

TRAFFIC AUTHORITY BILL

*Schedule of the Amendments referred to in Legislative Council's
Message of 25 March, 1976.*

No. 1.—Page 29, Schedule 1, lines 21 to 25 inclusive. *Omit all words on these lines.*

No. 2.—Page 32, Schedule 2, lines 11 to 13 inclusive. *Omit all words on these lines.*

No. 3.—Page 40, Schedule 8, lines 8 to 12 inclusive. *Omit*

“(1) An approval granted or refused by the Commissioner of Police under section 13A of the Metropolitan Traffic Act, 1900, before the commencement of this clause shall be deemed to have been granted or refused, as the case may be, by the Authority.”

REPORT OF THE

COMMISSIONER OF THE GENERAL LAND OFFICE
TO THE SECRETARY OF THE INTERIOR

IN RESPONSE TO A RESOLUTION OF THE HOUSE OF REPRESENTATIVES

PASSED MAY 1, 1890, RELATIVE TO THE LANDS BELONGING TO THE UNITED STATES

FOR THE YEAR ENDING DECEMBER 31, 1890

WASHINGTON:
GOVERNMENT PRINTING OFFICE:
1891.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 March, 1976.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

A. W. SAXON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 25 March, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1976.

An Act to provide for the constitution of a corporation to be called the "Traffic Authority of New South Wales"; to confer and impose on the corporation responsibilities, powers, authorities, duties and functions with respect to vehicular and pedestrian traffic and other matters; to provide for the transfer of certain persons, contracts, agreements, leases and property to the Commissioner for Main Roads; to repeal the Traffic Safety Act, 1970; and to amend the Metropolitan Traffic Act, 1900, the

Motor

8119 651—A

NOTE.—The words and figures to be omitted are ruled through.

Traffic Authority.

Motor Traffic Act, 1909, the Local Government Act, 1919, the Main Roads Act, 1924, and the Traffic Safety (Lights and Hoardings) Act, 1951, in certain respects.

[MR BRUXNER—16 March, 1976.]

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Traffic Authority Act, Short title. 1976".

10 2. (1) This section and section 1 shall commence on the Commence-
date of assent to this Act. ment.

(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
15 proclamation published in the Gazette.

3. This Act is divided as follows:—

Division
of Act.

PART I.—PRELIMINARY—ss. 1–5.

**PART II.—CONSTITUTION OF THE TRAFFIC AUTHORITY
OF NEW SOUTH WALES—ss. 6–15.**

20 **PART III.—FUNCTIONS OF THE AUTHORITY—ss. 16–
21.**

PART

Traffic Authority.

PART IV.—FINANCE—ss. 22–25.

PART V.—MISCELLANEOUS—ss. 26–32.

SCHEDULE 1.—AMENDMENTS TO THE METROPOLITAN
TRAFFIC ACT, 1900.

5 SCHEDULE 2.—AMENDMENTS TO THE MOTOR
TRAFFIC ACT, 1909.

SCHEDULE 3.—AMENDMENTS TO THE LOCAL
GOVERNMENT ACT, 1919.

10 SCHEDULE 4.—AMENDMENTS TO THE MAIN ROADS
ACT, 1924.

SCHEDULE 5.—AMENDMENTS TO THE TRANSPORT
ACT, 1930.

SCHEDULE 6.—AMENDMENTS TO THE SYDNEY
HARBOUR BRIDGE (ADMINISTRATION) ACT, 1932.

15 SCHEDULE 7.—AMENDMENTS TO THE TRAFFIC
SAFETY (LIGHTS AND HOARDINGS) ACT, 1951.

SCHEDULE 8.—SAVINGS AND TRANSITIONAL PRO-
VISIONS.

20 SCHEDULE 9.—TRANSFER OF OFFICERS, CONTRACTS,
ETC., TO COMMISSIONER FOR MAIN ROADS.

4. (1) In this Act, except in so far as the context or Interpretation.
subject-matter otherwise indicates or requires—

“appointed member” means an appointed member of the
Authority, as referred to in section 7 (1) (b);

“approaches”,

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“approaches”, in relation to an intersection or railway level crossing, means so much of the approaches thereto as consists of a public street or public streets or a part or parts of any such street or streets;

5 “Authority” means the Traffic Authority of New South Wales constituted under this Act;

“committee” means a committee appointed under section 12;

10 “functions” includes responsibilities, powers, authorities and duties;

“Fund” means the Traffic Facilities Fund established under section 22;

“intersection” means an intersection or junction of public streets;

15 “member” means a member of the Authority;

“official member” means an official member of the Authority, as referred to in section 7 (1) (a);

20 “public authority” means a public or local authority constituted by or under an Act other than this Act, and includes—

(a) the Police Force, the Department of Motor Transport, the Department of Main Roads and any other Government Department;

25 (b) a statutory body representing the Crown on whom any functions are conferred or imposed by or under any Act other than this Act; and

(c) a person or body prescribed for the purposes of this paragraph;

“public

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“public street” means any street, road, lane, thoroughfare, footpath or place open to or used by the public, and includes any place open to or used by the public on the payment of money or otherwise;

5 “traffic” includes vehicular traffic and pedestrian traffic;

“traffic control facility” means—

- (a) traffic control lights on public streets, and equipment used in connection with traffic control lights;
- 10 (b) any sign, marking, structure or device containing or relating to a requirement or direction, contravention of which is an offence arising under—
 - 15 (i) the Motor Traffic Act, 1909, the Metropolitan Traffic Act, 1900, or any regulation under either of those Acts; or
 - 20 (ii) any other Act, regulation or by-law prescribed for the purposes of this subparagraph (other than the Local Government Act, 1919, or any ordinance thereunder);
- 25 (c) any sign, device or line referred to in section 270N (1) (c) of the Local Government Act, 1919;
- (d) any other sign, marking, structure or device that is intended to promote safe or orderly traffic movement on public streets or to warn, advise or inform the drivers of vehicles, or pedestrians, of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards; and
- 30 (e)

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(e) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a public street,

5 but does not include any sign, marking, structure, device or other thing in so far as it contains information as to the route or distance to any place.

(2) A reference in this Act to the Commissioner for Motor Transport, the Commissioner for Main Roads, the Commissioner of Police or a commissioner of the New South
10 Wales Planning and Environment Commission includes a reference to a person duly acting as such.

(3) Except in so far as the context or subject-matter otherwise indicates or requires, a reference (however expressed) in this Act to any thing, person, or traffic, on a
15 public street, includes a reference to any thing, person, or traffic, above, over, across, in or under a public street.

5. (1) Subject to subsection (2) and except as expressly provided by this Act, nothing in this Act affects any of the provisions of any other Act, or any regulations, ordinances
20 or by-laws thereunder, or takes away any powers vested in any person or body by any other Act, or any regulations, ordinances or by-laws made under any other Act.

Effect of
this Act
on other
Acts.

(2) Where the provisions of this Act are inconsistent with any of the provisions of any other Act or any regulation,
25 ordinance or by-law made under any other Act, the provisions of this Act shall prevail.

PART

Traffic Authority.

PART II.

CONSTITUTION OF THE TRAFFIC AUTHORITY
OF NEW SOUTH WALES.

6. (1) There is hereby constituted a corporation under Constitution
5 the corporate name of the "Traffic Authority of New South of the
Wales". Authority.

(2) The Authority shall, for the purposes of any Act,
be deemed to be a statutory body representing the Crown.

7. (1) The Authority shall consist of—

Members
of the
Authority.

10 (a) 4 official members, being—

- (i) the Commissioner for Motor Transport;
- (ii) the Commissioner for Main Roads;
- (iii) the Commissioner of Police; and
- 15 (iv) a commissioner of the New South Wales
Planning and Environment Commission,
for the time being nominated by that
Commission; and

(b) 2 appointed members, of whom—

- 20 (i) one shall be a member or servant of the
Council of the City of Sydney appointed by
the Minister on the nomination of that
Council; and
- (ii) one shall be appointed by the Minister, on
25 the joint nomination of the Local Govern-
ment Association of New South Wales and
the Shires Association of New South Wales,
to represent local government interests
generally.

(2)

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(2) An appointed member shall, subject to this Act, be appointed for such term not exceeding 3 years as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time
5 to time for such term not exceeding 3 years as is specified in the instrument of his re-appointment.

(3) On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint
10 a person to hold office for the balance, or for a part of the balance, of his predecessor's term of office, as may be specified in the instrument of his appointment, so that the Authority is constituted as provided by subsection (1).

(4) Where a nomination of a person for appointment
15 as an appointed member is not submitted within the time or in the manner specified by the Minister by order in writing notified to the Council or Associations entitled to make the nomination, the Minister may make the appointment in the absence of nomination, and the person so appointed shall hold
20 office as if he had been duly nominated.

(5) A person who is of or over the age of 70 years shall not be appointed as a member.

(6) The New South Wales Planning and Environment Commission may revoke any nomination under subsection
25 (1) (a) (iv).

(7) Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

30 8. (1) Each official member may, from time to time, Deputy
appoint a person to be his deputy, and the member or the members.
Minister may revoke any such appointment.

(2)

Traffic Authority.

(2) The Minister may, from time to time—

- 5 (a) appoint, on the nomination of the Council of the City of Sydney, a member or servant of that Council to be the deputy of the appointed member referred to in section 7 (1) (b) (i); or
- 10 (b) appoint, on the joint nomination of the Local Government Association of New South Wales and the Shires Association of New South Wales, a person to be the deputy of the member referred to in section 7 (1) (b) (ii),

and may revoke any such appointment.

(3) In the absence of a member, the member's deputy—

- 15 (a) shall, if available, act in the place of the member; and
- (b) while so acting shall be deemed to be a member and shall have and may exercise and perform the functions of the member.

(4) If there is a vacancy in the office of an elected member, the member shall, for the purposes of subsection (3), be deemed to be absent.

9. The Commissioner for Motor Transport shall be the Chairman.
Chairman of the Authority.

10. (1) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Authority. Proceedings of the Authority.

(2) The Chairman of the Authority or, in the absence of the Chairman, his deputy or, in the absence of both, the official member chosen by the members present at the meeting to act as chairman may preside at any meeting of the Authority.

(3)

Traffic Authority.

(3) Four members shall form a quorum at any meeting of the Authority and any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority and shall have and
5 may exercise and perform all the functions of the Authority.

(4) The person presiding at any meeting of the Authority shall, in the event of an equality of votes, have in addition to a deliberative vote a second or casting vote.

(5) A decision supported by a majority of the votes
10 of the members present and voting at a meeting of the Authority shall be the decision of the Authority.

(6) The Authority shall cause full and accurate minutes to be kept of the proceedings at its meetings.

(7) No matter or thing done, and no contract entered
15 into, by the Authority, and no matter or thing done by a member or by any other person acting under the direction or as delegate of the Authority shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act or any other Act conferring or
20 imposing functions on the Authority, subject the member or person so acting personally to any action, liability, claim or demand.

(8) Nothing in subsection (7) exempts any member or other person from liability to be surcharged with the
25 amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Authority, and which the member or other person authorised or joined in authorising.

11. (1) An appointed member shall be deemed to have
30 vacated his office— Vacation
of office.

(a) if he dies;

(b)

Traffic Authority.

- 5 (b) if he is absent from 4 consecutive meetings of the Authority of which reasonable notice has been given to him personally or in the ordinary course of post except on leave granted by the Authority, and is not before the expiration of 4 weeks after the last of those meetings, excused by the Authority for his absence from those meetings;
- 10 (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate for their benefit;
- 15 (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 20 (e) if he is convicted in New South Wales of a crime or offence which is punishable by imprisonment for a period of 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or offence which if committed in New South Wales would be a crime or offence so punishable;
- 25 (f) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- (g) if he is removed from office by the Minister;
- (h) on the day on which he attains the age of 70 years;
or
- 30 (i) if, being the member referred to in section 7 (1) (b) (i), he ceases to be a member or servant of the Council of the City of Sydney.

(2) The Minister may, for any cause which appears to him sufficient, remove any appointed member from office.

Traffic Authority.

12. (1) The Authority may appoint such committees as Committees.
it thinks fit to assist and advise it in connection with the
exercise or performance of its functions or to exercise and
perform, pursuant to a delegation made under section 20, the
5 functions of the Authority that have been delegated to the
committee.

(2) A person may be appointed as a member of a
committee whether or not he is a member of the Authority.

(3) Each member of a committee is entitled to be
10 paid such remuneration (including travelling and subsistence
allowances) as the Minister may from time to time determine
in respect of him.

13. (1) The procedure for the calling of meetings of a Proceedings
committee and for the conduct of business at those meetings of
15 shall, subject to this Act and any direction given by the committees.
Authority, be as determined by the committee.

(2) The Authority may appoint a member of a
committee to be chairman of the committee.

(3) The person so appointed as chairman of a
20 committee or, in his absence or if there is no person so
appointed, the member of the committee chosen by the
members thereof present at the meeting to act as chairman
may preside at any meeting of the committee.

(4) A quorum of a committee shall consist of two-
25 thirds of the members of the committee or, if that number
is not a whole number, the number of members that is next
above two-thirds of the members of the committee and any
duly convened meeting of a committee at which a quorum is
present shall be competent to transact any business of the
30 committee and shall have and may exercise and perform all
the functions of the committee.

(5)

Traffic Authority.

(5) The person presiding at any meeting of a committee shall, if the Authority so approves in relation to that committee, have in addition to a deliberative vote a second or casting vote.

5 (6) A decision supported by a majority of the votes of the members present and voting at a meeting of a committee shall be the decision of the committee.

14. Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of the Authority or of a committee or from retaining any remuneration payable to him under this Act. Power to hold office.

15. (1) The Commissioner for Motor Transport may, upon the recommendation or with the concurrence of the Authority, appoint such officers or casual employees as may be necessary to assist the Authority in the exercise or performance of its functions. Staff and facilities.

(2) Any appointments made under this section shall be deemed to have been made under Part XI of the Transport Act, 1930, but that Act shall, for the purposes only of this Act, be deemed to be amended—

25 (a) by omitting from section 102 (1) the words “to the lowest grade in each of the various branches of the transport services, and”;

(b) by omitting section 102 (4).

(3) The Authority's recommendation or concurrence is not necessary for the removal, discharge, dismissal or suspension of an officer or employee appointed under this section.

(4)

Traffic Authority.

(4) The Authority may, with the approval of the Commissioner for Motor Transport and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of the Department of Motor Transport.

(5) The Authority may, with the approval of any other public authority and on such terms as may be arranged, make use of the facilities, or the services of any of the officers, servants or employees, of that public authority.

10

PART III.

FUNCTIONS OF THE AUTHORITY.

16. (1) The Authority shall have and may exercise and General. perform the functions conferred or imposed on it by or under—

- 15 (a) this Act;
 - (b) the Metropolitan Traffic Act, 1900;
 - (c) the Motor Traffic Act, 1909;
 - (d) the Local Government Act, 1919; or
 - 20 (e) the Traffic Safety (Lights and Hoardings) Act, 1951,
- or any other Act.

(2) The Authority shall, in the exercise and performance of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.

17.

Traffic Authority.

17. (1) The Authority is charged with the responsibility of— Functions
of the
Authority.

- 5 (a) reviewing the traffic arrangements in the State, including arrangements in connection with the movement, regulation and control of traffic and the parking of vehicles;
- (b) formulating or adopting plans and proposals for the improvement of those arrangements;
- 10 (c) establishing general standards and general principles in connection with—
 - (i) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities; and
 - 15 (ii) the design of intersections and the approaches thereto or the approaches to railway level crossings,

for purposes connected with traffic safety and the movement, regulation and control of traffic;
- 20 (d) establishing priorities in connection with the carrying out of activities, works or services, that are items of expenditure approved under section 24;
- (e) promoting traffic safety; and
- 25 (f) co-ordinating the activities of public authorities so far as those activities relate to—
 - (i) the carrying out of plans and proposals formulated or adopted by the Authority for the improvement of traffic arrangements;

(ii)

Traffic Authority.

- (ii) the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities;
- (iii) traffic safety; or
- 5 (iv) any other matter connected with the Authority's functions.

(2) The Authority may—

- (a) promote traffic safety measures or activities, including measures or activities for—
 - 10 (i) the safety and protection of the public, including pedestrians, on public streets;
 - (ii) the prevention of accidents on public streets;
 - (iii) the minimising of the effect of accidents occurring on public streets; and
 - 15 (iv) the protection of property from damage from accidents occurring on public streets;
- (b) promote or engage in the dissemination and publication by suitable media of advice and information resulting from research or otherwise for the education and guidance of, and observance by, drivers of or persons travelling in vehicles, or persons on public streets, or manufacturers of, repairers of, or dealers in, vehicles or vehicle parts;
- 20 (c) make reports or recommendations to the Minister, or any other person or body, in relation to—
 - 25 (i) traffic arrangements, and the movement, regulation and control of traffic, on public streets;
 - (ii) traffic planning;
 - 30 (iii) traffic safety;
 - (iv)

Traffic Authority.

- (iv) the parking of vehicles;
- (v) the operation, maintenance or alteration of traffic control facilities; or
- 5 (vi) any other matter connected with the Authority's functions;
- (d) make reports or recommendations to the Minister for amending the law, or making provision therein, in relation to matters connected with the Authority's functions;
- 10 (e) carry out or promote research or investigations into matters connected with any of the Authority's functions, including research or investigations into—
 - (i) traffic control facilities; and
 - 15 (ii) the cause of accidents, their incidence and the ways and means that may be adopted for their prevention or for controlling or mitigating their effects; and
- 20 (f) co-operate with, or do or perform any act or thing in conjunction with, any person or body in connection with the Authority's functions.

18. (1) The Authority may, from time to time, direct public authorities to implement plans or proposals formulated or adopted, general standards or general principles established, or other decisions made, by the Authority in the exercise or performance of the Authority's functions.

(2) The Authority may communicate directions under this section to such public authorities, and in such manner, as it thinks fit.

Traffic Authority.

(3) While a direction communicated to a public authority under this section and applicable to its functions is in force, it is the duty of the public authority, by the exercise or performance of its functions in accordance with law, to
5 comply with the direction, except where to do so—

- (a) would be impracticable by reason of emergency, accident or other special circumstances; or
- (b) would affect the functions of any person or body
10 with respect to the laying or making of any information or complaint, the continuance or discontinuance of any proceedings for an alleged offence, or any other manner of dealing with an alleged offence.

(4) The failure of a public authority to comply with a direction of the Authority under this section does not
15 invalidate any act, matter or thing to which the direction relates, and in particular does not invalidate the construction, erection, affixing or marking of any traffic control facility or any direction that is contained in or relates to the facility.

(5) A direction may be given under this section so
20 as to apply generally or in any particular case or class of cases.

(6) The power to give a direction includes the power to amend or revoke a direction.

19. (1) The Authority may, for the purpose of promoting traffic safety, make recommendations to a public
25 authority in relation to the public authority's functions in connection with the lighting of public streets, including recommendations in relation to—

Recommendations as to street lighting.

- (a) general principles relating to the provision of lighting on public streets;
- 30 (b) the need for lighting on any particular public street or part thereof; and

(c)

Traffic Authority.

- (c) the need for the improvement of lighting on any particular public street or part thereof.

(2) It is the duty of a public authority to which recommendations are made under this section to give proper consideration to the recommendations and, as far as may be reasonably practicable, to carry the recommendations into effect.

20. (1) The Authority may, by instrument in writing **Delegation.** under seal, delegate to—

- 10 (a) a member or a committee;
(b) a public authority;
(c) an officer of a Government Department; or
(d) an officer, servant or employee referred to in section 15,

15 the exercise or performance of such of the functions (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act as may be specified in the instrument of delegation, and may, by such an instrument, revoke wholly or in part any such delegation.

20 (2) A function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made 25 subject to such limitations as to the exercise or performance of any of the functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this 30 section, the Authority may continue to exercise or perform any or all of the delegated functions.

(5)

Traffic Authority.

(5) Except in so far as the instrument of delegation otherwise provides, a function delegated under this section to—

- 5 (a) the Commissioner for Motor Transport—may be exercised or performed by an officer or employee of the Department of Motor Transport;
- (b) the Commissioner for Main Roads—may be exercised or performed by an officer or employee of the Department of Main Roads;
- 10 (c) the Commissioner of Police—may be exercised or performed by a member of the Police Force;
- (d) a public authority—may be exercised or performed by an officer, servant or employee of the public authority; or
- 15 (e) an officer of a Government Department—may be exercised or performed by an officer or employee of the Department,

for the time being authorised by the delegate in that behalf.

(6) Notwithstanding any authorisation under sub-
20 section (5), a delegate under this section may continue to exercise or perform the delegated function.

(7) Any act or thing done or suffered by a delegate (or a person authorised by the delegate under subsection (5)) while acting in the exercise of a delegation under this section
25 shall have the same force and effect as if the act or thing had been done or suffered by the Authority and shall be deemed to have been done or suffered by the Authority.

(8)

Traffic Authority.

(8) The Authority may, from time to time, determine principles in accordance with which a delegate under this section (or a person authorised by the delegate under subsection (5)) is to exercise or perform the functions delegated, but a failure to observe the principles does not invalidate the exercise or performance of any of the functions.

21. (1) Nothing in this Part applies to or in respect of any sign, mark, structure or device containing or relating to a requirement or direction, contravention of which gives rise to an offence under the Local Government Act, 1919, or any ordinance thereunder, but not under any other Act or any regulation thereunder. Miscellaneous provisions.

(2) Nothing in this Part affects—

(a) the operation of any provisions of any Act or statutory instrument in so far as those provisions prescribe standards or principles in connection with—

(i) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities; or

(ii) the design of intersections and the approaches thereto or the approaches to railway level crossings; or

(b) the power to make or execute a statutory instrument under any other Act in relation to any such standards or principles.

(3) Any person who or body which would not, but for this subsection, have the power to co-operate with, or do or perform any act or thing in conjunction with, the Authority is hereby authorised so to co-operate or do or perform the act or thing.

PART

Traffic Authority.

PART IV.

FINANCE.

22. There shall be established and kept at the Treasury Traffic
in the Special Deposits Account an account to be known as Facilities
5 the "Traffic Facilities Fund". Fund.

23. There shall be paid into the Fund—

Payments
into the
Fund.

- 10 (a) such amounts as are from time to time agreed upon
by the Treasurer and the Minister from the amounts
from time to time (whether before or after the
commencement of this section) appropriated by
Parliament from the Road Transport and Traffic
Fund (established under section 202 of the
Transport Act, 1930);
- 15 (b) the balance standing to the credit of the Road
Transport and Traffic Fund (referred to in para-
graph (a)) at the close of each financial year of
that Fund;
- 20 (c) such amounts as are from time to time agreed upon
by the Treasurer and the Minister from so much of
the Public Vehicles Fund (established under section
204 of the Transport Act, 1930) as is not required
to be applied in accordance with section 204 (3)
of that Act;
- 25 (d) from the Sydney Harbour Bridge Account (opened
under the Sydney Harbour Bridge (Administra-
tion) Act, 1932), such amounts as are sufficient to
recoup the payments made from the Fund in relation
to costs that would, had this Act not been enacted,
30 have been met from that Account;

(c)

Traffic Authority.

- 5 (e) such amounts as are from time to time agreed upon by the Treasurer and the Minister from the collected proceeds of the motor vehicles tax levy imposed by section 2 (1) (a) of the Motor Vehicles (Taxation) Act, 1971;
- 10 (f) such amounts as are from time to time agreed upon by the Treasurer and the Minister from the collected proceeds of the motor vehicles weight tax imposed by section 2 (1) (b) of the Motor Vehicles (Taxation) Act, 1971;
- (g) the amounts paid to the Authority under section 270N (3) of the Local Government Act, 1919;
- 15 (h) such amounts as are from time to time paid into the Fund by the Treasurer out of money paid to the State by the Commonwealth;
- (i) any other amounts paid into the Fund by the Treasurer; and
- 20 (j) any other amounts received by the Authority, the Commissioner for Main Roads or the Commissioner for Motor Transport—
- (i) as or towards the cost of making good any damage or injury to traffic control facilities; or
- 25 (ii) as or towards the cost of providing, maintaining, repairing or operating traffic control facilities or carrying out any other activity, works or services connected with the Authority's functions,
- 30 and directed by the Authority to be paid into the Fund.

Traffic Authority.

24. (1) Subject to this section, there may be paid out Payments out of the Fund.
of the Fund—

- (a) the administrative and other expenses of the Authority;
- 5 (b) the costs incurred in the provision of officers, servants, employees or facilities under section 15;
- (c) the costs (including administrative costs) incurred by the Commissioner for Main Roads and the Commissioner for Motor Transport in connection with—
- 10 (i) the activities of the Authority; and
- (ii) the carrying out of any activities, works or services the cost of which is to be met from the Fund;
- 15 (d) the cost of the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities, including the cost of electricity and the cost of making essential or incidental alterations to public streets;
- 20 (e) the costs incurred in connection with facilities for—
- (i) the relief of traffic congestion; or
- (ii) the protection of pedestrians on public streets;
- 25 (f) the cost or a contribution towards the cost of road-works in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities or other traffic facilities;

(g)

Traffic Authority.

- (g) the cost or a contribution towards the cost of erecting bridges, subways or other facilities for use by pedestrians over, across, under or alongside public streets;
- 5 (h) the cost or a contribution towards the cost of designing and constructing—
 - (i) intersections and the approaches thereto; or
 - (ii) the approaches to railway level crossings, in so far as traffic safety and the movement, regulation and control of traffic are concerned;
- 10 (i) the cost or a contribution towards the cost of any traffic safety research or traffic safety education; and
- 15 (j) without affecting the generality of any of the foregoing provisions of this subsection, the cost or a contribution towards the cost of acquiring, resuming, appropriating, taking on lease, disposing of and otherwise dealing with property in connection with any of the matters referred to in any of those
- 20 provisions.

(2) No payment shall be made from the Fund without the approval of the Minister.

(3) An approval may be given under subsection (2) so as to apply generally or to any particular case or class of cases.

(4) Approval for any item of expenditure from the Fund may be revoked by the Minister.

(5)

Traffic Authority.

(5) Where, but for this subsection, so much of the Fund as consists of any amount referred to in section 23 (h) could not be used for expenditure incurred in accordance with any Act of the Parliament of the Commonwealth relating to the expenditure of that amount, that amount may be used for expenditure so incurred.

25. The Authority shall, as directed by the Minister, and at least once in each year, submit to the Minister proposals in relation to expenditure from the Fund, together with a statement of the amounts necessary to be paid into the Fund to implement the proposals.

PART V.

MISCELLANEOUS.

26. (1) The Authority shall, as soon as practicable after 30th June in each year, forward to the Minister a report of its work and activities for the 12 months preceding that date.

(2) The Minister shall lay that report, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him of the report.

27. (1) The Authority may acquire by gift, bequest or devise any property for any of the purposes of this Act and may agree to and carry out the conditions of the gift, bequest or devise.

Traffic Authority.

(2) The rule of law relating to remoteness of vesting does not apply to any condition of a gift, bequest or devise to which the Authority has agreed.

(3) Nothing in the Stamp Duties Act, 1920, applies to any real or personal property of any nature or kind whatever comprised in any gift, bequest or devise made to the Authority.

28. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

29. The Traffic Safety Act, 1970, is repealed.

Repeal of
Act No. 74,
1970.

30. (1) The Metropolitan Traffic Act, 1900, is amended in the manner set forth in Schedule 1. Amendment
of Act No.
8, 1900.

(2) The Motor Traffic Act, 1909, is amended in the manner set forth in Schedule 2. Amendment
of Act No.
5, 1909.

(3) The Local Government Act, 1919, is amended in the manner set forth in Schedule 3. Amendment
of Act No.
41, 1919.

20 (4) The Main Roads Act, 1924, is amended in the manner set forth in Schedule 4. Amendment
of Act No.
24, 1924.

(5) The Transport Act, 1930, is amended in the manner set forth in Schedule 5. Amendment
of Act No.
18, 1930.

(6)

Traffic Authority.

(6) The Sydney Harbour Bridge (Administration) Act, 1932, is amended in the manner set forth in Schedule 6. Amendment of Act No. 2, 1932.

(7) The Traffic Safety (Lights and Hoardings) Act, 1951, is amended in the manner set forth in Schedule 7. Amendment of Act No. 7, 1951.

5 31. Schedule 8 has effect.

Savings and transitional provisions.

32. Schedule 9 has effect.

Transfer of officers, contracts, etc., to Commissioner for Main Roads.

SCHEDULE 1.

Sec. 30.

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900.

(1) Section 4, definition of "Traffic Authority"—

10 After the definition of "Regulation", insert :—

"Traffic Authority" means the Traffic Authority of New South Wales.

(2) (a) Section 6 (1), (1A)—

Omit section 6 (1), insert instead :—

15 (1) Except where otherwise expressly provided to the contrary by this Act or the regulations, the provisions of this Act and the regulations shall, subject to the control and direction of the Minister, be administered by the
20 Traffic Authority.

SCHEDULE

Traffic Authority.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900
—*continued.*

5 (1A) Except where otherwise expressly provided to the contrary by this Act or the regulations, the provisions of this Act and the regulations shall be enforced by the Commissioner of Police and members of the police force.

(b) Section 6 (2)—

10 Omit “the administration”, insert instead “the enforcement”.

(c) Section 6 (2)—

15 Omit “; and, subject to disallowance by the Governor, and within one month from the commencement of this Act, the Commissioner of Police may, notwithstanding any provision of the Police Regulation Act, 1899, appoint for the purpose of such administration any officers employed by the Commissioners at the time of
20 such commencement”.

~~(3) (a) Section 13A (1)—~~

Omit “Commissioner of Police” wherever occurring, insert instead “Traffic Authority”.

25 ~~(b) Section 13A (1) (c)—~~

Omit “he”, insert instead “it”.

