

Queensland



TRAFFIC AMENDMENT ACT 1994

Act No. 7 of 1994

Queensland



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STATUTE REVISION AMENDMENTS

Queensland



Traffic Amendment Act 1994

Act No. 7 of 1994

An Act to amend the *Traffic Act 1949* and the *Transport Infrastructure (Roads) Act 1991*, and to repeal the *Traffic Act Amendment Act 1974*

[Assented to 7 March 1994]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Traffic Amendment Act 1994*.

Commencement

- 2.(1) Section 6(6) is taken to have commenced on 15 August 1987.
(2) Section 6(10) commences immediately after the commencement of amendment 5 of the amendments of the *Traffic Act 1949* specified in the Schedule to the *Local Government Act 1993*.
(3) Section 12 (other than section 12(7) and (13)) commences on assent.
(4) The remaining provisions commence on a day to be fixed by proclamation.

PART 2—AMENDMENT OF TRAFFIC ACT 1949

Act amended

3. This Part and the Schedule amend the *Traffic Act 1949*.

Amendment of s 5 (Effect of Act on functions etc. of local authorities)

- 4.(1) Section 5, heading—
omit, insert—

‘Local laws etc.’.

- (2) Section 5(6), heading—
omit.

(3) Section 5(6) and (6A)—

renumber as section 5(3) and (4) respectively.

(4) Section 5(6)—

omit ‘such by-laws or, as the case may be, ordinances’,

insert ‘a local law’.

(5) Section 5(6)(a) to (c)—

omit ‘prohibition, regulation and control’, *insert* ‘regulation’.

(6) Section 5(6)(d)—

omit, insert—

‘(d) the regulation of roadside vending.’.

(7) Section 5(6A)—

omit ‘subsection (6)(a)’, *insert* ‘subsection (3)(a)’.

(8) Section 5(7) and (8)—

omit, insert—

‘**(5)** A local law under subsection (3)(d) does not affect a requirement to obtain a licence under the *Hawkers Act 1984*.

‘**(6)** The local government may make a local law under subsection (3) for—

(a) a road in its area that is not a declared road; and

(b) a declared road in its area, with the chief executive’s written agreement.

‘**(7)** If a local government makes a local law about a matter mentioned in subsection (3), the provisions of this Act about the matter no longer apply to the whole or part of the local government’s area to which the local law applies.

‘**(8)** The provisions do not revive on the repeal of the local law.

‘**(9)** A local government may make a local law for a matter specified in clauses 8A, 9(1), 11 and 11A of the Schedule if it is not inconsistent with a regulation made under the clauses.’.

Omission of ss 7A and 7B

5. Sections 7A and 7B—

omit.

Amendment of s 9 (Interpretation)

6.(1) Section 9, heading—

omit, insert—

‘Definitions’.

(2) Section 9, definitions “**authorised officer**”, “**city**”, “**coin**”, “**Commissioner**”, “**declared road**”, “**Director-General**”, “**district superintendent**”, “**justices**”, “**licensed**”, “**licensee**”, “**Manual of Uniform Traffic Control Devices**”, “**Metropolitan Traffic District**”, “**motor car**”, “**motor omnibus**”, “**officer in charge of a police station**”, “**owner**”, “**parking**”, “**police district**”, “**Police Service**”, “**prime mover**”, “**provisional licence**”, “**railway**”, “**regulated parking**”, “**superintendent**” and “**tramway**”—

omit.

(3) Section 9—

insert—

“**authorised officer**” means—

- (a) a police officer; or
- (b) a person holding office as an authorised officer under section 10(1); or
- (c) a special constable holding office as an authorised officer under section 10(2);

“**coin**” means a coin made and issued under the *Currency Act 1965* (Cwlth);

“**Commissioner**” means the Commissioner of the Police Service;

“**corresponding document**” to a document issued under a provision of this Act means a document issued under a corresponding law to the provision;

“corresponding law” to a provision of this Act means a law of the Commonwealth, another State, a Territory or a foreign country that provides for the same matter as the provision of this Act;

“declared road” means a State-controlled road under the *Transport Infrastructure Act 1994*;

“disabled person” means a person whose ability to walk is impaired;

“disabled person parking permit” means a permit issued under section 44N or a corresponding document;

“indication” given by an official traffic sign includes—

- (a) a direction on an official traffic sign; and
- (b) a direction, indication or requirement that, under a regulation, is prescribed as being given or imposed, because of an official traffic sign;

Example—

Under an existing regulation, a red light is a direction or requirement that a driver facing the red light must not proceed beyond the stop line.

“learner’s permit” means a learner’s permit issued under section 14 or a corresponding document;

“Manual of Uniform Traffic Control Devices” means the Manual of Uniform Traffic Control Devices issued by the chief executive, as amended from time to time;

“motor car” means a motor vehicle (other than a motorcycle) that—

- (a) is not more than 4.5 t gross vehicle mass; and
- (b) is built or fitted to carry no more than 12 adults, including the driver;

“motor omnibus” means a motor vehicle built or fitted to carry more than 12 adults, including the driver;

“MUTCD” stands for the Manual of Uniform Traffic Control Devices;

“officer in charge of a police station” means the police officer who is in charge of a police station at the relevant time;

“open licence” means an open licence issued under section 14 or a corresponding document;

“owner” of a vehicle, tram, animal or vessel includes a person who is—

- (a) its owner, joint owner or part owner; and
- (b) a bailee to whom it is bailed for more than 14 days; and
- (c) its user under a hiring agreement or hire-purchase agreement; and
- (d) for a vehicle whose owner is mentioned in Parts 6A and 6B and section 45A(2)—its owner within the meaning of the *Transport Infrastructure (Roads) Regulation 1991*;

“parking” means the standing of an occupied or unoccupied vehicle, other than temporarily, for and while actually engaged in picking up or setting down passengers or loading or unloading goods, and includes—

- (a) for a metered space when only paid parking is allowed—the standing of the vehicle even if engaged in picking up or setting down passengers or loading or unloading goods; and
- (b) for a loading zone when parking generally at the place where the loading zone is located is only allowed for a limited time—
 - (i) the standing of the vehicle for and while actually engaging in the picking up or setting down of passengers for longer than—
 - (A) 2 minutes; or
 - (B) if a longer time is indicated by the loading zone’s official traffic sign—the longer time indicated; or
 - (ii) the standing of the vehicle for and while actually engaging in loading or unloading goods for longer than—
 - (A) 20 minutes; or
 - (B) if a longer time is indicated by the loading zone’s official traffic sign—the longer time indicated; or
 - (iii) if the loading zone is restricted to the standing of vehicles of a specified type indicated by the loading zone’s official traffic sign—the standing of another type of vehicle even if engaged in picking up or setting down passengers or loading or unloading goods; or

- (iv) if the loading zone is restricted to the standing of vehicles for a specified purpose indicated by the loading zone's official traffic sign—the standing of a vehicle for another purpose even if engaged in picking up or setting down passengers or loading or unloading goods;

Example of paragraph (a)—

The official traffic sign installed for the metered space may indicate that only paid parking is allowed there for specified days and hours of a week or similar conditions may be imposed for a traffic area in which a metered space may be located.

