

Queensland



ANNO VICESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 33 of 1971

An Act to Amend the Traffic Act 1949–1969 and the Local Government Act 1936–1970, each in certain particulars

[ASSENTED TO 27TH APRIL, 1971]

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:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Traffic Act and Another Act Amendment Act 1971*.

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

PART I—PRELIMINARY;

PART II—AMENDMENTS TO THE TRAFFIC ACT 1949–1969;

PART III—AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1936–1970.

PART II—AMENDMENTS TO THE TRAFFIC ACT 1949–1969

3. Citation. (1) In this Part, the *Traffic Act* 1949–1969 is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Traffic Act* 1949–1971.

4. Amendment of s. 9.—Interpretation. Section 9 of the Principal Act is amended by, in subsection (1)—

(a) inserting after the term “Address” and its meaning the following term and meaning:—

“ “Air cushion vehicle”—A vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;”;

(b) inserting after the term “Declared road” and its meaning the following term and meaning:—

“ “Deputy Commissioner for Transport”—The Deputy Commissioner for Transport within the meaning of subsection (1) of section 5 of *The State Transport Acts, 1960 to 1965*, or the person who for the time being occupies the office or performs the duties of the said Deputy Commissioner for Transport;”;

(c) inserting in the meaning of the term “Metered space”, after the word “road”, the words “or off-street regulated parking area”;

(d) inserting after the term “Official Traffic Sign” and its meaning the following term and meaning:—

“ “Off-street regulated parking area”—An area of land, including any structure thereon, defined as an off-street regulated parking area pursuant to paragraph (h) of subsection (4) of section 44B of this Act;”;

(e) inserting in the meaning of the term “Parkatarea space”, after the word “road”, the words “or off-street regulated parking area”;

(f) inserting in the meaning of the term “Regulated parking”, after the word “road” where twice occurring, the words “or off-street regulated parking area”;

(g) inserting in the meaning of the term “Traffic”, after the word “road”, the words “or off-street regulated parking area”;

(h) inserting in the meaning of the term “Traffic Area”, after the words “parts of roads”, the words “and off-street regulated parking areas”.

5. Amendment of s. 11.—District Superintendents and Superintendents of Traffic. Section 11 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the words “ the Deputy Commissioner of Police, the Commissioner’s Inspector of Police and the Chief Inspector of Police ” and inserting in their stead the words “ the Commissioner for Transport, the Deputy Commissioner for Transport, every Assistant Commissioner of Police, the Commissioner’s Inspector of Police and every superintendent of police (including the Chief Superintendent of Police) ”;

(ii) inserting before the words “ Superintendent of Traffic ”, where twice occurring, the words “ District Superintendent of Traffic and a ”;

(b) in subsection (5)—

(i) omitting the words “ (b) Every Sub-Inspector of Police; and ”;

(ii) relettering paragraph (c) as paragraph (b).

6. Amendment of s. 12B.—Commissioner of Main Roads and Local Authority may install official traffic signs. Section 12B of the Principal Act is amended by, in subsection (2)—

(a) inserting after the words “ declared road ”, where firstly occurring, the words “ or on an off-street regulated parking area in its Area ”;

(b) by inserting after the words “ declared road ”, where secondly occurring, the words “ or from an off-street regulated parking area in its Area ”.

7. Amendment of s. 12D.—Installation of official traffic signs in case of danger. Section 12D of the Principal Act is amended—

(a) by inserting, after the words “ or any part thereof ”, the words “ or an off-street regulated parking area or any part thereof ”; and

(b) by inserting, after the words “ or the part thereof ”, the words “ or the off-street regulated parking area or the part thereof ”.

8. Amendment of s. 12E.—Obstruction of prescribed officer and destruction of official traffic signs to be an offence. Section 12E of the Principal Act is amended by inserting in subparagraph (b) of the last paragraph, after the word “ road ”, the words “ or an off-street regulated parking area ”.

9. Amendment of s. 12G.—Unlawful installation of official traffic signs. Section 12G of the Principal Act is amended—

(a) by inserting, after the words “ on a road ”, the words “ or an off-street regulated parking area ”; and

(b) by inserting in subparagraph (b) of the last paragraph, after the words “ declared road ”, the words “ or an off-street regulated parking area in any Area ”.

10. Amendment of s. 35. Section 35 of the Principal Act is amended by omitting the word “ shall ” and inserting in its stead the words “ may, in the case of off-street regulated parking areas, and shall, in all other cases,”.

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

(a) by adding to paragraph (b) of subsection (2) at the end thereof the words “ and on any off-street regulated parking area within its Area ”;

(b) by inserting in paragraph (c) of subsection (3), after the words “ part of a road ”, the words “ or an off-street regulated parking area or part of such an area ”;

(c) by inserting in paragraph (a) of subsection (4), after the words “ parts of roads ”, the words “ and off-street regulated parking areas ”;

(d) by inserting in paragraph (e) of subsection (4), after the words “ any part of a road ”, the words “ or any off-street regulated parking area or any part of such an area ”;

(e) by inserting in subparagraph (ii) of paragraph (e) of subsection (4), after the words “ on roads ”, the words “ or off-street regulated parking areas ”;

(f) by inserting in subparagraph (v) of paragraph (e) of subsection (4)—

(i) after the words “ parts of roads ”, the words “ or off-street regulated parking areas or parts of such areas ”; and

(ii) after the words “ part of a road ”, the words “ or off-street regulated parking area or part of such an area ”;

(g) by adding at the end of subsection (4) the following paragraphs:—

“ (h) A Local Authority may, from time to time, by by-law define as an off-street regulated parking area any area of land, including any structure thereon, owned or held in trust or controlled by it that is provided, set aside or maintained by it for the purpose of off-street parking of vehicles in connexion with a scheme for regulated parking in its Area.

