Insert instead "road or road related area".

#### [2] Section 116 (7)

Insert in alphabetical order:

*road or road related area* means a road or road related area within the meaning of the *Traffic Act 1909* (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of that Act). 10

#### [3] Schedule 7 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

*Traffic Legislation Amendment Act 1997*, but only in relation to the amendments made to this Act 15

### 4.2 Credit Act 1984 No 94

#### Section 5 Definitions

Omit "motor vehicle" where firstly occurring from paragraph (a) of the definition of *commercial vehicle* in section 5 (1). 20  
Insert instead "motor vehicle or trailer".

### 4.3 Credit (Rural Contracts) Act 1987 No 205

#### Section 3 Definitions

Omit "motor vehicle" where firstly occurring from paragraph (a) of the definition of *commercial vehicle* in section 3 (1). 25  
Insert instead "motor vehicle or trailer".

**4.4 Crimes Act 1900 No 40**

**[1] Section 52A Dangerous driving: substantive matters**

Omit the definition of *road* from section 52A (9). Insert instead:

*road* means:

- (a) a road or road related area within the meaning of the *Traffic Act 1909* (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of that Act), or 5
- (b) any other place.

**[2] Section 52AA Dangerous driving: procedural matters**

10

Omit "public street (within the meaning of the *Traffic Act 1909*)" from section 52AA (2).

Insert instead "road or road related area within the meaning of the *Traffic Act 1909* (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of that Act)".

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**[3] Section 154AA Car stealing etc**

Omit the definition of *motor car* from section 154AA (2).  
Insert instead:

*motor car* means a motor vehicle within the meaning of the *Traffic Act 1909*, but does not include a caravan, trailer or motor vehicle constructed principally for use in agricultural production.

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**[4] Section 353A Power to search person, make medical examination, take photograph, finger-prints etc (as amended by the Crimes Legislation Amendment Act 1997 No 85)**

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Omit "motor vehicle upon a public street" from section 353A (7) (b).

Insert instead "motor vehicle on a road or road related area (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of that Act)".

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**[5] Section 414A Certificates to be evidence**

Omit "public street" from section 414A (3A) (b).  
 Insert instead "road or road related area within the meaning of that Act (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of that Act)".

5

**[6] Eleventh Schedule Savings and transitional provisions**

Insert after Part 9:

**Part 9A Traffic Legislation Amendment Act 1997**

**29A Regulations of a savings nature**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the *Traffic Legislation Amendment Act 1997*, but only in relation to the amendments made to this Act. 10
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date. 15
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or 20
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 25

**4.5 Criminal Records Act 1991 No 8**

**Section 11 How are traffic offences to be dealt with?**

Omit "motor vehicle" from section 11 (1) and (4) (c) wherever occurring. 30  
 Insert instead "motor vehicle or trailer".

**4.6 Driving Instructors Act 1992 No 3**

**[1] Section 3 Definitions**

Omit the definitions of *motor vehicle* and *public street* from section 3 (1).

Insert in alphabetical order:

*motor vehicle* means a motor vehicle (including any trailer towed by the vehicle) within the meaning of the *Traffic Act 1909*.

*road* means a road within the meaning of the *Traffic Act 1909* (other than a road that is the subject of a declaration made under section 2A (1) (b) of that Act).

*road related area* means a road related area within the meaning of the *Traffic Act 1909* (other than a road related area that is the subject of a declaration made under section 2A (1) (b) of that Act).

**[2] Section 53 Use of unsatisfactory vehicle**

Omit "public street". Insert instead "road or road related area".

**[3] Section 54 Employer not to allow use of unsatisfactory vehicle**

Omit "public street". Insert instead "road or road related area".

**[4] Section 59 Regulations**

Omit "public street" from section 59 (2) (f).

Insert instead "road or road related area".

**[5] Schedule 1 Savings and transitional provisions**

Insert "and the *Traffic Legislation Amendment Act 1997* (but only in relation to the amendments made to this Act)" after "this Act" in clause 2 (1).

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- [6] **Schedule 1, clause 2 (2)**  
Omit “this Act”. Insert “the Act concerned”.
- 4.7 Industrial Relations Act 1996 No 17**  
**Dictionary**  
Omit the definition of *motor vehicle*. Insert instead: 5  
*motor vehicle* means a motor vehicle or trailer within the meaning of the *Traffic Act 1909*.
- 4.8 Justices Act 1902 No 27**  
**Section 63 Manner of service of summons**  
Omit “motor vehicle” and “motor vehicles” from section 63 (6) 10  
wherever occurring.  
Insert instead “motor vehicle or trailer” and “motor vehicles or trailers” respectively.
- 4.9 Local Government Act 1993 No 30**  
**Section 633C Part not to affect roads and traffic functions under other Acts** 15  
Omit “public streets” wherever occurring.  
Insert instead “roads or road related areas within the meaning of the *Traffic Act 1909*”.
- 4.10 Motor Accidents Act 1988 No 102** 20
- [1] **Section 3 Definitions**  
Omit the definitions of *light rail vehicle*, *motor vehicle*, *public street* and *trailer* from section 3 (1).  
Insert the following definitions (with related notes) in alphabetical order: 25

**excluded area** means a road or road related area within the meaning of the *Traffic Act 1909* that is the subject of a declaration made under section 2A (1) (b) of that Act relating to a provision of that Act, or regulations made under it, that concern the registration of motor vehicles or trailers. 5

**light rail vehicle** means a light rail vehicle within the meaning of the *Traffic Act 1909*.

**motor vehicle** means a motor vehicle or trailer within the meaning of the *Traffic Act 1909*. 10

**Note.** The *Traffic Act 1909* defines **motor vehicle** to mean a vehicle that is built to be propelled by a motor that forms part of the vehicle.

