

TRAFFIC.

6 ELIZ. II.
NO. 34.
THE
TRAFFIC ACTS
AND ANOTHER
ACT
AMENDMENT
ACT OF 1957,
NO. 2.

**An Act to Amend "The Traffic Acts, 1949 to 1957,"
and "The Local Government Acts, 1936 to
1957," each in certain particulars.**

[ASSENTED TO 17TH DECEMBER, 1957.]

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

PART I.—
PRELIMINARY.

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as "*The Traffic Acts and Another Act Amendment Act of 1957, No. 2.*"

Parts of Act.

2. This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY;

PART II.—AMENDMENTS OF *"THE TRAFFIC ACTS, 1949 TO 1957";

PART III.—AMENDMENTS OF †"THE LOCAL GOVERNMENT ACTS, 1936 TO 1957."

PART II.—
AMENDMENTS
OF "THE
TRAFFIC ACTS,
1949 TO 1957."

PART II.—AMENDMENTS OF *"THE TRAFFIC ACTS, 1949 TO 1957."

Construction
of Part II.

3. (1.) This Part of this Act shall be read as one with "*The Traffic Acts, 1949 to 1957,*" herein in this Part referred to as the Principal Act.

Collective
title.

(2.) The Principal Act and this Part of this Act may be collectively cited as "*The Traffic Acts, 1949 to 1957.*"

* 13 G. 6 No. 26 and amending Acts.

† 1 G. 6 No. 1 and amending Acts.

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PART II.—
AMENDMENTS
OF "THE
TRAFFIC ACTS,
1949 TO 1957."

4. Section nine of the Principal Act is amended—

Amendments
of s. 9.

(i.) By repealing in subsection one the definition "Metered zone" and inserting, in lieu of that repealed definition, the following definition:—

" "Metered zone"—All roads and parts of roads in any defined part of the Area of the Local Authority, or any road or any defined part or parts of any road in the Area of the Local Authority declared, pursuant to the provisions of Part VIA. of this Act, to be a metered zone;"; and

(ii.) By adding to subsection three the following paragraph:—

" Without limit to the generality of the first paragraph of this subsection, the term "park" and derivatives of that term shall in this Act, unless the context otherwise indicates or requires, have a meaning corresponding to that assigned by this Act to the term "parking". "

5. Section twenty-seven of the Principal Act is amended by repealing subsection three thereof and inserting, in lieu of that repealed subsection, the following subsection:—

Amendment
of s. 27.

" (3.) Subject to this Act, including the regulations hereunder, every license to hire and every renewal thereof shall, unless such license is sooner suspended, cancelled or surrendered under this Act or under any other Act or law, be in force—

(a) For the period less than twelve months expressly stated in the license or in any endorsement thereon; or

(b) Where a period less than twelve months is not expressly stated in or in an endorsement on the license, for the period of twelve months,

from and including the date of issue or renewal, as the case may be:

Provided that in the case of a license to hire being suspended for a period less than that portion of the period for which the license (or the then current renewal thereof) is in force remaining at the date of the commencement of such period of suspension, such

license to hire upon the termination of that period of suspension shall only be in force until the date when it would have expired if it had not been so suspended."

Repeal of
and new
s. 31.

6. Section thirty-one of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted :—

Duties and
liabilities
of drivers
involved in
road
incidents.

" [31.] (1.) When, owing to the presence of a vehicle, tram, or animal on a road, an incident occurs whereby death or injury is caused to any person, or damage is caused to any property (including an animal in charge of any person, a vehicle or a tram) the driver of every vehicle, tram, or animal involved in that incident shall—

