

TRAFFIC.

2 ELIZ. II.
No. 11.
THE TRAFFIC
ACTS
AMENDMENT
ACT OF
1953.

**An Act to Amend "The Traffic Acts, 1949 to 1952,"
in certain particulars.**

[ASSENTED TO 19TH NOVEMBER, 1953.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title
and con-
struction.

1. This Act may be cited as "*The Traffic Acts Amendment Act of 1953*," and shall be read as one with *"*The Traffic Acts, 1949 to 1952*," herein referred to as the Principal Act.

Collective
title. —

The Principal Act and this Act may be cited collectively as "*The Traffic Acts, 1949 to 1953*."

Amendment
of s. 5 (2).

2. Subsection two of section five of the Principal Act is amended by repealing in the first paragraph of that subsection the words "in relation to any matter or thing provided for in this Act, including any matter or thing for or in respect of which regulations may be made under this Act" and by inserting, in lieu of those repealed words, the words "and which this Act prohibits Brisbane City Council or, as the case may be, such Local Authority from making on or after the commencement hereof".

Amendment
of s. 11.

3. Section eleven of the Principal Act is amended by inserting after subsection one thereof the following subsection:—

"(1A.) The Deputy Commissioner of Police shall, by virtue of his office as such, be and be deemed to be a Superintendent of Traffic, and shall have and may exercise throughout the State of Queensland the powers, authorities, functions, and duties of a Superintendent of Traffic under this Act.

Moreover the Deputy Commissioner shall have and may exercise throughout this State the powers, authorities, functions, and duties under this Act of the Chief Inspector of Police and for that purpose any reference in this Act to the Chief Inspector of Police shall be deemed to include a reference to the Deputy Commissioner."

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4. Section thirty-five of the Principal Act is ^{Amendment} amended by inserting therein after the words "may _{of s. 35.} make", the words "or cause to be made".

5. Section forty-two of the Principal Act is ^{Amendment} amended by inserting therein after the words "or _{of s. 42.} section thirty-one" the words ", or section sixty".

6. Subsection seven of section forty-five of the ^{Repeal of} Principal Act is repealed. _{s. 45 (7).}

7. Section forty-eight of the Principal Act is ^{Amendment} amended by adding thereto the following paragraph:— _{of s. 48.}

"Moreover in paragraphs (b) and (g) respectively of subsection one of section forty-nine of this Act such Officer is referred to as the Officer ordinarily having the custody of the particulars of drivers' licenses."

8. Subsection one of section forty-nine of the ^{Amendments} Principal Act is amended— _{of s. 49 (1).}

(i.) By adding to paragraph (a) thereof the words "or that the person signing any certificate under this Act as the Officer ordinarily having the custody of the particulars of drivers' licenses is for the time being in charge of the Department or Sub-Department referred to in the proviso to section forty-eight of this Act".

(ii.) By inserting in paragraph (b) thereof after the word "Superintendent", where that word secondly appears, the words ", or of the Officer ordinarily having the custody of the particulars of drivers' licenses".

(iii.) By repealing in paragraph (g) thereof the words "or for a specified purpose, or" and by inserting, in lieu of those repealed words, "or for a specified purpose (or a document purporting to be signed by the Officer ordinarily having the custody of the particulars of drivers' licenses and stating that at any specified time there was or was not in force a driver's license under this Act issued to a specified person), or, in the case of either document as aforesaid, stating".

9. Subsection one of section fifty-four of the ^{Amendments} Principal Act is amended— _{of s. 54 (1).}

(i.) By repealing therein the words "Where the holder of a license or licenses under this Act" and by inserting, in lieu of those repealed words, the words "Where any person".

(ii.) By repealing in paragraph (a) thereof the words "That any such license or licenses" and by inserting in lieu of those repealed words, the words "That any license or licenses under this Act held by the offender".

(iii.) By repealing in paragraph (b) thereof the words "any such license or licenses" and by inserting, in lieu of those repealed words, the words "or obtaining any particular license or licenses under this Act".

Amendment
of s. 55 (3).

10. Subsection three of section fifty-five of the Principal Act is amended by repealing therein the words "Where under paragraph (a) of subsection four of section nineteen of this Act or under paragraph (a) or paragraph (b) of section twenty of this Act" and by inserting, in lieu of those repealed words, the words "Where under any provision of this Act".

The said subsection three is further amended by repealing the words "the appropriate period of disqualification specified in the said sections" and by inserting, in lieu of those repealed words, the words "that period".

Amendment
of s. 61.

11. Section sixty-one of the Principal Act is amended by adding thereto the following subsection:—

Saving of
Local
Authorities'
powers with
respect to
interference
with roads.

