

FIRST PRINT

METROPOLITAN TRAFFIC (AMENDMENT) BILL 1985

EXPLANATORY NOTE

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

The Local Government (Traffic) Amendment Bill 1985 is cognate with this Bill.

The object of this Bill is to amend the Metropolitan Traffic Act 1900 (which generally applies to pedestrian, bicycle, horse and other non-motor vehicle traffic) so as—

- (a) to extend its operation to the whole of the State;
- (b) to change its name to the General Traffic Act 1900;
- (c) to increase the penalties under that Act; and
- (d) to effect a number of minor amendments and amendments by way of statute law revision.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 lists the Schedules to the proposed Act.

Clause 4 is a formal provision that gives effect to the Schedules of amendments to the Principal Act.

Clause 5 repeals the Metropolitan Traffic (Amendment) Act 1913 as a consequence of the amendment made by Schedule 1 (6).

SCHEDULE 1—AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT 1900

Schedule 1 (1) omits a reference to the metropolitan area in the long title.

Schedule 1 (2) changes the name of the Principal Act to the General Traffic Act 1900.

Schedule 1 (3) applies the Principal Act to the whole of the State.

Schedule 1 (4) transfers from the Local Government Act 1919 a provision which makes it clear that the provisions of the Principal Act relating to public streets extend to footpaths.

Schedule 1 (5) increases the penalty that may be imposed under the regulations from \$20 to \$200.

Schedule 1 (6) transfers the offence of driving or riding a vehicle while under the influence of intoxicating liquor from the Metropolitan Traffic (Amendment) Act 1913 to the Principal Act. The offence of driving a vehicle while under the influence of a drug has been included in similar terms to the corresponding provision (section 5 (2)) of the Motor Traffic Act 1909.

Schedule 1 (7) increases the penalty that may be imposed for an offence against the Principal Act from \$20 to \$200.

Schedule 1 (8) enables references to the Metropolitan Traffic Act 1900 in other Acts and instruments to be read as references to the General Traffic Act 1900.

SCHEDULE 2—AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT 1900 BY WAY OF STATUTE LAW REVISION

The amendments include the deletion of obsolete provisions and the revision of superseded references. In particular, the Schedule deletes provisions for the licensing of public vehicles that have ceased to be used as a consequence of provisions for that matter being included in the Transport Act 1930 and the State Transport (Co-ordination) Act 1931.

METROPOLITAN TRAFFIC (AMENDMENT) BILL 1985

No. , 1985

A BILL FOR

An Act to amend the Metropolitan Traffic Act 1900 to extend its operation to the whole of the State and to increase the penalties under that Act; and for other purposes.

See also Local Government (Traffic) Amendment Bill 1985.

Metropolitan Traffic (Amendment) 1985

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:

5 Short title

1. This Act may be cited as the "Metropolitan Traffic (Amendment) Act 1985".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Schedules

3. This Act contains the following Schedules:

15 SCHEDULE 1—AMENDMENTS TO THE METROPOLITAN
TRAFFIC ACT 1900

SCHEDULE 2—AMENDMENTS TO THE METROPOLITAN
TRAFFIC ACT 1900 BY WAY OF STATUTE LAW REVISION

Amendment of Act No. 8, 1900

20 4. The Metropolitan Traffic Act 1900 is amended in the manner set forth in Schedules 1 and 2.

Repeal of Act No. 4, 1913

5. (1) The Metropolitan Traffic (Amendment) Act 1913 is repealed.

25 (2) The amendments made by sections 2, 3, 4 and 7 of the Metropolitan Traffic (Amendment) Act 1913 continue to have force and effect as if those sections had not been repealed by this Act.

Metropolitan Traffic (Amendment) 1985

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT 1900

- (1) Long title—
5 Omit “within a certain metropolitan area”.
- (2) Section 1—
Omit “Metropolitan”, insert instead “General”.
- (3) Section 2—
Omit the section, insert instead:
10 **Application of Act**
2. This Act applies to the whole of the State.
- (4) Section 4, definition of “Public street”—
After “thoroughfare”, insert “or footpath”.
- (5) Section 7 (1) (l)—
15 Omit “twenty dollars”, insert instead “\$200”.
- (6) Section 9A—
Before section 10, insert:
Drivers, etc., under the influence of intoxicating liquor or drug
20 9A. (1) Any person who drives or rides any vehicle on a public street while under the influence of intoxicating liquor or of a drug shall be guilty of an offence against this Act.
(2) In this section, “drug” has the same meaning as it has in section 5 (2) of the Motor Traffic Act 1909.
- (7) Section 20—
25 Omit “twenty dollars”, insert instead “\$200”.

*Metropolitan Traffic (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT 1900—
continued

(8) Section 22A—

After section 22, insert:

References to Metropolitan Traffic Act 1900

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22A. In any other Act (other than the Metropolitan Traffic (Amendment) Act 1985), in any instrument made under any Act or in any other instrument of any kind, a reference to the Metropolitan Traffic Act 1900 shall be read as a reference to the General Traffic Act 1900.