Example of paragraph (b)—

A loading zone may be located in a traffic area where parking is generally limited to a maximum time during specified days and hours of the week.

“prime mover” means a motor vehicle that—

- (a) is more than 4.5 t gross vehicle mass; and
- (b) is built to haul a semitrailer;

“provisional licence” means a provisional licence issued under section 14 or a corresponding document;

“railway” means—

- (a) a railway within the meaning of the *Transport Infrastructure (Railways) Act 1991*; or
- (b) a tramway within the meaning of Part 11 of the *Sugar Industry Act 1991*;

“regulated parking” means parking that is regulated by a local government by an official traffic sign under Part 6A, and includes parking regulated under sections 44C and 44D;

“roadside vending” means—

- (a) the commercial supply of goods or services from a place on a road; or
- (b) the setting up on, or bringing onto, a road of a stall, vehicle, equipment or other thing for the commercial supply of goods or services;

but does not include roadside vending for a religious, charitable,

educational or political purpose;

“superintendent” means a person holding office as a superintendent of traffic under section 11;

“traffic history” of a person means the history of—

- (a) the contraventions for which the person has been dealt with under this Act, including by the recording of demerit points under a regulation; or
- (b) the contraventions of section 328A of the Criminal Code for which the person has been dealt with;’.

(4) Section 9, definition **“commercial vehicle”**, paragraph (b)—
omit ‘, station sedan, station wagon’.

(5) Section 9, definition **“commercial vehicle”**, paragraph (c)(i)—
omit, insert—

- ‘(i) issued by a local government under a local law made under section 44BA(4); and’.

(6) Section 9, definition **“drug”**—
omit ‘Health Act 1937’, insert ‘Drugs Misuse Act 1986’.

(7) Section 9, definition **“loading zone”**, paragraph (a)—
omit ‘, motor utility trucks,’.

(8) Section 9, definition **“official traffic sign”**—
omit ‘Director-General’, insert ‘chief executive’.

(9) Section 9, definition **“off-street regulated parking area”**—
omit ‘pursuant to section 44B(16),
insert ‘under a local law made under section 44BA(5)’.

(10) Section 9, definition **“road”**, paragraph (b)—
omit.

(11) Section 9, definition **“road”**, paragraph (c)—
omit ‘the Governor in Council’, insert ‘regulation’.

Replacement of ss 10–12

7. Sections 10 to 12—

omit, insert—

‘Authorised officers

‘10.(1) The chief executive may appoint an officer of the public service to be an authorised officer.

‘(2) The Commissioner may appoint a special constable to be an authorised officer.

‘(3) In this section—

“special constable” has the meaning given by section 1.4(1) (Interpretation) of the *Police Service Administration Act 1990*.

‘Superintendents

‘11.(1) The chief executive may appoint an officer of the public service to be a superintendent of traffic.

‘(2) The Commissioner may appoint a police officer or officer of the public service to be a superintendent of traffic.

‘Conditions of appointment

‘12.(1) An authorised officer or superintendent may be appointed on conditions for administrative purposes.

‘(2) A contravention of a condition does not affect the validity of anything done or omitted to be done by the authorised officer or superintendent in exercising a power under this Act.

‘(3) However, this does not affect disciplinary action that may be taken against the authorised officer or superintendent for the contravention.’

Replacement of s 12B (Director-General may install official traffic signs)

8. Section 12B—

omit, insert—

‘Chief executive may install or remove official traffic signs

‘12B.The chief executive may, for the purposes of this or another Act—

- (a) install an official traffic sign on a road; and
- (b) remove an official traffic sign from a road.

‘Local government may install or remove official traffic signs

‘12BA.(1) A local government may install an official traffic sign in its area—

- (a) on a road that is not a declared road; or
- (b) on a declared road, with the chief executive’s written agreement;
or
- (c) on an off-street regulated parking area.

‘(2) Under subsection (1)(b), a local government may install an official traffic sign that—

- (a) defines a traffic area; and
- (b) indicates that parking on declared roads within the traffic area is regulated.

‘(3) A local government may remove an official traffic sign installed by it.’.

Replacement of s 12F (Contravention of or failure to comply with an official traffic sign to be an offence)

9. Section 12F—

omit, insert—

‘Contravention of official traffic sign an offence

‘12F.(1) A person who contravenes an indication given by an official traffic sign commits an offence.

‘Maximum penalty—40 penalty units or 6 months imprisonment.

‘(2) A local government may take proceedings for the imposition and enforcement of a penalty under subsection (1) for a contravention relating to

an official traffic sign installed by it.

‘(3) The penalty recovered by the local government for the offence must be paid to the local government.

‘(4) Subsection (2) does not limit the right of another entity to take proceedings for the imposition and enforcement of a penalty under subsection (1) for a contravention relating to an official traffic sign.’.

Amendment of s 14 (Issue and renewal of drivers’ licences)

10.(1) Section 14(1)—

omit, insert—

‘**14.(1)** A superintendent may issue or renew the following types of drivers’ licences—

- (a) a learner’s permit;
- (b) a provisional licence, including a provisional licence ordered to be issued by a Court under section 20A;
- (c) an open licence.’.

(2) Section 14(2A)—

renumber as section 14(3).

(3) Section 14(2AB)—

omit, insert—

‘**(4)** A regulation may give the interpretation of a code appearing on a licence.’.

(4) Section 14(2B)—

renumber as section 14(5).

(5) Section 14(3) to (8)—

omit, insert—

‘**(6)** A driver’s licence is for the period (not longer than 10 years) specified in the licence.’.

Replacement of s 14A (Traffic Engineering Trust Fund)

11. Section 14A—

omit, insert—

‘Release of driver licence and traffic history

‘14A.(1) On receiving an application in the approved form, the chief executive may release information about a person’s driver’s licence or traffic history to—

- (a) the person; or
- (b) with the person’s written agreement—another person; or
- (c) a person who issues drivers’ licences under a corresponding law to section 14.

‘(2) A regulation may provide for the fee payable for the release of the information to a person mentioned in subsection (1)(a) or (b).

‘Transfer of Traffic Engineering Trust Fund

‘14B.(1) The balance of the Traffic Engineering Trust Fund is transferred to the Consolidated Fund.

‘(2) This section expires at the end of the day on which it commences.’.

Amendment of s 16A (Provisions with respect to breath tests and laboratory tests)

12.(1) Section 16A(1), definitions **“breath analysing instrument”** and **“breath test”**—

omit, insert—

“breath analysing instrument” means an instrument—

- (a) for finding out the concentration of alcohol in a person’s blood by analysing a specimen of the person’s breath; and
- (b) that is of a type prescribed by regulation;

“breath test” means a test to obtain an indication of the concentration of alcohol in a person’s blood that is performed on a specimen of the person’s breath using—

- (a) a breath analysing instrument; or
- (b) a device approved by regulation.¹.

(2) Section 16A(8)(a) and (b), at the end—
insert ‘or’.

(3) Section 16A(8B)(a), (b) and (c), at the end—
insert ‘or’.