SCHEDULE

Traffic Authority.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900
—*continued.*

(4) (3) (a) Section 13D (2), (4), (6) and (9)—

5 Omit "Commissioner of Police" wherever
occurring, insert instead "Traffic Authority".

(b) Section 13D (2)—

Omit "his", insert instead "its".

SCHEDULE 2.

Sec. 30.

10 AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909.

(1) Section 2 (1), definition of "Traffic Authority"—

After the definition of "Superintendent", insert :—

"Traffic Authority" means the Traffic Authority of
New South Wales

15 (2) Section 2A—

Omit the section, insert instead :—

2A. (1) Except where otherwise expressly pro- Adminis-
vided to the contrary by this Act or by regulation under tration
this Act— of Act.

20 (a) the provisions of this Act and the regula-
tions relating or incidental to the regulation
and control of traffic, of motor vehicles upon

SCHEDULE

Traffic Authority.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—
continued.

5 public streets, and of drivers of and other
persons in or on motor vehicles upon public
streets, including provisions relating or
10 incidental to traffic control facilities (within
the meaning of the Traffic Authority Act,
1976) but not including provisions relating
or incidental to the registration of motor
vehicles and the licensing of drivers; and

(b) section 4A and 4D,

shall, subject to the control and direction of the
Minister, be administered by the Traffic Authority.

15 (2) Except where otherwise expressly pro-
vided to the contrary by this Act or by regulation
under this Act—

20 (a) the provisions of this Act and the regulations
relating or incidental to the registration of
motor vehicles, the licensing of drivers and
the construction and equipment of motor
vehicles;

(b) Part III, except sections 4A and 4D; and

25 (c) any other provisions of this Act, other than
those required to be administered by the
Traffic Authority,

shall, subject to the control and direction of the
Minister, be administered by the Commissioner for
Motor Transport.

SCHEDULE

Traffic Authority.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—
continued.

(3) Section 3 (2) (c)—

- 5 Omit “or the Commissioner of Police”, insert instead
 “; the Commissioner of Police or the Traffic
 Authority”.

(4) ~~(a)~~ Section 4A (1), (3)—

- 10 Omit “Minister” wherever occurring, insert instead
 “Traffic Authority”.

~~(b) Section 4A (8)—~~

 Omit “Commissioner of Police”, insert
 instead “Traffic Authority”.

(5) (a) Section 4D (2), (4), (6) and (9)—

- 15 Omit “Commissioner of Police” wherever
 occurring, insert instead “Traffic Authority”.

(b) Section 4D (2)—

 Omit “his”, insert instead “its”.

Traffic Authority.

SCHEDULE 3.

Sec. 30.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919.

(1) (a) Section 269A—

5 Omit "Commissioner of Police" wherever occurring, insert instead "Traffic Authority of New South Wales".

(b) Section 269A (6)—

Omit "him", insert instead "it".

(2) Section 270D (2) (c)—

10 Omit "Commissioner for Motor Transport, or an officer of the Department of Motor Transport", insert instead "Chairman of the Traffic Authority of New South Wales, or a person".

(3) (a) Section 270N (3)—

15 Omit "to the Commissioner for Motor Transport".

(b) Section 270N (3) (a)—

Before "such", insert "to the Commissioner for Motor Transport".

20 (c) Section 270N (3) (b)—

Omit "such amount as may be agreed upon by the Commissioner for Motor Transport", insert instead "to the Traffic Authority of New South Wales such amount as may be agreed upon by that Authority".

25

(d) Section 270N (4)—

Omit "Commissioner for Motor Transport" where secondly occurring, insert instead "Traffic Authority of New South Wales".

Traffic Authority.

SCHEDULE 4.

Sec. 30.

AMENDMENTS TO THE MAIN ROADS ACT, 1924.

(1) Section 7 (4)—

5 After "shall", insert " , to the extent to which they are
not payable from any other source,".

(2) Section 10 (1B)—

After section 10 (1A), insert :—

10 (1B) A reference in subsection (1) (a) or (a1)
to the collected proceeds of the motor vehicles tax
levy or the motor vehicles weight tax does not include
a reference to any amounts payable to the Traffic
Facilities Fund pursuant to section 23 (e) or (f) of
the Traffic Authority Act, 1976.

(3) Section 20 (1B)—

15 After section 20 (1A), insert :—

20 (1B) A reference in subsection (1) (a) or (a1)
to the collected proceeds of the motor vehicles tax
levy or the motor vehicles weight tax does not include
a reference to any amounts payable to the Traffic
Facilities Fund pursuant to section 23 (e) or (f) of
the Traffic Authority Act, 1976.

(4) Section 40 (2A)—

After section 40 (2), insert :—

25 (2A) Any person who causes damage or injury to
any traffic control facility (within the meaning of
section 48c) shall, except where the damage or injury
is caused by ordinary wear and tear, pay the cost
incurred by the Commissioner in making good the
damage or injury.

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

(5) Section 48C—

After section 48B, insert :—

5 48C. (1) In this section—

Traffic
control
facilities.

“public street” means any street, road, lane,
thoroughfare, footpath or place open to or
used by the public, and includes any place
open to or used by the public on the
10 payment of money or otherwise;

“traffic control facility” means—

- (a) traffic control lights on public streets,
and equipment used in connection
with traffic control lights;
- 15 (b) any sign, marking, structure or
device containing or relating to a
requirement, contravention of which
is an offence arising under the Motor
Traffic Act, 1909, the Metropolitan
20 Traffic Act, 1900, or any regulation
under either of those Acts;
- (c) any sign, device or line referred to in
section 270N (1) (c) of the Local
Government Act, 1919;
- 25 (d) any other sign, marking, structure or
device that is intended to promote
safe or orderly traffic movement on
public streets or to warn, advise or
inform the drivers of vehicles, or
30 pedestrians, of any matter or thing in
relation to vehicular or pedestrian
traffic or road conditions or hazards;
and

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*

AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

- 5 (e) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a public street.

(2) The Commissioner may—

- 10 (a) construct, erect, affix or mark traffic control facilities;
- 15 (b) maintain, repair, alter, operate or remove traffic control facilities constructed, erected, affixed or marked by the Commissioner or the Commissioner for Motor Transport;
- 20 (c) subject to paragraph (d), maintain, repair, alter, operate or remove any other traffic control facilities, with the concurrence of the person or body responsible for those facilities; and
- 25 (d) alter or remove lines marked on public streets by a council for the purposes of or for purposes connected with vehicular or pedestrian traffic.

(3) The Commissioner may make essential or incidental alterations to public streets for the purposes of subsection (2).

- 30 (4) A reference (however expressed) in this section to any thing, or traffic movement, on a public street includes a reference to any thing, or traffic movement, above, over, across, in or under a public street.

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*

AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

- 5 (5) This section is in addition to, and not in derogation of, any provision of this Act, or any other Act or law, conferring or imposing powers, authorities, duties or functions on the Commissioner, or any other person or body, in relation to traffic control facilities, but has effect subject to the Traffic Authority Act, 1976.
- 10 (6) This section extends to the whole of the Western Division of the State.

SCHEDULE 5. .

Sec. 30.

AMENDMENTS TO THE TRANSPORT ACT, 1930.

- (1) (a) Section 202 (2) (d)–(d3)—
15 Omit the paragraphs.
- (b) Section 202 (2) (k)—
Omit the paragraph.
- (c) Section 202 (2) (1)—
At the end of section 202 (2), insert :—
20 (1) the amounts to be paid into the Traffic Facilities Fund pursuant to section 23 (a) of the Traffic Authority Act, 1976.

SCHEDULE

Traffic Authority.

SCHEDULE 5—*continued.*

AMENDMENTS TO THE TRANSPORT ACT, 1930—*continued.*

(d) Section 202 (2A)—

Omit the subsection.

5 (e) Section 202 (5)—

Omit the subsection.

(2) (a) Section 204 (3) (c)—

10

Omit “and such other expenditure in connection with facilities for the movement of transport or the relief of traffic congestion or with the protection of pedestrians upon public streets as the Trust considers desirable in the public interest within the district of the Trust”.

(b) Section 204 (4)—

15

After section 204 (3), insert :—

(4) There may be paid out of the fund the amounts to be paid into the Traffic Facilities Fund pursuant to section 23 (c) of the Traffic Authority Act, 1976.

Traffic Authority.

SCHEDULE 6.

Sec. 30.

AMENDMENTS TO THE SYDNEY HARBOUR BRIDGE
(ADMINISTRATION) ACT, 1932.

- (1) Section 7 (3) (ii)—
- 5 After "Bridge", insert ", other than costs incurred in respect of the control and management of traffic on the Bridge".
- (2) Section 7 (3) (ivf)—
- After section 7 (3) (ive), insert :—
- 10 (ivf) the payments to the Traffic Facilities Fund provided by section 23 (d) of the Traffic Authority Act, 1976;
- (3) Section 7 (3) (v)—
- 15 After "construction", insert ", and other than costs incurred in respect of the control and management of traffic on the Bridge".

SCHEDULE 7.

Sec. 30.

AMENDMENTS TO THE TRAFFIC SAFETY (LIGHTS AND
HOARDINGS) ACT, 1951.

- 20 (1) Section 2, definition of "Traffic Authority"—
- After the definition of "Public authority", insert :—
- "Traffic Authority" means the Traffic Authority of New South Wales.
- (2) Section 3 (1)—
- 25 Omit "Minister" wherever occurring, insert instead "Traffic Authority".

SCHEDULE

Traffic Authority.

SCHEDULE 8.

Sec. 31.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. Any person appointed pursuant to section 7 (1) of the Traffic Safety Act, 1970, shall be deemed to have been appointed under Part XI of the Transport Act, 1930, but section 102 of that Act does not apply to or in respect of that person.

2. ~~(1) An approval granted or refused by the Commissioner of Police under section 13A of the Metropolitan Traffic Act, 1900, before the commencement of this clause shall be deemed to have been granted or refused, as the case may be, by the Authority.~~ Metropolitan Traffic Act, 1900.

~~(2) (1)~~ A direction given by the Commissioner of Police under section 13D of the Metropolitan Traffic Act, 1900, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

~~(2) (2)~~ The authority of the Commissioner of Police given for the purposes of section 13D (subsection (7) excepted) of the Metropolitan Traffic Act, 1900, before the commencement of this clause shall be deemed to have been given by the Authority.

3. (1) A direction given by a Minister under section 4A of the Motor Traffic Act, 1909, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

SCHEDULE

Traffic Authority.

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) A direction given by the Commissioner of Police under section 4D of the Motor Traffic Act, 1909, and in force
5 at the commencement of this clause shall be deemed to have been given by the Authority.

(3) The authority of the Commissioner of Police given for the purposes of section 4D (subsection (7) excepted) of the Motor Traffic Act, 1909, before the commencement
10 of this clause shall be deemed to have been given by the Authority.

4. (1) An application made to the Commissioner of Police for a consent under section 269A (6) of the Local
Government Act, 1919, and pending at the commencement
15 of this clause shall be deemed to have been made to the Authority.

(2) A consent given by the Commissioner of Police under section 269A (6) of the Local Government Act, 1919, and in force at the commencement of this clause shall be
20 deemed to have been given by the Authority.

(3) Section 270N of the Local Government Act, 1919, applies to and in respect of the costs referred to in that section, and incurred before the commencement of this clause, as if this Act had not been enacted.

25 5. A notice given under section 3 (1) of the Traffic Safety (Lights and Hoardings) Act, 1951, before the commencement of this clause, and the requirements of the notice, shall be deemed to have been given and imposed, respectively, by the
Authority. Traffic Safety (Lights and Hoardings) Act, 1951.

SCHEDULE

Traffic Authority.

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

6. The costs of any activities, works or services carried out, or any expenses otherwise incurred, before the commencement of this clause, and unpaid at that commencement, shall be payable from the Fund if they would have been payable from the Fund had this clause been in force at the time when the activities, works or services were carried out or the expenses were incurred.

Costs and expenses.

10

SCHEDULE 9.

Sec. 32.

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS.

1. In this Schedule—

Interpretation.

“effective date”, in relation to—

15

(a) a person specified in an instrument under clause 2; or

(b) a contract, agreement or lease specified or described in an instrument under clause 4,

20

means the date on which the instrument takes effect;

“officer”, in relation to the Department of Motor Transport, means any officer, clerk, servant or other person employed in that Department;

25

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act;

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

5 “transferred person” means a person who is an officer
or employee of the Department of Main Roads by
virtue of clause 2.

2. (1) The Commissioner for Motor Transport and the
Commissioner for Main Roads may, from time to time, by
instrument in writing, declare that any officers of the
10 Department of Motor Transport who—
Transfer of certain
officers
to
Department
of Main
Roads.

(a) are specified in the instrument; and

15 (b) are, in the opinion of the Commissioners, engaged
wholly or principally in connection with the con-
struction, erection, affixing, marking, maintenance,
repair, alteration, operation or removal of traffic
control facilities,

are officers to whom this clause applies.

20 (2) A person who is so declared to be an officer to
whom this clause applies and who is an officer of the Depart-
ment of Motor Transport immediately before the effective date
shall become and be an officer or employee (as the case may
require) of the Department of Main Roads.

25 (3) An instrument under this clause takes effect on
the date of its execution or a later date specified in the
instrument, but not in any case later than one year after the
date of commencement of this clause.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

3. (1) Where any condition of employment (including
5 the rate of salary or wages) of a transferred person was,
immediately before the effective date, regulated by an award
or industrial agreement, that condition shall continue to be so
regulated, until it is varied by an award by which the Com-
missioner for Main Roads is bound made by a competent
10 tribunal, or that condition is regulated by an industrial
agreement to which the Commissioner is a party.

Preservation
of certain
rights of
transferred
persons.

- (2) A transferred person is entitled to the same rights
and privileges, if any, with regard to annual, sick, deferred,
extended or other leave as if he had continued to be an officer
15 of the Department of Motor Transport, and for the purposes
of this subclause service with the Department of Main Roads
shall be deemed to be service with the Department of Motor
Transport.

- (3) Subject to subclause (4), a transferred person—
- 20 (a) shall retain any rights accrued or accruing to him as
an officer of the Department of Motor Transport
and as a contributor to a superannuation scheme;
- (b) where, but for this subclause, he would not be
entitled to contribute to any superannuation scheme
25 to which he was a contributor immediately before
the effective date—may contribute to that scheme:
and
- (c) shall be entitled to receive any payment, pension or
gratuity,
- 30 as if he had continued to be such an officer or contributor (as
referred to in paragraph (a)) during his service as an officer
or employee of the Department of Main Roads, and—

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

- 5 (d) his service with the Department of Main Roads shall be deemed to be service with the Department of Motor Transport for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- 10 (e) he shall be deemed to be an officer of the Department of Motor Transport for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause, and any contributions payable by his employer for the purpose of
- 15 the scheme shall be payable by the Commissioner for Main Roads,

but nothing in this subclause applies to annual, sick, deferred, extended or other leave.

- 20 (4) A transferred person who, but for this subclause, would be entitled under subclause (3) to contribute to a superannuation scheme or to receive any payment, pension or gratuity shall not be so entitled upon his becoming a contributor to any other superannuation scheme, and the provisions of subclause (3) (e) cease to apply to or in respect of him
- 25 and the Commissioner for Main Roads in any case where he becomes a contributor to such another superannuation scheme.

- 30 (5) Subclause (4) does not prevent the payment to a transferred person upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

(6) Where, but for subclause (3), a transferred
5 person would not be entitled to contribute to a superannuation
scheme to which he was a contributor immediately before the
effective date, he may withdraw from the scheme as if he had
ceased, by reason of his resignation, to be an officer or
employee for the purposes of the scheme.

10 (7) While a transferred person is not an employee
within the meaning of the Superannuation Act, 1916, but
would be such an employee if he withdrew from a super-
annuation scheme, he shall, for the purposes of section 92A
of that Act, be deemed to have become eligible to be a
15 contributor within the meaning of that Act.

(8) A transferred person is entitled to the same rights
and privileges, if any, with regard to annual or holiday rail
passes and travel concessions as if he had continued to be an
officer of the Department of Motor Transport, and the
20 following provisions have effect :—

(a) any such rights or privileges shall be subject to the
like restrictions and conditions as are applicable in
respect of rail passes and travel concessions
accorded to any officers of the Department of Motor
25 Transport;

(b) any such rights or privileges shall, subject to
paragraph (a), continue in force until an award

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

- 5 by which the Commissioner for Main Roads is bound is made by a competent tribunal, or an industrial agreement to which the Commissioner is a party is made, containing provision for alternative recompense to him in substitution for those rights and privileges;
- 10 (c) the Public Transport Commission of New South Wales is hereby authorised to issue to him any such pass or concession to which he is entitled; and
- (d) the cost of any such pass or concession is payable from the Fund.
- 15 (9) Except as expressly provided by this clause, a transferred person is not entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.
- (10) Nothing in this clause affects the operation of
20 the Industrial Arbitration Act, 1940.
4. (1) The Commissioner for Motor Transport and the Commissioner for Main Roads may, from time to time, by instrument in writing, declare that any contracts, agreements or leases that—
Contracts, agreements and leases.
- 25 (a) are specified or described in the instrument; and

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

- 5 (b) were, in the opinion of the Commissioners, entered into with the Commissioner for Motor Transport in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities,

are contracts, agreements or leases to which this clause
10 applies.

(2) A contract, agreement or lease that is so declared to be one to which this clause applies and that is in force immediately before the effective date shall be deemed to be a contract, agreement or lease entered into with the Commis-
15 sioner for Main Roads.

(3) Any proceedings in relation to such a contract, agreement or lease shall be commenced by or against the Commissioner for Main Roads instead of the Commissioner for Motor Transport.

20 (4) Nothing in this clause affects any proceedings commenced by or against the Commissioner for Motor Transport in relation to such a contract, agreement or lease before the effective date.

(5) An instrument under this clause takes effect on
25 the date of its execution or a later date specified in the instrument, but not in any case later than one year after the commencement of this clause.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

5. (1) The Commissioner for Motor Transport, with the Property.
5 concurrence of the Commissioner for Main Roads, may, from
time to time, and on such terms (if any) as may be agreed
upon, give, transfer, convey, assign or otherwise dispose of to
the Commissioner for Main Roads any real or personal
property that—
- 10 (a) is vested in or owned by the Commissioner for
Motor Transport; and
- (b) in the opinion of the Commissioners—
- 15 (i) is or has been used wholly or principally by
the Commissioner for Motor Transport in
connection with the construction, erection,
affixing, marking, maintenance, repair,
alteration, operation or removal of traffic
control facilities; or
- 20 (ii) is suitable for use by the Commissioner for
Main Roads in connection with the exercise
or performance of his powers, authorities,
duties or functions under section 48C of the
Main Roads Act, 1924, as amended by this
Act.
- 25 (2) Any powers conferred on the Commissioner for
Motor Transport or the Commissioner for Main Roads by
subclause (1) are in addition to any powers that they or either
of them would have if this clause had not been enacted.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 March, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1976.

An Act to provide for the constitution of a corporation to be called the "Traffic Authority of New South Wales"; to confer and impose on the corporation responsibilities, powers, authorities, duties and functions with respect to vehicular and pedestrian traffic and other matters; to provide for the transfer of certain persons, contracts, agreements, leases and property to the Commissioner for Main Roads; to repeal the Traffic Safety Act, 1970; and to amend the Metropolitan Traffic Act, 1900, the

Motor

Traffic Authority.

Motor Traffic Act, 1909, the Local Government Act, 1919, the Main Roads Act, 1924, and the Traffic Safety (Lights and Hoardings) Act, 1951, in certain respects.

[MR BRUXNER—16 March, 1976.]

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Traffic Authority Act, Short title. 1976".

10 2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

(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
15 proclamation published in the Gazette.

3. This Act is divided as follows:—

Division
of Act.

PART I.—PRELIMINARY—ss. 1–5.

**PART II.—CONSTITUTION OF THE TRAFFIC AUTHORITY
OF NEW SOUTH WALES—ss. 6–15.**

20 **PART III.—FUNCTIONS OF THE AUTHORITY—ss. 16–
21.**

PART

Traffic Authority.

PART IV.—FINANCE—ss. 22–25.

PART V.—MISCELLANEOUS—ss. 26–32.

SCHEDULE 1.—AMENDMENTS TO THE METROPOLITAN
TRAFFIC ACT, 1900.

5 SCHEDULE 2.—AMENDMENTS TO THE MOTOR
TRAFFIC ACT, 1909.

SCHEDULE 3.—AMENDMENTS TO THE LOCAL
GOVERNMENT ACT, 1919.

10 SCHEDULE 4.—AMENDMENTS TO THE MAIN ROADS
ACT, 1924.

SCHEDULE 5.—AMENDMENTS TO THE TRANSPORT
ACT, 1930.

SCHEDULE 6.—AMENDMENTS TO THE SYDNEY
HARBOUR BRIDGE (ADMINISTRATION) ACT, 1932.

15 SCHEDULE 7.—AMENDMENTS TO THE TRAFFIC
SAFETY (LIGHTS AND HOARDINGS) ACT, 1951.

SCHEDULE 8.—SAVINGS AND TRANSITIONAL PRO-
VISIONS.

20 SCHEDULE 9.—TRANSFER OF OFFICERS, CONTRACTS,
ETC., TO COMMISSIONER FOR MAIN ROADS.

4. (1) In this Act, except in so far as the context or Interpretation.
subject-matter otherwise indicates or requires—

“appointed member” means an appointed member of the
Authority, as referred to in section 7 (1) (b);

“approaches”,

Traffic Authority.

“approaches”, in relation to an intersection or railway level crossing, means so much of the approaches thereto as consists of a public street or public streets or a part or parts of any such street or streets;

5 “Authority” means the Traffic Authority of New South Wales constituted under this Act;

“committee” means a committee appointed under section 12;

10 “functions” includes responsibilities, powers, authorities and duties;

“Fund” means the Traffic Facilities Fund established under section 22;

“intersection” means an intersection or junction of public streets;

15 “member” means a member of the Authority;

“official member” means an official member of the Authority, as referred to in section 7 (1) (a);

20 “public authority” means a public or local authority constituted by or under an Act other than this Act, and includes—

(a) the Police Force, the Department of Motor Transport, the Department of Main Roads and any other Government Department;

25 (b) a statutory body representing the Crown on whom any functions are conferred or imposed by or under any Act other than this Act; and

(c) a person or body prescribed for the purposes of this paragraph;

“public

Traffic Authority.

“public street” means any street, road, lane, thoroughfare, footpath or place open to or used by the public, and includes any place open to or used by the public on the payment of money or otherwise;

5 “traffic” includes vehicular traffic and pedestrian traffic;

“traffic control facility” means—

- (a) traffic control lights on public streets, and equipment used in connection with traffic control lights;
- 10 (b) any sign, marking, structure or device containing or relating to a requirement or direction, contravention of which is an offence arising under—
 - 15 (i) the Motor Traffic Act, 1909, the Metropolitan Traffic Act, 1900, or any regulation under either of those Acts; or
 - 20 (ii) any other Act, regulation or by-law prescribed for the purposes of this subparagraph (other than the Local Government Act, 1919, or any ordinance thereunder) ;
- 25 (c) any sign, device or line referred to in section 270N (1) (c) of the Local Government Act, 1919;
- 30 (d) any other sign, marking, structure or device that is intended to promote safe or orderly traffic movement on public streets or to warn, advise or inform the drivers of vehicles, or pedestrians, of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards; and
- (e)

Traffic Authority.

(e) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a public street,

5 but does not include any sign, marking, structure, device or other thing in so far as it contains information as to the route or distance to any place.

(2) A reference in this Act to the Commissioner for Motor Transport, the Commissioner for Main Roads, the Commissioner of Police or a commissioner of the New South
10 Wales Planning and Environment Commission includes a reference to a person duly acting as such.

(3) Except in so far as the context or subject-matter otherwise indicates or requires, a reference (however expressed) in this Act to any thing, person, or traffic, on a
15 public street, includes a reference to any thing, person, or traffic, above, over, across, in or under a public street.

5. (1) Subject to subsection (2) and except as expressly provided by this Act, nothing in this Act affects any of the provisions of any other Act, or any regulations, ordinances
20 or by-laws thereunder, or takes away any powers vested in any person or body by any other Act, or any regulations, ordinances or by-laws made under any other Act.

Effect of
this Act
on other
Acts.

(2) Where the provisions of this Act are inconsistent
25 with any of the provisions of any other Act or any regulation, ordinance or by-law made under any other Act, the provisions of this Act shall prevail.

PART

Traffic Authority.

PART II.

CONSTITUTION OF THE TRAFFIC AUTHORITY
OF NEW SOUTH WALES.

6. (1) There is hereby constituted a corporation under Constitution
5 the corporate name of the "Traffic Authority of New South of the
Wales". Authority.

(2) The Authority shall, for the purposes of any Act,
be deemed to be a statutory body representing the Crown.

7. (1) The Authority shall consist of—

Members
of the
Authority.

10 (a) 4 official members, being—

- (i) the Commissioner for Motor Transport;
- (ii) the Commissioner for Main Roads;
- (iii) the Commissioner of Police; and
- 15 (iv) a commissioner of the New South Wales
Planning and Environment Commission,
for the time being nominated by that
Commission; and

(b) 2 appointed members, of whom—

- 20 (i) one shall be a member or servant of the
Council of the City of Sydney appointed by
the Minister on the nomination of that
Council; and
- (ii) one shall be appointed by the Minister, on
25 the joint nomination of the Local Govern-
ment Association of New South Wales and
the Shires Association of New South Wales,
to represent local government interests
generally.

(2)

Traffic Authority.

(2) An appointed member shall, subject to this Act, be appointed for such term not exceeding 3 years as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time
5 to time for such term not exceeding 3 years as is specified in the instrument of his re-appointment.

(3) On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint
10 a person to hold office for the balance, or for a part of the balance, of his predecessor's term of office, as may be specified in the instrument of his appointment, so that the Authority is constituted as provided by subsection (1).

(4) Where a nomination of a person for appointment
15 as an appointed member is not submitted within the time or in the manner specified by the Minister by order in writing notified to the Council or Associations entitled to make the nomination, the Minister may make the appointment in the absence of nomination, and the person so appointed shall hold
20 office as if he had been duly nominated.

(5) A person who is of or over the age of 70 years shall not be appointed as a member.

(6) The New South Wales Planning and Environment Commission may revoke any nomination under subsection
25 (1) (a) (iv).

(7) Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

30 8. (1) Each official member may, from time to time, Deputy
appoint a person to be his deputy, and the member or the members.
Minister may revoke any such appointment.

(2)

Traffic Authority.

(2) The Minister may, from time to time—

- 5 (a) appoint, on the nomination of the Council of the City of Sydney, a member or servant of that Council to be the deputy of the appointed member referred to in section 7 (1) (b) (i); or
- 10 (b) appoint, on the joint nomination of the Local Government Association of New South Wales and the Shires Association of New South Wales, a person to be the deputy of the member referred to in section 7 (1) (b) (ii),

and may revoke any such appointment.

(3) In the absence of a member, the member's deputy—

- 15 (a) shall, if available, act in the place of the member; and
- (b) while so acting shall be deemed to be a member and shall have and may exercise and perform the functions of the member.

20 (4) If there is a vacancy in the office of an elected member, the member shall, for the purposes of subsection (3), be deemed to be absent.

9. The Commissioner for Motor Transport shall be the Chairman.
Chairman of the Authority.

25 10. (1) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Authority. Proceedings
of the
Authority.

30 (2) The Chairman of the Authority or, in the absence of the Chairman, his deputy or, in the absence of both, the official member chosen by the members present at the meeting to act as chairman may preside at any meeting of the Authority.

(3)

Traffic Authority.

(3) Four members shall form a quorum at any meeting of the Authority and any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority and shall have and
5 may exercise and perform all the functions of the Authority.

(4) The person presiding at any meeting of the Authority shall, in the event of an equality of votes, have in addition to a deliberative vote a second or casting vote.

(5) A decision supported by a majority of the votes
10 of the members present and voting at a meeting of the Authority shall be the decision of the Authority.

(6) The Authority shall cause full and accurate minutes to be kept of the proceedings at its meetings.

(7) No matter or thing done, and no contract entered
15 into, by the Authority, and no matter or thing done by a member or by any other person acting under the direction or as delegate of the Authority shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act or any other Act conferring or
20 imposing functions on the Authority, subject the member or person so acting personally to any action, liability, claim or demand.

(8) Nothing in subsection (7) exempts any member or other person from liability to be surcharged with the
25 amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Authority, and which the member or other person authorised or joined in authorising.

11. (1) An appointed member shall be deemed to have
30 vacated his office—
Vacation of office.

(a) if he dies;

(b)

Traffic Authority.

- 5 (b) if he is absent from 4 consecutive meetings of the Authority of which reasonable notice has been given to him personally or in the ordinary course of post except on leave granted by the Authority, and is not before the expiration of 4 weeks after the last of those meetings, excused by the Authority for his absence from those meetings;
- 10 (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate for their benefit;
- 15 (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 20 (e) if he is convicted in New South Wales of a crime or offence which is punishable by imprisonment for a period of 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or offence which if committed in New South Wales would be a crime or offence so punishable;
- 25 (f) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- (g) if he is removed from office by the Minister;
- (h) on the day on which he attains the age of 70 years;
or
- 30 (i) if, being the member referred to in section 7 (1) (b) (i), he ceases to be a member or servant of the Council of the City of Sydney.

(2) The Minister may, for any cause which appears to him sufficient, remove any appointed member from office.

Traffic Authority.

12. (1) The Authority may appoint such committees as Committees.
it thinks fit to assist and advise it in connection with the
exercise or performance of its functions or to exercise and
perform, pursuant to a delegation made under section 20, the
5 functions of the Authority that have been delegated to the
committee.

(2) A person may be appointed as a member of a
committee whether or not he is a member of the Authority.

(3) Each member of a committee is entitled to be
10 paid such remuneration (including travelling and subsistence
allowances) as the Minister may from time to time determine
in respect of him.