- (a) If in motion, stop ;
- (b) In the case of an incident whereby injury has been caused to any other person, render all reasonable assistance to that person ;
- (c) If required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner of the vehicle, tram, or animal driven by him and the identification marks of that vehicle, tram, or animal ;
- (d) Where damage has been caused by the incident to any vehicle which has been left unattended, affix on that vehicle in a conspicuous position a notice in writing setting forth the particulars mentioned in paragraph (c) of this subsection ;
- (e) In the case of an incident whereby death or injury is caused to any person, or damage to an extent apparently in excess of the prescribed sum is caused to any property, report the incident to the Superintendent who is the Officer in Charge of the nearest Police Station or to any other member of the Police Force as soon as reasonably practicable and in any case within twenty-four hours after the occurrence thereof :

Provided that, notwithstanding the provisions of the first subparagraph of this paragraph (e), where the driver of the vehicle, tram, or animal is incapable, by reason of an injury sustained by him in the incident, of reporting the incident as required by that

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subparagraph, he shall report or cause a person on his behalf to report the incident as prescribed by that subparagraph, as soon as practicable after the occurrence thereof.

(2.) Any member of the Police Force to whom an incident to which this section applies is reported shall, if required, supply his name, rank, and number, if any, to the person reporting the incident.

(3.) A person who fails in any respect to comply with the provisions of subsection one of this section, or who, in purported compliance with any of those provisions, furnishes any false or misleading information, shall be guilty of an offence and liable—

- (a) For failure to comply with any obligation placed upon him by paragraph (a) or paragraph (b) of subsection one of this section in any case of an incident whereby death or injury is caused to any person, to a penalty of two hundred pounds or to imprisonment for twelve months or to both such penalty and imprisonment; and
- (b) In any other case, to a penalty of one hundred pounds or to imprisonment for six months.

If, in the opinion of the Court hearing and determining the complaint for any offence to which subparagraph (a) of the first paragraph of this subsection applies, the offender has shown a callous disregard for the dead or injured person, the Court shall impose a sentence which shall include imprisonment for a term not less than three months, which sentence of imprisonment shall not be suspended, mitigated or varied, any Act or law to the contrary notwithstanding.

(4.) The Governor in Council may from time to time, by Order in Council published in the *Gazette*, fix a sum to be the prescribed sum for the purposes of paragraph (e) of subsection one of this section.

Until the first such Order in Council is so published, that prescribed sum shall be twenty-five pounds.

(5.) A person shall not be punished for an offence against this section if he satisfies the Court hearing and determining the complaint of that offence that he did not know that the incident in relation to which the

offence is alleged had occurred and that the circumstances of that incident were such that a competent driver using all due diligence would not have known that it had occurred.

(6.) In any proceedings for an offence against this section the allegation or averment in the complaint that any incident specified therein (whether by reference to the approximate time and place thereof, or to the person or persons involved or otherwise so as to reasonably identify it) had not been reported to the Superintendent who is the Officer in Charge of the nearest Police Station or to any other member of the Police Force within or prior to any time or date specified in that allegation or averment, shall be evidence of the matter so alleged or averred and, in the absence of evidence in rebuttal thereof, or, if such evidence in rebuttal is that the incident was reported to a member of the Police Force other than the Superintendent who is the Officer in Charge of the nearest Police Station, in the absence of evidence of the name and rank, or other description identifying that other member of the Police Force, shall be conclusive evidence of that matter.

This subsection shall apply to any matter so alleged or averred although evidence in support or rebuttal of such matter or of any other matter is given.

(7.) Where a person is convicted of an offence against any provision of this section the Court by whom he is so convicted may order that he shall, from the date of the order, be disqualified absolutely from holding or obtaining a driver's license, or be so disqualified for such period as the Court shall specify in the order.

Any such disqualification shall be in addition to any punishment to which the person convicted may be liable upon his conviction.

(8.) Nothing in this section shall prejudice or affect the provisions of **"The Criminal Code"* or any Act relating to traffic or transport and, notwithstanding an order of disqualification for any specified period made under subsection seven of this section, upon a conviction of any person for an offence against this section resulting from any road incident hereinbefore mentioned in this

* 63 V. No. 9 Sch. I., and amending Acts.