**road** means a road within the meaning of the *Traffic Act 1909* (other than an excluded area). 15

**Note.** The *Traffic Act 1909* defines **road** to mean an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

**road related area** means an area (other than an excluded area): 20

- (a) referred to in paragraphs (a), (b), (c) or (d) of the definition of **road related area** in section 2 (1) of the *Traffic Act 1909*, or
- (b) referred to in paragraph (e) of that definition that has been declared under section 2A (1) (a) of that Act to be an area to which specified provisions of that Act or the regulations made under it concerning the registration of motor vehicles or trailers apply. 25

**Note.** The *Traffic Act 1909* defines a **road related area** to mean: 30

- (a) an area that divides a road, or
- (b) a footpath or nature strip adjacent to a road, or
- (c) an area that is open to the public and is designed for use by cyclists and animals, or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking motor vehicles, or 35

- (e) any other area that is open to or used by the public and that has been declared under section 2A of that Act to be an area to which specified provisions of that Act or the regulations apply.

**trailer** means a trailer within the meaning of the *Traffic Act 1909*. 5

**Note.** The *Traffic Act 1909* defines **trailer** to mean a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed.

**vehicle** means a vehicle within the meaning of the *Traffic Act 1909*. 10

**Note.** The *Traffic Act 1909* defines **vehicle** to mean any description of vehicle on wheels (including a light rail vehicle) but not including other vehicles used on railways or tramways.

[2] **Section 8 Offence of using etc uninsured motor vehicle on a road or road related area** 15

Omit "public street" wherever occurring.  
Insert instead "road or road related area".

[3] **Section 9 Third-party policies**

Omit "public street" from section 9 (a) wherever occurring. 20  
Insert instead "road or road related area".

[4] **Section 27 Claim against Nominal Defendant where vehicle not insured**

Omit "public street" wherever occurring. 25  
Insert instead "road or road related area".

[5] **Section 28 Claim against Nominal Defendant where vehicle not identified**

Omit "public street". Insert instead "road or road related area".

- [6] **Section 28A Claims against Nominal Defendant where a NSW registered trailer is attached to a motor vehicle which is not registered in NSW**  
Omit "public street" from section 28A (1).  
Insert instead "road or road related area". 5
- [7] **Section 100 Offence—unlicensed insurers**  
Omit "public street" wherever occurring.  
Insert instead "road or road related area".
- [8] **Schedule 1 Third-party policy**  
Omit "public street" wherever occurring. 10  
Insert instead "road or road related area".
- [9] **Schedule 4 Savings, transitional and other provisions**  
Insert at the end of clause 1 (1):  
*the Traffic Legislation Amendment Act 1997.*
- [10] **Schedule 4, Part 9** 15  
Insert after Part 8:  
**Part 9 Provisions arising from the enactment of the Traffic Legislation Amendment Act 1997**  
**23 Definitions**  
In this Part: 20  
*amending Act* means the *Traffic Legislation Amendment Act 1997*.  
*public street* means a public street as defined in section 3 (1) of this Act immediately before the commencement of Schedule 4.10 [1] to the amending Act. 25

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**24 Savings**

- (1) Any act, matter or thing:
- (a) that, immediately before the commencement of Schedule 1 to the amending Act, had effect under this Act in relation to a public street is taken to have effect under this Act in relation to a road or road related area, or 5
  - (b) that, immediately before the commencement of Schedule 1 to the amending Act, was done or omitted to be done on or in relation to a public street is taken to have been done or omitted to be done on or in relation to a road or road related area, or 10
  - (c) that, immediately before the commencement of Schedule 4.10 [1] to the amending Act, had effect under this Act in relation to a road, motor vehicle, trailer or vehicle (as defined by this Act, or having the meaning it otherwise had, immediately before the commencement of that Schedule) is taken to have effect under this Act in relation to a road, motor vehicle, trailer or vehicle within the meaning of this Act (as amended by the amending Act), or 15  
20
  - (d) that, immediately before the commencement of Schedule 4.10 [1] to the amending Act, was done or omitted to be done with, on or in relation to a road, motor vehicle, trailer or vehicle (as defined by this Act, or having the meaning it otherwise had, immediately before the commencement of that Schedule) is taken to have been done or omitted to be done with, on or in relation to a road, motor vehicle, trailer or vehicle within the meaning of this Act (as amended by the amending Act). 25  
30
- (2) Nothing in the amending Act affects the validity of any policy. 35

**25 References to public street**

Any reference in any Act (other than this Act or the amending Act) or instrument made under any Act or in a third party policy under this Act or any other instrument of any kind to a public street within the meaning of this Act is taken to be a reference to a road or road related area within the meaning of this Act. 5

**26 References to motor vehicles**

- (1) Any reference in any Act (other than this Act or the amending Act) or instrument made under any Act or in a third party policy under this Act or any other instrument of any kind to a motor vehicle within the meaning of this Act (as defined immediately before the commencement of Schedule 4.10 [1] to the amending Act) is taken to be a reference to a motor vehicle or trailer within the meaning of this Act (as amended by the amending Act). 10  
15
- (2) This clause does not apply to the Acts and Regulations amended by Schedules 4 and 5 to the amending Act.

**27 References to trailers**

- (1) Any reference in any Act (other than this Act or the amending Act) or instrument made under any Act or in a third party policy under this Act or any other instrument of any kind to a trailer within the meaning of this Act (as defined immediately before the commencement of Schedule 4.10 [1] to the amending Act) is taken to be a reference to a trailer within the meaning of this Act (as amended by the amending Act). 20  
25
- (2) This clause does not apply to the Acts and Regulations amended by Schedules 4 and 5 to the amending Act.

**28 Existing claims** 30

Any claim arising from a motor accident occurring before the commencement of Schedule 4.10 [1] to the amending Act is to be determined as if the amending Act had not been enacted.

