

TRAFFIC SAFETY ACT.

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 74, 1970.

An Act to confer on The Commissioner for Motor Transport and a Traffic Safety Council to be constituted under this Act certain powers, authorities, duties and functions for securing the safety of the public and protection of property arising out of the use on roads of vehicles; and for purposes connected therewith. [Assented to, 27th November, 1970.]

BE

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BE it enacted by the Queen's Most Excellent Majesty, by No. 74, 1970 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:—

1. This Act may be cited as the "Traffic Safety Act, Short title. 1970".

2. In this Act except in so far as the context or subject Interpre- matter otherwise indicates or requires— tation.

"Council" means Traffic Safety Council constituted under this Act;

"Executive Director" means Executive Director of Traffic Safety appointed under this Act;

"the Commissioner" means The Commissioner for Motor Transport constituted under the Transport (Division of Functions) Further Amendment Act, 1952, as amended by the State Transport (Co-ordination) Amendment Act, 1954, and includes the person for the time being acting as the Commissioner.

3. (1) The Commissioner, subject to the direction and control of the Minister and the provisions of this Act, shall Responsi- have, and may exercise and discharge, the powers, authorities, bilities of duties, and functions hereinafter specified. Com- missioner.

Such powers, authorities, duties and functions are in addition to and not in derogation of any other powers, authorities, duties or functions elsewhere conferred or imposed on the Commissioner.

No. 74, 1970 (2) The specified powers, authorities, duties and functions are such as will secure or tend to secure the safety of the public and the protection of property from damage and the prevention of, and minimizing of the effects of, accidents on roads arising out of the use of vehicles and, without limiting the generality of the foregoing, include the following in so far as they are relevant to the foregoing, that is to say:—

- (a) the promotion and, where necessary the co-ordination and carrying out either alone or in conjunction with any other person or authority of traffic safety measures or activities;
- (b) the initiation and carrying out of research into and investigation of causes of accidents, their incidence and the ways and means that may be adopted for their prevention or controlling or mitigating their effects;
- (c) the conferring with manufacturers, repairers and dealers in motor vehicles and motor vehicle parts as to design, equipment, methods of carrying out repairs and advertisements relative thereto;
- (d) the dissemination and publication by suitable media of advice and information resulting from research or otherwise for the education and guidance of, and observation by, drivers of or persons travelling in motor vehicles, or persons in or upon public streets, or manufacturers, repairers or dealers in motor vehicles and motor vehicle parts;
- (e) the appointment of District Traffic Safety Committees and the determination of the activities of such Committees and the supervision of their carrying out of such activities;
- (f) the making of recommendations to the Minister for amending the law or making provision therein so as to achieve the objects and purposes of this Act; and

(g)

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(g) the doing or performing of any act or thing that ^{No. 74, 1970} may be necessary or convenient for the exercise and discharge of the powers, authorities, duties and functions hereinbefore referred to.

(3) A District Traffic Safety Committee appointed as aforesaid may do such acts and things as may be necessary to carry out the activities determined by the Commissioner in respect of that Committee.

(4) Any person who or authority 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 Commissioner is hereby authorised to so co-operate or do or perform such act or thing.

4. (1) There shall be constituted a Traffic Safety Council <sup>Appoint-
ment of
Traffic
Safety
Council.</sup> which may of its own motion or on reference to it by the Commissioner consider matters which may be the subject of the exercise and discharge by the Commissioner of his powers, authorities, duties and functions under this Act or which may be associated with the objects and purposes of this Act.

The Council after consideration of any such matters shall submit its report and recommendation thereon to the Commissioner.

(2) The Council so constituted shall consist of a chairman and eight members appointed by the Governor. The qualifications for appointment as aforesaid shall be such as the Governor deems appropriate.

(3) Nothing in this or any other Act shall preclude the appointment of the Commissioner as chairman of the Council.

(4) The Governor may from time to time appoint a deputy to act in the place of any member.

(5)

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(5) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member of the Council or of a deputy member, and a member or deputy member shall not, in his capacity as member or deputy member, be subject to the provisions of the Public Service Act, 1902.