(4) Section 16A(8J)(a) and (b), at the end—
insert ‘or’.

(5) Section 16A(15D)(a) and (b), at the end—
insert ‘and’.

(6) Section 16A(15F)(a) and (b), at the end—
insert ‘and’.

(7) Section 16A(16A)—
omit ‘by registered post or certified mail’,
insert ‘in a way prescribed by regulation’.

(8) Section 16A(16B)(c)—
omit, insert—

‘(c) that—

- (i) the concentration of alcohol in the person’s blood indicated by the laboratory test was a specified number of milligrams of alcohol in the blood per 100 mL of blood; or
- (ii) a specified drug or metabolite of a specified drug was indicated by the laboratory test to be present in the person’s blood;’.

(9) Section 16A(16E)(a), at the end—
insert ‘and’.

¹ As to devices previously approved by Gazette notice, see section 20C of the *Statutory Instruments Act 1992*.

(10) Section 16A(16F)—

omit ‘alcohol or drug indicated to be present in’,

insert ‘alcohol indicated to be present in, or of the drug or metabolite of the drug indicated to be present in,’.

(11) Section 16A(16F)—

omit ‘concentration of alcohol or drug in’,

insert ‘presence of the concentration of alcohol in, or the drug or the metabolite of the drug in,’.

(12) Section 16A(18A)(a), at the end—

insert ‘and’.

(13) Section 16A(19)—

omit, insert—

‘**(19)** If a police officer sends a specimen of blood to an analyst’s laboratory in a way prescribed by regulation, in any proceeding—

(a) evidence of that fact given by the officer; and

(b) a certificate, produced in evidence, purporting to be signed by the analyst certifying that the specimen of blood was received at the analyst’s laboratory from the officer;

is sufficient evidence of compliance with subsection (16A).’.

(14) Section 16A(21)—

omit.

(15) Section 16A(24)—

omit ‘concentration of alcohol or drug in’,

insert ‘presence of the concentration of alcohol in, or the drug or the metabolite of the drug in,’.

(16) Section 16A(24A)(a) and (b), at the end—

insert ‘and’.

Amendment of s 44 (Police may take charge of vehicles etc. in certain cases)

13.(1) Section 44, heading—

omit, insert—

‘Removal of things from roads’.

(2) Section 44(6), at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

(3) Section 44(7), heading—

omit.

(4) Section 44(15), at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

(5) Section 44(16)—

omit, insert—

‘(16) Under a local law, a local government may provide for the removal, safe storage or disposal of vehicles that persons authorised under the local law consider, on reasonable grounds, have been abandoned on roads in the local government’s area.

‘(17) If a local law provides for a matter mentioned in subsection (16), subsections (7) to (15) no longer apply in the local government’s area.

‘(18) Subsections (7) to (15) in their application in the local government’s area are not revived by the repeal of the local law.

‘(19) In subsections (7) to (16)—

“vehicle” includes any part of a vehicle.’.

Replacement of ss 44A and 44B

14. Sections 44A and 44B—

omit, insert—

‘Local governments may regulate parking

‘44A.(1) A local government may, under a local law, regulate parking in its area—

- (a) on a road, other than a declared road; or
- (b) on a declared road, with the chief executive’s written agreement; or
- (c) on an off-street regulated parking area.

‘(2) The local government’s regulation of parking may include—

- (a) specifying the times when a vehicle may or must not be parked; and
- (b) requiring the payment of a fee for a vehicle to be parked; and
- (c) specifying the types of vehicles that may or must not be parked; and
- (d) specifying the purposes for which a vehicle may or must not be parked; and
- (e) specifying where its regulation of parking applies.

‘Parking regulation involves installing official traffic signs

‘44B.(1) A local government may install official traffic signs indicating how parking is regulated.²

‘(2) An official traffic sign installed by a local government may apply to parking—

- (a) at or near the place where the sign is installed, for example, a particular parking space, road or off-street regulated parking area; or
- (b) throughout an area consisting of the whole or part of the local government’s area (a **“traffic area”**).

‘(3) A local government may install an official traffic sign applying to parking throughout a traffic area only if—

² The regulation of parking is ultimately enforceable under section 12F as a contravention of an indication on an official traffic sign.

- (a) a local law has declared the traffic area and defined its boundaries; and
- (b) the sign is installed on the road at every road entry to the traffic area.

‘(4) An official traffic sign applying to parking throughout a traffic area—

- (a) may only indicate the following matters about how parking is regulated throughout the traffic area—
 - (i) the times when a person may only park for a maximum specified time;
 - (ii) the times when a person may only park by paid parking at a place where the local government has provided for paid parking; and
- (b) for parking for which another official traffic sign is installed within the traffic area—applies subject to the other official traffic sign.

Example of subsection (4)(b)—

An official traffic sign installed within a traffic area may allow a longer or shorter parking time than that allowed by the official traffic sign for the entire traffic area.

‘(5) Subsection (4)(a) does not limit the matters that may be indicated on an official traffic sign mentioned in subsection (4)(b).

‘(6) A person parking anywhere within a traffic area is taken to have notice of the contents of the official traffic sign installed at the road entries to the traffic area.

‘(7) If an official traffic sign is installed at or near a place so that a person parking at the place is likely to see the sign, the person is taken to have notice of the contents of the sign.

‘(8) An indication on an official traffic sign regulating parking is evidence that the regulation of the parking as indicated was properly imposed under a local law of the local government for the area where the sign is located.

‘(9) This section does not limit a local government’s power to install an official traffic sign under a provision other than this Part or under another law.

‘Examples of how parking may be regulated

‘44BA.(1) This section does not limit section 44A or 44B and its object is to help local governments in using this Part by specifying common examples of how local governments may regulate parking.

‘(2) Under a local law, a local government may specify for a place or a traffic area—

- (a) the hours and days when parking is only allowed for a specified maximum time; and
- (b) the fixed hours for paid parking; and
- (c) for specified designated parking spaces—the maximum time for which a vehicle may be paid parked; and
- (d) parking fees for paid parking; and
- (e) a system (the **“authorised system”**) for the payment of a parking fee for paid parking including, for example, by the use of a coin, token, card or credit card; and
- (f) the denomination or number of coins to be inserted in a parking meter or parkatarea in payment of a parking fee.

‘(3) Under a local law, a local government may—

- (a) allow a vehicle to park contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—
 - (i) a disabled person parking permit; or
 - (ii) a permit issued by the local government; and
- (b) define the persons that may be issued with a permit; and
- (c) specify the fee for a permit.

‘(4) Under a local law, a local government may—

- (a) allow a vehicle to park in a loading zone if the vehicle displays a commercial vehicle identification label issued by the local government; and
- (b) define the vehicles that may be issued with a commercial vehicle identification label of the type specified by the MUTCD; and

- (c) specify the fee for a commercial vehicle identification label issued by the local government.

‘(5) Under a local law, a local government may define specified land (including structures on the land) controlled by it as an off-street regulated parking area and regulate the use of the area.