---

**4.11 Motor Vehicle Sports (Public Safety) Act 1985 No 24**

**[1] Section 3 Definitions**

Omit the definition of *motor vehicle*. Insert instead:

*motor vehicle* means a motor vehicle within the meaning of the *Traffic Act 1909*.

5

**[2] Section 3, definition of “motor vehicle racing ground”**

Omit “public street within the meaning of the *Motor Traffic Act 1909*”.

Insert instead “road or road related area within the meaning of the *Traffic Act 1909* (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of that Act)”.

10

**[3] Schedule 1 Savings and transitional provisions**

Insert at the end of clause 1 (1):

the *Traffic Legislation Amendment Act 1997*, but only in relation to the amendments made to this Act

15

**4.12 Motor Vehicles Taxation Act 1988 No 111**

**[1] Section 3 Definitions**

Omit “public street” from the definitions of *motor cycle*, *motor omnibus*, *primary producer’s vehicle* in section 3 (1) wherever occurring.

20

Insert instead “road or road related area”.

**[2] Section 3 (1)**

Omit the definitions of *motor vehicle* and *public street*.

Insert in alphabetical order:

*motor vehicle* means a motor vehicle (other than a light rail vehicle) or trailer within the meaning of the *Traffic Act 1909*.

25

*road* means a road within the meaning of the *Traffic Act 1909* (other than a road that is the subject of a declaration made under section 2A (1) (b) of that Act).

*road related area* means a road related area within the meaning of the *Traffic Act 1909* (other than a road related area that is the subject of a declaration made under section 2A (1) (b) of that Act). 5

**[3] Section 9 Unregistered vehicles and vehicles upon which tax has not been paid**

Omit "public street" from section 9 (1) wherever occurring. 10  
Insert instead "road or road related area".

**[4] Section 16 Vehicles totally exempt from tax**

Omit "public street" from section 16 (1) wherever occurring.  
Insert instead "road or road related area".

**[5] Section 17 Exemptions granted by Minister** 15

Omit "public street" and "public streets" from section 17 (1) wherever occurring.  
Insert instead "road or road related area" and "roads or road related areas" respectively.

**[6] Section 17 (1) (g)** 20

Omit "street" where lastly occurring.  
Insert instead "road or road related area".

**[7] Section 25**

Insert after section 24:

**25 Savings and transitional provisions** 25

Schedule 2 has effect.

---

[8] **Schedule 2**

Insert after Schedule 1:

**Schedule 2 Savings and transitional provisions**

(Section 25)

**1 Regulations**

5

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

*Traffic Legislation Amendment Act 1997*, but only in relation to the amendments made to this Act

10

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.

- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

15

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or

20

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

**4.13 Motor Vehicles (Third Party Insurance) Act 1942 No 15**

25

**Section 5 Interpretation**

Omit paragraph (a) of the definition of *Public street* from section 5 (1).

Insert instead:

- (a) any street, road, lane, thoroughfare, footpath, or place open to or used by the public, and includes any place at the time open to or used by the public on the payment of money or otherwise, or

30

#### **4.14 Mount Panorama Motor Racing Act 1989 No 108**

##### **[1] Section 3 Definitions**

Omit the definition of *public street*. Insert in alphabetical order:

*road* means a road within the meaning of the *Traffic Act 1909* (other than a road that is the subject of a declaration made under section 2A (1) (b) of that Act). 5

*road related area* means a road related area within the meaning of the *Traffic Act 1909* (other than a road related area that is the subject of a declaration made under section 2A (1) (b) of that Act). 10

##### **[2] Section 4 Designation of Mount Panorama Circuit**

Omit "public street" from section 4 (2).  
Insert instead "road or road related area".

##### **[3] Section 5 Permits for conduct of specified motor racing meetings** 15

Omit "public street" and "such street" from section 5 (2) (d).  
Insert instead "road or road related area" and "such road or road related area" respectively.

##### **[4] Section 12 Suspension and application of certain legislation etc** 20

Omit "public street" from section 12 (3) wherever occurring.  
Insert instead "road or road related area".

##### **[5] Section 16**

Insert after section 15:

##### **16 Savings and transitional provisions**

Schedule 1 has effect. 25

**[6] Schedule 1**

Insert at end of the Act:

**Schedule 1 Savings and transitional provisions**

(Section 16)

**Part 1 General**

5

**1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following:

*Traffic Legislation Amendment Act 1997*, but only in relation to the amendments made to this Act. 10

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.

- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 15

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or 20

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 25

**4.15 Passenger Transport Act 1990 No 39**

**[1] Section 3 Definitions**

Omit "public street" from the definitions of *public passenger service* and *taxi-cab* wherever occurring.

Insert instead "road or road related area".

30

**[2] Section 3**

Omit the definition of *public street*. Insert in alphabetical order:

*road* means a road within the meaning of the *Traffic Act 1909* (other than a road that is the subject of a declaration made under section 2A (1) (b) of that Act). 5

*road related area* means a road related area within the meaning of the *Traffic Act 1909* (other than a road related area that is the subject of a declaration made under section 2A (1) (b) of that Act).

**[3] Section 63 Regulations** 10

Omit "public street" from section 63 (2) wherever occurring.  
Insert instead "road or road related area".

**[4] Section 63 (2) (e)**

Omit "particular street" and "part of a street".  
Insert instead "particular road or road related area" and "part of a road or road related area" respectively. 15

**[5] Schedule 1 Provisions relating to powers of authorised officers**

Omit "public street" from clause 5 (1).  
Insert instead "road or road related area".

**[6] Schedule 3 Savings and transitional provisions** 20

Insert at the end of clause 2 (1):

*Traffic Legislation Amendment Act 1997* (but only in relation to the amendments made to this Act)

**4.16 Rail Safety Act 1993 No 50**

**[1] Schedule 4 Savings and transitional provisions** 25

Insert "and the *Traffic Legislation Amendment Act 1997* (but only in relation to the amendments made to this Act)" after "this Act" in clause 1 (1) of the Schedule.