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section, if that person is subsequently convicted upon indictment of any offence in connection with or arising out of the same road incident, the Judge of the Supreme Court before whom that person is so convicted, in addition to any sentence he may impose, may order that the offender shall, from the date of the conviction upon indictment, be disqualified absolutely from holding or obtaining a driver's license or be so disqualified for such period longer than the period specified in the order of disqualification made under subsection seven of this section as the Judge shall specify in his order.”

7. Section 44B of the Principal Act is amended—Amendment of s. 44B.

(i.) By renumbering that section subsection one of section 44B ;

(ii.) By repealing paragraphs (a) and (b) of subsection one thereof (as so renumbered by this section) and inserting, in lieu of those repealed paragraphs, the following paragraphs :—

“(a) Declaring all roads and parts of roads in any defined part of the Area of the Local Authority, or declaring any road or any defined part or parts of any road in the Area of the Local Authority, to be a metered zone ;

(b) Authorising the Commissioner, after consultation with and at the expense of the Local Authority, to cause to be constructed, made, marked, placed, erected, affixed in, into, or on or near any road or part of a road which is in a metered zone or which is a metered zone, official traffic signs—

(i.) Delineating such metered zone ;

(ii.) Defining metered spaces in such metered zone ;

(iii.) Defining loading zones in such metered zone ; and

(iv.) In respect of any determination by the Commissioner in consultation with the Local Authority to which subsection two of this section applies, indicating that determination ; ” ;

(iii.) By repealing paragraph (*d*) of subsection one thereof (as so renumbered by this section) and inserting, in lieu of that repealed paragraph, the following paragraph :—

“ (*d*) Regulating metered parking by prescribing the maximum period for which any vehicle and/or horse may be parked in a metered space, which maximum period may be so prescribed differently for different metered spaces or, by reference to the insertion in the parking meter provided for a metered space of coins of different denominations or of different numbers of coins of the same denomination, for any one and the same metered space ; ” ;

(iv.) By repealing the word “ and ” where appearing at the end of paragraph (*f*) of subsection one thereof (as so renumbered by this section) ;

(v.) By adding to subsection one thereof (as so renumbered by this section) the following paragraph :—

“ and (*h*) Generally for the purpose of giving effect to this Part of this Act.” ; and

(vi.) By adding to that section, as so renumbered by this section, the following subsection :—

“ (2.) Regulations made under this section may, in lieu of making provision with respect thereto, authorise the Commissioner, in consultation with the Local Authority, to determine all or any of the matters set out in paragraphs (*c*) and (*d*) of subsection one of this section.

Authority to determine as aforesaid includes power to make at any one time or from time to time such one or more determinations as the Commissioner in consultation with the Local Authority determines, and by any such determination to revoke, amend, or substitute a fresh determination for a prior determination.

Any indication in an official traffic sign of any of the matters set out in paragraphs (*c*) and (*d*) of subsection one of this section shall, unless and until the contrary is proved, be presumed to be a determination of that matter duly made by the Commissioner, in consultation with the Local Authority, and in force when so indicated.

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Any reference in this Act or in **"The Local Government Acts, 1936 to 1957,"* to the prescribing of any matter to which this subsection applies shall include the determination of that matter as provided by this subsection."

8. Section 44c of the Principal Act is amended— Amendments of s. 44c.

(i.) By repealing subsection one thereof and inserting, in lieu of that repealed subsection, the following subsections :—

"(1.) On and after the date specified by the Governor in Council by Order in Council for the commencement of metered parking in any metered zone, it shall be lawful for a person to park a vehicle and/or horse in a metered space in that metered zone during the fixed hours if, but only if—

- (a) He does not park that vehicle and/or horse in that metered space for a period of time exceeding the appropriate maximum period of time ascertained as prescribed by subsection two of this section ;
- (b) He pays, as prescribed by subsection four of this section, the appropriate parking fee ascertained as prescribed by subsection three of this section ; and
- (c) (Where additionally to any direction relating to the insertion in the parking meter for the metered space in question of a coin or coins, any further direction for the effective operation thereof is specified thereon) he complies in every respect with that further direction.