(6) (a) Each member of the Council shall, subject to this section, hold office for a term of three years from the date of his appointment or such shorter term as may be specified by the Governor in the instrument of appointment, and shall if otherwise qualified be eligible for reappointment upon the expiration of his term of office :

Provided that a person appointed to fill the vacant office of a member shall hold office only for the residue of his predecessor's term of office, but shall if otherwise qualified be eligible for reappointment.

(b) A member or deputy member shall be deemed to have vacated his office if he—

- (i) dies ;
- (ii) resigns his office in writing under his hand addressed to the Governor ;
- (iii) ceases to hold the qualification by virtue of which he was appointed ; or
- (iv) is removed from office by the Governor.

(c) The Governor may, for any cause which appears to him sufficient, remove any member or deputy member from office.

(7) No act or proceeding of the Council shall be invalidated or prejudiced by reason only of the fact that at the time such act or proceeding was done or taken or commenced there was a vacancy in the office of any one or more members.

(8) The procedure for the calling of meetings of the Council, and for the conduct of business at such meetings shall, subject to this Act, be as determined by the Council.

(9)

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(9) Five members of the Council shall form a quorum and any duly convened meeting of the Council at which a quorum is present shall be competent to transact any business of the Council and shall have and may exercise and discharge all the powers, authorities, duties and functions of the Council. **No. 74, 1970**

(10) (a) At any meeting of the Council the chairman shall preside.

(b) If the chairman is absent from any meeting the members present may elect one of their number to preside at the meeting; and the member so elected while so presiding shall have the powers, authorities, duties and functions of the chairman.

(11) (a) At any meeting of the Council the decision of a majority of the members present shall be the decision of the Council.

(b) The chairman shall have a deliberative vote and, where the members present at any meeting are equally divided in opinion upon any matter, shall have a second or casting vote.

(12) The office of member or deputy member of the Council shall not, for the purpose of any Act, be deemed to be an office or place of profit under the Crown.

5. The chairman and members of the Council and any deputy member, whilst acting in the place of a member, shall be entitled to receive such remuneration (whether by way of fees or allowance or otherwise) and such travelling and out-of-pocket expenses as may from time to time be fixed by the Governor. Remuneration of members.

6.

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No. 74, 1970 **6.** The Commissioner shall forward to the Minister a report of all proceedings of the Council as soon as practicable after each meeting.

Report
of pro-
ceedings
of Council.

Appointment
of Executive
Director
of Traffic
Safety,
officers and
servants. **7.** (1) The Commissioner shall appoint an Executive Director of Traffic Safety and such other officers and servants as he may deem necessary to carry into effect the objects and purposes of this Act.

(2) The Commissioner may, by instrument in writing, delegate to the Executive Director the exercise or performance of such of his powers, authorities, duties and functions as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(3) Any power, authority, duty or 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 by the Executive Director in accordance with the terms of the delegation.

(4) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the specified powers, authorities, duties or functions or as to time or circumstances as may be specified in the instrument of delegation.

(5) Notwithstanding any delegation made under this section the Commissioner may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(6) Any act or thing done or suffered by the Executive Director when acting in the exercise of the delegation and within the terms of the delegation shall have the like force or effect as if the act or thing had been done or suffered by the Commissioner.

(7)

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(7) The provisions of section one hundred and two of the Transport Act, 1930, shall not apply in respect of any appointment by the Commissioner under subsection one of this section. No. 74, 1970

8. (1) The Commissioner has power to acquire by gift, bequest or devise any property for any of the purposes of this Act and to agree to and carry out the conditions of the gift, bequest or devise. Power to accept gifts, etc. No. 25, 1955, s. 13.

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

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

9. The Transport Act, 1930, is amended by inserting at the end of subsection two of section two hundred and two the following new paragraph :— Amendment of Act No. 18, 1930. Sec. 202.

(k) all administrative and other expenses of The Commissioner for Motor Transport in respect of the Traffic Safety Act, 1970, and any remuneration and travelling and out-of-pocket expenses as may from time to time be fixed by the Governor for the chairman, members and deputy members of the Traffic Safety Council constituted under that Act. (Fund to be established.)