‘(6) Traffic signs installed by a local government may define or indicate—

- (a) where paid parking is authorised; or
- (b) spaces on roads or off-street parking areas that are designated parking spaces; or
- (c) loading zones; or
- (d) for roads or off-street parking areas—where parking is only allowed for a specified maximum time.’.

Amendment of s 44C (Paid parking)

15.(1) Section 44C(1)—

omit, insert—

‘**44C.(1)** Fixed hours start for a designated parking space after a local government has—

- (a) specified under a local law the fixed hours when only paid parking is allowed in designated parking spaces in the traffic area or place where the space is located; and
- (b) installed the appropriate official traffic signs for the space.’.

(2) Section 44C(2)—

omit ‘in the traffic area’.

(3) Section 44C(2) and (4)—

omit ‘period’, insert ‘time’.

(4) Section 44C—

insert—

‘(5) A local government may install a parking meter or parkatarea for a

designated parking space if it is installed in a way—

- (a) specified by the MUTCD; or
- (b) approved by the chief executive.’.

Amendment of s 44D (Paid parking offences)

16.(1) Section 44D(1)—

omit ‘during any period’.

(2) Section 44D(1)(a)—

omit ‘in relation to the period’.

(3) Section 44D(1)(b)—

omit, insert—

- ‘(b) for a time longer than the maximum time indicated on the official traffic sign installed for the space; or’.

(4) Section 44D(1)(d)—

omit ‘is a commercial vehicle that’.

(5) Section 44D(1), at the end—

insert—

‘Maximum penalty—40 penalty units.’.

(6) Section 44D(3)—

omit ‘period’, *insert* ‘time’.

Amendment of s 44E (Owner responsible for offence)

17.(1) Section 44E(2), heading—

omit.

(2) Section 44E(2)—

omit ‘pursuant to the regulations under the *Main Roads Act 1920*’,

insert ‘under the *Transport Infrastructure (Roads) Regulation 1991*’.

(3) Section 44E(3)—
omit.

Amendment of s 44F (Notice of alleged offence)

18. Section 44F(1A)(f) and (g)—
omit, insert—

‘(f) state that—

(i) if the owner wants the alleged offence to be dealt with by a Court, the owner must—

(A) complete the form provided on the notice; and

(B) give the completed form to the local government’s chief executive officer or another nominated officer; and

(ii) if the owner does not want the alleged offence to be dealt with by a Court, the owner must—

(A) complete the form provided on the notice; and

(B) give the completed form to the chief executive officer or other nominated officer; and

(C) pay the prescribed penalty to the chief executive officer or other nominated officer; and

(g) state, in general terms, that the owner must comply with paragraph (f) within—

(i) 28 days after service of the notice; or

(ii) another period allowed by the local government’s chief executive officer or other officer nominated in the notice, whether before or after the end of the 28 days;’.

Replacement of s 44N (Disabled persons parking)

19. Section 44N—
omit, insert—

‘Disabled person parking permits

‘44N.(1) The chief executive may issue a permit to—

- (a) a disabled person; or
- (b) an organisation for a specified vehicle, if the chief executive is satisfied that the organisation transports disabled persons in the vehicle.

‘(2) The chief executive may issue the permit subject to conditions stated on it.’.

Amendment of Pt 6B (Photographic detection devices)

20. Part 6B, heading—

omit, insert—

‘PART 6B—DETECTION DEVICES

‘Division 1—Radar speed detection devices’.

Replacement of s 44O (Approval of apparatus)

21. Section 44O—

omit, insert—

‘Use of radar speed detection devices

‘44O. When using a radar speed detection device, a police officer must comply with Australian Standard 2898.2 (as in force at the time).’.

Insertion of new Division heading

22. After section 44O—

insert—

‘Division 2—Photographic detection devices’.

Amendment of s 44P (Interpretation)

23.(1) Section 44P—

omit ‘Part’, *insert* ‘Division’.

(2) Section 44P, definition “**camera-detected prescribed offence**”—

omit ‘**prescribed**’ (1st mention).

(3) Section 44P, definitions “**owner**” and “**photographic detection device**”—

omit.

(4) Section 44P—

insert—

‘**“photographic detection device”** means a device of a type approved by regulation as a photographic detection device;’.

Insertion of new s 44PA

24. After section 44P—

insert—

‘Photographic detection devices—transitional

‘44PA.(1) An apparatus approved by order in council as a photographic detection device under section 44P (Interpretation) immediately before the commencement of this section continues to be an approved photographic detection device after the commencement.

‘(2) This section expires at the end of the day on which it commences.’.

Amendment of s 44Q (Offences detected by photographic detection device)

25.(1) Section 44Q(2)(a)

omit—

‘prescribed’.

(2) Section 44Q(2)(c)—

omit ‘made under the *Oaths Act 1867* to the Director-General’,
insert ‘to the Commissioner’.

(3) Section 44Q(2), at the end—

insert—

‘Maximum penalty—40 penalty units.’.

(4) Section 44Q—

insert—

‘(2A) For the purposes of subsection (2)(b), it is sufficient if the person states at the hearing of the offence under subsection (1) that the person was not the driver of the vehicle concerned.’.

(5) Section 44Q(4), at the end—

insert—

‘Maximum penalty—40 penalty units.’.

(6) Section 44Q(5)—

omit.

(7) Section 44Q(6)—

omit ‘prescribed’.

Amendment of s 44R (Procedure in relation to camera-detected prescribed offences)

26.(1) Section 44R, heading—

omit ‘prescribed’.

(2) Section 44R(1)—

omit, insert—

‘44R.(1) If the Commissioner considers a camera-detected offence has happened, the Commissioner may serve a notice on—

- (a) the person who was the owner of the vehicle involved in the offence when the offence happened; or
- (b) a person who is nominated in a statutory declaration under section

44Q(2) as the person who was in charge of the vehicle when the offence happened.

‘(1A) The notice must—

- (a) be in the form approved by the Commissioner; and
- (b) contain the particulars prescribed by regulation; and
- (c) state, when applicable, that the person has been nominated in a statutory declaration under section 44Q(2) as the person who was in charge of the vehicle when the offence happened; and
- (d) state, in general terms, that if the person does not want the offence to be dealt with by a Court, the person may—
 - (i) if the person was not in charge of the vehicle when the offence happened—give the Commissioner a statutory declaration under section 44Q(2); or
 - (ii) if the person was in charge of the vehicle when the offence happened—pay the prescribed penalty to the chief executive; and
- (e) state, in general terms, that if the person wants to take advantage of paragraph (d) the person must do so within—
 - (i) 28 days after service of the notice; or
 - (ii) another period allowed by the Commissioner, whether before or after the end of the 28 days.’.

(3) Section 44R(3)—

omit, insert—

‘(3) The Commissioner may withdraw a notice at any time.’.