---

**[2] Schedule 4, clause 1 (2)**

Omit "this Act". Insert instead "the Act concerned".

**[3] Dictionary of words and expressions**

Omit "public street" from the definition of *railway safety work*.  
Insert instead "road or road related area within the meaning of the  
*Traffic Act 1909*".

5

**4.17 Recreation Vehicles Act 1983 No 136**

**[1] Section 4 Definitions**

Omit the definition of *motor vehicle* from section 4 (1).  
Insert instead:

10

*motor vehicle* means a motor vehicle (other than a light  
rail vehicle) or trailer within the meaning of the *Traffic  
Act 1909*.

**[2] Section 23 Application of certain offences under the Traffic Act  
1909**

15

Omit "public street" wherever occurring.  
Insert instead "road or road related area".

**4.18 Road Obstructions (Special Provisions) Act 1979 No 9**

**[1] Section 3 Definitions**

Omit the definitions of *motor vehicle* and *public road* from section 3  
(1).  
Insert instead:

20

*motor vehicle* means a motor vehicle or trailer within the  
meaning of the *Traffic Act 1909*.

*public road* means a road or road related area within the meaning of the *Traffic Act 1909* (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of that Act).

**[2]      Section 11** 5

Insert after section 10:

**11 Savings and transitional provisions**

Schedule 2 has effect.

**[3]      Schedule 2** 10

Insert after Schedule 1:

**Schedule 2      Savings and transitional provisions**  
(Section 11)

**1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts: 15
- Traffic Legislation Amendment Act 1997*, but only in relation to the amendments made to this Act
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date. 20
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or 25

- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

**4.19 Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72** 5

**[1] Section 3 Definitions**

Omit the definitions of *public street* and *vehicle*.  
Insert in alphabetical order:

*road* means a road within the meaning of the *Traffic Act 1909* (other than a road that is the subject of a declaration made under section 2A (1) (b) of that Act). 10

*road related area* means a road related area within the meaning of the *Traffic Act 1909* (other than a road related area that is the subject of a declaration made under section 2A (1) (b) of that Act). 15

*vehicle* means a motor vehicle or trailer within the meaning of the *Traffic Act 1909*.

**[2] Section 13 Unregistered vehicles**

Omit "public street" from section 13 (1) wherever occurring. 20  
Insert instead "road or road related area".

**[3] Section 14 Heavy vehicle permits**

Omit "public streets" from section 14 (1) (b).  
Insert instead "roads or road related areas".

**[4] Section 16 Driving without heavy vehicle permit prohibited** 25

Omit "public street" from section 16 (1) wherever occurring.  
Insert instead "road or road related area".

- [5] Section 26 Exemption for civil defence vehicles**  
Omit "public street" wherever occurring.  
Insert instead "road or road related area".
- [6] Section 31 Vehicles registered outside New South Wales**  
Omit "public street" wherever occurring. 5  
Insert instead "road or road related area".
- [7] Schedule 2 Savings and transitional provisions**  
Omit clause 1 (1). Insert instead:  
(1) The regulations may contain provisions of a savings or 10  
transitional nature consequent on the enactment of the  
following Acts:  
this Act  
*Road Transport Legislation Amendment Act 1995*
- [8] Schedule 2, clause 1 (1)**  
Insert at the end of the subclause: 15  
*Traffic Legislation Amendment Act 1997*, but only in  
relation to the amendments made to this Act
- [9] Schedule 2, clause 1 (2)**  
Omit "this Act". Insert instead "the Act concerned".
- 4.20 Roads Act 1993 No 33** 20
- [1] Section 52 Tollways**  
Omit "public street" from section 52 (3).  
Insert instead "road or road related area within the meaning of the  
*Traffic Act 1909*".

**[2] Section 87 Traffic control facilities**

Omit “public street” and “public streets” wherever occurring.  
 Insert instead “road or road related area within the meaning of the *Traffic Act 1909* (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of that Act)” and “roads or road related areas within the meaning of the *Traffic Act 1909* (other than roads or road related areas that are the subject of any declaration made under section 2A (1) (b) of that Act)” respectively.

5

**[3] Section 102 Liability for damage to public road**

10

Omit “public street” from section 102 (1).  
 Insert instead “road or road related area within the meaning of the *Traffic Act 1909* (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of that Act)”.

**[4] Section 144B Roads authority not to obstruct light rail system**

15

Omit “public street” from section 144B (4).  
 Insert instead “road or road related area within the meaning of the *Traffic Act 1909* (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of that Act)”.

**[5] Schedule 2 Savings, transitional and other provisions**

20

Insert at the end of clause 1 (1):

*Traffic Legislation Amendment Act 1997, but only in relation to the amendments made to this Act*

**[6] Dictionary**

Omit the definition of *public street*.

25

**4.21 Stamp Duties Act 1920 No 47**

**[1] Section 3 Definitions**

Insert in section 3 (1) in alphabetical order:

*Motor vehicle* means:

- (a) a motor vehicle or trailer within the meaning of the *Traffic Act 1909*, or 5
- (b) a caravan.

**[2] Section 84EBAA Farm machinery and commercial vehicles**

Omit "motor vehicle" from paragraph (a) of the definition of *commercial vehicle* in section 84EBAA (2). 10  
Insert instead "motor vehicle or trailer".

**[3] Section 84G Duty on motor vehicle certificates of registration**

Omit "public street" from section 84G (1) (g) and (h) wherever occurring. 15  
Insert instead "road or road related area".