13. (1) The procedure for the calling of meetings of a Proceedings
committee and for the conduct of business at those meetings of
15 shall, subject to this Act and any direction given by the
Authority, be as determined by the committee.

(2) The Authority may appoint a member of a
committee to be chairman of the committee.

(3) The person so appointed as chairman of a
20 committee or, in his absence or if there is no person so
appointed, the member of the committee chosen by the
members thereof present at the meeting to act as chairman
may preside at any meeting of the committee.

(4) A quorum of a committee shall consist of two-
25 thirds of the members of the committee or, if that number
is not a whole number, the number of members that is next
above two-thirds of the members of the committee and any
duly convened meeting of a committee at which a quorum is
present shall be competent to transact any business of the
30 committee and shall have and may exercise and perform all
the functions of the committee.

(5)

Traffic Authority.

(5) The person presiding at any meeting of a committee shall, if the Authority so approves in relation to that committee, have in addition to a deliberative vote a second or casting vote.

5 (6) A decision supported by a majority of the votes of the members present and voting at a meeting of a committee shall be the decision of the committee.

14. Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of the Authority or of a committee or from retaining any remuneration payable to him under this Act. ^{Power to hold office.}

15. (1) The Commissioner for Motor Transport may, upon the recommendation or with the concurrence of the Authority, appoint such officers or casual employees as may be necessary to assist the Authority in the exercise or performance of its functions. ^{Staff and facilities.}

(2) Any appointments made under this section shall be deemed to have been made under Part XI of the Transport Act, 1930, but that Act shall, for the purposes only of this Act, be deemed to be amended—

- 25 (a) by omitting from section 102 (1) the words “to the lowest grade in each of the various branches of the transport services, and”;
- (b) by omitting section 102 (4).

(3) The Authority’s recommendation or concurrence is not necessary for the removal, discharge, dismissal or suspension of an officer or employee appointed under this section.

(4)

Traffic Authority.

(4) The Authority may, with the approval of the Commissioner for Motor Transport and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of the Department of
5 Motor Transport.

(5) The Authority may, with the approval of any other public authority and on such terms as may be arranged, make use of the facilities, or the services of any of the officers, servants or employees, of that public authority.

10

PART III.

FUNCTIONS OF THE AUTHORITY.

16. (1) The Authority shall have and may exercise and General.
perform the functions conferred or imposed on it by or
under—

- 15 (a) this Act;
(b) the Metropolitan Traffic Act, 1900;
(c) the Motor Traffic Act, 1909;
(d) the Local Government Act, 1919; or
20 (e) the Traffic Safety (Lights and Hoardings) Act,
1951,
or any other Act.

(2) The Authority shall, in the exercise and performance of its functions (except in relation to the contents of a report or recommendation made by it to the Minister),
25 be subject to the control and direction of the Minister.

17.

Traffic Authority.

17. (1) The Authority is charged with the responsibility of— Functions
of the
Authority.

- 5 (a) reviewing the traffic arrangements in the State, including arrangements in connection with the movement, regulation and control of traffic and the parking of vehicles;
- (b) formulating or adopting plans and proposals for the improvement of those arrangements;
- 10 (c) establishing general standards and general principles in connection with—
 - (i) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities; and
 - 15 (ii) the design of intersections and the approaches thereto or the approaches to railway level crossings,

for purposes connected with traffic safety and the movement, regulation and control of traffic;
- 20 (d) establishing priorities in connection with the carrying out of activities, works or services, that are items of expenditure approved under section 24;
- (e) promoting traffic safety; and
- 25 (f) co-ordinating the activities of public authorities so far as those activities relate to—
 - (i) the carrying out of plans and proposals formulated or adopted by the Authority for the improvement of traffic arrangements;

(ii)

Traffic Authority.

- (ii) the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities;
- (iii) traffic safety; or
- 5 (iv) any other matter connected with the Authority's functions.

(2) The Authority may—

- (a) promote traffic safety measures or activities, including measures or activities for—
 - 10 (i) the safety and protection of the public, including pedestrians, on public streets;
 - (ii) the prevention of accidents on public streets;
 - (iii) the minimising of the effect of accidents occurring on public streets; and
 - 15 (iv) the protection of property from damage from accidents occurring on public streets;
- (b) promote or engage in the dissemination and publication by suitable media of advice and information resulting from research or otherwise for the education and guidance of, and observance by, drivers of or persons travelling in vehicles, or persons on public streets, or manufacturers of, repairers of, or dealers in, vehicles or vehicle parts;
- 20 (c) make reports or recommendations to the Minister, or any other person or body, in relation to—
 - 25 (i) traffic arrangements, and the movement, regulation and control of traffic, on public streets;
 - (ii) traffic planning;
 - 30 (iii) traffic safety;

(iv)

Traffic Authority.

- (iv) the parking of vehicles;
 - (v) the operation, maintenance or alteration of traffic control facilities; or
 - 5 (vi) any other matter connected with the Authority's functions;
- (d) make reports or recommendations to the Minister for amending the law, or making provision therein, in relation to matters connected with the Authority's functions;
- 10 (e) carry out or promote research or investigations into matters connected with any of the Authority's functions, including research or investigations into—
 - (i) traffic control facilities; and
 - 15 (ii) the cause of accidents, their incidence and the ways and means that may be adopted for their prevention or for controlling or mitigating their effects; and
- (f) co-operate with, or do or perform any act or thing in conjunction with, any person or body in connection with the Authority's functions.
- 20

18. (1) The Authority may, from time to time, direct Directions, public authorities to implement plans or proposals formulated or adopted, general standards or general principles established, or other decisions made, by the Authority in the exercise or
25 performance of the Authority's functions.

(2) The Authority may communicate directions under this section to such public authorities, and in such manner, as it thinks fit.

Traffic Authority.

(3) While a direction communicated to a public authority under this section and applicable to its functions is in force, it is the duty of the public authority, by the exercise or performance of its functions in accordance with law, to
5 comply with the direction, except where to do so—

- (a) would be impracticable by reason of emergency, accident or other special circumstances; or
- (b) would affect the functions of any person or body with respect to the laying or making of any information or complaint, the continuance or discontinuance of any proceedings for an alleged offence, or
10 any other manner of dealing with an alleged offence.

(4) The failure of a public authority to comply with a direction of the Authority under this section does not
15 invalidate any act, matter or thing to which the direction relates, and in particular does not invalidate the construction, erection, affixing or marking of any traffic control facility or any direction that is contained in or relates to the facility.

(5) A direction may be given under this section so
20 as to apply generally or in any particular case or class of cases.

(6) The power to give a direction includes the power to amend or revoke a direction.

19. (1) The Authority may, for the purpose of promoting traffic safety, make recommendations to a public
25 authority in relation to the public authority's functions in connection with the lighting of public streets, including recommendations in relation to—

- (a) general principles relating to the provision of lighting on public streets;
- (b) the need for lighting on any particular public street or part thereof; and

(c)

Recommendations as to street lighting.

Traffic Authority.

(c) the need for the improvement of lighting on any particular public street or part thereof.

(2) It is the duty of a public authority to which recommendations are made under this section to give proper
5 consideration to the recommendations and, as far as may be reasonably practicable, to carry the recommendations into effect.

20. (1) The Authority may, by instrument in writing Delegation.
under seal, delegate to—

- 10 (a) a member or a committee;
(b) a public authority;
(c) an officer of a Government Department; or
(d) an officer, servant or employee referred to in section
15,

15 the exercise or performance of such of the functions (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act as may be specified in the instrument of delegation, and may, by such an instrument, revoke wholly or in part any such delegation.

20 (2) A function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made
25 subject to such limitations as to the exercise or performance of any of the functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this
30 section, the Authority may continue to exercise or perform any or all of the delegated functions.

(5)

Traffic Authority.

(5) Except in so far as the instrument of delegation otherwise provides, a function delegated under this section to—

- 5 (a) the Commissioner for Motor Transport—may be exercised or performed by an officer or employee of the Department of Motor Transport;
- (b) the Commissioner for Main Roads—may be exercised or performed by an officer or employee of the Department of Main Roads;
- 10 (c) the Commissioner of Police—may be exercised or performed by a member of the Police Force;
- (d) a public authority—may be exercised or performed by an officer, servant or employee of the public authority; or
- 15 (e) an officer of a Government Department—may be exercised or performed by an officer or employee of the Department,

for the time being authorised by the delegate in that behalf.

(6) Notwithstanding any authorisation under subsection (5), a delegate under this section may continue to exercise or perform the delegated function.

(7) Any act or thing done or suffered by a delegate (or a person authorised by the delegate under subsection (5)) while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Authority and shall be deemed to have been done or suffered by the Authority.

(8)

Traffic Authority.

(8) The Authority may, from time to time, determine principles in accordance with which a delegate under this section (or a person authorised by the delegate under subsection (5)) is to exercise or perform the functions delegated, but a failure to observe the principles does not invalidate the exercise or performance of any of the functions.

21. (1) Nothing in this Part applies to or in respect of any sign, mark, structure or device containing or relating to a requirement or direction, contravention of which gives rise to an offence under the Local Government Act, 1919, or any ordinance thereunder, but not under any other Act or any regulation thereunder. Miscellaneous provisions.

(2) Nothing in this Part affects—

(a) the operation of any provisions of any Act or statutory instrument in so far as those provisions prescribe standards or principles in connection with—

(i) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities; or

(ii) the design of intersections and the approaches thereto or the approaches to railway level crossings; or

(b) the power to make or execute a statutory instrument under any other Act in relation to any such standards or principles.

(3) Any person who or body which would not, but for this subsection, have the power to co-operate with, or do or perform any act or thing in conjunction with, the Authority is hereby authorised so to co-operate or do or perform the act or thing.

PART

Traffic Authority.

PART IV.

FINANCE.

22. There shall be established and kept at the Treasury Traffic
in the Special Deposits Account an account to be known as Facilities
5 the "Traffic Facilities Fund". Fund.

23. There shall be paid into the Fund—

Payments
into the
Fund.

- 10 (a) such amounts as are from time to time agreed upon
by the Treasurer and the Minister from the amounts
from time to time (whether before or after the
commencement of this section) appropriated by
Parliament from the Road Transport and Traffic
Fund (established under section 202 of the
Transport Act, 1930);
- 15 (b) the balance standing to the credit of the Road
Transport and Traffic Fund (referred to in para-
graph (a)) at the close of each financial year of
that Fund;
- 20 (c) such amounts as are from time to time agreed upon
by the Treasurer and the Minister from so much of
the Public Vehicles Fund (established under section
204 of the Transport Act, 1930) as is not required
to be applied in accordance with section 204 (3)
of that Act;
- 25 (d) from the Sydney Harbour Bridge Account (opened
under the Sydney Harbour Bridge (Administra-
tion) Act, 1932), such amounts as are sufficient to
recoup the payments made from the Fund in relation
to costs that would, had this Act not been enacted,
30 have been met from that Account;

(e)

Traffic Authority.

- 5 (e) such amounts as are from time to time agreed upon by the Treasurer and the Minister from the collected proceeds of the motor vehicles tax levy imposed by section 2 (1) (a) of the Motor Vehicles (Taxation) Act, 1971;
- 10 (f) such amounts as are from time to time agreed upon by the Treasurer and the Minister from the collected proceeds of the motor vehicles weight tax imposed by section 2 (1) (b) of the Motor Vehicles (Taxation) Act, 1971;
- (g) the amounts paid to the Authority under section 270N (3) of the Local Government Act, 1919;
- 15 (h) such amounts as are from time to time paid into the Fund by the Treasurer out of money paid to the State by the Commonwealth;
- (i) any other amounts paid into the Fund by the Treasurer; and
- 20 (j) any other amounts received by the Authority, the Commissioner for Main Roads or the Commissioner for Motor Transport—
 - (i) as or towards the cost of making good any damage or injury to traffic control facilities; or
 - 25 (ii) as or towards the cost of providing, maintaining, repairing or operating traffic control facilities or carrying out any other activity, works or services connected with the Authority's functions,
- 30 and directed by the Authority to be paid into the Fund.

Traffic Authority.

24. (1) Subject to this section, there may be paid out of the Fund— Payments
out of
the Fund.

- (a) the administrative and other expenses of the Authority;
- 5 (b) the costs incurred in the provision of officers, servants, employees or facilities under section 15;
- (c) the costs (including administrative costs) incurred by the Commissioner for Main Roads and the Commissioner for Motor Transport in connection with—
 - 10 (i) the activities of the Authority; and
 - (ii) the carrying out of any activities, works or services the cost of which is to be met from the Fund;
- 15 (d) the cost of the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities, including the cost of electricity and the cost of making essential or incidental alterations to public streets;
- 20 (e) the costs incurred in connection with facilities for—
 - (i) the relief of traffic congestion; or
 - (ii) the protection of pedestrians on public streets;
- 25 (f) the cost or a contribution towards the cost of road-works in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities or other traffic facilities;

(g)

Traffic Authority.

- (g) the cost or a contribution towards the cost of erecting bridges, subways or other facilities for use by pedestrians over, across, under or alongside public streets;
- 5 (h) the cost or a contribution towards the cost of designing and constructing—
- (i) intersections and the approaches thereto; or
- (ii) the approaches to railway level crossings, in so far as traffic safety and the movement, regulation and control of traffic are concerned;
- 10 (i) the cost or a contribution towards the cost of any traffic safety research or traffic safety education; and
- 15 (j) without affecting the generality of any of the foregoing provisions of this subsection, the cost or a contribution towards the cost of acquiring, resuming, appropriating, taking on lease, disposing of and otherwise dealing with property in connection with any of the matters referred to in any of those
- 20 provisions.

(2) No payment shall be made from the Fund without the approval of the Minister.

(3) An approval may be given under subsection (2) so as to apply generally or to any particular case or class of cases.

25

(4) Approval for any item of expenditure from the Fund may be revoked by the Minister.

(5)

Traffic Authority.

(5) Where, but for this subsection, so much of the Fund as consists of any amount referred to in section 23 (h) could not be used for expenditure incurred in accordance with any Act of the Parliament of the Commonwealth relating to the expenditure of that amount, that amount may be used for expenditure so incurred.

25. The Authority shall, as directed by the Minister, and at least once in each year, submit to the Minister proposals in relation to expenditure from the Fund, together with a statement of the amounts necessary to be paid into the Fund to implement the proposals.

PART V.

MISCELLANEOUS.

26. (1) The Authority shall, as soon as practicable after 30th June in each year, forward to the Minister a report of its work and activities for the 12 months preceding that date.

(2) The Minister shall lay that report, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him of the report.

27. (1) The Authority may acquire by gift, bequest or devise any property for any of the purposes of this Act and may agree to and carry out the conditions of the gift, bequest or devise.

(2)

Traffic Authority.

(2) The rule of law relating to remoteness of vesting does not apply to any condition of a gift, bequest or devise to which the Authority has agreed.

(3) Nothing in the Stamp Duties Act, 1920, applies to any real or personal property of any nature or kind whatever comprised in any gift, bequest or devise made to the Authority.

28. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

29. The Traffic Safety Act, 1970, is repealed.

Repeal of
Act No. 74,
1970.

30. (1) The Metropolitan Traffic Act, 1900, is amended in the manner set forth in Schedule 1. Amendment
of Act No.
8, 1900.

(2) The Motor Traffic Act, 1909, is amended in the manner set forth in Schedule 2. Amendment
of Act No.
5, 1909.

(3) The Local Government Act, 1919, is amended in the manner set forth in Schedule 3. Amendment
of Act No.
41, 1919.

20 (4) The Main Roads Act, 1924, is amended in the manner set forth in Schedule 4. Amendment
of Act No.
24, 1924.

(5) The Transport Act, 1930, is amended in the manner set forth in Schedule 5. Amendment
of Act No.
18, 1930.

(6)

Traffic Authority.

(6) The Sydney Harbour Bridge (Administration) Act, 1932, is amended in the manner set forth in Schedule 6. Amendment of Act No. 2, 1932.

(7) The Traffic Safety (Lights and Hoardings) Act, 1951, is amended in the manner set forth in Schedule 7. Amendment of Act No. 7, 1951.

5 31. Schedule 8 has effect.

Savings and transitional provisions.

32. Schedule 9 has effect.

Transfer of officers, contracts, etc., to Commissioner for Main Roads.

SCHEDULE 1.

Sec. 30.

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900.

(1) Section 4, definition of "Traffic Authority"—

10 After the definition of "Regulation", insert :—

"Traffic Authority" means the Traffic Authority of New South Wales.

(2) (a) Section 6 (1), (1A)—

Omit section 6 (1), insert instead :—

15 (1) Except where otherwise expressly provided to the contrary by this Act or the regulations, the provisions of this Act and the regulations shall, subject to the control and direction of the Minister, be administered by the
20 Traffic Authority.

SCHEDULE

Traffic Authority.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900
—*continued.*

5 (1A) Except where otherwise expressly provided to the contrary by this Act or the regulations, the provisions of this Act and the regulations shall be enforced by the Commissioner of Police and members of the police force.

(b) Section 6 (2)—

10 Omit “the administration”, insert instead “the enforcement”.

(c) Section 6 (2)—

15 Omit “; and, subject to disallowance by the Governor, and within one month from the commencement of this Act, the Commissioner of Police may, notwithstanding any provision of the Police Regulation Act, 1899, appoint for the purpose of such administration any officers employed by the Commissioners at the time of
20 such commencement”.

(3) (a) Section 13A (1)—

Omit “Commissioner of Police” wherever occurring, insert instead “Traffic Authority”.

(b) Section 13A (1) (c)—

25 Omit “he”, insert instead “it”.

SCHEDULE

Traffic Authority.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900
—*continued.*

(4) (a) Section 13D (2), (4), (6) and (9)—

5 Omit “Commissioner of Police” wherever
 occurring, insert instead “Traffic Authority”.

(b) Section 13D (2)—

 Omit “his”, insert instead “its”.

SCHEDULE 2.

Sec. 30.

10 AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909.

(1) Section 2 (1), definition of “Traffic Authority”—

 After the definition of “Superintendent”, insert :—

 “Traffic Authority” means the Traffic Authority of
 New South Wales

15 (2) Section 2A—

 Omit the section, insert instead :—

 2A. (1) Except where otherwise expressly pro- Adminis-
vided to the contrary by this Act or by regulation under tration
this Act— of Act.

20 (a) the provisions of this Act and the regula-
 tions relating or incidental to the regulation
 and control of traffic, of motor vehicles upon

SCHEDULE

Traffic Authority.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—
continued.

5 public streets, and of drivers of and other
persons in or on motor vehicles upon public
streets, including provisions relating or
10 incidental to traffic control facilities (within
the meaning of the Traffic Authority Act,
1976) but not including provisions relating
or incidental to the registration of motor
vehicles and the licensing of drivers; and

(b) section 4A and 4D,

shall, subject to the control and direction of the
Minister, be administered by the Traffic Authority.

15 (2) Except where otherwise expressly pro-
vided to the contrary by this Act or by regulation
under this Act—

20 (a) the provisions of this Act and the regulations
relating or incidental to the registration of
motor vehicles, the licensing of drivers and
the construction and equipment of motor
vehicles;

(b) Part III, except sections 4A and 4D; and

25 (c) any other provisions of this Act, other than
those required to be administered by the
Traffic Authority,

shall, subject to the control and direction of the
Minister, be administered by the Commissioner for
Motor Transport.

SCHEDULE

Traffic Authority.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—
continued.

(3) Section 3 (2) (c)—

- 5 Omit “or the Commissioner of Police”, insert instead
 “, the Commissioner of Police or the Traffic
 Authority”.

(4) (a) Section 4A (1), (3)—

- 10 Omit “Minister” wherever occurring, insert
 instead “Traffic Authority”.

(b) Section 4A (8)—

Omit “Commissioner of Police”, insert instead
“Traffic Authority”.

(5) (a) Section 4D (2), (4), (6) and (9)—

- 15 Omit “Commissioner of Police” wherever
 occurring, insert instead “Traffic Authority”.

(b) Section 4D (2)—

Omit “his”, insert instead “its”.

Traffic Authority.

SCHEDULE 3.

Sec. 30.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919.

(1) (a) Section 269A—

5 Omit "Commissioner of Police" wherever occurring, insert instead "Traffic Authority of New South Wales".

(b) Section 269A (6)—

Omit "him", insert instead "it".

(2) Section 270D (2) (c)—

10 Omit "Commissioner for Motor Transport, or an officer of the Department of Motor Transport", insert instead "Chairman of the Traffic Authority of New South Wales, or a person".

(3) (a) Section 270N (3)—

15 Omit "to the Commissioner for Motor Transport".

(b) Section 270N (3) (a)—

Before "such", insert "to the Commissioner for Motor Transport".

20 (c) Section 270N (3) (b)—

25 Omit "such amount as may be agreed upon by the Commissioner for Motor Transport", insert instead "to the Traffic Authority of New South Wales such amount as may be agreed upon by that Authority".

(d) Section 270N (4)—

Omit "Commissioner for Motor Transport" where secondly occurring, insert instead "Traffic Authority of New South Wales".

Traffic Authority.

SCHEDULE 4.

Sec. 30.

AMENDMENTS TO THE MAIN ROADS ACT, 1924.

(1) Section 7 (4)—

5 After “shall”, insert “, to the extent to which they are not payable from any other source,”.

(2) Section 10 (1B)—

After section 10 (1A), insert :—

10 (1B) A reference in subsection (1) (a) or (a1) to the collected proceeds of the motor vehicles tax levy or the motor vehicles weight tax does not include a reference to any amounts payable to the Traffic Facilities Fund pursuant to section 23 (e) or (f) of the Traffic Authority Act, 1976.

(3) Section 20 (1B)—

15 After section 20 (1A), insert :—

20 (1B) A reference in subsection (1) (a) or (a1) to the collected proceeds of the motor vehicles tax levy or the motor vehicles weight tax does not include a reference to any amounts payable to the Traffic Facilities Fund pursuant to section 23 (e) or (f) of the Traffic Authority Act, 1976.

(4) Section 40 (2A)—

After section 40 (2), insert :—

25 (2A) Any person who causes damage or injury to any traffic control facility (within the meaning of section 48c) shall, except where the damage or injury is caused by ordinary wear and tear, pay the cost incurred by the Commissioner in making good the damage or injury.

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*

AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

(5) Section 48C—

After section 48B, insert :—

5 48C. (1) In this section—

Traffic
control
facilities.

“public street” means any street, road, lane,
thoroughfare, footpath or place open to or
used by the public, and includes any place
open to or used by the public on the
10 payment of money or otherwise;

“traffic control facility” means—

- (a) traffic control lights on public streets,
and equipment used in connection
with traffic control lights;
- 15 (b) any sign, marking, structure or
device containing or relating to a
requirement, contravention of which
is an offence arising under the Motor
Traffic Act, 1909, the Metropolitan
20 Traffic Act, 1900, or any regulation
under either of those Acts;
- (c) any sign, device or line referred to in
section 270N (1) (c) of the Local
Government Act, 1919;
- 25 (d) any other sign, marking, structure or
device that is intended to promote
safe or orderly traffic movement on
public streets or to warn, advise or
inform the drivers of vehicles, or
30 pedestrians, of any matter or thing in
relation to vehicular or pedestrian
traffic or road conditions or hazards;
and

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*

AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

5 (e) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a public street.

(2) The Commissioner may—

10 (a) construct, erect, affix or mark traffic control facilities;

(b) maintain, repair, alter, operate or remove traffic control facilities constructed, erected, affixed or marked by the Commissioner or the Commissioner for Motor Transport;

15 (c) subject to paragraph (d), maintain, repair, alter, operate or remove any other traffic control facilities, with the concurrence of the person or body responsible for those facilities; and

20 (d) alter or remove lines marked on public streets by a council for the purposes of or for purposes connected with vehicular or pedestrian traffic.

25

(3) The Commissioner may make essential or incidental alterations to public streets for the purposes of subsection (2).

30 (4) A reference (however expressed) in this section to any thing, or traffic movement, on a public street includes a reference to any thing, or traffic movement, above, over, across, in or under a public street.

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*

AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

5 (5) This section is in addition to, and not in derogation of, any provision of this Act, or any other Act or law, conferring or imposing powers, authorities, duties or functions on the Commissioner, or any other person or body, in relation to traffic control facilities, but has effect subject to the Traffic Authority Act, 1976.

10 (6) This section extends to the whole of the Western Division of the State.

SCHEDULE 5.

Sec. 30.

AMENDMENTS TO THE TRANSPORT ACT, 1930.

(1) (a) Section 202 (2) (d)–(d3)—

15 Omit the paragraphs.

(b) Section 202 (2) (k)—

Omit the paragraph.

(c) Section 202 (2) (1)—

At the end of section 202 (2), insert :—

20 (1) the amounts to be paid into the Traffic Facilities Fund pursuant to section 23 (a) of the Traffic Authority Act, 1976.

SCHEDULE

Traffic Authority.

SCHEDULE 5—*continued.*

AMENDMENTS TO THE TRANSPORT ACT, 1930—*continued.*

(d) Section 202 (2A)—

Omit the subsection.

5 (e) Section 202 (5)—

Omit the subsection.

(2) (a) Section 204 (3) (c)—

10

Omit “and such other expenditure in connection with facilities for the movement of transport or the relief of traffic congestion or with the protection of pedestrians upon public streets as the Trust considers desirable in the public interest within the district of the Trust”.

(b) Section 204 (4)—

15

After section 204 (3), insert :—

(4) There may be paid out of the fund the amounts to be paid into the Traffic Facilities Fund pursuant to section 23 (c) of the Traffic Authority Act, 1976.

Traffic Authority.

SCHEDULE 6.

Sec. 30.

AMENDMENTS TO THE SYDNEY HARBOUR BRIDGE
(ADMINISTRATION) ACT, 1932.

(1) Section 7 (3) (ii)—

- 5 After “Bridge”, insert “, other than costs incurred in respect of the control and management of traffic on the Bridge”.

(2) Section 7 (3) (ivf)—

After section 7 (3) (ive), insert :—

- 10 (ivf) the payments to the Traffic Facilities Fund provided by section 23 (d) of the Traffic Authority Act, 1976;

(3) Section 7 (3) (v)—

- 15 After “construction”, insert “, and other than costs incurred in respect of the control and management of traffic on the Bridge”.

SCHEDULE 7.

Sec. 30.

AMENDMENTS TO THE TRAFFIC SAFETY (LIGHTS AND
HOARDINGS) ACT, 1951.

20 (1) Section 2, definition of “Traffic Authority”—

After the definition of “Public authority”, insert :—

“Traffic Authority” means the Traffic Authority of New South Wales.

(2) Section 3 (1)—

- 25 Omit “Minister” wherever occurring, insert instead “Traffic Authority”.

SCHEDULE

Traffic Authority.

SCHEDULE 8.

Sec. 31.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. Any person appointed pursuant to section 7 (1) of the Traffic Safety Act, 1970, shall be deemed to have been appointed under Part XI of the Transport Act, 1930, but section 102 of that Act does not apply to or in respect of that person.

2. (1) An approval granted or refused by the Commissioner of Police under section 13A of the Metropolitan Traffic Act, 1900, before the commencement of this clause shall be deemed to have been granted or refused, as the case may be, by the Authority.

(2) A direction given by the Commissioner of Police under section 13D of the Metropolitan Traffic Act, 1900, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

(3) The authority of the Commissioner of Police given for the purposes of section 13D (subsection (7) excepted) of the Metropolitan Traffic Act, 1900, before the commencement of this clause shall be deemed to have been given by the Authority.

3. (1) A direction given by a Minister under section 4A of the Motor Traffic Act, 1909, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

SCHEDULE

Traffic Authority.

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) A direction given by the Commissioner of Police under section 4D of the Motor Traffic Act, 1909, and in force 5 at the commencement of this clause shall be deemed to have been given by the Authority.

(3) The authority of the Commissioner of Police given for the purposes of section 4D (subsection (7) excepted) of the Motor Traffic Act, 1909, before the commencement 10 of this clause shall be deemed to have been given by the Authority.

4. (1) An application made to the Commissioner of Police for a consent under section 269A (6) of the Local 15 Government Act, 1919, and pending at the commencement of this clause shall be deemed to have been made to the Authority.

(2) A consent given by the Commissioner of Police under section 269A (6) of the Local Government Act, 1919, and in force at the commencement of this clause shall be 20 deemed to have been given by the Authority.

(3) Section 270N of the Local Government Act, 1919, applies to and in respect of the costs referred to in that section, and incurred before the commencement of this clause, as if this Act had not been enacted.

25 5. A notice given under section 3 (1) of the Traffic Safety (Lights and Hoardings) Act, 1951, before the commencement of this clause, and the requirements of the notice, shall be deemed to have been given and imposed, respectively, by the Authority. Traffic Safety (Lights and Hoardings) Act, 1951.

SCHEDULE

Traffic Authority.

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

6. The costs of any activities, works or services carried out, or any expenses otherwise incurred, before the commencement of this clause, and unpaid at that commencement, shall be payable from the Fund if they would have been payable from the Fund had this clause been in force at the time when the activities, works or services were carried out or the expenses were incurred.

Costs and expenses.

10

SCHEDULE 9.

Sec. 32.

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS.

1. In this Schedule—

“effective date”, in relation to—

Interpretation.

15

- (a) a person specified in an instrument under clause 2; or

- (b) a contract, agreement or lease specified or described in an instrument under clause 4,

20

means the date on which the instrument takes effect;

“officer”, in relation to the Department of Motor Transport, means any officer, clerk, servant or other person employed in that Department;

25

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act;

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

5 “transferred person” means a person who is an officer
or employee of the Department of Main Roads by
virtue of clause 2.

2. (1) The Commissioner for Motor Transport and the
Commissioner for Main Roads may, from time to time, by
instrument in writing, declare that any officers of the
10 Department of Motor Transport who—
Transfer of certain
officers
to
Department
of Main
Roads.