Replacement of s 44S (Material to accompany notice and summons)

27. Section 44S—

omit, insert—

‘Notice accompanying summons

‘44S.(1) A summons served on a person for a camera-detected offence must be accompanied by a notice informing the person that—

- (a) (when applicable) the person has been nominated in a statutory declaration under section 44Q(2)(c) as the person who was in charge of the vehicle involved in an offence when the offence happened; and
- (b) in general terms, the person may avoid having the offence dealt with by a Court if—
 - (i) the person was not the person in charge of the vehicle involved in the offence when the offence happened; and
 - (ii) the person gives the Commissioner a statutory declaration under section 44Q(2)(c); and
- (c) in general terms, if the person wants to give the Commissioner a statutory declaration under section 44Q(2)(c), the person must do so within—
 - (i) 28 days after service of the statement; or
 - (ii) another period allowed by the Commissioner, whether before or after the end of the 28 days; and
- (d) if the person wants to examine a copy of the photographic evidence on which the offence is based, the person must make a request to the Commissioner at least 14 days before the charge is heard; and
- (e) if a request is made under paragraph (d), the Commissioner will make the copy available for examination at least 7 days before the charge is heard; and
- (f) if the person intends to challenge the photographic evidence at a hearing, the person must give the Commissioner written notice of the intention at least 3 days before the day fixed for the hearing.

‘(2) A statement in a deposition made for section 56(3)(b) of the *Justices Act 1886* that the notice was served as required by subsection (1) is evidence of that fact.

‘(3) Section 56(5) of the *Justices Act 1886* applies to the deposition.’.

Amendment of s 44T (Payment of penalty)

28. Section 44T(1)—

omit ‘Director-General’, *insert* ‘chief executive’.

Replacement of s 44U (Evidentiary provisions)

29. Section 44U—

omit, insert—

‘Photographic evidence—inspection and challenges

‘44U.(1) This section applies to a person who has been charged with a camera-detected offence and wants to examine a copy of the photographic evidence on which the offence is based.

‘(2) The person must ask the Commissioner, at least 14 days before the charge is heard, to make a copy of the photographic evidence available for examination.

‘(3) The Commissioner must make reasonable arrangements to allow the examination at least 7 days before the charge is heard.

‘(4) If the person intends to challenge the photographic evidence at a hearing, the person must give the Commissioner written notice of the intention at least 3 days before the day fixed for the hearing.’.

Insertion of new s 44W

30. After section 44V—

insert—

‘Evidentiary provisions

‘44W.(1) This section applies to a proceeding for a camera-detected offence.

‘(2) A photograph produced by the prosecution purporting to be certified by the Commissioner stating that the photograph was properly taken by a photographic detection device at a specified location and time is evidence of the following matters—

- (a) the photograph was taken at the specified location and time;

- (b) the accuracy of the photograph;
- (c) the things depicted in the photograph;
- (d) any requirements prescribed by a regulation about the operation and testing of a photographic detection device were complied with for the specified device at all material times.

‘(3) If a photograph produced under subsection (2) is 1 in a series of photographs also produced under subsection (2)—

- (a) the photograph may be numbered; and
- (b) the time it was taken may be identified by reference to another photograph in the series.

‘(4) Evidence of the condition of the photographic detection device is not required unless evidence that the device was not in proper condition has been given.’.

Amendment of s 45A (Traffic offences in respect of which offender may elect to pay penalty)

31. Section 45A(2)—

omit ‘within the meaning of section 44A’.

Amendment of s 49 (Facilitation of proof)

32.(1) Section 49(1)(a)—

omit all words from ‘Director-General’ to ‘district superintendent or of’,
insert ‘chief executive, the Commissioner,’.

(2) Section 49(1)(b)—

omit all words from ‘Director-General’ to ‘or of the’,
insert ‘chief executive, the Commissioner, a superintendent or the’.

(3) Section 49(1)(c)—

omit all words from ‘Director-General’ to ‘district superintendent or’,
insert ‘chief executive, the Commissioner,’.

(4) Section 49(1)(g)—

omit ‘by the Commissioner, or by a district superintendent, or by’,

insert ‘by the chief executive, the Commissioner or’.

(5) Section 49(1)(k)—

omit all words from ‘under the hand’ to ‘clerk, or of’,

insert ‘signed by the chief executive, the Commissioner, a superintendent, chief executive officer of a local government or’.

(6) Section 49(1)(l)—

omit all words from ‘under the hand’ to ‘by the Director-General’,

insert ‘signed by the chief executive or the chief executive’s delegate’.

(7) Section 49(1)(l)—

omit ‘and the appointment of the Director-General or the authority of the person giving such certificate to give same’,

insert ‘and the appointment of the chief executive or the authority of the delegate giving the certificate to give it.’,

(8) Section 49(1)(m)—

omit.

(9) Section 49(1)(n)(i) and (ii)—

omit, insert—

(i) purporting to be issued under regulations about motor vehicle registrations made under the *Transport Infrastructure (Roads) Act 1991* or a law of another State or a Territory corresponding to the regulations (a **“corresponding law”**); or

(ii) purporting to be signed by the chief executive, an entity responsible for registering motor vehicles under a corresponding law, or a person authorised by the chief executive or entity;’.

(10) Section 49(1)(o)—

omit all words from ‘under the hand of’ to ‘Commissioner, a district superintendent’,

insert ‘signed by the chief executive, the Commissioner or a

superintendent stating that the records of the chief executive, Commissioner’.

(11) Section 49(1)(p)—

omit from ‘under the hand’ to ‘superintendent, or of’,

insert ‘signed by the chief executive, the Commissioner or’.

(12) Section 49(1)(pa) to (pc)—

omit, insert—

‘(pa) a certificate purporting to be signed by the Commissioner stating a specified radar speed detection device has been—

(i) tested in accordance with Australian Standard 2898.1 (as in force at a specified time); and

(ii) found to produce accurate results at the specified time;

is evidence the device was producing accurate results at the time of testing and for 1 year after the time;

(pb) a certificate purporting to be signed by a police officer stating a specified radar speed detection device was used by the officer—

(i) at a specified time; and

(ii) in accordance with Australian Standard 2898.2 (as in force at the time);

is evidence of the matters specified;

(pc) a certificate purporting to be signed by the Commissioner stating a specified vehicle speedometer accuracy indicator (commonly known as a chassis dynamometer) has been—

(i) tested; and

(ii) found to produce accurate results at the specified time;

is evidence the indicator was producing accurate results at the time of testing and for 60 days after the time;’.

(13) Section 49(1)(r)(vi)—

omit ‘direction or’.

(14) Section 49(1)—

insert—

‘(v) evidence of the condition of a parking meter or parkatarea is not required unless evidence that the parking meter or parkatarea was not in proper condition has been given.’.

(15) Section 49—

insert—

‘**(4)** A defendant who intends to challenge—

- (a) the accuracy of a radar speed detection device or vehicle speedometer accuracy indicator; or
- (b) the time at, or way in, which the radar speed detection device was used;

at the hearing and determination of a charge against the defendant under this Act must give written notice of the challenge to the prosecution.

‘**(5)** The notice must be—

- (a) signed by the defendant; and
- (b) given at least 3 days before the day fixed for the hearing.’.

Omission of s 54 (Power of courts to disqualify convicted persons from holding or obtaining licences)

33. Section 54—

omit.