**[4] Section 84G (8)**

Insert after section 84G (7):

- (8) In this section:

*road or road related area* means a road or road related area within the meaning of the *Traffic Act 1909* (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of that Act). 20

**[5] Section 86 Definitions**

Omit the definition of *motor vehicle* from section 86 (1). 25  
Insert instead:

*motor vehicle* means a motor vehicle or trailer within the meaning of the *Motor Accidents Act 1988*.

---

**[6] Tenth Schedule Savings, transitional and other provisions**

Insert at the end of clause 1A (1):

*Traffic Legislation Amendment Act 1997*, but only in relation to the amendments made to this Act

**4.22 Summary Offences Act 1988 No 25**

5

**[1] Section 3 Definitions**

Omit the definition of *public street* from section 3 (1).

Insert in alphabetical order:

*road* means a road within the meaning of the *Traffic Act 1909* (other than a road that is the subject of a declaration made under section 2A (1) (b) of that Act).

10

*road related area* means a road related area within the meaning of the *Traffic Act 1909* (other than a road related area that is the subject of a declaration made under section 2A (1) (b) of that Act).

15

**[2] Section 19 Soliciting**

Omit "public street" from section 19 (1).

Insert instead "road or road related area".

**[3] Section 31 Evidence as to road and road related area etc**

Omit "public street". Insert instead "road or road related area".

20

**[4] Section 34A**

Insert after section 34:

**34A Savings and transitional provisions**

Schedule 2 has effect.

**[5] Schedule 2**

Insert after Schedule 1:

**Schedule 2 Savings and transitional provisions**

(Section 34A)

**1 Regulations**

5

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

*Traffic Legislation Amendment Act 1997*, but only in relation to the amendments made to this Act

10

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.

- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

15

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or

20

- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

**4.23 Supreme Court Act 1970 No 52**

25

**[1] Section 87 Common law claim—running down cases**

Omit “public street” from section 87 (2) (a) (i).  
Insert instead “road or road related area”.

---

**[2] Section 87 (3)**

Omit the definitions of *motor vehicle* and *public street*.  
Insert in alphabetical order:

*motor vehicle* means a motor vehicle or trailer within the meaning of the *Traffic Act 1909*, but does not include a vehicle used on a tramway. 5

*road* means a road within the meaning of the *Traffic Act 1909* (other than a road that is the subject of a declaration made under section 2A (1) (b) of that Act).

*road related area* means a road related area within the meaning of the *Traffic Act 1909* (other than a road related area that is the subject of a declaration made under section 2A (1) (b) of that Act). 10

**[3] Fourth Schedule Savings and transitional provisions**

Insert after clause 4: 15

**5 Traffic Legislation Amendment Act 1997**

(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the *Traffic Legislation Amendment Act 1997* (but only in relation to the amendments made to this Act). 20

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 25

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or 30

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

**4.24 Sydney Harbour Tunnel (Private Joint Venture) Act 1987  
No 49**

**[1] Section 14 Sydney Harbour Tunnel not a public road or road or  
road related area**

Omit "public street" wherever occurring.  
Insert instead "road or road related area".

5

**[2] Section 19A**

Insert after section 19:

**19A Savings and transitional provisions**

Schedule 7 has effect.

10

**[3] Schedule 7**

Insert after Schedule 6:

**Schedule 7 Savings and transitional provisions**

(Section 19A)

**1 Regulations**

15

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

*Traffic Legislation Amendment Act 1997*, but only in relation to the amendments made to this Act

20

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.

- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

25

- 
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 5

#### 4.25 Tow Truck Act 1989 No 158

**[1] Section 3 Definitions** 10

Omit the definitions of *motor vehicle* and *public street* from section 3 (1).

Insert in alphabetical order:

*motor vehicle* means a motor vehicle (other than a light rail vehicle) or trailer within the meaning of the *Traffic Act 1909*. 15

*road* means a road within the meaning of the *Traffic Act 1909* (other than a road that is the subject of a declaration made under section 2A (1) (b) of that Act).

*road related area* means a road related area within the meaning of the *Traffic Act 1909* (other than a road related area that is the subject of a declaration made under section 2A (1) (b) of that Act). 20

**[2] Section 3 (1), definition of "towing authority"**

Omit "public street". 25

Insert instead "road or road related area".

**[3] Section 15 Tow truck drivers must hold drivers' certificates**

Omit "public street" wherever occurring.

Insert instead "road or road related area".

**[4] Section 34 Towing authority required**

Omit "public street". Insert instead "road or road related area".

**[5] Schedule 4 Savings, transitional and other provisions**

Insert "and the *Traffic Legislation Amendment Act 1997* (but only in relation to the amendments made to this Act)" after "this Act" in clause 1 (1). 5

**[6] Schedule 4, clause 1 (2)**

Omit "this Act". Insert instead "the Act concerned".

**4.26 Transport Administration Act 1988 No 109**

**[1] Section 104N Light rail system 10**

Omit "public street" wherever occurring in section 104N (2) and (3).  
Insert instead "road or road related area".

**[2] Section 104N (6)**

Insert after section 104N (5):

(6) In this section: 15

*road* means a road within the meaning of the *Traffic Act 1909* (other than a road that is the subject of a declaration made under section 2A (1) (b) of that Act).

*road related area* means a road related area within the meaning of the *Traffic Act 1909* (other than a road related area that is the subject of a declaration made under section 2A (1) (b) of that Act). 20

**[3] Schedule 7 Savings, transitional and other provisions**

Insert at the end of clause 2 (1):

*Traffic Legislation Amendment Act 1997*, but only in  
relation to the amendments to this Act

## Schedule 5 Amendment of Regulations

(Section 5)

### 5.1 Ambulance Services (Staff) Regulation 1995

#### Clause 13 Offences to be reported

Omit "public street" wherever occurring from paragraphs (a) and (b) of the definition of *traffic offence* in clause 13 (4). 5  
Insert instead "road or road related area".