(i) A Local Authority may from time to time make by-laws in relation to off-street regulated parking areas providing for and regulating the following matters:—

(i) the use by vehicles, or any class or description of vehicles, of such areas;

(ii) rates of speed in such areas of vehicles or any class or description thereof;

(iii) the parking, stopping, standing or waiting of or by persons or vehicles, or of or by any particular class or description of persons or vehicles, on such areas either generally or at or during any specified time or period and the confining of traffic or any particular class or description of traffic to a specified part of any such area;

(iv) the prevention of loitering or obstruction of traffic on such areas.”.

12. Amendment of s. 48. Section 48 of the Principal Act is amended by inserting at the end thereof the following paragraphs:—

“ Without limiting the foregoing provisions of this section, the Officer for the time being in charge of the Department or Sub-Department hereinbefore referred to may, by notification published in the Gazette, nominate any other officer or officers of the Department or Sub-Department to be the Officer ordinarily

having the custody of the particulars the subject of the arrangement hereinbefore referred to, and any such notification published in the Gazette shall be judicially noticed.

Any reference in section 49 of this Act to an Officer ordinarily having the custody of the particulars of drivers' licenses shall be deemed to include a reference to an officer or officers nominated by the Officer for the time being in charge of the Department or Sub-Department pursuant to the preceding paragraph of this section."

13. Amendment of s. 49. Section 49 of the Principal Act is amended by, in subsection (1),—

(a) inserting in paragraph (f) after the words "relating thereto," the words "(including, in the case of a driver's license, the Officer ordinarily having the custody of the particulars of drivers' licenses)";

(b) inserting in subparagraph (iii) of paragraph (r), after the words "part of a road", the words "or an off-street regulated parking area or a part of such an area";

(c) inserting in subparagraph (ii) of paragraph (s), after the word "road", the words "or off-street regulated parking area".

14. Amendment of s. 55.—Effect of disqualification. Section 55 of the Principal Act is amended by—

(a) in subsection (1), omitting the words "driver's license, or a license of any other kind, class, or description, each and every subsisting driver's license or, as the case may be, license of the other kind, class, or description in question" and inserting in their stead the words "license of any kind, class or description (other than a driver's license), each subsisting such license";

(b) in subsection (2), omitting the words "driver's license or a license of any other kind, class, or description, each and every subsisting driver's license or, as the case may be, license of the other kind, class, or description in question" and inserting in their stead the words "license of any kind, class or description (other than a driver's license), each subsisting such license";

(c) inserting after subsection (2) the following subsection:—

"(2A) Where under this or any other Act a Judge of the Supreme Court or District Court or justices orders or order that any person shall be disqualified absolutely or for a specified period from holding or obtaining a driver's license, each subsisting driver's license held by that person shall, by virtue of such order, be and be deemed to be cancelled on and from the date upon which that person became so disqualified."

(d) in subsection (3), omitting all words after the words "by virtue of such conviction," and inserting in lieu of such omitted words the words "be and be deemed to be cancelled on and from the date of such conviction."

15. New s. 55A. The Principal Act is amended by inserting after section 55 the following section:—

"55A. **Effect of disqualification on subsequent issue of driver's license.** Where the driver's license of a person is cancelled or deemed to be cancelled in accordance with the provisions of section 55 of this Act and that person subsequently makes

application for a driver's license, the Superintendent shall cause him to be tested as prescribed and any driver's license issued to him shall be issued as a provisional license."

16. Amendment of Schedule. Subject matters for regulations. The Schedule to the Principal Act is amended by—

(a) inserting in clause 8 at the end thereof the following paragraph:—

" Prohibiting or regulating and controlling the use of air cushion vehicles on or over (including across) roads and, in the case of regulating and controlling such use, prescribing circumstances, terms and conditions under and upon which air cushion vehicles may be so used, and providing that any provisions of this Act applicable to a motor vehicle shall be applicable to an air cushion vehicle.";

(b) inserting in clause 13 at the end thereof the following paragraph:—

" Prohibiting the sale and the offering for sale of equipment for vehicles used or for use on a road which does not comply with the standards prescribed for such equipment at the time of sale or offering for sale, as the case may be."

PART III—AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1936–1970

17. Citation. (1) In this Part, the *Local Government Act 1936–1970* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Local Government Act 1936–1971*.

18. Amendment of s. 49E.—Official traffic signs and regulated parking. Section 49E of the Principal Act is amended—

(a) by inserting in subsection (1), after the word " road ", the words " or off-street regulated parking area ";

(b) by inserting in subsection (3), after the word " road " occurring in the last paragraph thereof, the words " or off-street regulated parking area ";

(c) by inserting in subsection (3A), after the word " road " occurring in the last paragraph thereof, the words " or off-street regulated parking area ";

(d) by inserting in paragraph (b) of subsection (4), after the words " part of a road ", the words " or any off-street regulated parking area or part of such an area ";

(e) by inserting in paragraph (a) of subsection (6)—

(i) after the words " parking stations " (firstly occurring), the words " and lands, including any structures thereon, for the purpose of off-street parking of vehicles in connexion with a scheme of regulated parking ";

and

(ii) after the words " parking stations " (secondly occurring), the words " and lands ";

(f) by adding after subsection (6) the following subsections:—

“(7) The Local Authority may provide, set aside and maintain areas of land, including any structures thereon, owned or held in trust or controlled by it for the purpose of off-street regulated parking of vehicles in connexion with a scheme for regulated parking in its Area.

(8) In this section the term “off-street regulated parking area” has the meaning assigned to that term by subsection (1) of section 9 of the *Traffic Act 1949–1971*.”