(a) are specified in the instrument; and

(b) are, in the opinion of the Commissioners, engaged
wholly or principally in connection with the con-
struction, erection, affixing, marking, maintenance,
15 repair, alteration, operation or removal of traffic
control facilities,

are officers to whom this clause applies.

(2) A person who is so declared to be an officer to
whom this clause applies and who is an officer of the Depart-
20 ment of Motor Transport immediately before the effective date
shall become and be an officer or employee (as the case may
require) of the Department of Main Roads.

(3) An instrument under this clause takes effect on
the date of its execution or a later date specified in the
25 instrument, but not in any case later than one year after the
date of commencement of this clause.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

3. (1) Where any condition of employment (including
5 the rate of salary or wages) of a transferred person was, immediately before the effective date, regulated by an award or industrial agreement, that condition shall continue to be so regulated, until it is varied by an award by which the Com-
missioner for Main Roads is bound made by a competent
10 tribunal, or that condition is regulated by an industrial agreement to which the Commissioner is a party.

Preservation
of certain
rights of
transferred
persons.

(2) A transferred person is entitled to the same rights
and privileges, if any, with regard to annual, sick, deferred,
extended or other leave as if he had continued to be an officer
15 of the Department of Motor Transport, and for the purposes
of this subclause service with the Department of Main Roads
shall be deemed to be service with the Department of Motor
Transport.

(3) Subject to subclause (4), a transferred person—
20 (a) shall retain any rights accrued or accruing to him as
an officer of the Department of Motor Transport
and as a contributor to a superannuation scheme;
(b) where, but for this subclause, he would not be
entitled to contribute to any superannuation scheme
25 to which he was a contributor immediately before
the effective date—may contribute to that scheme;
and
(c) shall be entitled to receive any payment, pension or
gratuity,
30 as if he had continued to be such an officer or contributor (as
referred to in paragraph (a)) during his service as an officer
or employee of the Department of Main Roads, and—

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

- 5 (d) his service with the Department of Main Roads shall be deemed to be service with the Department of Motor Transport for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- 10 (e) he shall be deemed to be an officer of the Department of Motor Transport for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause, and any contributions payable by his employer for the purpose of
- 15 the scheme shall be payable by the Commissioner for Main Roads,

but nothing in this subclause applies to annual, sick, deferred, extended or other leave.

- (4) A transferred person who, but for this subclause, 20 would be entitled under subclause (3) to contribute to a superannuation scheme or to receive any payment, pension or gratuity shall not be so entitled upon his becoming a contributor to any other superannuation scheme, and the provisions of subclause (3) (e) cease to apply to or in respect of him 25 and the Commissioner for Main Roads in any case where he becomes a contributor to such another superannuation scheme.

- (5) Subclause (4) does not prevent the payment to a transferred person upon his ceasing to be a contributor to a 30 superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

(6) Where, but for subclause (3), a transferred
5 person would not be entitled to contribute to a superannuation
scheme to which he was a contributor immediately before the
effective date, he may withdraw from the scheme as if he had
ceased, by reason of his resignation, to be an officer or
employee for the purposes of the scheme.

10 (7) While a transferred person is not an employee
within the meaning of the Superannuation Act, 1916, but
would be such an employee if he withdrew from a super-
annuation scheme, he shall, for the purposes of section 92A
of that Act, be deemed to have become eligible to be a
15 contributor within the meaning of that Act.

(8) A transferred person is entitled to the same rights
and privileges, if any, with regard to annual or holiday rail
passes and travel concessions as if he had continued to be an
officer of the Department of Motor Transport, and the
20 following provisions have effect :—

(a) any such rights or privileges shall be subject to the
like restrictions and conditions as are applicable in
respect of rail passes and travel concessions
accorded to any officers of the Department of Motor
25 Transport;

(b) any such rights or privileges shall, subject to
paragraph (a), continue in force until an award

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

- 5 by which the Commissioner for Main Roads is bound is made by a competent tribunal, or an industrial agreement to which the Commissioner is a party is made, containing provision for alternative recompense to him in substitution for those rights and privileges;
- 10 (c) the Public Transport Commission of New South Wales is hereby authorised to issue to him any such pass or concession to which he is entitled; and
- (d) the cost of any such pass or concession is payable from the Fund.
- 15 (9) Except as expressly provided by this clause, a transferred person is not entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.
- (10) Nothing in this clause affects the operation of
20 the Industrial Arbitration Act, 1940.
4. (1) The Commissioner for Motor Transport and the Commissioner for Main Roads may, from time to time, by instrument in writing, declare that any contracts, agreements or leases that—
Contracts, agreements and leases.
- 25 (a) are specified or described in the instrument; and

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

- 5 (b) were, in the opinion of the Commissioners, entered into with the Commissioner for Motor Transport in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities,

are contracts, agreements or leases to which this clause
10 applies.

- (2) A contract, agreement or lease that is so declared to be one to which this clause applies and that is in force immediately before the effective date shall be deemed to be a contract, agreement or lease entered into with the Commis-
15 sioner for Main Roads.

(3) Any proceedings in relation to such a contract, agreement or lease shall be commenced by or against the Commissioner for Main Roads instead of the Commissioner for Motor Transport.

- 20 (4) Nothing in this clause affects any proceedings commenced by or against the Commissioner for Motor Transport in relation to such a contract, agreement or lease before the effective date.

- (5) An instrument under this clause takes effect on
25 the date of its execution or a later date specified in the instrument, but not in any case later than one year after the commencement of this clause.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

5. (1) The Commissioner for Motor Transport, with the Property.
5 concurrence of the Commissioner for Main Roads, may, from
time to time, and on such terms (if any) as may be agreed
upon, give, transfer, convey, assign or otherwise dispose of to
the Commissioner for Main Roads any real or personal
property that—

10 (a) is vested in or owned by the Commissioner for
Motor Transport; and

(b) in the opinion of the Commissioners—

15 (i) is or has been used wholly or principally by
the Commissioner for Motor Transport in
connection with the construction, erection,
affixing, marking, maintenance, repair,
alteration, operation or removal of traffic
control facilities; or

20 (ii) is suitable for use by the Commissioner for
Main Roads in connection with the exercise
or performance of his powers, authorities,
duties or functions under section 48c of the
Main Roads Act, 1924, as amended by this
Act.

25 (2) Any powers conferred on the Commissioner for
Motor Transport or the Commissioner for Main Roads by
subclause (1) are in addition to any powers that they or either
of them would have if this clause had not been enacted.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

TRAFFIC AUTHORITY BILL, 1976

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to constitute a corporation to be called the "Traffic Authority of New South Wales";
- (b) to give the Authority responsibilities, powers, authorities, duties and functions as to traffic management, control, regulation, safety and planning; and
- (c) to empower the Commissioner for Main Roads to instal and maintain traffic lights, signs and other traffic facilities.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Commencement.

Clause 3. Division of the Bill into Parts.

Clause 4. Interpretation.

Clause 5 provides that the proposed Act prevails over any inconsistent Act or statutory instrument.

Clause 6 creates the Authority.

Clause 7 relates to the membership of the Authority, which is to consist of official and appointed members, as follows:—

- (a) the 4 official members are the Commissioners for Motor Transport, for Main Roads and of Police, and a commissioner of the New South Wales Planning and Environment Commission; and
- (b) the 2 members appointed by the Minister are, respectively, nominated by the Sydney City Council and by (jointly) the Local Government Association of New South Wales and the Shires Association of New South Wales.

Clause 8 provides for the appointment of deputy members.

Clause 9 provides that the Commissioner for Motor Transport is to be the Chairman of the Authority.

Clause 10 relates to the proceedings of the Authority.

Clause 11 specifies the circumstances in which there is a casual vacancy in the office of an appointed member.

Clause 12 authorises the Authority to appoint committees.

Clause 13 deals with the proceedings of committees.

Clause 14 enables a person to hold office as a member of the Authority or a committee even if another Act requires him to hold some other office on a full time basis.

Clause 15 authorises the appointment of staff for the Authority under the Transport Act, 1930, and authorises the Authority to make use of the staff and facilities of the Department of Motor Transport and other authorities.

Clause 16 authorises the Authority to exercise or perform its functions conferred or imposed by any Act and places the Authority under the control and direction of the Minister.

Clause 17 specifies the general responsibilities and functions of the Authority, including the promotion of traffic safety, the general management of traffic, the making of reports and recommendations, the carrying out of research and the co-ordination of traffic arrangements.

Clause 18 authorises the Authority to give directions to public authorities to implement the Authority's decisions.

Clause 19 enables the Authority to make recommendations as to street lighting, which the appropriate authority is to carry into effect, as far as reasonably practicable.

Clause 20. Delegation by the Authority.

Clause 21 contains limitations and miscellaneous provisions as to the Authority's functions.

Clause 22 creates the Traffic Facilities Fund in the Treasury.

Clause 23 provides for the payment into the Fund of certain amounts, including payments from the Road Transport and Traffic Fund, the Public Vehicles Fund and the Sydney Harbour Bridge Account and portions of the motor vehicles tax levy and weight tax.

Clause 24 specifies the matters for which the Fund may be applied, including the cost of providing and maintaining traffic lights, signs and other traffic facilities.

Clause 25 requires the Authority to submit to the Minister proposals relating to expenditure from the Fund.

Clause 26 requires an annual report of the Authority to be presented to Parliament.

Clause 27 enables the Authority to accept gifts, bequests and devises.

Clause 28. Regulations.

Clause 29 repeals the Traffic Safety Act, 1970.

Clause 30 provides for the amendment of various Acts by Schedules 1-7.

Clauses 31 and 32 give effect to Schedules 8 and 9.

Schedule 1 amends the Metropolitan Traffic Act, 1900, and vests certain aspects of the administration of the Act in the Authority instead of the Commissioner of Police.

Schedule 2 amends the Motor Traffic Act, 1909, and vests certain aspects of the administration of the Act in the Authority instead of the Minister, the Commissioner for Motor Transport and the Commissioner of Police.

Schedule 3 amends the Local Government Act, 1919, and provides—

- (a) for the Authority to be responsible for giving approval to road closures; and
- (b) for the Chairman of the Authority or his nominee to be a member of each parking advisory committee.

Schedule 4 amends the Main Roads Act, 1924, in certain consequential respects, and inserts a new section 48c which empowers the Commissioner for Main Roads to instal and maintain traffic lights, signs and other traffic facilities in connection with public streets, whether or not they are main roads.

Schedules 5 and 6 make consequential amendments to the Transport Act, 1930, and the Sydney Harbour Bridge (Administration) Act, 1932.

Schedule 7 amends the Traffic Safety (Lights and Hoardings) Act, 1951, so as to confer on the Authority certain functions formerly vested in the Minister administering that Act.

Schedule 8. Savings and transitional provisions.

Schedule 9—

- (a) empowers the Commissioners for Motor Transport and Main Roads to arrange for the transfer of officers and employees in the employment of the former Commissioner to the employment of the latter Commissioner and to preserve certain rights of the transferred persons;
- (b) empowers the Commissioners to arrange for the transfer of certain contracts, agreements and leases from the former to the latter Commissioner; and
- (c) enables the transfer of certain property by the former to the latter Commissioner.

The transfers relate to the new functions to be vested in the Commissioner for Main Roads in connection with the installation and maintenance of traffic lights, signs and other traffic facilities.

The Bill contains other provisions of a minor, consequential or ancillary nature.

PROOF

No. , 1976.

A BILL

To provide for the constitution of a corporation to be called the "Traffic Authority of New South Wales"; to confer and impose on the corporation responsibilities, powers, authorities, duties and functions with respect to vehicular and pedestrian traffic and other matters; to provide for the transfer of certain persons, contracts, agreements, leases and property to the Commissioner for Main Roads; to repeal the Traffic Safety Act, 1970; and to amend the Metropolitan Traffic Act, 1900, the

Motor

Traffic Authority.

Motor Traffic Act, 1909, the Local Government Act, 1919, the Main Roads Act, 1924, and the Traffic Safety (Lights and Hoardings) Act, 1951, in certain respects.

[MR BRUXNER—16 March, 1976.]

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Traffic Authority Act, **Short title.** 1976".

10 2. (1) This section and section 1 shall commence on the **Commence-**
date of assent to this Act. **ment.**

(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
15 proclamation published in the Gazette.

3. This Act is divided as follows:—

**Division
of Act.**

PART I.—PRELIMINARY—ss. 1–5.

**PART II.—CONSTITUTION OF THE TRAFFIC AUTHORITY
OF NEW SOUTH WALES—ss. 6–15.**

20 **PART III.—FUNCTIONS OF THE AUTHORITY—ss. 16–
21.**

PART

Traffic Authority.

PART IV.—FINANCE—ss. 22–25.

PART V.—MISCELLANEOUS—ss. 26–32.

SCHEDULE 1.—AMENDMENTS TO THE METROPOLITAN
TRAFFIC ACT, 1900.

5 SCHEDULE 2.—AMENDMENTS TO THE MOTOR
TRAFFIC ACT, 1909.

SCHEDULE 3.—AMENDMENTS TO THE LOCAL
GOVERNMENT ACT, 1919.

10 SCHEDULE 4.—AMENDMENTS TO THE MAIN ROADS
ACT, 1924.

SCHEDULE 5.—AMENDMENTS TO THE TRANSPORT
ACT, 1930.

SCHEDULE 6.—AMENDMENTS TO THE SYDNEY
HARBOUR BRIDGE (ADMINISTRATION) ACT, 1932.

15 SCHEDULE 7.—AMENDMENTS TO THE TRAFFIC
SAFETY (LIGHTS AND HOARDINGS) ACT, 1951.

SCHEDULE 8.—SAVINGS AND TRANSITIONAL PRO-
VISIONS.

20 SCHEDULE 9.—TRANSFER OF OFFICERS, CONTRACTS,
ETC., TO COMMISSIONER FOR MAIN ROADS.

4. (1) In this Act, except in so far as the context or Interpretation.
subject-matter otherwise indicates or requires—

“appointed member” means an appointed member of the
Authority, as referred to in section 7 (1) (b);

“approaches”,

Traffic Authority.

“approaches”, in relation to an intersection or railway level crossing, means so much of the approaches thereto as consists of a public street or public streets or a part or parts of any such street or streets;

5 “Authority” means the Traffic Authority of New South Wales constituted under this Act;

“committee” means a committee appointed under section 12;

10 “functions” includes responsibilities, powers, authorities and duties;

“Fund” means the Traffic Facilities Fund established under section 22;

“intersection” means an intersection or junction of public streets;

15 “member” means a member of the Authority;

“official member” means an official member of the Authority, as referred to in section 7 (1) (a);

20 “public authority” means a public or local authority constituted by or under an Act other than this Act, and includes—

(a) the Police Force, the Department of Motor Transport, the Department of Main Roads and any other Government Department;

25 (b) a statutory body representing the Crown on whom any functions are conferred or imposed by or under any Act other than this Act; and

(c) a person or body prescribed for the purposes of this paragraph;

“public

Traffic Authority.

“public street” means any street, road, lane, thoroughfare, footpath or place open to or used by the public, and includes any place open to or used by the public on the payment of money or otherwise;

5 “traffic” includes vehicular traffic and pedestrian traffic;

“traffic control facility” means—

- (a) traffic control lights on public streets, and equipment used in connection with traffic control lights;
- 10 (b) any sign, marking, structure or device containing or relating to a requirement or direction, contravention of which is an offence arising under—
 - 15 (i) the Motor Traffic Act, 1909, the Metropolitan Traffic Act, 1900, or any regulation under either of those Acts; or
 - 20 (ii) any other Act, regulation or by-law prescribed for the purposes of this subparagraph (other than the Local Government Act, 1919, or any ordinance thereunder);
- 25 (c) any sign, device or line referred to in section 270N (1) (c) of the Local Government Act, 1919;
- 30 (d) any other sign, marking, structure or device that is intended to promote safe or orderly traffic movement on public streets or to warn, advise or inform the drivers of vehicles, or pedestrians, of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards; and
- (e)

Traffic Authority.

(e) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a public street,

5 but does not include any sign, marking, structure, device or other thing in so far as it contains information as to the route or distance to any place.

(2) A reference in this Act to the Commissioner for Motor Transport, the Commissioner for Main Roads, the Commissioner of Police or a commissioner of the New South
10 Wales Planning and Environment Commission includes a reference to a person duly acting as such.

(3) Except in so far as the context or subject-matter otherwise indicates or requires, a reference (however expressed) in this Act to any thing, person, or traffic, on a
15 public street, includes a reference to any thing, person, or traffic, above, over, across, in or under a public street.

5. (1) Subject to subsection (2) and except as expressly Effect of this Act on other Acts.
provided by this Act, nothing in this Act affects any of the provisions of any other Act, or any regulations, ordinances
20 or by-laws thereunder, or takes away any powers vested in any person or body by any other Act, or any regulations, ordinances or by-laws made under any other Act.

(2) Where the provisions of this Act are inconsistent with any of the provisions of any other Act or any regulation,
25 ordinance or by-law made under any other Act, the provisions of this Act shall prevail.

PART

Traffic Authority.

PART II.

CONSTITUTION OF THE TRAFFIC AUTHORITY
OF NEW SOUTH WALES.

6. (1) There is hereby constituted a corporation under Constitution
5 the corporate name of the "Traffic Authority of New South of the
Wales". Authority.

(2) The Authority shall, for the purposes of any Act,
be deemed to be a statutory body representing the Crown.

7. (1) The Authority shall consist of—

Members
of the
Authority.

10 (a) 4 official members, being—

- (i) the Commissioner for Motor Transport;
- (ii) the Commissioner for Main Roads;
- (iii) the Commissioner of Police; and
- 15 (iv) a commissioner of the New South Wales
Planning and Environment Commission,
for the time being nominated by that
Commission; and

(b) 2 appointed members, of whom—

- 20 (i) one shall be a member or servant of the
Council of the City of Sydney appointed by
the Minister on the nomination of that
Council; and
- (ii) one shall be appointed by the Minister, on
25 the joint nomination of the Local Govern-
ment Association of New South Wales and
the Shires Association of New South Wales,
to represent local government interests
generally.

(2)

Traffic Authority.

(2) An appointed member shall, subject to this Act, be appointed for such term not exceeding 3 years as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time
5 to time for such term not exceeding 3 years as is specified in the instrument of his re-appointment.

(3) On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint
10 a person to hold office for the balance, or for a part of the balance, of his predecessor's term of office, as may be specified in the instrument of his appointment, so that the Authority is constituted as provided by subsection (1).

(4) Where a nomination of a person for appointment
15 as an appointed member is not submitted within the time or in the manner specified by the Minister by order in writing notified to the Council or Associations entitled to make the nomination, the Minister may make the appointment in the absence of nomination, and the person so appointed shall hold
20 office as if he had been duly nominated.

(5) A person who is of or over the age of 70 years shall not be appointed as a member.

(6) The New South Wales Planning and Environment Commission may revoke any nomination under subsection
25 (1) (a) (iv).

(7) Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

30 8. (1) Each official member may, from time to time, Deputy
appoint a person to be his deputy, and the member or the members.
Minister may revoke any such appointment.

(2)

Traffic Authority.

(2) The Minister may, from time to time—

5 (a) appoint, on the nomination of the Council of the City of Sydney, a member or servant of that Council to be the deputy of the appointed member referred to in section 7 (1) (b) (i); or

10 (b) appoint, on the joint nomination of the Local Government Association of New South Wales and the Shires Association of New South Wales, a person to be the deputy of the member referred to in section 7 (1) () (ii),

and may revoke any such appointment.

(3) In the absence of a member, the member's deputy—

15 (a) shall, if available, act in the place of the member; and

(b) while so acting shall be deemed to be a member and shall have and may exercise and perform the functions of the member.

20 (4) If there is a vacancy in the office of an elected member, the member shall, for the purposes of subsection (3), be deemed to be absent.

9. The Commissioner for Motor Transport shall be the Chairman.
Chairman of the Authority.

25 10. (1) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Authority. Proceedings of the Authority.

30 (2) The Chairman of the Authority or, in the absence of the Chairman, his deputy or, in the absence of both, the official member chosen by the members present at the meeting to act as chairman may preside at any meeting of the Authority.

(3)

Traffic Authority.

(3) Four members shall form a quorum at any meeting of the Authority and any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority and shall have and 5 may exercise and perform all the functions of the Authority.

(4) The person presiding at any meeting of the Authority shall, in the event of an equality of votes, have in addition to a deliberative vote a second or casting vote.

(5) A decision supported by a majority of the votes 10 of the members present and voting at a meeting of the Authority shall be the decision of the Authority.

(6) The Authority shall cause full and accurate minutes to be kept of the proceedings at its meetings.

(7) No matter or thing done, and no contract entered 15 into, by the Authority, and no matter or thing done by a member or by any other person acting under the direction or as delegate of the Authority shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act or any other Act conferring or 20 imposing functions on the Authority, subject the member or person so acting personally to any action, liability, claim or demand.

(8) Nothing in subsection (7) exempts any member or other person from liability to be surcharged with the 25 amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Authority, and which the member or other person authorised or joined in authorising.

11. (1) An appointed member shall be deemed to have Vacation
30 vacated his office— of office.

(a) if he dies;

(b)

Traffic Authority.

- 5 (b) if he is absent from 4 consecutive meetings of the Authority of which reasonable notice has been given to him personally or in the ordinary course of post except on leave granted by the Authority, and is not before the expiration of 4 weeks after the last of those meetings, excused by the Authority for his absence from those meetings;
- 10 (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate for their benefit;
- 15 (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 20 (e) if he is convicted in New South Wales of a crime or offence which is punishable by imprisonment for a period of 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or offence which if committed in New South Wales would be a crime or offence so punishable;
- 25 (f) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- (g) if he is removed from office by the Minister;
- (h) on the day on which he attains the age of 70 years; or
- 30 (i) if, being the member referred to in section 7 (1) (b) (i), he ceases to be a member or servant of the Council of the City of Sydney.

(2) The Minister may, for any cause which appears to him sufficient, remove any appointed member from office.

Traffic Authority.

12. (1) The Authority may appoint such committees as Committees.
it thinks fit to assist and advise it in connection with the
exercise or performance of its functions or to exercise and
perform, pursuant to a delegation made under section 20, the
5 functions of the Authority that have been delegated to the
committee.

(2) A person may be appointed as a member of a
committee whether or not he is a member of the Authority.

(3) Each member of a committee is entitled to be
10 paid such remuneration (including travelling and subsistence
allowances) as the Minister may from time to time determine
in respect of him.

13. (1) The procedure for the calling of meetings of a Proceedings
committee and for the conduct of business at those meetings of
committees.
15 shall, subject to this Act and any direction given by the
Authority, be as determined by the committee.

(2) The Authority may appoint a member of a
committee to be chairman of the committee.

(3) The person so appointed as chairman of a
20 committee or, in his absence or if there is no person so
appointed, the member of the committee chosen by the
members thereof present at the meeting to act as chairman
may preside at any meeting of the committee.

(4) A quorum of a committee shall consist of two-
25 thirds of the members of the committee or, if that number
is not a whole number, the number of members that is next
above two-thirds of the members of the committee and any
duly convened meeting of a committee at which a quorum is
present shall be competent to transact any business of the
30 committee and shall have and may exercise and perform all
the functions of the committee.

(5)

Traffic Authority.

(5) The person presiding at any meeting of a committee shall, if the Authority so approves in relation to that committee, have in addition to a deliberative vote a second or casting vote.

5 (6) A decision supported by a majority of the votes of the members present and voting at a meeting of a committee shall be the decision of the committee.

14. Where by or under any Act provision is made requiring the holder of an office specified therein to devote
10 the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of the Authority or of a committee or from retaining any remunera-
15 tion payable to him under this Act. Power to hold office.

15. (1) The Commissioner for Motor Transport may, Staff and facilities.
upon the recommendation or with the concurrence of the Authority, appoint such officers or casual employees as may be necessary to assist the Authority in the exercise or
20 performance of its functions.

(2) Any appointments made under this section shall be deemed to have been made under Part XI of the Transport Act, 1930, but that Act shall, for the purposes only of this Act, be deemed to be amended—

25 (a) by omitting from section 102 (1) the words “to the lowest grade in each of the various branches of the transport services, and”;

(b) by omitting section 102 (4).

(3) The Authority’s recommendation or concur-
30 rence is not necessary for the removal, discharge, dismissal or suspension of an officer or employee appointed under this section.

(4)

Traffic Authority.

(4) The Authority may, with the approval of the Commissioner for Motor Transport and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of the Department of
5 Motor Transport.

(5) The Authority may, with the approval of any other public authority and on such terms as may be arranged, make use of the facilities, or the services of any of the officers, servants or employees, of that public authority.

10

PART III.

FUNCTIONS OF THE AUTHORITY.

16. (1) The Authority shall have and may exercise and General.
perform the functions conferred or imposed on it by or
under—

- 15 (a) this Act;
(b) the Metropolitan Traffic Act, 1900;
(c) the Motor Traffic Act, 1909;
(d) the Local Government Act, 1919; or
(e) the Traffic Safety (Lights and Hoardings) Act,
20 1951,
or any other Act.

(2) The Authority shall, in the exercise and performance of its functions (except in relation to the contents of a report or recommendation made by it to the Minister),
25 be subject to the control and direction of the Minister.

17.

Traffic Authority.

17. (1) The Authority is charged with the responsibility of— Functions
of the
Authority.

5 (a) reviewing the traffic arrangements in the State, including arrangements in connection with the movement, regulation and control of traffic and the parking of vehicles;

(b) formulating or adopting plans and proposals for the improvement of those arrangements;

10 (c) establishing general standards and general principles in connection with—

(i) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities; and

15 (ii) the design of intersections and the approaches thereto or the approaches to railway level crossings,

for purposes connected with traffic safety and the movement, regulation and control of traffic;

20 (d) establishing priorities in connection with the carrying out of activities, works or services, that are items of expenditure approved under section 24;

(e) promoting traffic safety; and

25 (f) co-ordinating the activities of public authorities so far as those activities relate to—

(i) the carrying out of plans and proposals formulated or adopted by the Authority for the improvement of traffic arrangements;

(ii)

Traffic Authority.

- (ii) the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities;
- (iii) traffic safety; or
- 5 (iv) any other matter connected with the Authority's functions.

(2) The Authority may—

- (a) promote traffic safety measures or activities, including measures or activities for—
 - 10 (i) the safety and protection of the public, including pedestrians, on public streets;
 - (ii) the prevention of accidents on public streets;
 - (iii) the minimising of the effect of accidents occurring on public streets; and
 - 15 (iv) the protection of property from damage from accidents occurring on public streets;
- (b) promote or engage in the dissemination and publication by suitable media of advice and information resulting from research or otherwise for the education and guidance of, and observance by, drivers of or persons travelling in vehicles, or persons on public streets, or manufacturers of, repairers of, or dealers in, vehicles or vehicle parts;
- 20 (c) make reports or recommendations to the Minister, or any other person or body, in relation to—
 - 25 (i) traffic arrangements, and the movement, regulation and control of traffic, on public streets;
 - (ii) traffic planning;
 - 30 (iii) traffic safety;

(iv)

Traffic Authority.

- (iv) the parking of vehicles;
 - (v) the operation, maintenance or alteration of traffic control facilities; or
 - 5 (vi) any other matter connected with the Authority's functions;
- (d) make reports or recommendations to the Minister for amending the law, or making provision therein, in relation to matters connected with the Authority's functions;
- 10 (e) carry out or promote research or investigations into matters connected with any of the Authority's functions, including research or investigations into—
 - (i) traffic control facilities; and
 - 15 (ii) the cause of accidents, their incidence and the ways and means that may be adopted for their prevention or for controlling or mitigating their effects; and
- (f) co-operate with, or do or perform any act or thing in conjunction with, any person or body in connection with the Authority's functions.
- 20

18. (1) The Authority may, from time to time, direct ~~Directions~~ public authorities to implement plans or proposals formulated or adopted, general standards or general principles established, or other decisions made, by the Authority in the exercise or 25 performance of the Authority's functions.

(2) The Authority may communicate directions under this section to such public authorities, and in such manner, as it thinks fit.

Traffic Authority.

(3) While a direction communicated to a public authority under this section and applicable to its functions is in force, it is the duty of the public authority, by the exercise or performance of its functions in accordance with law, to
5 comply with the direction, except where to do so—

- (a) would be impracticable by reason of emergency, accident or other special circumstances; or
- (b) would affect the functions of any person or body with respect to the laying or making of any information or complaint, the continuance or discontinuance of any proceedings for an alleged offence, or
10 any other manner of dealing with an alleged offence.

(4) The failure of a public authority to comply with a direction of the Authority under this section does not
15 invalidate any act, matter or thing to which the direction relates, and in particular does not invalidate the construction, erection, affixing or marking of any traffic control facility or any direction that is contained in or relates to the facility.

(5) A direction may be given under this section so
20 as to apply generally or in any particular case or class of cases.

(6) The power to give a direction includes the power to amend or revoke a direction.

19. (1) The Authority may, for the purpose of promoting traffic safety, make recommendations to a public
25 authority in relation to the public authority's functions in connection with the lighting of public streets, including recommendations in relation to—

- (a) general principles relating to the provision of lighting on public streets;
- (b) the need for lighting on any particular public street or part thereof; and
30

(c)

Recommendations as to street lighting.

Traffic Authority.

(c) the need for the improvement of lighting on any particular public street or part thereof.

(2) It is the duty of a public authority to which recommendations are made under this section to give proper consideration to the recommendations and, as far as may be reasonably practicable, to carry the recommendations into effect.

20. (1) The Authority may, by instrument in writing Delegation. under seal, delegate to—

- 10 (a) a member or a committee;
- (b) a public authority;
- (c) an officer of a Government Department; or
- (d) an officer, servant or employee referred to in section 15,

15 the exercise or performance of such of the functions (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act as may be specified in the instrument of delegation, and may, by such an instrument, revoke wholly or in part any such delegation.

20 (2) A function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made 25 subject to such limitations as to the exercise or performance of any of the functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this 30 section, the Authority may continue to exercise or perform any or all of the delegated functions.