### 5.2 Charitable Fundraising Regulation 1993

#### [1] Clause 3 Definitions

Omit the definition of *public street*. Insert in alphabetical order: 10

*road* means a road within the meaning of the *Traffic Act 1909* (other than a road that is the subject of a declaration made under section 2A (1) (b) of that Act).

*road related area* means a road related area within the meaning of the *Traffic Act 1909* (other than a road related area that is the subject of a declaration made under section 2A (1) (b) of that Act). 15

#### [2] Schedule 1 Conditions apply to certain authorities

Omit "public street" from clause 8 (1).  
Insert instead "road or road related area". 20

#### [3] Schedule 1, clause 27

Omit "public street or road".  
Insert instead "road or road related area".

---

**5.3 General Traffic (Pedestrian) Regulations 1937**

**[1] Regulation 4 Road or road related area closed to traffic**

Omit "public street". Insert instead "road or road related area".

**[2] Regulations 5, 5A, 6, 7, 8 and 9**

Omit "public street" wherever occurring.  
Insert instead "road or road related area".

5

**[3] Regulations 6 (1) (a1), 7 (1) (h) and 9**

Omit "such street" wherever occurring.  
Insert instead "such road or road related area".

**5.4 General Traffic Regulations 1916**

10

**[1] The whole Regulations**

Omit "public street" and "public streets" wherever occurring.  
Insert instead "road or road related area" and "roads or road related areas" respectively.

**[2] The whole Regulations**

15

Omit "street" and "streets" wherever occurring, except where occurring in the expressions (whether or not capitalised) of "public street", "public streets" and "street vending" and in the definition of *Bradfield Highway* in subsection 1A of section 1).

Insert instead "road or road related area" and "roads or road related areas" respectively.

20

**[3] Section 1, subsection (1A)**

Omit the definition of *Terminating Street* from subsection (1A) of section 1.

Insert instead:

*Terminating Road or Road Related Area* means a road or road related area that intersects with, but does not continue through and beyond, another road or road related area.

5

**[4] Section 6 Horses, driving of vehicles after sunset, bicycles etc**

Omit "motor vehicle" from subsections 6A and 9 wherever occurring.

Insert instead "motor vehicle or trailer".

**5.5 Justices (Short Descriptions of Motor Traffic and Other Offences) Regulation 1986**

10

**[1] Schedule 1, Column 1 Offence**

Omit "public street" and "public streets" wherever occurring from the matter relating to the *General Traffic Regulations 1916*, *General Traffic (Pedestrian) Regulations 1937*, *Motor Accidents Act 1988*, *Tow Truck Act 1989*, *Tow Truck Regulation 1990*, *Traffic Act 1909*, *Motor Traffic Regulations 1935* and *Motor Vehicles Taxation Act 1988*.

15

Insert instead "road or road related area" and "roads or road related areas" respectively.

20

**[2] Schedule 1, Column 1**

Omit "street" and "streets" wherever occurring (except where occurring in the expressions "public street" and "public streets") from the matter relating to the *General Traffic Regulations 1916*, *General Traffic (Pedestrian) Regulations 1937*, *Traffic Act 1909* and *Motor Traffic Regulations 1935*.

25

Insert instead "road or road related area" and "road or road related areas" respectively.

---

**[3] Schedule 1, Column 2 Prescribed expression**

Omit "street" and "streets" wherever occurring (except where occurring in the expressions "public street" and "public streets") from the matter relating to the *General Traffic Regulations 1916*, *Traffic Act 1909* and *Motor Traffic Regulations 1935*.  
Insert instead "road/area".

5

**[4] Schedule 1, Column 2**

Omit "public street" and "public streets" wherever occurring from the matter relating to the *General Traffic Regulations 1916*, *General Traffic (Pedestrian) Regulations 1937*, *Traffic Act 1909* and *Motor Traffic Regulations 1935*.  
Insert instead "road/area".

10

**5.6 Medical Practice Regulation 1993**

**Clause 5 Offences for which notice of conviction of medical practitioner not required**

15

Omit "public street" wherever occurring from clause 5 (1) (a) and (b).  
Insert instead "road or road related area".

**5.7 Motor Accidents Regulation 1995**

**Clause 4 No right of action against Nominal Defendant in certain cases: sections 27 and 28A**

20

Omit "public street" from clause 4 wherever occurring.  
Insert instead "road or road related area".

**5.8 Motor Traffic Regulations 1935**

**[1] The whole Regulations**

25

Omit "public street" and "public streets" wherever occurring.  
Insert instead "road or road related area" and "roads or road related areas" respectively.

**[2] The whole Regulations**

Omit "street" and "streets" wherever occurring, except where occurring in the expressions (whether or not capitalised) of "public street", "public streets" and "street vending" and in the definitions of *Terminating Street* and *Bradfield Highway* in Regulation 2 (1) and in Schedule M. 5

Insert instead "road or road related area" and "roads or road related areas" respectively.

**[3] Regulation 2 Definitions**

Omit the definition of *Terminating Street* from Regulation 2 (1). 10  
Insert instead:

*Terminating Road or Road Related Area* means a road or road related area that intersects with, but does not continue through and beyond, another road or road related area. 15

**[4] Regulation 2 (1), definitions of "Motor Lorry" and "Public Passenger Vehicle"**

Insert "(whether or not in combination with any trailer)" after "motor vehicle" wherever occurring.

**[5] Regulation 2 (1), definitions of "Brake", "Braking System", "Clearance Lamp", "Implement", "Street Vending Vehicle", "Tow Coupling", "Trader", "Vehicle Inspection Station" and "Visiting Motor Vehicle"** 20

Omit "motor vehicle" and "motor vehicles" wherever occurring. 25  
Insert instead "motor vehicle or trailer" and "motor vehicles or trailers" respectively.