"(4.) Except as provided by clauses 8A, nine, and 11A of the Schedule to this Act, the provisions of this Act—

(a) Shall not be deemed to repeal or prejudice or otherwise affect—

(i.) The provisions of any law or of any other Act or of any regulation, ordinance, or by-law made under any other Act; or

(ii.) Any power under any other Act to make ordinances or by-laws,

with respect to the digging up or undermining of, or any other interference with, any road or part thereof, or the placing or use thereon or therein of anything which may, or would be likely to cause danger, obstruction, inconvenience, annoyance, injury, or accident;

(b) Shall not be deemed to prejudice or otherwise affect the having, exercising, or performing by a Local Authority of any power, function, authority, or duty with respect to any of the matters in this subsection specified, and any liability of the Local Authority therefor.',

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12. The Schedule to the Principal Act is amended—

(i.) By repealing in the first paragraph of clause eight thereof the words "regulations under this paragraph" and by inserting, in lieu of those repealed words, the words "regulations under this clause";

Amendments
of the
Schedule.

(ii.) By repealing in paragraph (e) of clause eight thereof the words "Advertisements, placards, boards, notices, and signs in, on, or near roads (including the constructing, making, marking, placing, erecting, or painting of the same in, on, or near roads),";

(iii.) By inserting after clause eight thereof the following clause, numbered 8A :—

"[8A.] Prohibiting or regulating and controlling the constructing, making, marking, placing, erecting, or painting, as the case may be, of advertisements, placards, boards, notices, lights, and signs on the surfaces of roads or, when danger to traffic may result therefrom, in, on, or near roads : (The provisions of subsection one and subsection two of section five of this Act shall not apply, in relation to the matters and things in this clause contained, with respect to any Local Authority, including Brisbane City Council, or with respect to any by-law or, as the case may be, ordinance (not inconsistent with any regulation made or deemed to be made under this clause) of the Local Authority (whether made before, on, or after the commencement of this Act)).";

Advertise-
ments, &c.

(iv.) By adding to clause nine thereof the following proviso :—

"Provided that nothing herein contained shall refer to the setting up and use of any petrol, air, or other pumps in or on roads except when danger to traffic may result therefrom and in such other circumstances, if any, as may be prescribed : (The provisions of subsection one and subsection two of section five of this Act shall not apply, in relation to the matters of setting up and use of petrol, air, and other pumps in or on roads, with respect to any Local Authority, including Brisbane City Council, or with respect to any by-law or, as the case may be, ordinance (not inconsistent with any regulation made or deemed to be made under this clause) of the Local Authority (whether made before, on, or after the commencement of this Act)).";

(v.) By inserting in clause eleven thereof after the words "on any road" the words "or foreshore" and by inserting after the words "any other place under" the words ", as regards that other place,"; and

(vi.) By inserting the following clause after clause eleven thereof :—

"[11A.] Prohibiting or regulating and controlling the driving of vehicles and animals on all or any foreshores and the use of all or any foreshores for any purpose which may cause danger, obstruction, inconvenience, annoyance, injury, or accident to any persons thereon : (The provisions of subsection one and subsection two of section five of this Act shall not apply, in relation to the matters and things

Vehicles,
&c., on
foreshores.

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concerning foreshores in this clause and in clause eleven of this Schedule contained, with respect to any Local Authority, including Brisbane City Council, or with respect to any by-law or, as the case may be, ordinance (not inconsistent with any regulation made under this clause or the said clause eleven) of the Local Authority (whether made before, on, or after the commencement of this Act).”.

Savings, &c.

13. (1.) The provisions of this Act shall not prejudice or otherwise affect any regulations made under the Principal Act and subsisting at the passing of this Act and, where necessary, any such regulation shall be deemed to have originated under the provisions of the Principal Act as amended by this Act.

(2.) For removing doubts, it is hereby declared that a Local Authority (including Brisbane City Council), subject to the provisions applicable to that Local Authority of **“The Local Government Acts, 1936 to 1951,”* †*“The City of Brisbane Acts, 1924 to 1951,”* and any other Act other than the Principal Act and this Act, shall have and shall be deemed at all times since the commencement of the Principal Act to have had power and authority to regulate and control (including power to make by-laws or, as the case may be, ordinances regulating and controlling)—

- (a) The digging up or undermining of, or any other interference with, any road or part thereof, or the placing or use thereon or therein of anything which may, or would be likely to cause danger, obstruction, inconvenience, annoyance, injury, or accident;
- (b) Advertisements on roads and on land adjacent to roads; and
- (c) Petrol, air, and other pumps in or on roads:

Provided that when any by-law or ordinance regulating and controlling any matter specified in subparagraph (b) or subparagraph (c) aforesaid is inconsistent with a provision of any regulation made under the Principal Act or the Principal Act as amended by this Act and, if further amended, by any enactment after the passing of this Act the former shall, to the extent of the inconsistency, be invalid.

* 1 G. 6 No. 1 and amending Acts.

† 15 G. 5 No. 32 and amending Acts.