(5)

Traffic Authority.

(5) Except in so far as the instrument of delegation otherwise provides, a function delegated under this section to—

- 5 (a) the Commissioner for Motor Transport—may be exercised or performed by an officer or employee of the Department of Motor Transport;
- (b) the Commissioner for Main Roads—may be exercised or performed by an officer or employee of the Department of Main Roads;
- 10 (c) the Commissioner of Police—may be exercised or performed by a member of the Police Force;
- (d) a public authority—may be exercised or performed by an officer, servant or employee of the public authority; or
- 15 (e) an officer of a Government Department—may be exercised or performed by an officer or employee of the Department,

for the time being authorised by the delegate in that behalf.

(6) Notwithstanding any authorisation under sub-
20 section (5), a delegate under this section may continue to exercise or perform the delegated function.

(7) Any act or thing done or suffered by a delegate (or a person authorised by the delegate under subsection (5)) while acting in the exercise of a delegation under this section
25 shall have the same force and effect as if the act or thing had been done or suffered by the Authority and shall be deemed to have been done or suffered by the Authority.

(8)

Traffic Authority.

(8) The Authority may, from time to time, determine principles in accordance with which a delegate under this section (or a person authorised by the delegate under subsection (5)) is to exercise or perform the functions delegated, but a failure to observe the principles does not invalidate the exercise or performance of any of the functions.

21. (1) Nothing in this Part applies to or in respect of any sign, mark, structure or device containing or relating to a requirement or direction, contravention of which gives rise to an offence under the Local Government Act, 1919, or any ordinance thereunder, but not under any other Act or any regulation thereunder. Miscellaneous provisions.

(2) Nothing in this Part affects—

(a) the operation of any provisions of any Act or statutory instrument in so far as those provisions prescribe standards or principles in connection with—

(i) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities; or

(ii) the design of intersections and the approaches thereto or the approaches to railway level crossings; or

(b) the power to make or execute a statutory instrument under any other Act in relation to any such standards or principles.

(3) Any person who or body which would not, but for this subsection, have the power to co-operate with, or do or perform any act or thing in conjunction with, the Authority is hereby authorised so to co-operate or do or perform the act or thing.

PART

Traffic Authority.

PART IV.

FINANCE.

22. There shall be established and kept at the Treasury Traffic
in the Special Deposits Account an account to be known as Facilities
5 the "Traffic Facilities Fund" Fund.

23. There shall be paid into the Fund—

Payments
into the
Fund.

- 10 (a) such amounts as are from time to time agreed upon
by the Treasurer and the Minister from the amounts
from time to time (whether before or after the
commencement of this section) appropriated by
Parliament from the Road Transport and Traffic
Fund (established under section 202 of the
Transport Act, 1930);
- 15 (b) the balance standing to the credit of the Road
Transport and Traffic Fund (referred to in para-
graph (a)) at the close of each financial year of
that Fund;
- 20 (c) such amounts as are from time to time agreed upon
by the Treasurer and the Minister from so much of
the Public Vehicles Fund (established under section
204 of the Transport Act, 1930) as is not required
to be applied in accordance with section 204 (3)
of that Act;
- 25 (d) from the Sydney Harbour Bridge Account (opened
under the Sydney Harbour Bridge (Administra-
tion) Act, 1932), such amounts as are sufficient to
recoup the payments made from the Fund in relation
to costs that would, had this Act not been enacted,
30 have been met from that Account;

(e)

Traffic Authority.

- 5 (e) such amounts as are from time to time agreed upon by the Treasurer and the Minister from the collected proceeds of the motor vehicles tax levy imposed by section 2 (1) (a) of the Motor Vehicles (Taxation) Act, 1971;
- 10 (f) such amounts as are from time to time agreed upon by the Treasurer and the Minister from the collected proceeds of the motor vehicles weight tax imposed by section 2 (1) (b) of the Motor Vehicles (Taxation) Act, 1971;
- (g) the amounts paid to the Authority under section 270N (3) of the Local Government Act, 1919;
- 15 (h) such amounts as are from time to time paid into the Fund by the Treasurer out of money paid to the State by the Commonwealth;
- (i) any other amounts paid into the Fund by the Treasurer; and
- 20 (j) any other amounts received by the Authority, the Commissioner for Main Roads or the Commissioner for Motor Transport—
- (i) as or towards the cost of making good any damage or injury to traffic control facilities; or
- 25 (ii) as or towards the cost of providing, maintaining, repairing or operating traffic control facilities or carrying out any other activity, works or services connected with the Authority's functions,
- 30 and directed by the Authority to be paid into the Fund.

Traffic Authority.

24. (1) Subject to this section, there may be paid out of the Fund— Payments out of the Fund.

- (a) the administrative and other expenses of the Authority;
- 5 (b) the costs incurred in the provision of officers, servants, employees or facilities under section 15;
- (c) the costs (including administrative costs) incurred by the Commissioner for Main Roads and the Commissioner for Motor Transport in connection with—
- 10 (i) the activities of the Authority; and
- (ii) the carrying out of any activities, works or services the cost of which is to be met from the Fund;
- 15 (d) the cost of the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities, including the cost of electricity and the cost of making essential or incidental alterations to public streets;
- 20 (e) the costs incurred in connection with facilities for—
- (i) the relief of traffic congestion; or
- (ii) the protection of pedestrians on public streets;
- 25 (f) the cost or a contribution towards the cost of road-works in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities or other traffic facilities;

(g)

Traffic Authority.

- (g) the cost or a contribution towards the cost of erecting bridges, subways or other facilities for use by pedestrians over, across, under or alongside public streets;
- 5 (h) the cost or a contribution towards the cost of designing and constructing—
- (i) intersections and the approaches thereto; or
- (ii) the approaches to railway level crossings, in so far as traffic safety and the movement, regulation and control of traffic are concerned;
- 10
- (i) the cost or a contribution towards the cost of any traffic safety research or traffic safety education; and
- (j) without affecting the generality of any of the foregoing provisions of this subsection, the cost or a contribution towards the cost of acquiring, resuming, appropriating, taking on lease, disposing of and otherwise dealing with property in connection with any of the matters referred to in any of those provisions.
- 15
- 20

(2) No payment shall be made from the Fund without the approval of the Minister.

(3) An approval may be given under subsection (2) so as to apply generally or to any particular case or class of cases.

25

(4) Approval for any item of expenditure from the Fund may be revoked by the Minister.

(5)

Traffic Authority.

(5) Where, but for this subsection, so much of the Fund as consists of any amount referred to in section 23 (h) could not be used for expenditure incurred in accordance with any Act of the Parliament of the Commonwealth relating to the expenditure of that amount, that amount may be used for expenditure so incurred.

25. The Authority shall, as directed by the Minister, and at least once in each year, submit to the Minister proposals in relation to expenditure from the Fund, together with a statement of the amounts necessary to be paid into the Fund to implement the proposals.

Proposals
for expenditure.

PART V.

MISCELLANEOUS.

26. (1) The Authority shall, as soon as practicable after 30th June in each year, forward to the Minister a report of its work and activities for the 12 months preceding that date.

Annual
report
for
Parliament.

(2) The Minister shall lay that report, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him of the report.

27. (1) The Authority may acquire by gift, bequest or devise any property for any of the purposes of this Act and may agree to and carry out the conditions of the gift, bequest or devise.

Power to
accept
gifts, etc.

Traffic Authority.

(2) The rule of law relating to remoteness of vesting does not apply to any condition of a gift, bequest or devise to which the Authority has agreed.

(3) Nothing in the Stamp Duties Act, 1920, applies to any real or personal property of any nature or kind whatever comprised in any gift, bequest or devise made to the Authority.

28. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

29. The Traffic Safety Act, 1970, is repealed.

Repeal of
Act No. 74,
1970.

30. (1) The Metropolitan Traffic Act, 1900, is amended in the manner set forth in Schedule 1. Amendment
of Act No.
8, 1900.

(2) The Motor Traffic Act, 1909, is amended in the manner set forth in Schedule 2. Amendment
of Act No.
5, 1909.

(3) The Local Government Act, 1919, is amended in the manner set forth in Schedule 3. Amendment
of Act No.
41, 1919.

20 (4) The Main Roads Act, 1924, is amended in the manner set forth in Schedule 4. Amendment
of Act No.
24, 1924.

(5) The Transport Act, 1930, is amended in the manner set forth in Schedule 5. Amendment
of Act No.
18, 1930.

(6)

Traffic Authority.

(6) The Sydney Harbour Bridge (Administration) Act, 1932, is amended in the manner set forth in Schedule 6. Amendment of Act No. 2, 1932.

(7) The Traffic Safety (Lights and Hoardings) Act, 1951, is amended in the manner set forth in Schedule 7. Amendment of Act No. 7, 1951.

5 31. Schedule 8 has effect.

Savings and transitional provisions.

32. Schedule 9 has effect.

Transfer of officers, contracts, etc., to Commissioner for Main

SCHEDULE 1.

Roads. Sec. 30.

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900.

(1) Section 4, definition of "Traffic Authority"—

10 After the definition of "Regulation", insert :—

"Traffic Authority" means the Traffic Authority of New South Wales.

(2) (a) Section 6 (1), (1A)—

Omit section 6 (1), insert instead :—

15 (1) Except where otherwise expressly provided to the contrary by this Act or the regulations, the provisions of this Act and the regulations shall, subject to the control and direction of the Minister, be administered by the
20 Traffic Authority.

SCHEDULE

Traffic Authority.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900
—*continued.*

5 (1A) Except where otherwise expressly provided to the contrary by this Act or the regulations, the provisions of this Act and the regulations shall be enforced by the Commissioner of Police and members of the police force.

(b) Section 6 (2)—

10 Omit “the administration”, insert instead “the enforcement”.

(c) Section 6 (2)—

15 Omit “; and, subject to disallowance by the Governor, and within one month from the commencement of this Act, the Commissioner of Police may, notwithstanding any provision of the Police Regulation Act, 1899, appoint for the purpose of such administration any officers employed by the Commissioners at the time of
20 such commencement”.

(3) (a) Section 13A (1)—

Omit “Commissioner of Police” wherever occurring, insert instead “Traffic Authority”.

(b) Section 13A (1) (c)—

25 Omit “he”, insert instead “it”.

SCHEDULE

Traffic Authority.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900
—*continued.*

(4) (a) Section 13D (2), (4), (6) and (9)—

5 Omit “Commissioner of Police” wherever occurring, insert instead “Traffic Authority”.

(b) Section 13D (2)—

Omit “his”, insert instead “its”.

SCHEDULE 2.

Sec. 30.

10 AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909.

(1) Section 2 (1), definition of “Traffic Authority”—

After the definition of “Superintendent”, insert :—

“Traffic Authority” means the Traffic Authority of
New South Wales.

15 (2) Section 2A—

Omit the section, insert instead :—

2A. (1) Except where otherwise expressly pro- Adminis-
vided to the contrary by this Act or by regulation under tration
this Act— of Act.

20 (a) the provisions of this Act and the regula-
tions relating or incidental to the regulation
and control of traffic, of motor vehicles upon

SCHEDULE

Traffic Authority.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—
continued.

5 pulic streets, and of drivers of and other
persons in or on motor vehicles upon public
streets, including provisions relating or
10 incidental to traffic control facilities (within
the meaning of the Traffic Authority Act,
1976) ut not including provisions relating
or incidental to the registration of motor
vehicles and the licensing of drivers; and

(b) section 4A and 4D,

shall, subject to the control and direction of the
Minister, be administered by the Traffic Authority.

15 (2) Except where otherwise expressly pro-
vided to the contrary by this Act or by regulation
under this Act—

20 (a) the provisions of this Act and the regulations
relating or incidental to the registration of
motor vehicles, the licensing of drivers and
the construction and equipment of motor
vehicles;

Part III, except sections 4A and 4D; and

25 (c) any other provisions of this Act, other than
those required to be administered by the
Traffic Authority,

shall, subject to the control and direction of the
Minister, be administered by the Commissioner for
Motor Transport.

SCHEDULE

Traffic Authority.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—
continued.

(3) Section 3 (2) (c)—

- 5 Omit “or the Commissioner of Police”, insert instead
 “, the Commissioner of Police or the Traffic
 Authority”.

(4) (a) Section 4A (1), (3)—

- 10 Omit “Minister” wherever occurring, insert
 instead “Traffic Authority”.

(b) Section 4A (8)—

Omit “Commissioner of Police”, insert instead
“Traffic Authority”.

(5) (a) Section 4D (2), (4), (6) and (9)—

- 15 Omit “Commissioner of Police” wherever
 occurring, insert instead “Traffic Authority”.

(b) Section 4D (2)—

Omit “his”, insert instead “its”.

Traffic Authority.

SCHEDULE 3.

Sec. 30.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919.

(1) (a) Section 269A—

5 Omit "Commissioner of Police" wherever occurring, insert instead "Traffic Authority of New South Wales".

(b) Section 269A (6)—

Omit "him", insert instead "it".

(2) Section 270D (2) (c)—

10 Omit "Commissioner for Motor Transport, or an officer of the Department of Motor Transport", insert instead "Chairman of the Traffic Authority of New South Wales, or a person".

(3) (a) Section 270N (3)—

15 Omit "to the Commissioner for Motor Transport".

(b) Section 270N (3) (a)—

Before "such", insert "to the Commissioner for Motor Transport".

20 (c) Section 270N (3) (b)—

Omit "such amount as may be agreed upon by the Commissioner for Motor Transport", insert instead "to the Traffic Authority of New South Wales such amount as may be agreed upon by that Authority".

25

(d) Section 270N (4)—

Omit "Commissioner for Motor Transport" where secondly occurring, insert instead "Traffic Authority of New South Wales".

Traffic Authority.

SCHEDULE 4.

Sec. 30.

AMENDMENTS TO THE MAIN ROADS ACT, 1924.

(1) Section 7 (4)—

5 After "shall", insert " , to the extent to which they are not payable from any other source,".

(2) Section 10 (1B)—

After section 10 (1A), insert :—

10 (1B) A reference in subsection (1) (a) or (a1) to the collected proceeds of the motor vehicles tax levy or the motor vehicles weight tax does not include a reference to any amounts payable to the Traffic Facilities Fund pursuant to section 23 (e) or (f) of the Traffic Authority Act, 1976.

(3) Section 20 (1B)—

15 After section 20 (1A), insert :—

20 (1B) A reference in subsection (1) (a) or (a1) to the collected proceeds of the motor vehicles tax levy or the motor vehicles weight tax does not include a reference to any amounts payable to the Traffic Facilities Fund pursuant to section 23 (e) or (f) of the Traffic Authority Act, 1976.

(4) Section 40 (2A)—

After section 40 (2), insert :—

25 (2A) Any person who causes damage or injury to any traffic control facility (within the meaning of section 48C) shall, except where the damage or injury is caused by ordinary wear and tear, pay the cost incurred by the Commissioner in making good the damage or injury.

SCHEDULE

*Traffic Authority.*SCHEDULE 4—*continued.*AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

(5) Section 48C—

After section 48B, insert :—

5 48C. (1) In this section—

Traffic
control
facilities.

“public street” means any street, road, lane,
thoroughfare, footpath or place open to or
used by the public, and includes any place
open to or used by the public on the
10 payment of money or otherwise;

01

“traffic control facility” means—

- (a) traffic control lights on public streets,
and equipment used in connection
with traffic control lights;
- 15 (b) any sign, marking, structure or
device containing or relating to a
requirement, contravention of which
is an offence arising under the Motor
Traffic Act, 1909, the Metropolitan
Traffic Act, 1900, or any regulation
20 under either of those Acts;
- (c) any sign, device or line referred to in
section 270N (1) (c) of the Local
Government Act, 1919;
- 25 (d) any other sign, marking, structure or
device that is intended to promote
safe or orderly traffic movement on
public streets or to warn, advise or
inform the drivers of vehicles, or
pedestrians, of any matter or thing in
30 relation to vehicular or pedestrian
traffic or road conditions or hazards;
and

01

02

22

02

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*

AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

- 5 (e) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a public street.

(2) The Commissioner may—

- 10 (a) construct, erect, affix or mark traffic control facilities;
- (b) maintain, repair, alter, operate or remove traffic control facilities constructed, erected, affixed or marked by the Commissioner or the Commissioner for Motor Transport;
- 15 (c) subject to paragraph (d), maintain, repair, alter, operate or remove any other traffic control facilities, with the concurrence of the person or body responsible for those facilities; and
- 20 (d) alter or remove lines marked on public streets by a council for the purposes of or for purposes connected with vehicular or pedestrian traffic.
- 25

(3) The Commissioner may make essential or incidental alterations to public streets for the purposes of subsection (2).

- 30 (4) A reference (however expressed) in this section to any thing, or traffic movement, on a public street includes a reference to any thing, or traffic movement, above, over, across, in or under a public street.

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*

AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

- 5 (5) This section is in addition to, and not in derogation of, any provision of this Act, or any other Act or law, conferring or imposing powers, authorities, duties or functions on the Commissioner, or any other person or body, in relation to traffic control facilities, but has effect subject to the Traffic Authority Act, 1976.

- 10 (6) This section extends to the whole of the Western Division of the State.

SCHEDULE 5.

Sec. 30.

AMENDMENTS TO THE TRANSPORT ACT, 1930.

- (1) (a) Section 202 (2) (d)–(d3)—
15 Omit the paragraphs.
- (b) Section 202 (2) (k)—
Omit the paragraph.
- (c) Section 202 (2) (1)—
At the end of section 202 (2), insert :—
20 (1) the amounts to be paid into the Traffic Facilities Fund pursuant to section 23 (a) of the Traffic Authority Act, 1976.

SCHEDULE

Traffic Authority.

SCHEDULE 5—*continued.*

AMENDMENTS TO THE TRANSPORT ACT, 1930—*continued.*

(d) Section 202 (2A)—

Omit the subsection.

5 (e) Section 202 (5)—

Omit the subsection.

(2) (a) Section 204 (3) (c)—

10

Omit “and such other expenditure in connection with facilities for the movement of transport or the relief of traffic congestion or with the protection of pedestrians upon public streets as the Trust considers desirable in the public interest within the district of the Trust”.

(b) Section 204 (4)—

15

After section 204 (3), insert :—

(4) There may be paid out of the fund the amounts to be paid into the Traffic Facilities Fund pursuant to section 23 (c) of the Traffic Authority Act, 1976.

Traffic Authority.

SCHEDULE 6.

Sec. 30.

AMENDMENTS TO THE SYDNEY HARBOUR BRIDGE
(ADMINISTRATION) ACT, 1932.

- (1) Section 7 (3) (ii)—
- 5 After "Bridge", insert " , other than costs incurred in respect of the control and management of traffic on the Bridge".
- (2) Section 7 (3) (ivf)—
- After section 7 (3) (ive), insert :—
- 10 (ivf) the payments to the Traffic Facilities Fund provided by section 23 (d) of the Traffic Authority Act, 1976;
- (3) Section 7 (3) (v)—
- 15 After "construction", insert " , and other than costs incurred in respect of the control and management of traffic on the Bridge".

SCHEDULE 7.

Sec. 30.

AMENDMENTS TO THE TRAFFIC SAFETY (LIGHTS AND
HOARDINGS) ACT, 1951.

- 20 (1) Section 2, definition of "Traffic Authority"—
- After the definition of "Public authority", insert :—
- "Traffic Authority" means the Traffic Authority of New South Wales.
- (2) Section 3 (1)—
- 25 Omit "Minister" wherever occurring, insert instead "Traffic Authority".

SCHEDULE

Traffic Authority.

SCHEDULE 8.

Sec. 31.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. Any person appointed pursuant to section 7 (1) of the Traffic Safety Act, 1970, shall be deemed to have been appointed under Part XI of the Transport Act, 1930, but section 102 of that Act does not apply to or in respect of that person.
2. (1) An approval granted or refused by the Commissioner of Police under section 13A of the Metropolitan Traffic Act, 1900, before the commencement of this clause shall be deemed to have been granted or refused, as the case may be, by the Authority.
(2) A direction given by the Commissioner of Police under section 13D of the Metropolitan Traffic Act, 1900, and in force at the commencement of this clause shall be deemed to have been given by the Authority.
(3) The authority of the Commissioner of Police given for the purposes of section 13D (subsection (7) excepted) of the Metropolitan Traffic Act, 1900, before the commencement of this clause shall be deemed to have been given by the Authority.
3. (1) A direction given by a Minister under section 4A of the Motor Traffic Act, 1909, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

SCHEDULE

Traffic Authority.

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) A direction given by the Commissioner of Police under section 4D of the Motor Traffic Act, 1909, and in force **5** at the commencement of this clause shall be deemed to have been given by the Authority.

(3) The authority of the Commissioner of Police given for the purposes of section 4D (subsection (7) excepted) of the Motor Traffic Act, 1909, before the commencement **10** of this clause shall be deemed to have been given by the Authority.

4. (1) An application made to the Commissioner of Police for a consent under section 269A (6) of the Local Government Act, 1919, and pending at the commencement **15** of this clause shall be deemed to have been made to the Authority.

(2) A consent given by the Commissioner of Police under section 269A (6) of the Local Government Act, 1919, and in force at the commencement of this clause shall be **20** deemed to have been given by the Authority.

(3) Section 270N of the Local Government Act, 1919, applies to and in respect of the costs referred to in that section, and incurred before the commencement of this clause, as if this Act had not been enacted.

25 **5.** A notice given under section 3 (1) of the Traffic Safety (Lights and Hoardings) Act, 1951, before the commencement of this clause, and the requirements of the notice, shall be deemed to have been given and imposed, respectively, by the Authority. Traffic Safety (Lights and Hoardings) Act, 1951.

SCHEDULE

Traffic Authority.

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

6. The costs of any activities, works or services carried out, or any expenses otherwise incurred, before the commencement of this clause, and unpaid at that commencement, shall be payable from the Fund if they would have been payable from the Fund had this clause been in force at the time when the activities, works or services were carried out or the expenses were incurred.

Costs and expenses.

10

SCHEDULE 9.

Sec. 32.

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS.

1. In this Schedule—

“effective date”, in relation to—

Interpretation.

15

- (a) a person specified in an instrument under clause 2; or

- (b) a contract, agreement or lease specified or described in an instrument under clause 4,

20

means the date on which the instrument takes effect;

“officer”, in relation to the Department of Motor Transport, means any officer, clerk, servant or other person employed in that Department;

25

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act;

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

5 “transferred person” means a person who is an officer
or employee of the Department of Main Roads by
virtue of clause 2.

2. (1) The Commissioner for Motor Transport and the
Commissioner for Main Roads may, from time to time, by
instrument in writing, declare that any officers of the
10 Department of Motor Transport who—

Transfer
of certain
officers
to
Department
of Main
Roads.

(a) are specified in the instrument; and

15 (b) are, in the opinion of the Commissioners, engaged
wholly or principally in connection with the con-
struction, erection, affixing, marking, maintenance,
repair, alteration, operation or removal of traffic
control facilities,

are officers to whom this clause applies.

20 (2) A person who is so declared to be an officer to
whom this clause applies and who is an officer of the Depart-
ment of Motor Transport immediately before the effective date
shall become and be an officer or employee (as the case may
require) of the Department of Main Roads.

25 (3) An instrument under this clause takes effect on
the date of its execution or a later date specified in the
instrument, but not in any case later than one year after the
date of commencement of this clause.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

3. (1) Where any condition of employment (including
5 the rate of salary or wages) of a transferred person was,
immediately before the effective date, regulated by an award
or industrial agreement, that condition shall continue to be so
regulated, until it is varied by an award by which the Com-
missioner for Main Roads is bound made by a competent
10 tribunal, or that condition is regulated by an industrial
agreement to which the Commissioner is a party.

Preservation
of certain
rights of
transferred
persons.

- (2) A transferred person is entitled to the same rights
and privileges, if any, with regard to annual, sick, deferred,
extended or other leave as if he had continued to be an officer
15 of the Department of Motor Transport, and for the purposes
of this subclause service with the Department of Main Roads
shall be deemed to be service with the Department of Motor
Transport.

- (3) Subject to subclause (4), a transferred person—
- 20 (a) shall retain any rights accrued or accruing to him as
an officer of the Department of Motor Transport
and as a contributor to a superannuation scheme;
- (b) where, but for this subclause, he would not be
entitled to contribute to any superannuation scheme
25 to which he was a contributor immediately before
the effective date—may contribute to that scheme;
and
- (c) shall be entitled to receive any payment, pension or
gratuity,
- 30 as if he had continued to be such an officer or contributor (as
referred to in paragraph (a)) during his service as an officer
or employee of the Department of Main Roads, and—

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

- 5 (d) his service with the Department of Main Roads shall be deemed to be service with the Department of Motor Transport for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred ; and
- 10 (e) he shall be deemed to be an officer of the Department of Motor Transport for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause, and any contributions payable by his employer for the purpose of
- 15 the scheme shall be payable by the Commissioner for Main Roads,

but nothing in this subclause applies to annual, sick, deferred, extended or other leave.

- (4) A transferred person who, but for this subclause, 20 would be entitled under subclause (3) to contribute to a superannuation scheme or to receive any payment, pension or gratuity shall not be so entitled upon his becoming a contributor to any other superannuation scheme, and the provisions of subclause (3) (e) cease to apply to or in respect of him 25 and the Commissioner for Main Roads in any case where he becomes a contributor to such another superannuation scheme.

- (5) Subclause (4) does not prevent the payment to a transferred person upon his ceasing to be a contributor to a 30 superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

(6) Where, but for subclause (3), a transferred
5 person would not be entitled to contribute to a superannuation
scheme to which he was a contributor immediately before the
effective date, he may withdraw from the scheme as if he had
ceased, by reason of his resignation, to be an officer or
employee for the purposes of the scheme.

10 (7) While a transferred person is not an employee
within the meaning of the Superannuation Act, 1916, but
would be such an employee if he withdrew from a super-
annuation scheme, he shall, for the purposes of section 92A
of that Act, be deemed to have become eligible to be a
15 contributor within the meaning of that Act.

(8) A transferred person is entitled to the same rights
and privileges, if any, with regard to annual or holiday rail
passes and travel concessions as if he had continued to be an
officer of the Department of Motor Transport, and the
20 following provisions have effect :—

(a) any such rights or privileges shall be subject to the
like restrictions and conditions as are applicable in
respect of rail passes and travel concessions
accorded to any officers of the Department of Motor
25 Transport;

(b) any such rights or privileges shall, subject to
paragraph (a), continue in force until an award

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

- 5 by which the Commissioner for Main Roads is bound is made by a competent tribunal, or an industrial agreement to which the Commissioner is a party is made, containing provision for alternative recompense to him in substitution for those rights and privileges;
- 10 (c) the Public Transport Commission of New South Wales is hereby authorised to issue to him any such pass or concession to which he is entitled; and
- (d) the cost of any such pass or concession is payable from the Fund.
- 15 (9) Except as expressly provided by this clause, a transferred person is not entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.
- (10) Nothing in this clause affects the operation of
- 20 the Industrial Arbitration Act, 1940.

4. (1) The Commissioner for Motor Transport and the Contracts, Commissioner for Main Roads may, from time to time, by agreements and leases, instrument in writing, declare that any contracts, agreements or leases that—
- 25 (a) are specified or described in the instrument; and

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

- 5 (b) were, in the opinion of the Commissioners, entered into with the Commissioner for Motor Transport in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities,

are contracts, agreements or leases to which this clause
10 applies.

- (2) A contract, agreement or lease that is so declared to be one to which this clause applies and that is in force immediately before the effective date shall be deemed to be a contract, agreement or lease entered into with the Commis-
15 sioner for Main Roads.

(3) Any proceedings in relation to such a contract, agreement or lease shall be commenced by or against the Commissioner for Main Roads instead of the Commissioner for Motor Transport.

- 20 (4) Nothing in this clause affects any proceedings commenced by or against the Commissioner for Motor Transport in relation to such a contract, agreement or lease before the effective date.

- 25 (5) An instrument under this clause takes effect on the date of its execution or a later date specified in the instrument, but not in any case later than one year after the commencement of this clause.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

5. (1) The Commissioner for Motor Transport, with the Property.
5 concurrence of the Commissioner for Main Roads, may, from
time to time, and on such terms (if any) as may be agreed
upon, give, transfer, convey, assign or otherwise dispose of to
the Commissioner for Main Roads any real or personal
property that—
- 10 (a) is vested in or owned by the Commissioner for
Motor Transport; and
- (b) in the opinion of the Commissioners—
- 15 (i) is or has been used wholly or principally by
the Commissioner for Motor Transport in
connection with the construction, erection,
affixing, marking, maintenance, repair,
alteration, operation or removal of traffic
control facilities; or
- 20 (ii) is suitable for use by the Commissioner for
Main Roads in connection with the exercise
or performance of his powers, authorities,
duties or functions under section 48c of the
Main Roads Act, 1924, as amended by this
Act.
- 25 (2) Any powers conferred on the Commissioner for
Motor Transport or the Commissioner for Main Roads by
subclause (1) are in addition to any powers that they or either
of them would have if this clause had not been enacted.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1936
BY AUTHORITY

of them would have if this clause had not been enacted.

subclause (1) are in addition to any powers that they or either
Motor Transport or the Commissioner for Main Roads by

32 (2) Any powers conferred on the Commissioner for

Act.

Main Roads Act, 1924, as amended by this
duties or functions under section 48C of the
or performance of his powers, authorities,

30

Main Roads in connection with the exercise
(ii) is suitable for use by the Commissioner for

control facilities; or

alteration, operation or removal of traffic
signalling, marking, maintenance, repair,

12

connection with the construction, erection,
the Commissioner for Motor Transport in

(1) is or has been used wholly or principally by

(b) in the opinion of the Commissioners—

Motor Transport; and

10

(a) is vested in or owned by the Commissioner for

property that—

the Commissioner for Main Roads may real or personal
upon, give, transfer, convey, assign or otherwise dispose of to
time to time, and on such terms (if any) as may be agreed

2 concurrence of the Commissioner for Main Roads, may, from

2. (1) The Commissioner for Motor Transport, with the property.