- 
- [6] Regulations 2 (2) and (3), 3, 4 (1) and (1B), 5 (2A), 5A, 5B, 6A, 10 (1) (e), 13, 14, 14AA, 14A, 15, 15A, 17 (1) and (2), 20 (1), 21A, 21B, 22, 23, 25–29, 31 (2) (a), 32A, 32B, 34 (1) (a)–(f) and (h)–(m), 35, 37, 38, 38A, 39, 42, 43, 45 (3), 46, 47 (2), 51 (3), 52, 53, 53A, 54 (4) (b), 57–58A, 60, 63, 81, 83, 84, 85, 88, 91A, 91CA, 91D, 91E, 91H–91J, 91L, 91M, 91R–91U, 91W–91Z, 91BB–91EE, 91GG, 92AB–92AD, 92C, 93–94F, 95 (6) (d), 96 (1), 104 (1) and (2), 105, 106, 109, 110A, 118A (2), 119A, 123, 123A, 130AA and 132** 5
- Omit “motor vehicle” and “motor vehicles” wherever occurring.  
Insert instead “motor vehicle or trailer” and “motor vehicles or trailers” respectively. 10
- [7] Regulation 5 Payment of fees**
- Omit “motor vehicle” and “motor vehicles” wherever occurring from paragraph (e) of the definition of *pensioner’s motor vehicle*.  
Insert instead “motor vehicle or trailer” and “motor vehicles or trailers” respectively. 15
- [8] Regulation 8 Classes of licences**
- Omit “motor vehicle” wherever occurring from the matter in Regulation 8 (1) relating to *Class HC (Heavy combination vehicle)* and *Class MC (Multi-combination vehicle)*.  
Insert instead “motor vehicle and trailer”. 20
- [9] Regulation 12AA Heavy vehicle learner drivers**
- Insert “(whether or not in combination with any trailer)” after “motor vehicle” in Regulation 12AA (1) where lastly occurring.
- [10] Regulation 12BA Restricted licences** 25
- Insert “(whether or not in combination with any trailer)” after “motor vehicle” in Regulation 12BA (2).
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- [11] Regulation 24A Information to be provided to purchasers**  
Insert after Regulation 24A (4):  
(4A) A reference to *motor vehicle* in this Regulation (other than in clause (1)) is a reference to the motor vehicles and trailers referred to in clause (1). 5
- [12] Regulation 32 Vehicles used for work on farms**  
Omit "motor vehicles" where firstly occurring.  
Insert instead "motor vehicles or trailers".
- [13] Regulation 33A Visiting and other motor vehicles or trailers**  
Omit "motor vehicle" and "motor vehicles" from Regulation 33A (1) (a) (ii), (c), (d) and (e) wherever occurring. 10  
Insert instead "motor vehicle or trailer" and "motor vehicles or trailers" respectively.
- [14] Regulation 33A (1)**  
Omit "motor vehicle" where lastly occurring. 15  
Insert instead "motor vehicle or trailer".
- [15] Regulation 47 Affixing of labels**  
Omit "motor vehicle" from Regulation 47 (1) where firstly occurring and from Regulation 47 (2).  
Insert instead "motor vehicle or trailer". 20
- [16] Regulation 54 Traffic control signs**  
Omit "motor vehicle" from Regulation 54 (6) (p) where secondly occurring.  
Insert instead "motor vehicle (or trailer attached to the motor vehicle)". 25

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**[17] Regulation 54 (7)**

Omit "motor vehicle" where secondly occurring.  
Insert instead "motor vehicle or trailer".

**[18] Regulation 80B Restricted use of certain roads**

Omit "motor vehicle" where firstly and thirdly occurring.  
Insert instead "motor vehicle or trailer".

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**[19] Regulation 92 Requirements for motor vehicles**

Omit Regulation 92 (6). Insert instead:

(6) In this Regulation:

*motor vehicle* includes:

10

(a) a trailer, and

(b) a road train and any component vehicle of a road train.

**[20] Schedule A Fees and other charges**

Omit "motor vehicle" and "motor vehicles" wherever occurring from items 1, 7, 8, 9, 13, 23 and 35.  
Insert instead "motor vehicle or trailer" and "motor vehicles or trailers" respectively.

15

**[21] Schedule F, heading**

Omit "motor vehicles". Insert instead "vehicles".

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**[22] Schedule F**

Omit "motor vehicle" and "motor vehicles" wherever occurring from paragraphs 2B, 2C, 3, 4, 11, 16 (1), 17, 24, 25, 31, 32 (c), 34, 36, 37, 39, 40A, 42A, 43, 45, 46, 46A, 53, 55, 56, 57 (e) (ii), 61A, 62, 72A (3), 72C, 75, 82, 82A (4) and (5), 146, 147, 149, 161, 162 (14) and from clauses 5.33 (1) and 5.40 (1) and (6), of the Appendix to Division 7.

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Insert instead "motor vehicle or trailer" and "motor vehicles or trailers" respectively.

- [23] Schedule F, paragraph 5**  
Omit "motor vehicle". Insert instead "vehicle".
- [24] Schedule K Prescribed offences and penalties for the purposes of section 18B of the Act**  
Omit "motor vehicle" wherever occurring from the matter relating to Regulation 92 in Table A of Part 2. 5  
Insert instead "motor vehicle or trailer".
- [25] Schedule K, Part 2, Table B**  
Omit "motor vehicle" wherever occurring from the matter relating to Regulations 54 (7) and 84 (1) (c). 10  
Insert instead "motor vehicle or trailer".
- [26] Schedule M, heading**  
Omit "Streets". Insert instead "Roads or road related areas".
- 5.9 Motor Vehicle Sports (Public Safety) Regulation 1994**
- Clause 5 Application for issue of licence** 15  
Omit "public streets" from clause 5 (e) (i).  
Insert instead "roads or road related areas".
- 5.10 Passenger Transport (Bus Services) Regulation 1995**
- [1] Clause 12 Conveyance of passengers**  
Omit "public street" from clause 12 (2). 20  
Insert instead "road or road related area".
- [2] Clause 12 (2)**  
Omit "street" where lastly occurring. Insert instead "road or area".