Replacement of ss 67 and 68

34. Sections 67 and 68—

omit, insert—

‘Protection from liability

‘**67.(1)** In this section—

“**local government official**” means a local government’s chief executive officer or an officer or employee of the local government;

“official” means—

- (a) the Minister; or
- (b) the chief executive; or
- (c) the Commissioner; or
- (d) a police officer.

‘(2) An official or local government official is not civilly liable for an act or omission done honestly and without negligence under this Act.

‘(3) If subsection (2) prevents civil liability attaching to an official, the liability attaches to the State instead.

‘(4) If subsection (2) prevents civil liability attaching to a local government official, the liability attaches to the local government instead.

‘Act does not apply to police officer in course of duty

‘68. Provisions of this Act about offences (other than sections 16 and 16A) do not apply to a police officer while exercising a power, or performing a function, under this or another Act.’.

Amendment of Schedule (Subject matters for regulations)

35.(1) Schedule, clause 3(1)(c) and (d)—

omit, insert—

‘(c) roadside vendors.’.

(2) Schedule, clause 3(2)—

omit ‘Director-General’, insert ‘chief executive’.

(3) Schedule, clause 3(2)—

*omit ‘State Transport Facilities Act 1946’ (1st mention),
insert ‘State Transport Act 1960’.*

(4) Schedule, clause 3(2)—

omit all words from ‘nor’ to ‘for that purpose’.

(5) Schedule, clause 6(4), (5) and (6), headings—

omit.

(6) Schedule, clause 8(1)(a), (b) and (c) to (1), headings—
omit.

(7) Schedule, clause 8(1)(ba)—
omit ‘*State Transport Facilities Act 1946*’,
insert ‘*State Transport Act 1960*’.

(8) Schedule, clause 8(1)(c)—
omit.

(9) Schedule, clause 8(1)(d)—
omit all words from ‘approved’ to ‘1946’ (2nd mention),
insert ‘licensed under the *State Transport Act 1960*’.

(10) Schedule, clauses 8A(2) and 9(3)—
omit.

(11) Schedule, clause 9(1)—
omit, insert—

‘9.(1) Regulating and licensing roadside vending.

‘(1A) Regulating the placement, stacking, storing, loading or unloading of goods of any description in, on or from roads.’.

(12) Schedule, clause 11A(2)—
omit.

(13) Schedule, clause 13(5)(d)—
omit, insert—

‘(d) requiring production of certificates of road worthiness—

- (i) before the registration of motor vehicles that must be registered under the *Transport Infrastructure (Roads) Act 1991*; or
- (ii) on the renewal and transfer of registration of motor vehicles that must be registered under the *Transport Infrastructure (Roads) Act 1991*; or
- (iii) when required by a superintendent;’.

(14) Schedule, clause 13(5), heading—

omit.

(15) Schedule, clause 14(6)—

omit, insert—

‘(6) Regulating the type of brakes to be used by tramcars or vehicles used on tramways.’.

(16) Schedule, clause 16—

omit, insert—

‘Permits for vehicles

‘16. Regulating the issuing by the Commissioner or a superintendent of a permit to allow the use of a vehicle for a purpose for which the vehicle is not constructed, fitted or equipped as prescribed, including the conditions of the permit.’.

(17) Schedule, clause 17(2)—

omit.

(18) Schedule, clause 19(a)—

omit ‘Part 6A of the State Transport Facilities Act 1946’,

insert ‘the State Transport Act 1960’.

(19) Schedule, clause 21—

omit, insert—

‘Stopping places

‘21.(1) Providing and regulating stopping places for trams being used on a road or vehicles licensed or approved under the *State Transport Act 1960* or another Act.

‘(2) The persons authorised to appoint the stopping places and the way the places are appointed.’.

(20) Schedule, clause 23—

omit.

(21) Schedule, clause 24(1)—

omit, insert—

‘24.(1) Providing for and regulating the appointment by the Commissioner or the chief executive of persons other than police officers as authorised officers.’.

(22) Schedule, clause 25—

omit, insert—

‘Exemptions

‘25.(1) Exempting persons, vehicles, or animals from a regulation.

‘(2) Providing for the issue by the Commissioner or chief executive of a certificate of exemption, and defining the effect of the certificate.’.

(23) Schedule, clause 26—

omit, insert—

‘Powers of Commissioner and chief executive

‘26. Providing for, regulating, and controlling the determination, application, prohibition, or regulation of or dispensing with any matter or thing by the Commissioner or the chief executive.’.

(24) Schedule, clause 28(3)—

omit, insert—

‘(3) Prescribing indications for official traffic signs, including requirements imposed on persons about particular indications.’.

(25) Schedule, clause 31—

omit ‘declarations under the Oaths Act 1867’, insert ‘statutory declarations’.

(26) Schedule, clause 32—

omit ‘Director-General’, insert ‘chief executive’.

(27) Schedule, clause 33—

omit.

(28) Schedule, clause 36—

omit, insert—

‘Penalties

‘36. Penalties of not more than 20 penalty units.’.

PART 3—SETONS AMENDMENT OF TRAFFIC ACT 1949

Act amended

36. This Part amends the *Traffic Act 1949*.

Amendment of s 9 (Definitions)

37.(1) Section 9, definition “owner”, paragraph (d)—
omit.

(2) Section 9, definition “regulated parking”—
omit.

Amendment of s 16B (Notices to offenders for certain first offences)

38.(1) Section 16B, heading—
omit ‘Notices’, insert ‘Infringement notices’.

(2) Section 16B(1) to (4)—
omit, insert—

‘16B.(1) In this section—

“enforcement order notice” means an enforcement order notice under Part 4A of the *Justices Act 1886*;

“infringement notice” means an infringement notice under Part 4A of the *Justices Act 1886*;

“notified amount” means an amount notified in an infringement notice or reminder notice as the amount payable if the person served with the notice does not wish to have the offence alleged in the notice dealt with by the Court;

“reminder notice” means a reminder notice under Part 4A of the *Justices Act 1886*.

(2) A police officer may serve an infringement notice on a person if the police officer believes on reasonable grounds that—

- (a) a person has committed an offence against section 16(2) to (2D); and
- (b) the concentration of alcohol in the person's blood is less than 150 mg of alcohol per 100 mL of blood; and
- (c) the person has not, within 5 years before the alleged offence, been convicted of an offence against section 16 or 16A(11).

‘(3) The offence is an infringement notice offence under Part 4A of the *Justices Act 1886*.

‘(4) The infringement notice and a reminder notice for the alleged offence must include a statement to the effect that, if the person pays the notified amount, the person—

- (a) if the alleged offence involves a motor vehicle—
 - (i) will be disqualified from holding or obtaining a driver's licence for the period prescribed by regulation starting from the later of—
 - (A) the end of 28 days after the day the notice is served on the person; or
 - (B) if the person makes an application under subsection (7)—the time the court decides the application; and
 - (ii) must surrender to a superintendent every driver's licence held by the person on the day after the day when the disqualification takes effect; and
- (b) the person will be taken, for the purposes of a subsequent offence against section 16 or 16A(11), to have been convicted of the alleged offence on the day the amount is received by the entity to whom it is payable under the notice.