COMMISSIONER FOR MAIN ROADS—continued.
TRANSFER OF OFFICERS, CONTRACTS, ETC., TO

SCHEDULE D—continued.

Traffic Authority.

Act No. , 1936.

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 32, 1976.

An Act to provide for the constitution of a corporation to be called the "Traffic Authority of New South Wales"; to confer and impose on the corporation responsibilities, powers, authorities, duties and functions with respect to vehicular and pedestrian traffic and other matters; to provide for the transfer of certain persons, contracts, agreements, leases and property to the Commissioner for Main Roads; to repeal the Traffic Safety Act, 1970; and to amend the Metropolitan Traffic Act, 1900, the

Motor

Traffic Authority.

Motor Traffic Act, 1909, the Local Government Act, 1919, the Main Roads Act, 1924, and the Traffic Safety (Lights and Hoadings) Act, 1951, in certain respects. [Assented to, 1st April, 1976.]

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 :—

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Traffic Authority Act, 1976".

**Commence-
ment.** **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(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.

**Division
of Act.** **3.** This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–5.

PART II.—CONSTITUTION OF THE TRAFFIC AUTHORITY
OF NEW SOUTH WALES—ss. 6–15.

PART III.—FUNCTIONS OF THE AUTHORITY—ss. 16–
21.

PART

Traffic Authority.

PART IV.—FINANCE—ss. 22–25.

PART V.—MISCELLANEOUS—ss. 26–32.

SCHEDULE 1.—AMENDMENTS TO THE METROPOLITAN
TRAFFIC ACT, 1900.

SCHEDULE 2.—AMENDMENTS TO THE MOTOR
TRAFFIC ACT, 1909.

SCHEDULE 3.—AMENDMENTS TO THE LOCAL
GOVERNMENT ACT, 1919.

SCHEDULE 4.—AMENDMENTS TO THE MAIN ROADS
ACT, 1924.

SCHEDULE 5.—AMENDMENTS TO THE TRANSPORT
ACT, 1930.

SCHEDULE 6.—AMENDMENTS TO THE SYDNEY
HARBOUR BRIDGE (ADMINISTRATION) ACT, 1932.

SCHEDULE 7.—AMENDMENTS TO THE TRAFFIC
SAFETY (LIGHTS AND HOARDINGS) ACT, 1951.

SCHEDULE 8.—SAVINGS AND TRANSITIONAL PRO-
VISIONS.

SCHEDULE 9.—TRANSFER OF OFFICERS, CONTRACTS,
ETC., TO COMMISSIONER FOR MAIN ROADS.

4. (1) In this Act, except in so far as the context or Interpretation.
subject-matter otherwise indicates or requires—

“appointed member” means an appointed member of the
Authority, as referred to in section 7 (1) (b);

“approaches”,

Traffic Authority.

“approaches”, in relation to an intersection or railway level crossing, means so much of the approaches thereto as consists of a public street or public streets or a part or parts of any such street or streets;

“Authority” means the Traffic Authority of New South Wales constituted under this Act;

“committee” means a committee appointed under section 12;

“functions” includes responsibilities, powers, authorities and duties;

“Fund” means the Traffic Facilities Fund established under section 22;

“intersection” means an intersection or junction of public streets;

“member” means a member of the Authority;

“official member” means an official member of the Authority, as referred to in section 7 (1) (a);

“public authority” means a public or local authority constituted by or under an Act other than this Act, and includes—

- (a) the Police Force, the Department of Motor Transport, the Department of Main Roads and any other Government Department;
- (b) a statutory body representing the Crown on whom any functions are conferred or imposed by or under any Act other than this Act; and
- (c) a person or body prescribed for the purposes of this paragraph;

“public

Traffic Authority.

“public street” means any street, road, lane, thoroughfare, footpath or place open to or used by the public, and includes any place open to or used by the public on the payment of money or otherwise;

“traffic” includes vehicular traffic and pedestrian traffic;

“traffic control facility” means—

- (a) traffic control lights on public streets, and equipment used in connection with traffic control lights;
- (b) any sign, marking, structure or device containing or relating to a requirement or direction, contravention of which is an offence arising under—
 - (i) the Motor Traffic Act, 1909, the Metropolitan Traffic Act, 1900, or any regulation under either of those Acts; or
 - (ii) any other Act, regulation or by-law prescribed for the purposes of this subparagraph (other than the Local Government Act, 1919, or any ordinance thereunder);
- (c) any sign, device or line referred to in section 270N (1) (c) of the Local Government Act, 1919;
- (d) any other sign, marking, structure or device that is intended to promote safe or orderly traffic movement on public streets or to warn, advise or inform the drivers of vehicles, or pedestrians, of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards; and
- (e)

Traffic Authority.

- (e) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a public street,

but does not include any sign, marking, structure, device or other thing in so far as it contains information as to the route or distance to any place.

(2) A reference in this Act to the Commissioner for Motor Transport, the Commissioner for Main Roads, the Commissioner of Police or a commissioner of the New South Wales Planning and Environment Commission includes a reference to a person duly acting as such.

(3) Except in so far as the context or subject-matter otherwise indicates or requires, a reference (however expressed) in this Act to any thing, person, or traffic, on a public street, includes a reference to any thing, person, or traffic, above, over, across, in or under a public street.

Effect of
this Act
on other
Acts.

5. (1) Subject to subsection (2) and except as expressly provided by this Act, nothing in this Act affects any of the provisions of any other Act, or any regulations, ordinances or by-laws thereunder, or takes away any powers vested in any person or body by any other Act, or any regulations, ordinances or by-laws made under any other Act.

(2) Where the provisions of this Act are inconsistent with any of the provisions of any other Act or any regulation, ordinance or by-law made under any other Act, the provisions of this Act shall prevail.

Traffic Authority.

PART II.

CONSTITUTION OF THE TRAFFIC AUTHORITY
OF NEW SOUTH WALES.

6. (1) There is hereby constituted a corporation under the corporate name of the "Traffic Authority of New South Wales". Constitution
of the
Authority.

(2) The Authority shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

7. (1) The Authority shall consist of—

Members
of the
Authority.

(a) 4 official members, being—

- (i) the Commissioner for Motor Transport;
- (ii) the Commissioner for Main Roads;
- (iii) the Commissioner of Police; and
- (iv) a commissioner of the New South Wales Planning and Environment Commission, for the time being nominated by that Commission; and

(b) 2 appointed members, of whom—

- (i) one shall be a member or servant of the Council of the City of Sydney appointed by the Minister on the nomination of that Council; and
- (ii) one shall be appointed by the Minister, on the joint nomination of the Local Government Association of New South Wales and the Shires Association of New South Wales, to represent local government interests generally.

Traffic Authority.

(2) An appointed member shall, subject to this Act, be appointed for such term not exceeding 3 years as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time for such term not exceeding 3 years as is specified in the instrument of his re-appointment.

(3) On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold office for the balance, or for a part of the balance, of his predecessor's term of office, as may be specified in the instrument of his appointment, so that the Authority is constituted as provided by subsection (1).

(4) Where a nomination of a person for appointment as an appointed member is not submitted within the time or in the manner specified by the Minister by order in writing notified to the Council or Associations entitled to make the nomination, the Minister may make the appointment in the absence of nomination, and the person so appointed shall hold office as if he had been duly nominated.

(5) A person who is of or over the age of 70 years shall not be appointed as a member.

(6) The New South Wales Planning and Environment Commission may revoke any nomination under subsection (1) (a) (iv).

(7) Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

**Deputy
members.**

8. (1) Each official member may, from time to time, appoint a person to be his deputy, and the member or the Minister may revoke any such appointment.

(2)

Traffic Authority.

(2) The Minister may, from time to time—

- (a) appoint, on the nomination of the Council of the City of Sydney, a member or servant of that Council to be the deputy of the appointed member referred to in section 7 (1) (b) (i); or
- (b) appoint, on the joint nomination of the Local Government Association of New South Wales and the Shires Association of New South Wales, a person to be the deputy of the member referred to in section 7 (1) (b) (ii),

and may revoke any such appointment.

(3) In the absence of a member, the member's deputy—

- (a) shall, if available, act in the place of the member; and
- (b) while so acting shall be deemed to be a member and shall have and may exercise and perform the functions of the member.

(4) If there is a vacancy in the office of an elected member, the member shall, for the purposes of subsection (3), be deemed to be absent.

9. The Commissioner for Motor Transport shall be the Chairman.
Chairman of the Authority.

10. (1) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Authority. Proceedings
of the
Authority.

(2) The Chairman of the Authority or, in the absence of the Chairman, his deputy or, in the absence of both, the official member chosen by the members present at the meeting to act as chairman may preside at any meeting of the Authority.

(d)

(3)

Traffic Authority.

(3) Four members shall form a quorum at any meeting of the Authority and any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority and shall have and may exercise and perform all the functions of the Authority.

(4) The person presiding at any meeting of the Authority shall, in the event of an equality of votes, have in addition to a deliberative vote a second or casting vote.

(5) A decision supported by a majority of the votes of the members present and voting at a meeting of the Authority shall be the decision of the Authority.

(6) The Authority shall cause full and accurate minutes to be kept of the proceedings at its meetings.

(7) No matter or thing done, and no contract entered into, by the Authority, and no matter or thing done by a member or by any other person acting under the direction or as delegate of the Authority shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act or any other Act conferring or imposing functions on the Authority, subject the member or person so acting personally to any action, liability, claim or demand.

(8) Nothing in subsection (7) exempts any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Authority, and which the member or other person authorised or joined in authorising.

**Vacation
of office.**

11. (1) An appointed member shall be deemed to have vacated his office—

(a) if he dies;

(b)

Traffic Authority.

- (b) if he is absent from 4 consecutive meetings of the Authority of which reasonable notice has been given to him personally or in the ordinary course of post except on leave granted by the Authority, and is not before the expiration of 4 weeks after the last of those meetings, excused by the Authority for his absence from those meetings;
- (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate for their benefit;
- (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (e) if he is convicted in New South Wales of a crime or offence which is punishable by imprisonment for a period of 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or offence which if committed in New South Wales would be a crime or offence so punishable;
- (f) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- (g) if he is removed from office by the Minister;
- (h) on the day on which he attains the age of 70 years;
or
- (i) if, being the member referred to in section 7 (1)
 - (b) (i), he ceases to be a member or servant of the Council of the City of Sydney.

(2) The Minister may, for any cause which appears to him sufficient, remove any appointed member from office.

Traffic Authority.

Committees. **12.** (1) The Authority may appoint such committees as it thinks fit to assist and advise it in connection with the exercise or performance of its functions or to exercise and perform, pursuant to a delegation made under section 20, the functions of the Authority that have been delegated to the committee.

(2) A person may be appointed as a member of a committee whether or not he is a member of the Authority.

(3) Each member of a committee is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

Proceedings of committees. **13.** (1) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall, subject to this Act and any direction given by the Authority, be as determined by the committee.

(2) The Authority may appoint a member of a committee to be chairman of the committee.

(3) The person so appointed as chairman of a committee or, in his absence or if there is no person so appointed, the member of the committee chosen by the members thereof present at the meeting to act as chairman may preside at any meeting of the committee.

(4) A quorum of a committee shall consist of two-thirds of the members of the committee or, if that number is not a whole number, the number of members that is next above two-thirds of the members of the committee and any duly convened meeting of a committee at which a quorum is present shall be competent to transact any business of the committee and shall have and may exercise and perform all the functions of the committee.

(5)

Traffic Authority.

(5) The person presiding at any meeting of a committee shall, if the Authority so approves in relation to that committee, have in addition to a deliberative vote a second or casting vote.

(6) A decision supported by a majority of the votes of the members present and voting at a meeting of a committee shall be the decision of the committee.

14. Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of the Authority or of a committee or from retaining any remuneration payable to him under this Act. Power to hold office.

15. (1) The Commissioner for Motor Transport may, Staff and facilities. upon the recommendation or with the concurrence of the Authority, appoint such officers or casual employees as may be necessary to assist the Authority in the exercise or performance of its functions.

(2) Any appointments made under this section shall be deemed to have been made under Part XI of the Transport Act, 1930, but that Act shall, for the purposes only of this Act, be deemed to be amended—

(a) by omitting from section 102 (1) the words “to the lowest grade in each of the various branches of the transport services, and”;

(b) by omitting section 102 (4).

(3) The Authority's recommendation or concurrence is not necessary for the removal, discharge, dismissal or suspension of an officer or employee appointed under this section.

(4)

Traffic Authority.

(4) The Authority may, with the approval of the Commissioner for Motor Transport and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of the Department of Motor Transport.

(5) The Authority may, with the approval of any other public authority and on such terms as may be arranged, make use of the facilities, or the services of any of the officers, servants or employees, of that public authority.

PART III.

FUNCTIONS OF THE AUTHORITY.

General.

16. (1) The Authority shall have and may exercise and perform the functions conferred or imposed on it by or under—

- (a) this Act;
- (b) the Metropolitan Traffic Act, 1900;
- (c) the Motor Traffic Act, 1909;
- (d) the Local Government Act, 1919; or
- (e) the Traffic Safety (Lights and Hoardings) Act, 1951,

or any other Act.

(2) The Authority shall, in the exercise and performance of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.

Traffic Authority.

17. (1) The Authority is charged with the responsibility of— Functions
of the
Authority.

(a) reviewing the traffic arrangements in the State, including arrangements in connection with the movement, regulation and control of traffic and the parking of vehicles;

(b) formulating or adopting plans and proposals for the improvement of those arrangements;

(c) establishing general standards and general principles in connection with—

(i) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities; and

(ii) the design of intersections and the approaches thereto or the approaches to railway level crossings,

for purposes connected with traffic safety and the movement, regulation and control of traffic;

(d) establishing priorities in connection with the carrying out of activities, works or services, that are items of expenditure approved under section 24;

(e) promoting traffic safety; and

(f) co-ordinating the activities of public authorities so far as those activities relate to—

(i) the carrying out of plans and proposals formulated or adopted by the Authority for the improvement of traffic arrangements;

(ii)

Traffic Authority.

- (ii) the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities;
- (iii) traffic safety; or
- (iv) any other matter connected with the Authority's functions.

(2) The Authority may—

- (a) promote traffic safety measures or activities, including measures or activities for—
 - (i) the safety and protection of the public, including pedestrians, on public streets;
 - (ii) the prevention of accidents on public streets;
 - (iii) the minimising of the effect of accidents occurring on public streets; and
 - (iv) the protection of property from damage from accidents occurring on public streets;
- (b) promote or engage in the dissemination and publication by suitable media of advice and information resulting from research or otherwise for the education and guidance of, and observance by, drivers of or persons travelling in vehicles, or persons on public streets, or manufacturers of, repairers of, or dealers in, vehicles or vehicle parts;
- (c) make reports or recommendations to the Minister, or any other person or body, in relation to—
 - (i) traffic arrangements, and the movement, regulation and control of traffic, on public streets;
 - (ii) traffic planning;
 - (iii) traffic safety;

(ii)

(iv)

Traffic Authority.

- (iv) the parking of vehicles;
 - (v) the operation, maintenance or alteration of traffic control facilities; or
 - (vi) any other matter connected with the Authority's functions;
- (d) make reports or recommendations to the Minister for amending the law, or making provision therein, in relation to matters connected with the Authority's functions;
- (e) carry out or promote research or investigations into matters connected with any of the Authority's functions, including research or investigations into—
- (i) traffic control facilities; and
 - (ii) the cause of accidents, their incidence and the ways and means that may be adopted for their prevention or for controlling or mitigating their effects; and
- (f) co-operate with, or do or perform any act or thing in conjunction with, any person or body in connection with the Authority's functions.

18. (1) The Authority may, from time to time, direct **Directions.** public authorities to implement plans or proposals formulated or adopted, general standards or general principles established, or other decisions made, by the Authority in the exercise or performance of the Authority's functions.

(2) The Authority may communicate directions under this section to such public authorities, and in such manner, as it thinks fit.

(3)

Traffic Authority.

(3) While a direction communicated to a public authority under this section and applicable to its functions is in force, it is the duty of the public authority, by the exercise or performance of its functions in accordance with law, to comply with the direction, except where to do so—

- (a) would be impracticable by reason of emergency, accident or other special circumstances; or
- (b) would affect the functions of any person or body with respect to the laying or making of any information or complaint, the continuance or discontinuance of any proceedings for an alleged offence, or any other manner of dealing with an alleged offence.

(4) The failure of a public authority to comply with a direction of the Authority under this section does not invalidate any act, matter or thing to which the direction relates, and in particular does not invalidate the construction, erection, affixing or marking of any traffic control facility or any direction that is contained in or relates to the facility.

(5) A direction may be given under this section so as to apply generally or in any particular case or class of cases.

(6) The power to give a direction includes the power to amend or revoke a direction.

Recommendations as to street lighting.

19. (1) The Authority may, for the purpose of promoting traffic safety, make recommendations to a public authority in relation to the public authority's functions in connection with the lighting of public streets, including recommendations in relation to—

- (a) general principles relating to the provision of lighting on public streets;
- (b) the need for lighting on any particular public street or part thereof; and

(c)

Traffic Authority.

- (c) the need for the improvement of lighting on any particular public street or part thereof.

(2) It is the duty of a public authority to which recommendations are made under this section to give proper consideration to the recommendations and, as far as may be reasonably practicable, to carry the recommendations into effect.

20. (1) The Authority may, by instrument in writing **Delegation.** under seal, delegate to—

- (a) a member or a committee;
- (b) a public authority;
- (c) an officer of a Government Department; or
- (d) an officer, servant or employee referred to in section 15,

the exercise or performance of such of the functions (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act as may be specified in the instrument of delegation, and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such limitations as to the exercise or performance of any of the functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this section, the Authority may continue to exercise or perform any or all of the delegated functions.

(5)

Traffic Authority.

(5) Except in so far as the instrument of delegation otherwise provides, a function delegated under this section to—

- (a) the Commissioner for Motor Transport—may be exercised or performed by an officer or employee of the Department of Motor Transport;
- (b) the Commissioner for Main Roads—may be exercised or performed by an officer or employee of the Department of Main Roads;
- (c) the Commissioner of Police—may be exercised or performed by a member of the Police Force;
- (d) a public authority—may be exercised or performed by an officer, servant or employee of the public authority; or
- (e) an officer of a Government Department—may be exercised or performed by an officer or employee of the Department,

for the time being authorised by the delegate in that behalf.

(6) Notwithstanding any authorisation under subsection (5), a delegate under this section may continue to exercise or perform the delegated function.

(7) Any act or thing done or suffered by a delegate (or a person authorised by the delegate under subsection (5)) while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Authority and shall be deemed to have been done or suffered by the Authority.

Traffic Authority.

(8) The Authority may, from time to time, determine principles in accordance with which a delegate under this section (or a person authorised by the delegate under subsection (5)) is to exercise or perform the functions delegated, but a failure to observe the principles does not invalidate the exercise or performance of any of the functions.

21. (1) Nothing in this Part applies to or in respect of any sign, mark, structure or device containing or relating to a requirement or direction, contravention of which gives rise to an offence under the Local Government Act, 1919, or any ordinance thereunder, but not under any other Act or any regulation thereunder. Miscellaneous provisions.

(2) Nothing in this Part affects—

(a) the operation of any provisions of any Act or statutory instrument in so far as those provisions prescribe standards or principles in connection with—

(i) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities; or

(ii) the design of intersections and the approaches thereto or the approaches to railway level crossings; or

(b) the power to make or execute a statutory instrument under any other Act in relation to any such standards or principles.

(3) Any person who or body which would not, but for this subsection, have the power to co-operate with, or do or perform any act or thing in conjunction with, the Authority is hereby authorised so to co-operate or do or perform the act or thing.

PART

Traffic Authority.

PART IV.**FINANCE.**

Traffic
Facilities
Fund.

22. There shall be established and kept at the Treasury in the Special Deposits Account an account to be known as the "Traffic Facilities Fund".

Payments
into the
Fund.

23. There shall be paid into the Fund—

- (a) such amounts as are from time to time agreed upon by the Treasurer and the Minister from the amounts from time to time (whether before or after the commencement of this section) appropriated by Parliament from the Road Transport and Traffic Fund (established under section 202 of the Transport Act, 1930);
- (b) the balance standing to the credit of the Road Transport and Traffic Fund (referred to in paragraph (a)) at the close of each financial year of that Fund;
- (c) such amounts as are from time to time agreed upon by the Treasurer and the Minister from so much of the Public Vehicles Fund (established under section 204 of the Transport Act, 1930) as is not required to be applied in accordance with section 204 (3) of that Act;
- (d) from the Sydney Harbour Bridge Account (opened under the Sydney Harbour Bridge (Administration) Act, 1932), such amounts as are sufficient to recoup the payments made from the Fund in relation to costs that would, had this Act not been enacted, have been met from that Account;

(e)

Traffic Authority.

- (e) such amounts as are from time to time agreed upon by the Treasurer and the Minister from the collected proceeds of the motor vehicles tax levy imposed by section 2 (1) (a) of the Motor Vehicles (Taxation) Act, 1971;
- (f) such amounts as are from time to time agreed upon by the Treasurer and the Minister from the collected proceeds of the motor vehicles weight tax imposed by section 2 (1) (b) of the Motor Vehicles (Taxation) Act, 1971;
- (g) the amounts paid to the Authority under section 270N (3) of the Local Government Act, 1919;
- (h) such amounts as are from time to time paid into the Fund by the Treasurer out of money paid to the State by the Commonwealth;
- (i) any other amounts paid into the Fund by the Treasurer; and
- (j) any other amounts received by the Authority, the Commissioner for Main Roads or the Commissioner for Motor Transport—
 - (i) as or towards the cost of making good any damage or injury to traffic control facilities;
or
 - (ii) as or towards the cost of providing, maintaining, repairing or operating traffic control facilities or carrying out any other activity, works or services connected with the Authority's functions,

and directed by the Authority to be paid into the Fund.

Traffic Authority.

Payments
out of
the Fund.

24. (1) Subject to this section, there may be paid out of the Fund—

- (a) the administrative and other expenses of the Authority;
- (b) the costs incurred in the provision of officers, servants, employees or facilities under section 15;
- (c) the costs (including administrative costs) incurred by the Commissioner for Main Roads and the Commissioner for Motor Transport in connection with—
 - (i) the activities of the Authority; and
 - (ii) the carrying out of any activities, works or services the cost of which is to be met from the Fund;
- (d) the cost of the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities, including the cost of electricity and the cost of making essential or incidental alterations to public streets;
- (e) the costs incurred in connection with facilities for—
 - (i) the relief of traffic congestion; or
 - (ii) the protection of pedestrians on public streets;
- (f) the cost or a contribution towards the cost of road-works in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities or other traffic facilities;

(g)

Traffic Authority.

- (g) the cost or a contribution towards the cost of erecting bridges, subways or other facilities for use by pedestrians over, across, under or alongside public streets;
- (h) the cost or a contribution towards the cost of designing and constructing—
 - (i) intersections and the approaches thereto; or
 - (ii) the approaches to railway level crossings, in so far as traffic safety and the movement, regulation and control of traffic are concerned;
- (i) the cost or a contribution towards the cost of any traffic safety research or traffic safety education; and
- (j) without affecting the generality of any of the foregoing provisions of this subsection, the cost or a contribution towards the cost of acquiring, resuming, appropriating, taking on lease, disposing of and otherwise dealing with property in connection with any of the matters referred to in any of those provisions.

(2) No payment shall be made from the Fund without the approval of the Minister.

(3) An approval may be given under subsection (2) so as to apply generally or to any particular case or class of cases.

(4) Approval for any item of expenditure from the Fund may be revoked by the Minister.

(5)

Traffic Authority.

(5) Where, but for this subsection, so much of the Fund as consists of any amount referred to in section 23 (h) could not be used for expenditure incurred in accordance with any Act of the Parliament of the Commonwealth relating to the expenditure of that amount, that amount may be used for expenditure so incurred.

Proposals
for expenditure.

25. The Authority shall, as directed by the Minister, and at least once in each year, submit to the Minister proposals in relation to expenditure from the Fund, together with a statement of the amounts necessary to be paid into the Fund to implement the proposals.

PART V.

MISCELLANEOUS.

Annual
report
for
Parliament.

26. (1) The Authority shall, as soon as practicable after 30th June in each year, forward to the Minister a report of its work and activities for the 12 months preceding that date.

(2) The Minister shall lay that report, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him of the report.

Power to
accept
gifts, etc.

27. (1) The Authority may acquire by gift, bequest or devise any property for any of the purposes of this Act and may agree to and carry out the conditions of the gift, bequest or devise.

Traffic Authority.

(2) The rule of law relating to remoteness of vesting does not apply to any condition of a gift, bequest or devise to which the Authority has agreed.

(3) Nothing in the Stamp Duties Act, 1920, applies to any real or personal property of any nature or kind whatever comprised in any gift, bequest or devise made to the Authority.

28. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

29. The Traffic Safety Act, 1970, is repealed.

Repeal of
Act No. 74,
1970.

30. (1) The Metropolitan Traffic Act, 1900, is amended in the manner set forth in Schedule 1. Amendment
of Act No.
8, 1900.

(2) The Motor Traffic Act, 1909, is amended in the manner set forth in Schedule 2. Amendment
of Act No.
5, 1909.

(3) The Local Government Act, 1919, is amended in the manner set forth in Schedule 3. Amendment
of Act No.
41, 1919.

(4) The Main Roads Act, 1924, is amended in the manner set forth in Schedule 4. Amendment
of Act No.
24, 1924.

(5) The Transport Act, 1930, is amended in the manner set forth in Schedule 5. Amendment
of Act No.
18, 1930.

Traffic Authority.

Amendment of Act No. 2, 1932. (6) The Sydney Harbour Bridge (Administration) Act, 1932, is amended in the manner set forth in Schedule 6.

Amendment of Act No. 7, 1951. (7) The Traffic Safety (Lights and Hoardings) Act, 1951, is amended in the manner set forth in Schedule 7.

Savings and transitional provisions. 31. Schedule 8 has effect.

Transfer of officers, contracts, etc., to Commissioner for Main Roads. 32. Schedule 9 has effect.

Sec. 30.

SCHEDULE 1.

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900.

(1) Section 4, definition of "Traffic Authority"—

After the definition of "Regulation", insert :—

"Traffic Authority" means the Traffic Authority of New South Wales.

(2) (a) Section 6 (1), (1A)—

Omit section 6 (1), insert instead :—

(1) Except where otherwise expressly provided to the contrary by this Act or the regulations, the provisions of this Act and the regulations shall, subject to the control and direction of the Minister, be administered by the Traffic Authority.

SCHEDULE

Traffic Authority.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900
—*continued.*

(1A) Except where otherwise expressly provided to the contrary by this Act or the regulations, the provisions of this Act and the regulations shall be enforced by the Commissioner of Police and members of the police force.

(b) Section 6 (2)—

Omit “the administration”, insert instead “the enforcement”.

(c) Section 6 (2)—

Omit “; and, subject to disallowance by the Governor, and within one month from the commencement of this Act, the Commissioner of Police may, notwithstanding any provision of the Police Regulation Act, 1899, appoint for the purpose of such administration any officers employed by the Commissioners at the time of such commencement”.

Traffic Authority.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900
—*continued.*

(3) (a) Section 13D (2), (4), (6) and (9)—

Omit “Commissioner of Police” wherever occurring, insert instead “Traffic Authority”.

(b) Section 13D (2)—

Omit “his”, insert instead “its”.

Sec. 30.

SCHEDULE 2.

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909.

(1) Section 2 (1), definition of “Traffic Authority”—

After the definition of “Superintendent”, insert :—

“Traffic Authority” means the Traffic Authority of
New South Wales

(2) Section 2A—

Omit the section, insert instead :—

Adminis-
tration
of Act.

2A. (1) Except where otherwise expressly provided to the contrary by this Act or by regulation under this Act—

- (a) the provisions of this Act and the regulations relating or incidental to the regulation and control of traffic, of motor vehicles upon

SCHEDULE

Traffic Authority.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—
continued.

public streets, and of drivers of and other persons in or on motor vehicles upon public streets, including provisions relating or incidental to traffic control facilities (within the meaning of the Traffic Authority Act, 1976) but not including provisions relating or incidental to the registration of motor vehicles and the licensing of drivers; and

(b) section 4A and 4D,

shall, subject to the control and direction of the Minister, be administered by the Traffic Authority.

(2) Except where otherwise expressly provided to the contrary by this Act or by regulation under this Act—

(a) the provisions of this Act and the regulations relating or incidental to the registration of motor vehicles, the licensing of drivers and the construction and equipment of motor vehicles;

(b) Part III, except sections 4A and 4D; and

(c) any other provisions of this Act, other than those required to be administered by the Traffic Authority,

shall, subject to the control and direction of the Minister, be administered by the Commissioner for Motor Transport.

SCHEDULE

Traffic Authority.

SCHEDULE 2—*continued.*AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—
continued.

(3) Section 3 (2) (c)—

Omit “or the Commissioner of Police”, insert instead
“the Commissioner of Police or the Traffic
Authority”.

(4) Section 4A (1), (3)—

Omit “Minister” wherever occurring, insert instead
“Traffic Authority”.

(5) (a) Section 4D (2), (4), (6) and (9)—

Omit “Commissioner of Police” wherever
occurring, insert instead “Traffic Authority”.

(b) Section 4D (2)—

Omit “his”, insert instead “its”.

Traffic Authority.

SCHEDULE 3.

Sec. 30.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919.

(1) (a) Section 269A—

Omit "Commissioner of Police" wherever occurring, insert instead "Traffic Authority of New South Wales".

(b) Section 269A (6)—

Omit "him", insert instead "it".

(2) Section 270D (2) (c)—

Omit "Commissioner for Motor Transport, or an officer of the Department of Motor Transport", insert instead "Chairman of the Traffic Authority of New South Wales, or a person".