This subsection applies subject to subsection six of this section.

(2.) For the purposes of subsection one of this section, the appropriate maximum period of time referred to in subparagraph (a) of the first paragraph of that subsection shall be—

- (a) That period as prescribed pursuant to paragraph (d) of subsection one of section 44B of this Act ; or

(b) If in respect of the metered space in question, that period is, pursuant to the said paragraph (d), prescribed differently as specified therein, then the one of the different maximum periods so prescribed wherefor the appropriate parking fee ascertained as prescribed by subsection three of this section has been paid as prescribed by subsection four of this section.

(3.) For the purposes of subsection one of this section the appropriate parking fee referred to in subparagraph (b) of the first paragraph of that subsection shall be—

(a) A coin of the denomination required to pay that parking fee as specified, pursuant to section 49E of **The Local Government Acts, 1936 to 1957*,” on the parking meter provided for the metered space in question ; or

(b) If in respect of the metered space in question, the appropriate maximum period of time referred to in subparagraph (a) of the first paragraph of subsection one of this section is, pursuant to paragraph (d) of subsection one of section 44B of this Act, prescribed differently as specified therein, then, in respect of each different maximum period of time so prescribed, a coin of the denomination, or the number of coins of a denomination required to pay the parking fee therefor as specified, pursuant to section 49E of **The Local Government Acts, 1936 to 1957*,” on the parking meter provided for that metered space.

(4.) For the purposes of subsection one of this section, every person thereunto required by subsection one of this section, immediately upon parking a vehicle and/or horse in a metered space shall forthwith pay the appropriate parking fee by inserting or causing to be inserted in the parking meter provided for that metered space a coin of the denomination, or the number of coins of a denomination, prescribed by subsection three of this section to be the appropriate parking fee in question.

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(5.) A person who, in compliance with the requirements of subsection four of this section, has inserted or caused to be inserted in the parking meter provided for a metered space a coin or coins of a denomination prescribed by subsection three of this section to be the appropriate parking fee in respect of any maximum period of time, less than the longest such period, during which a vehicle and/or horse is permitted to park in that metered space, shall be deemed to comply with the requirements of subsection four of this section in respect of any longer such maximum period if, before the expiration of that lesser period, he inserts in the parking meter the additional coin or coins required to complete payment in full of the appropriate parking fee for that longer period.

This subsection applies so as not to authorise, justify or excuse the parking of a vehicle and/or horse in a metered space—

- (a) While the word "expired" shows upon the parking meter provided for that metered space; or
- (b) Continuously for any period longer than that shown on the parking meter provided for that parking space as the longest maximum period during which a vehicle and/or horse is permitted to park in that metered space." ; and

(ii.) By renumbering subsection two thereof as subsection six.

9. Section 44D of the Principal Act is amended— Amendment
of s. 44D.

(i.) By repealing in subsection one thereof the words "cause or permit a vehicle and/or horse to park in a metered space" and inserting, in lieu of those repealed words, the words "park a vehicle and/or horse in a metered space";

(ii.) By repealing paragraph (b) of subsection one thereof and inserting, in lieu of that repealed paragraph, the following paragraph, namely:—

- "(b) Continuously for any period longer than that shown or indicated on the parking meter provided for that metered space as being the maximum period or, in respect of a metered space wherefor that period is, pursuant to

paragraph (d) of subsection one of section 44B of this Act, prescribed differently, the longest maximum period during which a vehicle and/or horse is permitted to park in that metered space upon payment as prescribed of the appropriate parking fee, and upon compliance forthwith with any further direction specified on that parking meter ;” ;

(iii.) By repealing the word “ or ” where that word appears at the end of paragraph (c) of subsection one thereof ; and

(iv.) By adding to subsection one thereof the following paragraph—

“ or (e) (If the regulations made under this Part of this Act prohibit successive parkings of any one and the same vehicle and/or horse in the metered space during any period of time specified therein) successively for periods broken by the removal of the vehicle and/or horse from that metered space unless the duration of the time intervening from when the vehicle and/or horse is removed from the metered space to when it is again parked therein is longer than the period of time specified in the regulations referred to in this paragraph.” ;

