

TRAFFIC ACT AMENDMENT ACT

No. 76 of 1989

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Queensland



ANNO TRICESIMO OCTAVO

ELIZABETHAE SECUNDAE REGINAE

No. 76 of 1989

An Act to amend the Traffic Act 1949-1988 in certain particulars

[ASSENTED TO 24TH AUGUST, 1989]

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:—

1. Short title and citation. (1) This Act may be cited as the *Traffic Act Amendment Act 1989*.

(2) In this Act the *Traffic Act 1949-1988* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Traffic Act 1949-1989*.

2. Amendment of s. 44B. Parking. Section 44B of the Principal Act is amended in subsection (4)—

(a) by, in provision (b) (ii), inserting after the words “by reference to” the words “the fees payable for a metered space including”;

(b) by, in provision (b) (v), inserting after the word “respectively” the words “and provide a system (in this Part called an “authorised system”) for the payment of fees otherwise than by the use of a coin or coins which system may (without limiting the generality of the foregoing) provide for the use of a credit card, other card or thing whatsoever to be inserted into or used in connexion with a parking meter or parkatarea”;

(c) by, in provision (ga) (i), omitting the words “ascertained as prescribed by section 44C (3) and section 44L (3)”.

3. Amendment of s. 44C. When metered parking permitted. Section 44C of the Principal Act is amended—

(a) in subsection (1)—

(i) by omitting provision (b) and the word “and” following that provision and substituting the following words:—

“and

(b) he pays—

(i) as prescribed by subsection (4) (a), the appropriate parking fee ascertained as prescribed by subsection (3);

or

(ii) where an authorised system for the payment of fees applies in respect of the metered space—as prescribed by subsection (4) (b), the appropriate parking fee in accordance with the system;

and”;

(ii) by, in provision (c), omitting the words “insertion in the parking meter for the metered space in question of a coin or coins” and substituting the words “payment of a fee for the metered space in question”;

(b) in subsection (2) by, in provision (b), omitting the words “ascertained as prescribed by subsection three of this section has been paid as prescribed by subsection four of this section” and substituting the following words:—

“ascertained—

(i) as prescribed by subsection (3) has been paid as prescribed by subsection (4) (a);

or

(ii) where an authorised system for the payment of fees applies in respect of the metered space—pursuant to that system has been paid as prescribed by subsection (4) (b)”;

(c) in subsection (3) by inserting after the words “subparagraph (b)” the expression “(i)”;

(d) in subsection (4) by omitting all words from and including the words “fee by inserting” to and including the words “in question” and substituting the following words:—

“fee—

(a) by inserting or causing to be inserted in the parking meter provided for the metered space a coin of the denomination, or the number of coins of a denomination, prescribed by subsection (3) to be the appropriate parking fee in question;

or

(b) where an authorised system for the payment of fees applies in respect of the metered space—by doing what is required in accordance with that system”;

(e) in subsection (5) by—

(i) omitting the first paragraph and substituting the following paragraph:—

“A person who—

(a) in compliance with the requirements of subsection (4) (a), 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 (3) to be the appropriate parking fee in respect of any maximum period of time, less than the longest such period, during which a vehicle is permitted to park in that metered space, shall be deemed to comply with the requirements of subsection (4) (a) in respect of any longer such maximum period if, before the expiration of that lesser period, he inserts or causes to be inserted in the parking meter the additional coin or coins required to complete payment in full of the appropriate parking fee for that longer period;

or

- (b) where an authorised system for the payment of fees applies in respect of the metered space—in compliance with the requirements of subsection (4) (b) has paid the appropriate parking fee in respect of any maximum period of time, less than the longest such period, during which a vehicle is permitted to park in that metered space, shall be deemed to comply with the requirements of subsection (4) (b) in respect of any longer such maximum period if, before the expiration of that lesser period, he pays the additional fee required to complete payment in full of the appropriate parking fee for that longer period.”;

(ii) in provision (a) of the second paragraph, inserting after the word “space” the words “except where the parking is in accordance with an authorised system applicable to the metered space which system does not allow for the insertion of a token into the parking meter provided for the metered space”.