‘(4A) If the notified amount is paid within the time specified in the infringement notice or the reminder notice—

- (a) if the alleged offence is an offence involving a motor vehicle—the person is disqualified from holding or obtaining a driver's licence for the prescribed period starting from the later of—
 - (i) the end of 28 days after the day the notice is served on the

person; or

- (ii) if the person makes an application under subsection (7)—the time the court decides the application; and
- (b) the person is taken, for the purposes of a subsequent offence against section 16 or 16A(11), to have been convicted of the alleged offence on the day the amount is received by the entity to whom it is payable.

‘(4B) If more than 1 infringement notice or reminder notice has been served on the person for the alleged offence, the period of disqualification under subsection (4A) is calculated as if the latest notice served on the person before the notified amount was paid were the only notice served on the person.

‘(4C) An enforcement order notice served on the person for the alleged offence must include a statement to the effect that—

- (a) if the alleged offence is an offence involving a motor vehicle—the person is disqualified from holding or obtaining a driver’s licence for the prescribed period starting from the later of—
 - (i) the end of 28 days after the day the notice is served on the person; or
 - (ii) if the person makes an application under subsection (7)—the time the Court decides the application; and
- (b) the person will be taken, for the purposes of a subsequent offence against section 16 or 16A(11), to have been convicted of the alleged offence on the day the amount is received by the entity to whom it is payable under the notice.

‘(4D) If the person is served with an enforcement order notice that includes a statement mentioned in subsection (4C)—

- (a) if the alleged offence is an offence involving a motor vehicle—the person is disqualified from holding or obtaining a driver’s licence for the prescribed period starting from the later of—
 - (i) the end of 28 days after the day the notice is served on the person; or
 - (ii) if the person makes an application under subsection (7)—the time the Court decides the application; and

- (b) the person will be taken, for the purposes of a subsequent offence against section 16 or 16A(11), to have been convicted of the alleged offence on the day the amount is received by the entity to whom it is payable under the notice.’.

(3) Section 16B(12) to (18)—

omit.

Amendment of s 44D (Paid parking offences)

39. Section 44D(3)(b)—

omit, insert—

- ‘(b) an infringement notice under Part 4A of the *Justices Act 1886* is placed on or attached to the vehicle; and’.

Omission of ss 44E–44H

40. Sections 44E to 44H—

omit.

Omission of s 44I (Offences)

41. Section 44I—

omit.

Amendment of s 44P (Interpretation)

42.(1) Section 44P, definitions “**camera-detected offence**” and “**prescribed offence**”—

omit.

(2) Section 44P—

insert—

- ‘ “**camera-detected offence**” means an offence of a type prescribed by regulation the court proceedings for which are started by a summons

specifying that the offence was detected by a photographic detection device.’.

Omission of ss 44Q–44T

43. Sections 44Q to 44T—

omit.

Replacement of s 44V (Effect of action under Part 4A of Justices Act)

44. Section 44V—

omit, insert—

‘Photographic evidence—notices to accompany summons

‘44V.(1) A summons served on a person for a camera-detected offence must be accompanied by a notice informing the person that—

- (a) if the person wants to examine a copy of the photographic evidence on which the offence is based, the person must ask to the Commissioner at least 14 days before the charge is heard; and
- (b) if a request is made under paragraph (a), the Commissioner will make the copy available for examination at least 7 days before the charge is heard; and
- (c) if the person intends to challenge the photographic evidence at a hearing, the person must give the Commissioner written notice of the intention at least 3 days before the day fixed for the hearing.

‘(2) A statement in a deposition made for section 56(3)(b) of the *Justices Act 1886* that the notice was served as required by subsection (1) is evidence of that fact.

‘(3) Section 56(5) of the *Justices Act 1886* applies to the deposition.’.

Omission of s 45A (Traffic offences in respect of which offender may elect to pay penalty)

45. Section 45A—

omit.

PART 4—REPEAL OF TRAFFIC ACT AMENDMENT ACT 1974

Repeal of Act

46. The *Traffic Act Amendment Act 1974* is repealed.

PART 5—AMENDMENT OF TRANSPORT INFRASTRUCTURE (ROADS) ACT 1991

Act amended

47. This Part amends the *Transport Infrastructure (Roads) Act 1991*.

Insertion of new s 9.21A

48. After section 9.21—

insert—

‘Traffic improvement fee

‘9.21A A person registering a motor vehicle must pay the traffic improvement fee prescribed by regulation.’.

SCHEDULE**STATUTE REVISION AMENDMENTS**

section 3

1. Section 12C(1) and (3)—*omit* ‘Director-General’, *insert* ‘chief executive’.**2. Section 12D—***omit* ‘the Director-General’, *insert* ‘the chief executive’.**3. Section 12D(2)—***omit* ‘said Director-General’, *insert* ‘chief executive’.**4. Section 12DA(1)—***omit* ‘Director-General’, *insert* ‘chief executive’.**5. Section 12DA(1A)—***omit* ‘section 12B’, *insert* ‘sections 12B and 12BA’.**6. Section 12DA, at the end—***insert*—

‘Maximum penalty for subsection (2)—40 penalty units or 6 months imprisonment.’.

7. Section 12E(1)(a), (3) and (4)(a)—*omit* ‘the Director-General’, *insert* ‘the chief executive’.

SCHEDULE (continued)

8. Section 12E(4)(a)—

omit ‘said Director-General’, *insert* ‘chief executive’.

9. Section 12E(1), at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

10. Section 12G—

omit ‘Director-General’, *insert* ‘chief executive’.

11. Section 12G(1), at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

12. Section 12G(3)—

omit.

13. Section 12H(1)—

omit ‘Director-General’, *insert* ‘chief executive’.

14. Section 15(1), at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

15. Section 15(2), at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

SCHEDULE (continued)

16. Section 15(3)—

omit.

17. Section 15(4) to (6)—

renumber as section 15(3) to (5) respectively.

18. Section 16(7), at the end—

insert—

‘Maximum penalty for subsection (7)—40 penalty units or 9 months imprisonment.’

19. Section 16C—

omit ‘Director-General’, *insert* ‘chief executive’.

20. Section 17, at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’

21. Section 18, at the end—

insert—

‘Maximum penalty for subsection (2)—40 penalty units or 6 months imprisonment.’

22. Section 19(1), at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’

SCHEDULE (continued)

23. Section 19(5), at the end—*insert—*

‘Maximum penalty—40 penalty units or 6 months imprisonment.’

24. Section 20(5A)—*omit* ‘Director-General’, *insert* ‘chief executive’.**25. Section 20(7A)—***omit.***26. Section 23, heading—***omit* ‘Director-General’, *insert* ‘Chief executive’.**27. Section 23—***omit* ‘Director-General’, *insert* ‘chief executive’.**28. Section 30(1)—***omit* all words from ‘Part 6A’ to ‘other Act’,*insert* ‘the *State Transport Act 1960*’.**29. Section 30(1), at the end—***insert—*

‘Maximum penalty—40 penalty units or 6 months imprisonment.’

30. Section 30(2), at the end—*insert—*

‘Maximum penalty—40 penalty units or 6 months imprisonment.’