(v.) By repealing in subsection two thereof the words “ caused or permitted a vehicle and/or horse to park ” and inserting, in lieu of those repealed words, the words “ parked a vehicle and/or horse,” and by also repealing in the said subsection two the words “ a coin of the denomination shown thereon, and forthwith complying ” and inserting, in lieu of those repealed words, the words “ a coin or coins in payment as prescribed of the appropriate parking fee, and his compliance forthwith ”.

Amendment
of s. 44E.

10. Section 44E of the Principal Act is amended by adding thereto the following subsection :—

“ (3.) Unless and until the contrary is proved the Court hearing and determining a complaint for an offence in relation to the metered parking of any vehicle and/or horse shall presume that any parking meter in

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question was, at all times and in all respects relevant to the proceedings, in good and correct working order and condition.”

11. Section 44F of the Principal Act is amended— Amendments of s. 44F.

(i.) By inserting in subsection one thereof, after the words “found parked in contravention of this Part of this Act,” the words “or is found in any other circumstances which constitute or are deemed to constitute an offence in relation to metered parking”;

(ii.) By repealing subparagraph (e) of the second paragraph of subsection one thereof and inserting, in lieu of that repealed subparagraph, the following subparagraph:—

“(e) State in general terms the offence which it is alleged has been committed;”;

(iii.) By inserting, after the words “annexed to” in subparagraph (g) of the second paragraph of subsection one thereof, the words “or endorsed or written upon”;

(iv.) By inserting in subsection two thereof, after the words “parked in contravention of this Part of this Act,” the words “or that a vehicle has been found in any other circumstances which constitute or are deemed to constitute an offence in relation to metered parking”.

12. Subsection one of section 44I of the Principal Act is amended by repealing in paragraph (a) the words “other than a coin of the denomination” and inserting, in lieu of those repealed words, the words “which is not a coin of a denomination”. Amendment of s. 44I (1).

13. The following section is inserted after section 45A of the Principal Act:— New s. 45B inserted.

“[45B.] (1.) The Commissioner may, with the approval of the Minister, enter into an agreement with a Local Authority whereby that Local Authority will join in the execution of section 45A of this Act. Agreement by Local Authority to join in execution of provisions re minor traffic offences.

The agreement may authorise, direct or require the Local Authority, the Town Clerk thereof or other person authorised by the Town Clerk, to perform or exercise any function or power conferred or imposed pursuant to section 44F and section 44G of this Act (as applied to minor traffic offences by section 45A of this Act) upon the

Commissioner of Police or other persons prescribed by regulations made pursuant to the said section 45A, and the provisions of section 44F and section 44G of this Act (as applied to minor traffic offences by the provisions, save paragraph (b) of subsection four of section 45A of this Act) shall apply with and subject to all adaptations thereof necessary to give operation and effect to that agreement.

Any function or power conferred or imposed upon a Local Authority by any such agreement may, subject to the agreement, be performed or exercised by the Town Clerk thereof or other person authorised by the Town Clerk.

(2.) An offence in respect of metered parking committed within the Area of a Local Authority which has entered into an agreement with the Commissioner pursuant to subsection one of this section may, during the continuance in force of that agreement, be referred to as a minor traffic offence in any notice to be affixed to vehicles pursuant to section 44F of this Act or in any form annexed to or endorsed or written upon any such notice.

(3.) The power of the Governor in Council to make under this Act regulations shall include power to make regulations prescribing any form for use within the Area of a Local Authority between which and the Commissioner an agreement has been entered into pursuant to subsection one of this section and during the continuance in force of that agreement, both for a purpose specified in section 44F of this Act and for a purpose specified in the said section 44F as applied to minor traffic offences by section 45A of this Act, or separate forms for the purposes specified in that section 44F, for use respectively in relation to offences in respect of metered parking and minor traffic offences.