SCHEDULE 2

10

(Sec. 4)

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT 1900
BY WAY OF STATUTE LAW REVISION

(1) Sections 3, 5, 8, 9, 13, 15, 16, 18, 19, 23, 25, 26—

Omit the sections.

15

(2) Section 4, definitions of “Commissioners”, “Licensed”, “Public vehicle”—

Omit the definitions.

(3) (a) Section 7 (1) (e)—

20

Omit “the names and addresses of the owners of such vehicles or of the holders of licenses in respect of the same”, insert instead “of the names and addresses of the owners of those vehicles”.

(b) Section 7 (1) (g)—

Omit “, and the holder of a license in respect of any such vehicle”.

(4) Section 13A (2)—

25

Omit “court of petty sessions holden before a stipendiary or police magistrate”, insert instead “Local Court constituted by a Magistrate sitting alone”.

Metropolitan Traffic (Amendment) 1985

SCHEDULE 2—*continued*

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT 1900 BY WAY OF
STATUTE LAW REVISION—*continued*

(5) Section 17—

Omit the section, insert instead:

Publication of regulations

- 5 17. Section 41 of the Interpretation Act 1897 applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act 1969.

(6) Section 21—

Omit the section, insert instead:

Proceedings for offences

- 10 21. Proceedings for an offence against this Act or the regulations shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

(7) (a) Section 22—

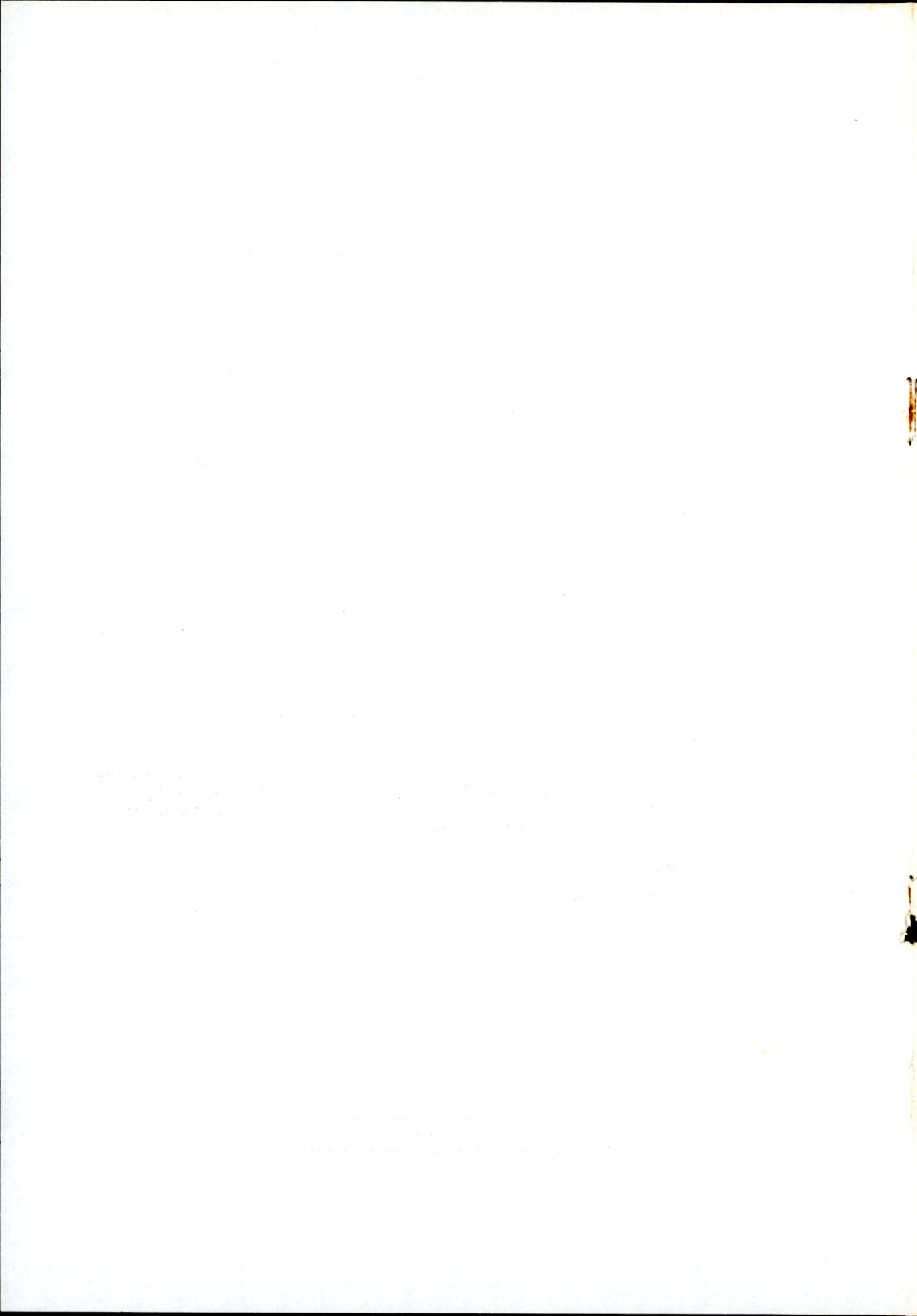
Omit “court of petty sessions”, insert instead “Local Court”.