(3) (a) Section 270N (3)—

Omit "to the Commissioner for Motor Transport".

(b) Section 270N (3) (a)—

Before "such", insert "to the Commissioner for Motor Transport".

(c) Section 270N (3) (b)—

Omit "such amount as may be agreed upon by the Commissioner for Motor Transport", insert instead "to the Traffic Authority of New South Wales such amount as may be agreed upon by that Authority".

(d) Section 270N (4)—

Omit "Commissioner for Motor Transport" where secondly occurring, insert instead "Traffic Authority of New South Wales".

Traffic Authority.

Sec. 30. 008

SCHEDULE 4.**AMENDMENTS TO THE MAIN ROADS ACT, 1924.****(1) Section 7 (4)—**

After "shall", insert "to the extent to which they are not payable from any other source,".

(2) Section 10 (1B)—

After section 10 (1A), insert :—

(1B) A reference in subsection (1) (a) or (a1) to the collected proceeds of the motor vehicles tax levy or the motor vehicles weight tax does not include a reference to any amounts payable to the Traffic Facilities Fund pursuant to section 23 (e) or (f) of the Traffic Authority Act, 1976.

(3) Section 20 (1B)—

After section 20 (1A), insert :—

(1B) A reference in subsection (1) (a) or (a1) to the collected proceeds of the motor vehicles tax levy or the motor vehicles weight tax does not include a reference to any amounts payable to the Traffic Facilities Fund pursuant to section 23 (e) or (f) of the Traffic Authority Act, 1976.

(4) Section 40 (2A)—

After section 40 (2), insert :—

(2A) Any person who causes damage or injury to any traffic control facility (within the meaning of section 48C) shall, except where the damage or injury is caused by ordinary wear and tear, pay the cost incurred by the Commissioner in making good the damage or injury.

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*

AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

(5) Section 48C—

After section 48B, insert :—

48C. (1) In this section—

**Traffic
control
facilities.**

“public street” means any street, road, lane, thoroughfare, footpath or place open to or used by the public, and includes any place open to or used by the public on the payment of money or otherwise;

“traffic control facility” means—

- (a) traffic control lights on public streets, and equipment used in connection with traffic control lights;
- (b) any sign, marking, structure or device containing or relating to a requirement, contravention of which is an offence arising under the Motor Traffic Act, 1909, the Metropolitan Traffic Act, 1900, or any regulation under either of those Acts;
- (c) any sign, device or line referred to in section 270N (1) (c) of the Local Government Act, 1919;
- (d) any other sign, marking, structure or device that is intended to promote safe or orderly traffic movement on public streets or to warn, advise or inform the drivers of vehicles, or pedestrians, of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards; and

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

- (e) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a public street.

(2) The Commissioner may—

- (a) construct, erect, affix or mark traffic control facilities;
- (b) maintain, repair, alter, operate or remove traffic control facilities constructed, erected, affixed or marked by the Commissioner or the Commissioner for Motor Transport;
- (c) subject to paragraph (d), maintain, repair, alter, operate or remove any other traffic control facilities, with the concurrence of the person or body responsible for those facilities; and
- (d) alter or remove lines marked on public streets by a council for the purposes of or for purposes connected with vehicular or pedestrian traffic.

(3) The Commissioner may make essential or incidental alterations to public streets for the purposes of subsection (2).

(4) A reference (however expressed) in this section to any thing, or traffic movement, on a public street includes a reference to any thing, or traffic movement, above, over, across, in or under a public street.

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*

AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

(5) This section is in addition to, and not in derogation of, any provision of this Act, or any other Act or law, conferring or imposing powers, authorities, duties or functions on the Commissioner, or any other person or body, in relation to traffic control facilities, but has effect subject to the Traffic Authority Act, 1976.

(6) This section extends to the whole of the Western Division of the State.

SCHEDULE 5.

Sec. 30.

AMENDMENTS TO THE TRANSPORT ACT, 1930.

(1) (a) Section 202 (2) (d)–(d3)—

Omit the paragraphs.

(b) Section 202 (2) (k)—

Omit the paragraph.

(c) Section 202 (2) (1)—

At the end of section 202 (2), insert :—

- (1) the amounts to be paid into the Traffic Facilities Fund pursuant to section 23 (a) of the Traffic Authority Act, 1976.

SCHEDULE

Traffic Authority.

SCHEDULE 5—*continued.***AMENDMENTS TO THE TRANSPORT ACT, 1930—*continued.***

(d) Section 202 (2A)—

Omit the subsection.

(e) Section 202 (5)—

Omit the subsection.

(2) (a) Section 204 (3) (c)—

Omit “and such other expenditure in connection with facilities for the movement of transport or the relief of traffic congestion or with the protection of pedestrians upon public streets as the Trust considers desirable in the public interest within the district of the Trust”.

(b) Section 204 (4)—

After section 204 (3), insert :—

(4) There may be paid out of the fund the amounts to be paid into the Traffic Facilities Fund pursuant to section 23 (c) of the Traffic Authority Act, 1976.

Traffic Authority.

SCHEDULE 6.

Sec. 30.

AMENDMENTS TO THE SYDNEY HARBOUR BRIDGE
(ADMINISTRATION) ACT, 1932.

(1) Section 7 (3) (ii)—

After “Bridge”, insert “, other than costs incurred in respect of the control and management of traffic on the Bridge”.

(2) Section 7 (3) (ivf)—

After section 7 (3) (ive), insert :—

(ivf) the payments to the Traffic Facilities Fund provided by section 23 (d) of the Traffic Authority Act, 1976;

(3) Section 7 (3) (v)—

After “construction”, insert “, and other than costs incurred in respect of the control and management of traffic on the Bridge”.

SCHEDULE 7.

Sec. 30.

AMENDMENTS TO THE TRAFFIC SAFETY (LIGHTS AND
HOARDINGS) ACT, 1951.

(1) Section 2, definition of “Traffic Authority”—

After the definition of “Public authority”, insert :—

“Traffic Authority” means the Traffic Authority of New South Wales.

(2) Section 3 (1)—

Omit “Minister” wherever occurring, insert instead “Traffic Authority”.

Traffic Authority.

Sec. 31.

SCHEDULE 8.

SAVINGS AND TRANSITIONAL PROVISIONS.

**Traffic
Safety
Act, 1970.**

1. Any person appointed pursuant to section 7 (1) of the Traffic Safety Act, 1970, shall be deemed to have been appointed under Part XI of the Transport Act, 1930, but section 102 of that Act does not apply to or in respect of that person.

**Metropo-
litan
Traffic
Act, 1900.**

2. (1) A direction given by the Commissioner of Police under section 13D of the Metropolitan Traffic Act, 1900, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

(2) The authority of the Commissioner of Police given for the purposes of section 13D (subsection (7) excepted) of the Metropolitan Traffic Act, 1900, before the commencement of this clause shall be deemed to have been given by the Authority.

**Motor
Traffic
Act, 1909.**

3. (1) A direction given by a Minister under section 4A of the Motor Traffic Act, 1909, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

SCHEDULE

Traffic Authority.

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) A direction given by the Commissioner of Police under section 4D of the Motor Traffic Act, 1909, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

(3) The authority of the Commissioner of Police given for the purposes of section 4D (subsection (7) excepted) of the Motor Traffic Act, 1909, before the commencement of this clause shall be deemed to have been given by the Authority.

4. (1) An application made to the Commissioner of Police for a consent under section 269A (6) of the Local Government Act, 1919, and pending at the commencement of this clause shall be deemed to have been made to the Authority.

(2) A consent given by the Commissioner of Police under section 269A (6) of the Local Government Act, 1919, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

(3) Section 270N of the Local Government Act, 1919, applies to and in respect of the costs referred to in that section, and incurred before the commencement of this clause, as if this Act had not been enacted.

5. A notice given under section 3 (1) of the Traffic Safety (Lights and Hoardings) Act, 1951, before the commencement of this clause, and the requirements of the notice, shall be deemed to have been given and imposed, respectively, by the Authority.

SCHEDULE

*Traffic Authority.***SCHEDULE 8—continued.****SAVINGS AND TRANSITIONAL PROVISIONS—continued.**

Costs and
expenses.

6. The costs of any activities, works or services carried out, or any expenses otherwise incurred, before the commencement of this clause, and unpaid at that commencement, shall be payable from the Fund if they would have been payable from the Fund had this clause been in force at the time when the activities, works or services were carried out or the expenses were incurred.

Sec. 32.

SCHEDULE 9.

**TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS.**

Interpreta-
tion.

1. In this Schedule—

“effective date”, in relation to—

(a) a person specified in an instrument under clause 2; or

(b) a contract, agreement or lease specified or described in an instrument under clause 4,

means the date on which the instrument takes effect;

“officer”, in relation to the Department of Motor Transport, means any officer, clerk, servant or other person employed in that Department;

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act;

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

“transferred person” means a person who is an officer or employee of the Department of Main Roads by virtue of clause 2.

2. (1) The Commissioner for Motor Transport and the Commissioner for Main Roads may, from time to time, by instrument in writing, declare that any officers of the Department of Motor Transport who—

Transfer
of certain
officers
to
Department
of Main
Roads.

(a) are specified in the instrument; and

(b) are, in the opinion of the Commissioners, engaged wholly or principally in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities,

are officers to whom this clause applies.

(2) A person who is so declared to be an officer to whom this clause applies and who is an officer of the Department of Motor Transport immediately before the effective date shall become and be an officer or employee (as the case may require) of the Department of Main Roads.

(3) An instrument under this clause takes effect on the date of its execution or a later date specified in the instrument, but not in any case later than one year after the date of commencement of this clause.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

Preservation
of certain
rights of
transferred
persons.

3. (1) Where any condition of employment (including the rate of salary or wages) of a transferred person was, immediately before the effective date, regulated by an award or industrial agreement, that condition shall continue to be so regulated, until it is varied by an award by which the Commissioner for Main Roads is bound made by a competent tribunal, or that condition is regulated by an industrial agreement to which the Commissioner is a party.

(2) A transferred person is entitled to the same rights and privileges, if any, with regard to annual, sick, deferred, extended or other leave as if he had continued to be an officer of the Department of Motor Transport, and for the purposes of this subclause service with the Department of Main Roads shall be deemed to be service with the Department of Motor Transport.

(3) Subject to subclause (4), a transferred person—

- (a) shall retain any rights accrued or accruing to him as an officer of the Department of Motor Transport and as a contributor to a superannuation scheme;
- (b) where, but for this subclause, he would not be entitled to contribute to any superannuation scheme to which he was a contributor immediately before the effective date—may contribute to that scheme; and
- (c) shall be entitled to receive any payment, pension or gratuity,

as if he had continued to be such an officer or contributor (as referred to in paragraph (a)) during his service as an officer or employee of the Department of Main Roads, and—

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

(d) his service with the Department of Main Roads shall be deemed to be service with the Department of Motor Transport for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(e) he shall be deemed to be an officer of the Department of Motor Transport for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause, and any contributions payable by his employer for the purpose of the scheme shall be payable by the Commissioner for Main Roads,

but nothing in this subclause applies to annual, sick, deferred, extended or other leave.

(4) A transferred person who, but for this subclause, would be entitled under subclause (3) to contribute to a superannuation scheme or to receive any payment, pension or gratuity shall not be so entitled upon his becoming a contributor to any other superannuation scheme, and the provisions of subclause (3) (e) cease to apply to or in respect of him and the Commissioner for Main Roads in any case where he becomes a contributor to such another superannuation scheme.

(5) Subclause (4) does not prevent the payment to a transferred person upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

(6) Where, but for subclause (3), a transferred person would not be entitled to contribute to a superannuation scheme to which he was a contributor immediately before the effective date, he may withdraw from the scheme as if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of the scheme.

(7) While a transferred person is not an employee within the meaning of the Superannuation Act, 1916, but would be such an employee if he withdrew from a superannuation scheme, he shall, for the purposes of section 92A of that Act, be deemed to have become eligible to be a contributor within the meaning of that Act.

(8) A transferred person is entitled to the same rights and privileges, if any, with regard to annual or holiday rail passes and travel concessions as if he had continued to be an officer of the Department of Motor Transport, and the following provisions have effect :—

- (a) any such rights or privileges shall be subject to the like restrictions and conditions as are applicable in respect of rail passes and travel concessions accorded to any officers of the Department of Motor Transport;
- (b) any such rights or privileges shall, subject to paragraph (a), continue in force until an award

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

by which the Commissioner for Main Roads is bound is made by a competent tribunal, or an industrial agreement to which the Commissioner is a party is made, containing provision for alternative recompense to him in substitution for those rights and privileges;

(c) the Public Transport Commission of New South Wales is hereby authorised to issue to him any such pass or concession to which he is entitled; and

(d) the cost of any such pass or concession is payable from the Fund.

(9) Except as expressly provided by this clause, a transferred person is not entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.

(10) Nothing in this clause affects the operation of the Industrial Arbitration Act, 1940.

4. (1) The Commissioner for Motor Transport and the Commissioner for Main Roads may, from time to time, by instrument in writing, declare that any contracts, agreements or leases that—

Contracts,
agreements
and leases.

(a) are specified or described in the instrument; and

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

(b) were, in the opinion of the Commissioners, entered into with the Commissioner for Motor Transport in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities,

are contracts, agreements or leases to which this clause applies.

(2) A contract, agreement or lease that is so declared to be one to which this clause applies and that is in force immediately before the effective date shall be deemed to be a contract, agreement or lease entered into with the Commissioner for Main Roads.

(3) Any proceedings in relation to such a contract, agreement or lease shall be commenced by or against the Commissioner for Main Roads instead of the Commissioner for Motor Transport.

(4) Nothing in this clause affects any proceedings commenced by or against the Commissioner for Motor Transport in relation to such a contract, agreement or lease before the effective date.

(5) An instrument under this clause takes effect on the date of its execution or a later date specified in the instrument, but not in any case later than one year after the commencement of this clause.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

5. (1) The Commissioner for Motor Transport, with the concurrence of the Commissioner for Main Roads, may, from time to time, and on such terms (if any) as may be agreed upon, give, transfer, convey, assign or otherwise dispose of to the Commissioner for Main Roads any real or personal property that—

- (a) is vested in or owned by the Commissioner for Motor Transport; and
- (b) in the opinion of the Commissioners—
 - (i) is or has been used wholly or principally by the Commissioner for Motor Transport in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities; or
 - (ii) is suitable for use by the Commissioner for Main Roads in connection with the exercise or performance of his powers, authorities, duties or functions under section 48C of the Main Roads Act, 1924, as amended by this Act.

(2) Any powers conferred on the Commissioner for Motor Transport or the Commissioner for Main Roads by subclause (1) are in addition to any powers that they or either of them would have if this clause had not been enacted.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 March, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 32, 1976.

An Act to provide for the constitution of a corporation to be called the "Traffic Authority of New South Wales"; to confer and impose on the corporation responsibilities, powers, authorities, duties and functions with respect to vehicular and pedestrian traffic and other matters; to provide for the transfer of certain persons, contracts, agreements, leases and property to the Commissioner for Main Roads; to repeal the Traffic Safety Act, 1970; and to amend the Metropolitan Traffic Act, 1900, the

Motor

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Traffic Authority.

Motor Traffic Act, 1909, the Local Government Act, 1919, the Main Roads Act, 1924, and the Traffic Safety (Lights and Hoardings) Act, 1951, in certain respects. [Assented to, 1st April, 1976.]

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:—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the "Traffic Authority Act, 1976".

**Commence-
ment.** 2. (1) This section and section 1 shall commence on the date of assent to this Act.

(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.

**Division
of Act.** 3. This Act is divided as follows:—

PART I.—PRELIMINARY—ss. 1–5.

**PART II.—CONSTITUTION OF THE TRAFFIC AUTHORITY
OF NEW SOUTH WALES—ss. 6–15.**

**PART III.—FUNCTIONS OF THE AUTHORITY—ss. 16–
21.**

PART

Traffic Authority.

PART IV.—FINANCE—ss. 22–25.

PART V.—MISCELLANEOUS—ss. 26–32.

SCHEDULE 1.—AMENDMENTS TO THE METROPOLITAN
TRAFFIC ACT, 1900.

SCHEDULE 2.—AMENDMENTS TO THE MOTOR
TRAFFIC ACT, 1909.

SCHEDULE 3.—AMENDMENTS TO THE LOCAL
GOVERNMENT ACT, 1919.

SCHEDULE 4.—AMENDMENTS TO THE MAIN ROADS
ACT, 1924.

SCHEDULE 5.—AMENDMENTS TO THE TRANSPORT
ACT, 1930.

SCHEDULE 6.—AMENDMENTS TO THE SYDNEY
HARBOUR BRIDGE (ADMINISTRATION) ACT, 1932.

SCHEDULE 7.—AMENDMENTS TO THE TRAFFIC
SAFETY (LIGHTS AND HOARDINGS) ACT, 1951.

SCHEDULE 8.—SAVINGS AND TRANSITIONAL PRO-
VISIONS.

SCHEDULE 9.—TRANSFER OF OFFICERS, CONTRACTS,
ETC., TO COMMISSIONER FOR MAIN ROADS.

4. (1) In this Act, except in so far as the context or ^{Interpre-}
subject-matter otherwise indicates or requires—^{tation.}

“appointed member” means an appointed member of the
Authority, as referred to in section 7 (1) (b);

“approaches”,

Traffic Authority.

“approaches”, in relation to an intersection or railway level crossing, means so much of the approaches thereto as consists of a public street or public streets or a part or parts of any such street or streets;

“Authority” means the Traffic Authority of New South Wales constituted under this Act;

“committee” means a committee appointed under section 12;

“functions” includes responsibilities, powers, authorities and duties;

“Fund” means the Traffic Facilities Fund established under section 22;

“intersection” means an intersection or junction of public streets;

“member” means a member of the Authority;

“official member” means an official member of the Authority, as referred to in section 7 (1) (a);

“public authority” means a public or local authority constituted by or under an Act other than this Act, and includes—

- (a) the Police Force, the Department of Motor Transport, the Department of Main Roads and any other Government Department;
- (b) a statutory body representing the Crown on whom any functions are conferred or imposed by or under any Act other than this Act; and
- (c) a person or body prescribed for the purposes of this paragraph;

“public

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“public street” means any street, road, lane, thoroughfare, footpath or place open to or used by the public, and includes any place open to or used by the public on the payment of money or otherwise;

“traffic” includes vehicular traffic and pedestrian traffic;

“traffic control facility” means—

- (a) traffic control lights on public streets, and equipment used in connection with traffic control lights;
- (b) any sign, marking, structure or device containing or relating to a requirement or direction, contravention of which is an offence arising under—
 - (i) the Motor Traffic Act, 1909, the Metropolitan Traffic Act, 1900, or any regulation under either of those Acts; or
 - (ii) any other Act, regulation or by-law prescribed for the purposes of this subparagraph (other than the Local Government Act, 1919, or any ordinance thereunder);
- (c) any sign, device or line referred to in section 270N (1) (c) of the Local Government Act, 1919;
- (d) any other sign, marking, structure or device that is intended to promote safe or orderly traffic movement on public streets or to warn, advise or inform the drivers of vehicles, or pedestrians, of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards; and
- (e)

Traffic Authority.

- (e) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a public street,

but does not include any sign, marking, structure, device or other thing in so far as it contains information as to the route or distance to any place.

(2) A reference in this Act to the Commissioner for Motor Transport, the Commissioner for Main Roads, the Commissioner of Police or a commissioner of the New South Wales Planning and Environment Commission includes a reference to a person duly acting as such.

(3) Except in so far as the context or subject-matter otherwise indicates or requires, a reference (however expressed) in this Act to any thing, person, or traffic, on a public street, includes a reference to any thing, person, or traffic, above, over, across, in or under a public street.

**Effect of
this Act
on other
Acts.**

5. (1) Subject to subsection (2) and except as expressly provided by this Act, nothing in this Act affects any of the provisions of any other Act, or any regulations, ordinances or by-laws thereunder, or takes away any powers vested in any person or body by any other Act, or any regulations, ordinances or by-laws made under any other Act.

(2) Where the provisions of this Act are inconsistent with any of the provisions of any other Act or any regulation, ordinance or by-law made under any other Act, the provisions of this Act shall prevail.

PART

Traffic Authority.

PART II.

CONSTITUTION OF THE TRAFFIC AUTHORITY
OF NEW SOUTH WALES.

6. (1) There is hereby constituted a corporation under the corporate name of the "Traffic Authority of New South Wales". Constitution
of the
Authority.

(2) The Authority shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

7. (1) The Authority shall consist of—

Members
of the
Authority.

(a) 4 official members, being—

- (i) the Commissioner for Motor Transport;
- (ii) the Commissioner for Main Roads;
- (iii) the Commissioner of Police; and
- (iv) a commissioner of the New South Wales Planning and Environment Commission, for the time being nominated by that Commission; and

(b) 2 appointed members, of whom—

- (i) one shall be a member or servant of the Council of the City of Sydney appointed by the Minister on the nomination of that Council; and
- (ii) one shall be appointed by the Minister, on the joint nomination of the Local Government Association of New South Wales and the Shires Association of New South Wales, to represent local government interests generally.

(2)

Traffic Authority.

(2) An appointed member shall, subject to this Act, be appointed for such term not exceeding 3 years as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time for such term not exceeding 3 years as is specified in the instrument of his re-appointment.

(3) On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold office for the balance, or for a part of the balance, of his predecessor's term of office, as may be specified in the instrument of his appointment, so that the Authority is constituted as provided by subsection (1).

(4) Where a nomination of a person for appointment as an appointed member is not submitted within the time or in the manner specified by the Minister by order in writing notified to the Council or Associations entitled to make the nomination, the Minister may make the appointment in the absence of nomination, and the person so appointed shall hold office as if he had been duly nominated.

(5) A person who is of or over the age of 70 years shall not be appointed as a member.

(6) The New South Wales Planning and Environment Commission may revoke any nomination under subsection (1) (a) (iv).

(7) Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

Deputy
members.

8. (1) Each official member may, from time to time, appoint a person to be his deputy, and the member or the Minister may revoke any such appointment.

(2)

Traffic Authority.

(2) The Minister may, from time to time—

- (a) appoint, on the nomination of the Council of the City of Sydney, a member or servant of that Council to be the deputy of the appointed member referred to in section 7 (1) (b) (i); or
- (b) appoint, on the joint nomination of the Local Government Association of New South Wales and the Shires Association of New South Wales, a person to be the deputy of the member referred to in section 7 (1) (b) (ii),

and may revoke any such appointment.

(3) In the absence of a member, the member's deputy—

- (a) shall, if available, act in the place of the member; and
- (b) while so acting shall be deemed to be a member and shall have and may exercise and perform the functions of the member.

(4) If there is a vacancy in the office of an elected member, the member shall, for the purposes of subsection (3), be deemed to be absent.

9. The Commissioner for Motor Transport shall be the Chairman.
Chairman of the Authority.

10. (1) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Authority. Proceedings
of the
Authority.

(2) The Chairman of the Authority or, in the absence of the Chairman, his deputy or, in the absence of both, the official member chosen by the members present at the meeting to act as chairman may preside at any meeting of the Authority.

(3)

Traffic Authority.

(3) Four members shall form a quorum at any meeting of the Authority and any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority and shall have and may exercise and perform all the functions of the Authority.

(4) The person presiding at any meeting of the Authority shall, in the event of an equality of votes, have in addition to a deliberative vote a second or casting vote.

(5) A decision supported by a majority of the votes of the members present and voting at a meeting of the Authority shall be the decision of the Authority.

(6) The Authority shall cause full and accurate minutes to be kept of the proceedings at its meetings.

(7) No matter or thing done, and no contract entered into, by the Authority, and no matter or thing done by a member or by any other person acting under the direction or as delegate of the Authority shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act or any other Act conferring or imposing functions on the Authority, subject the member or person so acting personally to any action, liability, claim or demand.

(8) Nothing in subsection (7) exempts any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Authority, and which the member or other person authorised or joined in authorising.

Vacation
of office.

11. (1) An appointed member shall be deemed to have vacated his office—

(a) if he dies;

(b)

Traffic Authority.

- (b) if he is absent from 4 consecutive meetings of the Authority of which reasonable notice has been given to him personally or in the ordinary course of post except on leave granted by the Authority, and is not before the expiration of 4 weeks after the last of those meetings, excused by the Authority for his absence from those meetings;
- (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate for their benefit;
- (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (e) if he is convicted in New South Wales of a crime or offence which is punishable by imprisonment for a period of 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or offence which if committed in New South Wales would be a crime or offence so punishable;
- (f) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- (g) if he is removed from office by the Minister;
- (h) on the day on which he attains the age of 70 years;
or
- (i) if, being the member referred to in section 7 (1) (b) (i), he ceases to be a member or servant of the Council of the City of Sydney.

(2) The Minister may, for any cause which appears to him sufficient, remove any appointed member from office.

Traffic Authority.

Committees. 12. (1) The Authority may appoint such committees as it thinks fit to assist and advise it in connection with the exercise or performance of its functions or to exercise and perform, pursuant to a delegation made under section 20, the functions of the Authority that have been delegated to the committee.

(2) A person may be appointed as a member of a committee whether or not he is a member of the Authority.

(3) Each member of a committee is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

Proceedings of committees. 13. (1) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall, subject to this Act and any direction given by the Authority, be as determined by the committee.

(2) The Authority may appoint a member of a committee to be chairman of the committee.

(3) The person so appointed as chairman of a committee or, in his absence or if there is no person so appointed, the member of the committee chosen by the members thereof present at the meeting to act as chairman may preside at any meeting of the committee.

(4) A quorum of a committee shall consist of two-thirds of the members of the committee or, if that number is not a whole number, the number of members that is next above two-thirds of the members of the committee and any duly convened meeting of a committee at which a quorum is present shall be competent to transact any business of the committee and shall have and may exercise and perform all the functions of the committee.

(5)

Traffic Authority.

(5) The person presiding at any meeting of a committee shall, if the Authority so approves in relation to that committee, have in addition to a deliberative vote a second or casting vote.

(6) A decision supported by a majority of the votes of the members present and voting at a meeting of a committee shall be the decision of the committee.

14. Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of the Authority or of a committee or from retaining any remuneration payable to him under this Act. ^{Power to hold office.}

15. (1) The Commissioner for Motor Transport may, upon the recommendation or with the concurrence of the Authority, appoint such officers or casual employees as may be necessary to assist the Authority in the exercise or performance of its functions. ^{Staff and facilities.}

(2) Any appointments made under this section shall be deemed to have been made under Part XI of the Transport Act, 1930, but that Act shall, for the purposes only of this Act, be deemed to be amended—

(a) by omitting from section 102 (1) the words “to the lowest grade in each of the various branches of the transport services, and”;

(b) by omitting section 102 (4).

(3) The Authority's recommendation or concurrence is not necessary for the removal, discharge, dismissal or suspension of an officer or employee appointed under this section.

(4)

Traffic Authority.

(4) The Authority may, with the approval of the Commissioner for Motor Transport and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of the Department of Motor Transport.

(5) The Authority may, with the approval of any other public authority and on such terms as may be arranged, make use of the facilities, or the services of any of the officers, servants or employees, of that public authority.

PART III.

FUNCTIONS OF THE AUTHORITY.

General.

16. (1) The Authority shall have and may exercise and perform the functions conferred or imposed on it by or under—

- (a) this Act;
- (b) the Metropolitan Traffic Act, 1900;
- (c) the Motor Traffic Act, 1909;
- (d) the Local Government Act, 1919; or
- (e) the Traffic Safety (Lights and Hoardings) Act, 1951,

or any other Act.

(2) The Authority shall, in the exercise and performance of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.

Traffic Authority.

17. (1) The Authority is charged with the responsibility of— Functions
of the
Authority.

- (a) reviewing the traffic arrangements in the State, including arrangements in connection with the movement, regulation and control of traffic and the parking of vehicles;
- (b) formulating or adopting plans and proposals for the improvement of those arrangements;
- (c) establishing general standards and general principles in connection with—
 - (i) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities; and
 - (ii) the design of intersections and the approaches thereto or the approaches to railway level crossings,

for purposes connected with traffic safety and the movement, regulation and control of traffic;
- (d) establishing priorities in connection with the carrying out of activities, works or services, that are items of expenditure approved under section 24;
- (e) promoting traffic safety; and
- (f) co-ordinating the activities of public authorities so far as those activities relate to—
 - (i) the carrying out of plans and proposals formulated or adopted by the Authority for the improvement of traffic arrangements;

(ii)

Traffic Authority.

- (ii) the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities;
- (iii) traffic safety; or
- (iv) any other matter connected with the Authority's functions.

(2) The Authority may—

- (a) promote traffic safety measures or activities, including measures or activities for—
 - (i) the safety and protection of the public, including pedestrians, on public streets;
 - (ii) the prevention of accidents on public streets;
 - (iii) the minimising of the effect of accidents occurring on public streets; and
 - (iv) the protection of property from damage from accidents occurring on public streets;
- (b) promote or engage in the dissemination and publication by suitable media of advice and information resulting from research or otherwise for the education and guidance of, and observance by, drivers of or persons travelling in vehicles, or persons on public streets, or manufacturers of, repairers of, or dealers in, vehicles or vehicle parts;
- (c) make reports or recommendations to the Minister, or any other person or body, in relation to—
 - (i) traffic arrangements, and the movement, regulation and control of traffic, on public streets;
 - (ii) traffic planning;
 - (iii) traffic safety;

(iv)

Traffic Authority.

- (iv) the parking of vehicles;
 - (v) the operation, maintenance or alteration of traffic control facilities; or
 - (vi) any other matter connected with the Authority's functions;
- (d) make reports or recommendations to the Minister for amending the law, or making provision therein, in relation to matters connected with the Authority's functions;
- (e) carry out or promote research or investigations into matters connected with any of the Authority's functions, including research or investigations into—
- (i) traffic control facilities; and
 - (ii) the cause of accidents, their incidence and the ways and means that may be adopted for their prevention or for controlling or mitigating their effects; and
- (f) co-operate with, or do or perform any act or thing in conjunction with, any person or body in connection with the Authority's functions.