(4.) Official traffic signs relating to or regulating the parking, stopping or standing of vehicles and/or animals which, during the continuance in force of any agreement entered into between the Commissioner and a Local Authority pursuant to subsection one of this section, the Commissioner after consultation with, and with the consent of, that Local Authority causes to be constructed, made, marked, placed, erected, affixed in,

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into, or on or near any road or parts of any road in the Area of that Local Authority shall be at the expense of that Local Authority.

(5.) Any agreement entered into between the Commissioner and a Local Authority pursuant to subsection one of this section may be published in the *Gazette* and, upon such publication, shall be judicially noticed.”

PART III.—AMENDMENTS OF **“THE LOCAL GOVERNMENT ACTS, 1936 TO 1957.”*

PART III.—
AMENDMENTS
OF “THE
LOCAL
GOVERNMENT
ACTS,
1936 TO 1957.”

14. (1.) This Part of this Act shall be read as one with *“The Local Government Acts, 1936 to 1957.”* Construction of Part III.

(2.) **“The Local Government Acts, 1936 to 1957.”* and this Part of this Act may be collectively cited as *“The Local Government Acts, 1936 to 1957.”* Collective title.

15. Subsection three of section 49E of **“The Local Government Acts, 1936 to 1957,”* is amended by repealing subparagraphs (b) and (c) of the first paragraph thereof and inserting, in lieu of those repealed subparagraphs, the following subparagraphs:—

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of s. 49E of
1 Geo. VI.
No. 1.

“(b) The maximum period, as prescribed pursuant to paragraph (d) of subsection one of section 44B of †*“The Traffic Acts, 1949 to 1957,”* for which any one vehicle and/or horse may be parked in that metered space or if, in respect of that metered space, that period is, pursuant to the said paragraph (d), prescribed differently as specified therein, then each of those different maximum periods; and

(c) The denomination of the coin or the number of coins of a denomination (which denomination and number of coins of a denomination the Local Authority is hereby authorised to fix) required to be inserted in the parking meter in payment of the parking fee appropriate to the maximum period or, as the case requires, each of the different maximum periods for which a vehicle and/or horse may be parked in the metered space.”

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

† 13 G. 6 No. 26 and amending Acts.

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ACTS,
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New s. 49G
inserted.

Agreement
relating to
minor traffic
offences.

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16. The following section is inserted after section 49F of **"The Local Government Acts, 1936 to 1957"* :—

"[49G.] (1.) The Local Authority may, with the approval of the Minister for the time being administering †*"The Traffic Acts, 1949 to 1957,"* enter into an agreement with the Commissioner of Police whereby the Local Authority will join in the execution of section 45A of such Acts.

(2.) Notwithstanding the provisions of section sixty-two of †*"The Traffic Acts, 1949 to 1957,"* all moneys received by the Local Authority pursuant to section 45A and section 45B of such Acts by way of fines and penalties for minor traffic offences against such Acts, including all prescribed sums of money by way of penalty paid pursuant to section 44F thereof as applied to minor traffic offences by the said section 45A, shall be the property of the Local Authority and subject to this section shall be paid into a special account in the Trust Fund and shall be dealt with and applied in accordance with subsections five and six of section 49E of this Act, and the said subsections five and six shall, with and subject to all necessary adaptations, apply to all such moneys.

(3.) The expense of providing, installing and maintaining official traffic signs relating to or regulating the parking, stopping or standing of vehicles and/or animals on any road or any part of a road within the Area of the Local Authority between which and the Commissioner an agreement has been entered into pursuant to subsection one of this section, and during the continuance in force of that agreement, caused to be installed by the Commissioner of Police after consultation with, and with the consent of, that Local Authority shall be borne by that Local Authority and shall be a charge upon the moneys referred to in subsection two of this section."

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

† 13 G. 6 No. 26 and amending Acts.

UNIVERSITY OF QUEENSLAND.

See EDUCATION.