15 (b) Section 22—

Omit “; and shall, in the manner prescribed, note the conviction on any license under this Act held by the person so convicted, and may by order cancel or suspend his license, and may order the delivery of the license to some person to be named in the conviction”.

20 (8) Schedule—

Omit the Schedule.



METROPOLITAN TRAFFIC (AMENDMENT) ACT 1985 No. 203

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 203, 1985

An Act to amend the Metropolitan Traffic Act 1900 to extend its operation to the whole of the State and to increase the penalties under that Act; and for other purposes. [Assented to, 10th December, 1985.]

See also Local Government (Traffic) Amendment Act 1985.

Metropolitan Traffic (Amendment) 1985

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:

Short title

1. This Act may be cited as the "Metropolitan Traffic (Amendment) Act 1985".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Schedules

3. This Act contains the following Schedules:

SCHEDULE 1—AMENDMENTS TO THE METROPOLITAN
TRAFFIC ACT 1900

SCHEDULE 2—AMENDMENTS TO THE METROPOLITAN
TRAFFIC ACT 1900 BY WAY OF STATUTE LAW REVISION

Amendment of Act No. 8, 1900

4. The Metropolitan Traffic Act 1900 is amended in the manner set forth in Schedules 1 and 2.

Repeal of Act No. 4, 1913

5. (1) The Metropolitan Traffic (Amendment) Act 1913 is repealed.

(2) The amendments made by sections 2, 3, 4 and 7 of the Metropolitan Traffic (Amendment) Act 1913 continue to have force and effect as if those sections had not been repealed by this Act.

Metropolitan Traffic (Amendment) 1985

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT 1900

(1) Long title—

Omit “within a certain metropolitan area”.

(2) Section 1—

Omit “Metropolitan”, insert instead “General”.

(3) Section 2—

Omit the section, insert instead:

Application of Act

2. This Act applies to the whole of the State.

(4) Section 4, definition of “Public street”—

After “thoroughfare”, insert “or footpath”.

(5) Section 7 (1) (l)—

Omit “twenty dollars”, insert instead “\$200”.

(6) Section 9A—

Before section 10, insert:

Drivers, etc., under the influence of intoxicating liquor or drug

9A. (1) Any person who drives or rides any vehicle on a public street while under the influence of intoxicating liquor or of a drug shall be guilty of an offence against this Act.

(2) In this section, “drug” has the same meaning as it has in section 5 (2) of the Motor Traffic Act 1909.

(7) Section 20—

Omit “twenty dollars”, insert instead “\$200”.

Metropolitan Traffic (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT 1900—
continued

(8) Section 22A—

After section 22, insert:

References to Metropolitan Traffic Act 1900

22A. In any other Act (other than the Metropolitan Traffic (Amendment) Act 1985), in any instrument made under any Act or in any other instrument of any kind, a reference to the Metropolitan Traffic Act 1900 shall be read as a reference to the General Traffic Act 1900.

SCHEDULE 2

(Sec. 4)

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT 1900
BY WAY OF STATUTE LAW REVISION

(1) Sections 3, 5, 8, 9, 13, 15, 16, 18, 19, 23, 25, 26—

Omit the sections.

(2) Section 4, definitions of “Commissioners”, “Licensed”, “Public vehicle”—

Omit the definitions.

(3) (a) Section 7 (1) (e)—

Omit “the names and addresses of the owners of such vehicles or of the holders of licenses in respect of the same”, insert instead “of the names and addresses of the owners of those vehicles”.

(b) Section 7 (1) (g)—

Omit “, and the holder of a license in respect of any such vehicle”.

(4) Section 13A (2)—

Omit “court of petty sessions holden before a stipendiary or police magistrate”, insert instead “Local Court constituted by a Magistrate sitting alone”.

Metropolitan Traffic (Amendment) 1985

SCHEDULE 2—*continued*

AMENDMENTS TO THE METROPOLITAN TRAFFIC ACT 1900 BY WAY OF
STATUTE LAW REVISION—*continued*

(5) Section 17—

Omit the section, insert instead:

Publication of regulations

17. Section 41 of the Interpretation Act 1897 applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act 1969.

(6) Section 21—

Omit the section, insert instead:

Proceedings for offences

21. Proceedings for an offence against this Act or the regulations shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

(7) (a) Section 22—

Omit "court of petty sessions", insert instead "Local Court".

(b) Section 22—

Omit "; and shall, in the manner prescribed, note the conviction on any license under this Act held by the person so convicted, and may by order cancel or suspend his license, and may order the delivery of the license to some person to be named in the conviction".

(8) Schedule—

Omit the Schedule.