18. (1) The Authority may, from time to time, direct **Directions.** public authorities to implement plans or proposals formulated or adopted, general standards or general principles established, or other decisions made, by the Authority in the exercise or performance of the Authority's functions.

(2) The Authority may communicate directions under this section to such public authorities, and in such manner, as it thinks fit.

(3)

Traffic Authority.

(3) While a direction communicated to a public authority under this section and applicable to its functions is in force, it is the duty of the public authority, by the exercise or performance of its functions in accordance with law, to comply with the direction, except where to do so—

- (a) would be impracticable by reason of emergency, accident or other special circumstances; or
- (b) would affect the functions of any person or body with respect to the laying or making of any information or complaint, the continuance or discontinuance of any proceedings for an alleged offence, or any other manner of dealing with an alleged offence.

(4) The failure of a public authority to comply with a direction of the Authority under this section does not invalidate any act, matter or thing to which the direction relates, and in particular does not invalidate the construction, erection, affixing or marking of any traffic control facility or any direction that is contained in or relates to the facility.

(5) A direction may be given under this section so as to apply generally or in any particular case or class of cases.

(6) The power to give a direction includes the power to amend or revoke a direction.

Recommendations as to street lighting.

19. (1) The Authority may, for the purpose of promoting traffic safety, make recommendations to a public authority in relation to the public authority's functions in connection with the lighting of public streets, including recommendations in relation to—

- (a) general principles relating to the provision of lighting on public streets;
- (b) the need for lighting on any particular public street or part thereof; and

(c)

Traffic Authority.

- (c) the need for the improvement of lighting on any particular public street or part thereof.

(2) It is the duty of a public authority to which recommendations are made under this section to give proper consideration to the recommendations and, as far as may be reasonably practicable, to carry the recommendations into effect.

20. (1) The Authority may, by instrument in writing Delegation. under seal, delegate to—

- (a) a member or a committee;
- (b) a public authority;
- (c) an officer of a Government Department; or
- (d) an officer, servant or employee referred to in section 15,

the exercise or performance of such of the functions (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act as may be specified in the instrument of delegation, and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such limitations as to the exercise or performance of any of the functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this section, the Authority may continue to exercise or perform any or all of the delegated functions.

(5)

Traffic Authority.

(5) Except in so far as the instrument of delegation otherwise provides, a function delegated under this section to—

- (a) the Commissioner for Motor Transport—may be exercised or performed by an officer or employee of the Department of Motor Transport;
- (b) the Commissioner for Main Roads—may be exercised or performed by an officer or employee of the Department of Main Roads;
- (c) the Commissioner of Police—may be exercised or performed by a member of the Police Force;
- (d) a public authority—may be exercised or performed by an officer, servant or employee of the public authority; or
- (e) an officer of a Government Department—may be exercised or performed by an officer or employee of the Department,

for the time being authorised by the delegate in that behalf.

(6) Notwithstanding any authorisation under subsection (5), a delegate under this section may continue to exercise or perform the delegated function.

(7) Any act or thing done or suffered by a delegate (or a person authorised by the delegate under subsection (5)) while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Authority and shall be deemed to have been done or suffered by the Authority.

(8)

Traffic Authority.

(8) The Authority may, from time to time, determine principles in accordance with which a delegate under this section (or a person authorised by the delegate under subsection (5)) is to exercise or perform the functions delegated, but a failure to observe the principles does not invalidate the exercise or performance of any of the functions.

21. (1) Nothing in this Part applies to or in respect of any sign, mark, structure or device containing or relating to a requirement or direction, contravention of which gives rise to an offence under the Local Government Act, 1919, or any ordinance thereunder, but not under any other Act or any regulation thereunder. ^{Miscellaneous provisions.}

(2) Nothing in this Part affects—

(a) the operation of any provisions of any Act or statutory instrument in so far as those provisions prescribe standards or principles in connection with—

(i) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities; or

(ii) the design of intersections and the approaches thereto or the approaches to railway level crossings; or

(b) the power to make or execute a statutory instrument under any other Act in relation to any such standards or principles.

(3) Any person who or body which would not, but for this subsection, have the power to co-operate with, or do or perform any act or thing in conjunction with, the Authority is hereby authorised so to co-operate or do or perform the act or thing.

PART

Traffic Authority.

PART IV.**FINANCE.**

Traffic
Facilities
Fund.

22. There shall be established and kept at the Treasury in the Special Deposits Account an account to be known as the "Traffic Facilities Fund".

Payments
into the
Fund.

23. There shall be paid into the Fund—

- (a) such amounts as are from time to time agreed upon by the Treasurer and the Minister from the amounts from time to time (whether before or after the commencement of this section) appropriated by Parliament from the Road Transport and Traffic Fund (established under section 202 of the Transport Act, 1930);
- (b) the balance standing to the credit of the Road Transport and Traffic Fund (referred to in paragraph (a)) at the close of each financial year of that Fund;
- (c) such amounts as are from time to time agreed upon by the Treasurer and the Minister from so much of the Public Vehicles Fund (established under section 204 of the Transport Act, 1930) as is not required to be applied in accordance with section 204 (3) of that Act;
- (d) from the Sydney Harbour Bridge Account (opened under the Sydney Harbour Bridge (Administration) Act, 1932), such amounts as are sufficient to recoup the payments made from the Fund in relation to costs that would, had this Act not been enacted, have been met from that Account;

(e)

Traffic Authority.

- (e) such amounts as are from time to time agreed upon by the Treasurer and the Minister from the collected proceeds of the motor vehicles tax levy imposed by section 2 (1) (a) of the Motor Vehicles (Taxation) Act, 1971;
- (f) such amounts as are from time to time agreed upon by the Treasurer and the Minister from the collected proceeds of the motor vehicles weight tax imposed by section 2 (1) (b) of the Motor Vehicles (Taxation) Act, 1971;
- (g) the amounts paid to the Authority under section 270N (3) of the Local Government Act, 1919;
- (h) such amounts as are from time to time paid into the Fund by the Treasurer out of money paid to the State by the Commonwealth;
- (i) any other amounts paid into the Fund by the Treasurer; and
- (j) any other amounts received by the Authority, the Commissioner for Main Roads or the Commissioner for Motor Transport—
 - (i) as or towards the cost of making good any damage or injury to traffic control facilities; or
 - (ii) as or towards the cost of providing, maintaining, repairing or operating traffic control facilities or carrying out any other activity, works or services connected with the Authority's functions,

and directed by the Authority to be paid into the Fund.

Traffic Authority.

Payments
out of
the Fund.

24. (1) Subject to this section, there may be paid out of the Fund—

- (a) the administrative and other expenses of the Authority;
- (b) the costs incurred in the provision of officers, servants, employees or facilities under section 15;
- (c) the costs (including administrative costs) incurred by the Commissioner for Main Roads and the Commissioner for Motor Transport in connection with—
 - (i) the activities of the Authority; and
 - (ii) the carrying out of any activities, works or services the cost of which is to be met from the Fund;
- (d) the cost of the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities, including the cost of electricity and the cost of making essential or incidental alterations to public streets;
- (e) the costs incurred in connection with facilities for—
 - (i) the relief of traffic congestion; or
 - (ii) the protection of pedestrians on public streets;
- (f) the cost or a contribution towards the cost of road-works in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities or other traffic facilities;

(g)

Traffic Authority.

- (g) the cost or a contribution towards the cost of erecting bridges, subways or other facilities for use by pedestrians over, across, under or alongside public streets;
 - (h) the cost or a contribution towards the cost of designing and constructing—
 - (i) intersections and the approaches thereto; or
 - (ii) the approaches to railway level crossings, in so far as traffic safety and the movement, regulation and control of traffic are concerned;
 - (i) the cost or a contribution towards the cost of any traffic safety research or traffic safety education; and
 - (j) without affecting the generality of any of the foregoing provisions of this subsection, the cost or a contribution towards the cost of acquiring, resuming, appropriating, taking on lease, disposing of and otherwise dealing with property in connection with any of the matters referred to in any of those provisions.
- (2) No payment shall be made from the Fund without the approval of the Minister.
- (3) An approval may be given under subsection (2) so as to apply generally or to any particular case or class of cases.
- (4) Approval for any item of expenditure from the Fund may be revoked by the Minister.

(5)

Traffic Authority.

(5) Where, but for this subsection, so much of the Fund as consists of any amount referred to in section 23 (h) could not be used for expenditure incurred in accordance with any Act of the Parliament of the Commonwealth relating to the expenditure of that amount, that amount may be used for expenditure so incurred.

Proposals
for expen-
diture.

25. The Authority shall, as directed by the Minister, and at least once in each year, submit to the Minister proposals in relation to expenditure from the Fund, together with a statement of the amounts necessary to be paid into the Fund to implement the proposals.

PART V.

MISCELLANEOUS.

Annual
report
for
Parliament.

26. (1) The Authority shall, as soon as practicable after 30th June in each year, forward to the Minister a report of its work and activities for the 12 months preceding that date.

(2) The Minister shall lay that report, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him of the report.

Power to
accept
gifts, etc.

27. (1) The Authority may acquire by gift, bequest or devise any property for any of the purposes of this Act and may agree to and carry out the conditions of the gift, bequest or devise.

(2)

Traffic Authority.

(2) The rule of law relating to remoteness of vesting does not apply to any condition of a gift, bequest or devise to which the Authority has agreed.

(3) Nothing in the Stamp Duties Act, 1920, applies to any real or personal property of any nature or kind whatever comprised in any gift, bequest or devise made to the Authority.

28. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

29. The Traffic Safety Act, 1970, is repealed.

Repeal of
Act No. 74,
1970.

30. (1) The Metropolitan Traffic Act, 1900, is amended in the manner set forth in Schedule 1. Amendment
of Act No.
8, 1900.

(2) The Motor Traffic Act, 1909, is amended in the manner set forth in Schedule 2. Amendment
of Act No.
5, 1909.

(3) The Local Government Act, 1919, is amended in the manner set forth in Schedule 3. Amendment
of Act No.
41, 1919.

(4) The Main Roads Act, 1924, is amended in the manner set forth in Schedule 4. Amendment
of Act No.
24, 1924.

(5) The Transport Act, 1930, is amended in the manner set forth in Schedule 5. Amendment
of Act No.
18, 1930.

(6)

Traffic Authority.

Amendment of Act No. 2, 1932. (6) The Sydney Harbour Bridge (Administration) Act, 1932, is amended in the manner set forth in Schedule 6.

Amendment of Act No. 7, 1951. (7) The Traffic Safety (Lights and Hoardings) Act, 1951, is amended in the manner set forth in Schedule 7.

Savings and transitional provisions. 31. Schedule 8 has effect.

Transfer of officers, contracts, etc., to Commissioner for Main Roads. 32. Schedule 9 has effect.

Sec. 30.

SCHEDULE 1.

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900.

(1) Section 4, definition of "Traffic Authority"—

After the definition of "Regulation", insert :—

"Traffic Authority" means the Traffic Authority of New South Wales.

(2) (a) Section 6 (1), (1A)—

Omit section 6 (1), insert instead :—

(1) Except where otherwise expressly provided to the contrary by this Act or the regulations, the provisions of this Act and the regulations shall, subject to the control and direction of the Minister, be administered by the Traffic Authority.

SCHEDULE

Traffic Authority.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900
—*continued.*

(1A) Except where otherwise expressly provided to the contrary by this Act or the regulations, the provisions of this Act and the regulations shall be enforced by the Commissioner of Police and members of the police force.

(b) Section 6 (2)—

Omit “the administration”, insert instead “the enforcement”.

(c) Section 6 (2)—

Omit “; and, subject to disallowance by the Governor, and within one month from the commencement of this Act, the Commissioner of Police may, notwithstanding any provision of the Police Regulation Act, 1899, appoint for the purpose of such administration any officers employed by the Commissioners at the time of such commencement”.

SCHEDULE

Traffic Authority.

SCHEDULE 1—*continued.*AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT, 1900
—*continued.*

(3) (a) Section 13D (2), (4), (6) and (9)—

Omit "Commissioner of Police" wherever occurring, insert instead "Traffic Authority".

(b) Section 13D (2)—

Omit "his", insert instead "its".

Sec. 30.

SCHEDULE 2.

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909.

(1) Section 2 (1), definition of "Traffic Authority"—

After the definition of "Superintendent", insert :—

"Traffic Authority" means the Traffic Authority of
New South Wales

(2) Section 2A—

Omit the section, insert instead :—

Adminis-
tration
of Act.

2A. (1) Except where otherwise expressly provided to the contrary by this Act or by regulation under this Act—

- (a) the provisions of this Act and the regulations relating or incidental to the regulation and control of traffic, of motor vehicles upon

SCHEDULE

Traffic Authority.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—
continued.

public streets, and of drivers of and other persons in or on motor vehicles upon public streets, including provisions relating or incidental to traffic control facilities (within the meaning of the Traffic Authority Act, 1976) but not including provisions relating or incidental to the registration of motor vehicles and the licensing of drivers; and

(b) section 4A and 4D,

shall, subject to the control and direction of the Minister, be administered by the Traffic Authority.

(2) Except where otherwise expressly provided to the contrary by this Act or by regulation under this Act—

(a) the provisions of this Act and the regulations relating or incidental to the registration of motor vehicles, the licensing of drivers and the construction and equipment of motor vehicles;

(b) Part III, except sections 4A and 4D; and

(c) any other provisions of this Act, other than those required to be administered by the Traffic Authority,

shall, subject to the control and direction of the Minister, be administered by the Commissioner for Motor Transport.

SCHEDULE

Traffic Authority.

SCHEDULE 2—*continued.*AMENDMENTS TO THE MOTOR TRAFFIC ACT, 1909—
continued.

(3) Section 3 (2) (c)—

Omit “or the Commissioner of Police”, insert instead
“, the Commissioner of Police or the Traffic
Authority”.

(4) Section 4A (1), (3)—

Omit “Minister” wherever occurring, insert instead
“Traffic Authority”.

(5) (a) Section 4D (2), (4), (6) and (9)—

Omit “Commissioner of Police” wherever
occurring, insert instead “Traffic Authority”.

(b) Section 4D (2)—

Omit “his”, insert instead “its”.

Traffic Authority.

SCHEDULE 3.

Sec. 30.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919.

(1) (a) Section 269A—

Omit "Commissioner of Police" wherever occurring, insert instead "Traffic Authority of New South Wales".

(b) Section 269A (6)—

Omit "him", insert instead "it".

(2) Section 270D (2) (c)—

Omit "Commissioner for Motor Transport, or an officer of the Department of Motor Transport", insert instead "Chairman of the Traffic Authority of New South Wales, or a person".

(3) (a) Section 270N (3)—

Omit "to the Commissioner for Motor Transport".

(b) Section 270N (3) (a)—

Before "such", insert "to the Commissioner for Motor Transport".

(c) Section 270N (3) (b)—

Omit "such amount as may be agreed upon by the Commissioner for Motor Transport", insert instead "to the Traffic Authority of New South Wales such amount as may be agreed upon by that Authority".

(d) Section 270N (4)—

Omit "Commissioner for Motor Transport" where secondly occurring, insert instead "Traffic Authority of New South Wales".

SCHEDULE

Traffic Authority.

Sec. 30.

SCHEDULE 4.**AMENDMENTS TO THE MAIN ROADS ACT, 1924.****(1) Section 7 (4)—**

After "shall", insert "to the extent to which they are not payable from any other source,".

(2) Section 10 (1B)—

After section 10 (1A), insert :—

(1B) A reference in subsection (1) (a) or (a1) to the collected proceeds of the motor vehicles tax levy or the motor vehicles weight tax does not include a reference to any amounts payable to the Traffic Facilities Fund pursuant to section 23 (e) or (f) of the Traffic Authority Act, 1976.

(3) Section 20 (1B)—

After section 20 (1A), insert :—

(1B) A reference in subsection (1) (a) or (a1) to the collected proceeds of the motor vehicles tax levy or the motor vehicles weight tax does not include a reference to any amounts payable to the Traffic Facilities Fund pursuant to section 23 (e) or (f) of the Traffic Authority Act, 1976.

(4) Section 40 (2A)—

After section 40 (2), insert :—

(2A) Any person who causes damage or injury to any traffic control facility (within the meaning of section 48c) shall, except where the damage or injury is caused by ordinary wear and tear, pay the cost incurred by the Commissioner in making good the damage or injury.

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*

AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

(5) Section 48C—

After section 48B, insert :—

48C. (1) In this section—

Traffic
control
facilities.

“public street” means any street, road, lane, thoroughfare, footpath or place open to or used by the public, and includes any place open to or used by the public on the payment of money or otherwise;

“traffic control facility” means—

- (a) traffic control lights on public streets, and equipment used in connection with traffic control lights;
 - (b) any sign, marking, structure or device containing or relating to a requirement, contravention of which is an offence arising under the Motor Traffic Act, 1909, the Metropolitan Traffic Act, 1900, or any regulation under either of those Acts;
 - (c) any sign, device or line referred to in section 270N (1) (c) of the Local Government Act, 1919;
 - (d) any other sign, marking, structure or device that is intended to promote safe or orderly traffic movement on public streets or to warn, advise or inform the drivers of vehicles, or pedestrians, of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards;
- and

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

- (e) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a public street.

(2) The Commissioner may—

- (a) construct, erect, affix or mark traffic control facilities;
- (b) maintain, repair, alter, operate or remove traffic control facilities constructed, erected, affixed or marked by the Commissioner or the Commissioner for Motor Transport;
- (c) subject to paragraph (d), maintain, repair, alter, operate or remove any other traffic control facilities, with the concurrence of the person or body responsible for those facilities; and
- (d) alter or remove lines marked on public streets by a council for the purposes of or for purposes connected with vehicular or pedestrian traffic.

(3) The Commissioner may make essential or incidental alterations to public streets for the purposes of subsection (2).

(4) A reference (however expressed) in this section to any thing, or traffic movement, on a public street includes a reference to any thing, or traffic movement, above, over, across, in or under a public street.

SCHEDULE

Traffic Authority.

SCHEDULE 4—*continued.*

AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

(5) This section is in addition to, and not in derogation of, any provision of this Act, or any other Act or law, conferring or imposing powers, authorities, duties or functions on the Commissioner, or any other person or body, in relation to traffic control facilities, but has effect subject to the Traffic Authority Act, 1976.

(6) This section extends to the whole of the Western Division of the State.

SCHEDULE 5.

Sec. 30.

AMENDMENTS TO THE TRANSPORT ACT, 1930.

(1) (a) Section 202 (2) (d)–(d3)—

Omit the paragraphs.

(b) Section 202 (2) (k)—

Omit the paragraph.

(c) Section 202 (2) (1)—

At the end of section 202 (2), insert :—

- (1) the amounts to be paid into the Traffic Facilities Fund pursuant to section 23 (a) of the Traffic Authority Act, 1976.

SCHEDULE

Traffic Authority.

SCHEDULE 5—continued.**AMENDMENTS TO THE TRANSPORT ACT, 1930—continued.****(d) Section 202 (2A)—**

Omit the subsection.

(e) Section 202 (5)—

Omit the subsection.

(2) (a) Section 204 (3) (c)—

Omit “and such other expenditure in connection with facilities for the movement of transport or the relief of traffic congestion or with the protection of pedestrians upon public streets as the Trust considers desirable in the public interest within the district of the Trust”.

(b) Section 204 (4)—

After section 204 (3), insert :—

(4) There may be paid out of the fund the amounts to be paid into the Traffic Facilities Fund pursuant to section 23 (c) of the Traffic Authority Act, 1976.

SCHEDULE

Traffic Authority.

SCHEDULE 6.

Sec. 30.

AMENDMENTS TO THE SYDNEY HARBOUR BRIDGE
(ADMINISTRATION) ACT, 1932.

(1) Section 7 (3) (ii)—

After "Bridge", insert " , other than costs incurred in respect of the control and management of traffic on the Bridge".

(2) Section 7 (3) (ivf)—

After section 7 (3) (ive), insert :—

(ivf) the payments to the Traffic Facilities Fund provided by section 23 (d) of the Traffic Authority Act, 1976;

(3) Section 7 (3) (v)—

After "construction", insert " , and other than costs incurred in respect of the control and management of traffic on the Bridge".

SCHEDULE 7.

Sec. 30.

AMENDMENTS TO THE TRAFFIC SAFETY (LIGHTS AND
HOARDINGS) ACT, 1951.

(1) Section 2, definition of "Traffic Authority"—

After the definition of "Public authority", insert :—

"Traffic Authority" means the Traffic Authority of New South Wales.

(2) Section 3 (1)—

Omit "Minister" wherever occurring, insert instead "Traffic Authority".

SCHEDULE

Traffic Authority.

Sec. 31.

SCHEDULE 8.

SAVINGS AND TRANSITIONAL PROVISIONS.

Traffic
Safety
Act, 1970.

1. Any person appointed pursuant to section 7 (1) of the Traffic Safety Act, 1970, shall be deemed to have been appointed under Part XI of the Transport Act, 1930, but section 102 of that Act does not apply to or in respect of that person.

Metro-
politan
Traffic
Act, 1900.

2. (1) A direction given by the Commissioner of Police under section 13D of the Metropolitan Traffic Act, 1900, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

(2) The authority of the Commissioner of Police given for the purposes of section 13D (subsection (7) excepted) of the Metropolitan Traffic Act, 1900, before the commencement of this clause shall be deemed to have been given by the Authority.

Motor
Traffic
Act, 1909.

3. (1) A direction given by a Minister under section 4A of the Motor Traffic Act, 1909, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

SCHEDULE

Traffic Authority.

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) A direction given by the Commissioner of Police under section 4D of the Motor Traffic Act, 1909, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

(3) The authority of the Commissioner of Police given for the purposes of section 4D (subsection (7) excepted) of the Motor Traffic Act, 1909, before the commencement of this clause shall be deemed to have been given by the Authority.

4. (1) An application made to the Commissioner of Police for a consent under section 269A (6) of the Local Government Act, 1919, and pending at the commencement of this clause shall be deemed to have been made to the Authority.

(2) A consent given by the Commissioner of Police under section 269A (6) of the Local Government Act, 1919, and in force at the commencement of this clause shall be deemed to have been given by the Authority.

(3) Section 270N of the Local Government Act, 1919, applies to and in respect of the costs referred to in that section, and incurred before the commencement of this clause, as if this Act had not been enacted.

5. A notice given under section 3 (1) of the Traffic Safety (Lights and Hoardings) Act, 1951, before the commencement of this clause, and the requirements of the notice, shall be deemed to have been given and imposed, respectively, by the Authority.

SCHEDULE

Traffic Authority.

SCHEDULE 8—continued.**SAVINGS AND TRANSITIONAL PROVISIONS—continued.**

Costs and
expenses.

6. The costs of any activities, works or services carried out, or any expenses otherwise incurred, before the commencement of this clause, and unpaid at that commencement, shall be payable from the Fund if they would have been payable from the Fund had this clause been in force at the time when the activities, works or services were carried out or the expenses were incurred.

Sec. 32.

SCHEDULE 9.**TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS.**

Interpreta-
tion.

1. In this Schedule—

“effective date”, in relation to—

(a) a person specified in an instrument under clause 2; or

(b) a contract, agreement or lease specified or described in an instrument under clause 4,

means the date on which the instrument takes effect;

“officer”, in relation to the Department of Motor Transport, means any officer, clerk, servant or other person employed in that Department;

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act;

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

“transferred person” means a person who is an officer or employee of the Department of Main Roads by virtue of clause 2.

2. (1) The Commissioner for Motor Transport and the Commissioner for Main Roads may, from time to time, by instrument in writing, declare that any officers of the Department of Motor Transport who—

Transfer of certain officers to Department of Main Roads.

(a) are specified in the instrument; and

(b) are, in the opinion of the Commissioners, engaged wholly or principally in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities,

are officers to whom this clause applies.

(2) A person who is so declared to be an officer to whom this clause applies and who is an officer of the Department of Motor Transport immediately before the effective date shall become and be an officer or employee (as the case may require) of the Department of Main Roads.

(3) An instrument under this clause takes effect on the date of its execution or a later date specified in the instrument, but not in any case later than one year after the date of commencement of this clause.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

Preservation
of certain
rights of
transferred
persons.

3. (1) Where any condition of employment (including the rate of salary or wages) of a transferred person was, immediately before the effective date, regulated by an award or industrial agreement, that condition shall continue to be so regulated, until it is varied by an award by which the Commissioner for Main Roads is bound made by a competent tribunal, or that condition is regulated by an industrial agreement to which the Commissioner is a party.

(2) A transferred person is entitled to the same rights and privileges, if any, with regard to annual, sick, deferred, extended or other leave as if he had continued to be an officer of the Department of Motor Transport, and for the purposes of this subclause service with the Department of Main Roads shall be deemed to be service with the Department of Motor Transport.

(3) Subject to subclause (4), a transferred person—

- (a) shall retain any rights accrued or accruing to him as an officer of the Department of Motor Transport and as a contributor to a superannuation scheme;
- (b) where, but for this subclause, he would not be entitled to contribute to any superannuation scheme to which he was a contributor immediately before the effective date—may contribute to that scheme; and
- (c) shall be entitled to receive any payment, pension or gratuity,

as if he had continued to be such an officer or contributor (as referred to in paragraph (a)) during his service as an officer or employee of the Department of Main Roads, and—

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

- (d) his service with the Department of Main Roads shall be deemed to be service with the Department of Motor Transport for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- (e) he shall be deemed to be an officer of the Department of Motor Transport for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause, and any contributions payable by his employer for the purpose of the scheme shall be payable by the Commissioner for Main Roads,

but nothing in this subclause applies to annual, sick, deferred, extended or other leave.

(4) A transferred person who, but for this subclause, would be entitled under subclause (3) to contribute to a superannuation scheme or to receive any payment, pension or gratuity shall not be so entitled upon his becoming a contributor to any other superannuation scheme, and the provisions of subclause (3) (e) cease to apply to or in respect of him and the Commissioner for Main Roads in any case where he becomes a contributor to such another superannuation scheme.

(5) Subclause (4) does not prevent the payment to a transferred person upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

(6) Where, but for subclause (3), a transferred person would not be entitled to contribute to a superannuation scheme to which he was a contributor immediately before the effective date, he may withdraw from the scheme as if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of the scheme.

(7) While a transferred person is not an employee within the meaning of the Superannuation Act, 1916, but would be such an employee if he withdrew from a superannuation scheme, he shall, for the purposes of section 92A of that Act, be deemed to have become eligible to be a contributor within the meaning of that Act.

(8) A transferred person is entitled to the same rights and privileges, if any, with regard to annual or holiday rail passes and travel concessions as if he had continued to be an officer of the Department of Motor Transport, and the following provisions have effect :—

- (a) any such rights or privileges shall be subject to the like restrictions and conditions as are applicable in respect of rail passes and travel concessions accorded to any officers of the Department of Motor Transport;
- (b) any such rights or privileges shall, subject to paragraph (a), continue in force until an award

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

by which the Commissioner for Main Roads is bound is made by a competent tribunal, or an industrial agreement to which the Commissioner is a party is made, containing provision for alternative recompense to him in substitution for those rights and privileges;

- (c) the Public Transport Commission of New South Wales is hereby authorised to issue to him any such pass or concession to which he is entitled; and
- (d) the cost of any such pass or concession is payable from the Fund.

(9) Except as expressly provided by this clause, a transferred person is not entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.

(10) Nothing in this clause affects the operation of the Industrial Arbitration Act, 1940.

4. (1) The Commissioner for Motor Transport and the Commissioner for Main Roads may, from time to time, by instrument in writing, declare that any contracts, agreements or leases that—

- (a) are specified or described in the instrument; and

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

(b) were, in the opinion of the Commissioners, entered into with the Commissioner for Motor Transport in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities,

are contracts, agreements or leases to which this clause applies.

(2) A contract, agreement or lease that is so declared to be one to which this clause applies and that is in force immediately before the effective date shall be deemed to be a contract, agreement or lease entered into with the Commissioner for Main Roads.

(3) Any proceedings in relation to such a contract, agreement or lease shall be commenced by or against the Commissioner for Main Roads instead of the Commissioner for Motor Transport.

(4) Nothing in this clause affects any proceedings commenced by or against the Commissioner for Motor Transport in relation to such a contract, agreement or lease before the effective date.

(5) An instrument under this clause takes effect on the date of its execution or a later date specified in the instrument, but not in any case later than one year after the commencement of this clause.

SCHEDULE

Traffic Authority.

SCHEDULE 9—*continued.*

TRANSFER OF OFFICERS, CONTRACTS, ETC., TO
COMMISSIONER FOR MAIN ROADS—*continued.*

5. (1) The Commissioner for Motor Transport, with the concurrence of the Commissioner for Main Roads, may, from time to time, and on such terms (if any) as may be agreed upon, give, transfer, convey, assign or otherwise dispose of to the Commissioner for Main Roads any real or personal property that—

- (a) is vested in or owned by the Commissioner for Motor Transport; and
- (b) in the opinion of the Commissioners—
 - (i) is or has been used wholly or principally by the Commissioner for Motor Transport in connection with the construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities; or
 - (ii) is suitable for use by the Commissioner for Main Roads in connection with the exercise or performance of his powers, authorities, duties or functions under section 48c of the Main Roads Act, 1924, as amended by this Act.

(2) Any powers conferred on the Commissioner for Motor Transport or the Commissioner for Main Roads by subclause (1) are in addition to any powers that they or either of them would have if this clause had not been enacted.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 1st April, 1976.*

THE JOURNAL OF THE

ROYAL ANTHROPOLOGICAL INSTITUTE

VOLUME 11

PART 1

1901

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FOR THE YEAR 1901

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AND

THE SECRETARY OF THE SOCIETY OF ANTHROPOLOGISTS

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