SCHEDULE (continued)

31. Section 30(3)—

omit all words from ‘or of any regulation’ to ‘under any other Act’.

32. Section 30(3)—

omit ‘, regulation, ordinance, or by-law’.

33. Section 31(1)(i)—

omit ‘order in council’, *insert* ‘regulation’.

34. Section 31(1), at the end—

insert—

‘Maximum penalty—

- (a) if death or injury is caused to any person—20 penalty units or imprisonment for 1 year; or
- (b) otherwise—10 penalty units or 6 months imprisonment.’.

35. Section 31(3)—

omit.

36. Section 31(5), at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

37. Section 31(8)—

omit ‘under section 54’,

insert ‘under section 187 of the *Penalties and Sentences Act 1992*’.

SCHEDULE (continued)

38. Section 33, at the end—

insert—

‘Maximum penalty for subsection (2)—40 penalty units or 6 months imprisonment.’.

39. Section 34(1)—

omit ‘Director-General’, *insert* ‘chief executive’.

40. Section 34(3)—

omit, insert—

‘(3) The State, the Minister, the Commissioner, a police officer, the chief executive or someone else authorised by the chief executive is not civilly or criminally liable for supplying information under a scheme.’.

41. Section 36, at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

42. Section 37(1)—

omit all words from ‘a district’ to ‘Director-General’,

insert ‘the chief executive’.

43. Section 37(1A)—

omit ‘a district superintendent’, *insert* ‘the chief executive’.

44. Section 37(1C)—

omit ‘district superintendent’, *insert* ‘the chief executive’.

SCHEDULE (continued)

45. Section 37(2) and (4)—

omit ‘Director-General’, *insert* ‘chief executive’.

46. Section 37(3), at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

47. Section 37(5)—

omit.

48. Section 37(1A) to (4)—

renumber as section 37(2) to (7) respectively.

49. Section 39(2), at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

50. Section 39(3)—

omit, insert—

‘(3) Despite subsection (2)(b), a person required by a police officer to produce the person’s licence does not commit an offence if the person—

- (a) holds an open licence issued under section 14; and
- (b) produces the licence to the officer in charge of a police station reasonably specified by the officer within 48 hours after the requirement is made.’.

SCHEDULE (continued)

51. Section 41(4), at the end—*insert—*

‘Maximum penalty—40 penalty units or 6 months imprisonment.’

52. Section 44G(2), heading—*omit.***53. Section 44I(1) and (2), at the end—***insert—*

‘Maximum penalty—40 penalty units.’

54. Section 44J(2) and (3)—*omit* ‘order in council’, *insert* ‘regulation’.**55. Section 44L—***omit.***56. Section 45, heading—***omit, insert—*

‘Summary proceedings’.

57. Section 45(1) to (2A)—*omit.***58. Section 45(3), heading—***omit.*

SCHEDULE (continued)

59. Section 45(3)—

omit all words from ‘on complaint’.

60. Section 45(3) to (5)—

renumber as section 45(1) to (3) respectively.

61. Section 48(1)—

omit ‘district superintendent or’.

62. Section 52(1)—

omit ‘the Commissioner, a district superintendent or’,

insert ‘the chief executive, the Commissioner or a’.

63. Section 52, at the end—

insert—

‘Maximum penalty for subsection (2)—40 penalty units or 6 months imprisonment.’.

64. Section 53(1)(a)—

omit all words from ‘Director-General’ to ‘superintendent, or’,

insert ‘chief executive, the Commissioner or a’.

65. Section 53(1)(f)—

omit ‘Director-General’, *insert* ‘chief executive’.

SCHEDULE (continued)

66. Section 53(1), at the end—*insert—*

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

67. Section 55(4), heading—*omit.***68. Section 55(6), heading—***omit.***69. Section 55(8), at the end—***insert—*

‘Maximum penalty—

(a) for a driver’s licence—20 penalty units or 18 months imprisonment; or

(b) for another licence—40 penalty units.’.

70. Section 55(9)—*omit.***71. Section 55(10) and (11)—**

omit ‘subsection (9)’, *insert* ‘subsection (8)’.

72. Section 56(2), at the end—*insert—*

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

SCHEDULE (continued)

73. Section 56(3), heading—

omit.

74. Section 56, at the end—

insert—

‘Maximum penalty for subsection (7)—40 penalty units or 6 months imprisonment.’.

75. Section 57(2), (3), (4) and (5), headings—

omit.

76. Section 58(3), at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

77. Section 59(b)(i)—

omit all words from ‘such motor’ to ‘1920’,

insert ‘the vehicle under the *Transport Infrastructure (Roads) Act 1991*’.

78. Section 59, at the end—

insert—

‘Maximum penalty—40 penalty units or 6 months imprisonment.’.

79. Section 60(1)—

omit all words from ‘offence and liable’ to ‘6 months.’,

insert ‘offence.’.

SCHEDULE (continued)

80. Section 60(1), at the end—*insert—***‘Maximum penalty—40 penalty units or 6 months imprisonment.’****81. Section 60(2), (2A) and (2B)—***omit.***82. Section 61(3), heading—***omit.***83. Section 61(1), at the end—***insert—***‘Maximum penalty—40 penalty units or 6 months imprisonment.’****84. Section 61(2), at the end—***insert—***‘Maximum penalty—40 penalty units or 6 months imprisonment.’****85. Section 61(3B), at the end—***insert—***‘Maximum penalty—40 penalty units or 6 months imprisonment.’****86. Section 62—***omit, insert—***‘Court may order penalty be paid to aggrieved person****‘62. The Court may direct that a fine or penalty, or part of a fine or**

SCHEDULE (continued)

penalty, recovered for a offence under section 30(1)(a) be paid to a person aggrieved by the commission of the offence.’.

87. Section 63(1) and (3)—

omit ‘Director-General’, *insert* ‘chief executive’.

88. Section 65—

omit, insert—

‘Service if address unknown etc.

‘65.(1) If a determination, notice, order, direction, or document (the **“notice”**) is required or authorised to be given to a person whose place of business or address is unknown to the Commissioner or chief executive, the notice may be, and is taken to be, given by publishing it twice in a newspaper with an interval of at least 1 week between the dates of publication.

‘(2) A declaration purporting to be made by the Commissioner or chief executive that the place of business or address of a person is unknown is evidence of the matter.

‘(3) The publication of a determination, notice, order, direction, or document may be proved by the production of a copy of the Gazette or newspaper containing it.

‘(4) This section does not limit section 64.’.

89. Section 66—

omit, insert—

‘Instruments not affected by error

‘66. An omission, misnomer or inaccurate description in a determination, notice, order or direction (the **“instrument”**) made or given by the Commissioner, the chief executive or a superintendent does not affect the instrument if the instrument’s true intent can be understood.’.

SCHEDULE (continued)

90. Section 69—

omit all words from ‘and the *Supreme*’ to ‘1928 shall’.

91. Section 70(1)—

omit, insert—

‘70.(1) The Governor in Council may make regulations under this Act.’.

92. Section 70(2), heading—

omit.

93. Section 70(3) to (10)

omit.

94. Section 71—

omit.