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**5.11 Passenger Transport (Private Hire Vehicle Services) Regulation 1995**

**[1] Clause 17 Manner in which hiring to be carried out**

Omit "public street" from clause 17 (2).  
Insert instead "road or road related area".

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**[2] Clause 17 (2)**

Omit "street" where lastly occurring.  
Insert instead "road or area".

**5.12 Passenger Transport (Taxi-cab Services) Regulation 1995**

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**[1] Clause 32 Manner in which hiring to be carried out**

Omit "public street" from clause 32 (3).  
Insert instead "road or road related area".

**[2] Clause 32 (3)**

Omit "street" where lastly occurring. Insert instead "road or area".

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**5.13 Physiotherapists Registration Regulation 1995**

**Clause 29 Offences for which notice of conviction of physiotherapist not required**

Omit "public street" wherever occurring from clause 29 (a) and (b).  
Insert instead "road or road related area".

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- 5.14 Royal Botanic Gardens and Domain Trust Regulation 1997**
- [1] Clause 17 Definitions**
- Omit “public street” from the definition of *metered space*.  
Insert instead “road or road related area”. 5
- [2] Clause 17**
- Omit the definition of *public street*. Insert in alphabetical order:
- road* means a road within the meaning of the *Traffic Act 1909* (other than a road that is the subject of a declaration made under section 2A (1) (b) of that Act). 10
- road related area* means a road related area within the meaning of the *Traffic Act 1909* (other than a road related area that is the subject of a declaration made under section 2A (1) (b) of that Act).
- [3] Clauses 18 (1) (a), 19 (1) and 31 (2) (b)** 15
- Omit “public street” and “public streets” wherever occurring.  
Insert instead “road or road related area” and “roads or road related areas” respectively.
- [4] Clause 19 Metered parking zones**
- Omit “public street or streets” from clause 19 (2). 20  
Insert instead “road or road related area or roads or road related areas”.
- 5.15 Tow Truck Regulation 1990**
- Clauses 7 (1), 10 (3), 13, 15 (1) (a) and (b) and 16 (a)**
- Omit “public street” wherever occurring. 25  
Insert instead “road or road related area”.

**5.16 Transport Administration (General) Regulation 1995**

**Clause 9C Route taken to include adjacent structures**

Omit clause 9C (1) (a). Insert instead:

- (a) if the route follows the line of a road or road related area—the full width of the road or area, and
- 5

Note

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## Note

### Acts and Regulations amended by Schedules 1–5

Ambulance Services (Staff) Regulation 1995—Sch 5.1	
Charitable Fundraising Regulation 1993—Sch 5.2	
Community Land Management Act 1989 No 202—Sch 4.1	5
Credit Act 1984 No 94—Sch 4.2	
Credit (Rural Contracts) Act 1987 No 205—Sch 4.3	
Crimes Act 1900 No 40—Sch 4.4	
Criminal Records Act 1991 No 8—Sch 4.5	
Driving Instructors Act 1992 No 3—Sch 4.6	10
General Traffic (Pedestrian) Regulations 1937—Sch 5.3	
General Traffic Regulations 1916—Sch 5.4	
Industrial Relations Act 1996 No 17—Sch 4.7	
Justices Act 1902 No 27—Sch 4.8	
Justices (Short Descriptions of Motor Traffic and Other Offences) Regulation 1986—Sch 5.5	15
Local Government Act 1993 No 30—Sch 4.9	
Medical Practice Regulation 1993—Sch 5.6	
Motor Accidents Act 1988 No 102—Sch 4.10	
Motor Accidents Regulation 1995—Sch 5.7	20
Motor Traffic Regulations 1935—Sch 5.8	
Motor Vehicle Sports (Public Safety) Act 1985 No 24—Sch 4.11	
Motor Vehicle Sports (Public Safety) Regulation 1994—Sch 5.9	
Motor Vehicles Taxation Act 1988 No 111—Sch 4.12	
Motor Vehicles (Third Party Insurance) Act 1942 No 15—Sch 4.13	25
Mount Panorama Motor Racing Act 1989 No 108—Sch 4.14	
Passenger Transport Act 1990 No 39—Sch 4.15	
Passenger Transport (Bus Services) Regulation 1995—Sch 5.10	
Passenger Transport (Private Hire Vehicle Services) Regulation 1995—Sch 5.11	30

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Passenger Transport (Taxi-cab Services) Regulation 1995—Sch 5.12	
Physiotherapists Registration Regulation 1995—Sch 5.13	
Rail Safety Act 1993 No 50—Sch 4.16	
Recreation Vehicles Act 1983 No 136—Sch 4.17	
Road Obstructions (Special Provisions) Act 1979 No 9—Sch 4.18	5
Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72— Sch 4.19	
Roads Act 1993 No 33—Sch 4.20	
Royal Botanic Gardens and Domain Trust Regulation 1997—Sch 5.14	
Stamp Duties Act 1920 No 47—Sch 4.21	10
Summary Offences Act 1988 No 25—Sch 4.22	
Supreme Court Act 1970 No 52—Sch 4.23	
Sydney Harbour Tunnel (Private Joint Venture) Act 1987 No 49—Sch 4.24	
Tow Truck Act 1989 No 158—Sch 4.25	
Tow Truck Regulation 1990—Sch 5.15	15
Traffic Act 1909 No 5—Schs 1–3	
Transport Administration Act 1988 No 109—Sch 4.26	
Transport Administration (General) Regulation 1995—Sch 5.16	