4. Amendment of s. 44D. Offences in metered parking. Section 44D of the Principal Act is amended—

(a) in subsection (1) by, in provision (a), inserting after the word “space” the words “except where the parking is in accordance with an authorised system applicable to the metered space”;

(b) in subsection (2) by omitting all words from and including the words “meter a coin” to and including the words “operation thereof” and substituting the following words:—

“meter—

- (a) a coin or coins in payment as prescribed of the appropriate parking fee;

or

- (b) where an authorised system that allows for the insertion of a token into the parking meter is applicable to the metered space—a token or tokens in payment as prescribed of the appropriate parking fee,

and his compliance forthwith with any further direction specified on that parking meter for the effective operation thereof”.

5. Amendment of s. 44F. Notice of alleged offence. Section 44F of the Principal Act is amended by omitting subsection (5) and substituting the following subsections:—

“(5) A Local Authority may make a by-law prescribing a sum of money to be that payable by way of penalty to the Town Clerk or officer nominated in that behalf for the purposes of the procedure provided for in subsections (1) and (2). A by-law may prescribe different sums of money in respect of different offences.

(6) When, pursuant to subsection (5), a Local Authority makes a by-law prescribing a sum of money in respect of an offence

and the by-law commences to have force and effect, a provision of the regulations that prescribes a sum of money to be that payable by way of penalty in respect of that offence for the purposes of the procedure provided for in subsections (1) and (2) shall cease to have force and effect in the Area of that Local Authority.

(7) Subject to subsection (6), the power had by the Governor in Council to make regulations prescribing a sum of money payable by way of penalty for the purposes of the procedure provided for in subsections (1) and (2) is not limited by the enactment of subsection (5)."

6. Amendment of s. 44I. Offences. Section 44I of the Principal Act is amended by, in provision (a) of subsection (1), inserting after the word "parkatarea" where it secondly occurs the words "or, where an authorised system is applicable to the metered space or parkatarea space for which the parking meter or parkatarea is provided, a token the insertion of which is authorised by the system".

7. Amendment of s. 44L. Parkatarea parking. Section 44L of the Principal Act is amended—

(a) in subsection (1) by omitting provision (b) and the word "and" following that provision and substituting the following words:—

"and

(b) he pays—

(i) as prescribed by subsection (2) (a), the appropriate fee ascertained as prescribed by subsection (3);

or

(ii) where an authorised system for the payment of fees applies in respect of the parkatarea space— as prescribed by subsection (2) (b), the appropriate fee in accordance with the system;

and";

(b) in subsection (2) by omitting all words from and including the words "fee by inserting" to and including the words "(3) of this section" and substituting the following words:—

"fee—

(a) by inserting or causing to be inserted in the parkatarea provided in respect of that parkatarea space a coin of the denomination, or the number of coins of a denomination, prescribed by subsection (3);

or

(b) where an authorised system for the payment of fees applies in respect of the parkatarea space—by doing what is required in accordance with that system";

(c) in subsection (3) by inserting after the expression "(1)" the expression "(b) (i)";

(d) in subsection (4) by omitting provisions (a) and (b) and substituting the following provisions:—

“(a) unless—

- (i) he has inserted or caused to be inserted in the parkatarea provided in respect of that parkatarea space a coin or coins in payment of the appropriate fee;
- or
- (ii) where an authorised system for the payment of fees applies in respect of that parkatarea space—he has paid the appropriate fee in accordance with that system;

(b) unless—

- (i) the parkatarea provided in respect of that parkatarea space indicates that the appropriate fee has been paid;
- or
- (ii) where an authorised system that does not allow for the insertion of a token into the parkatarea provided for that parkatarea space is applicable to that parkatarea space—he has paid the appropriate fee in accordance with that system;”.