

13 GEO. VI. No. 26, 1949. *Traffic Act.*

TRAFFIC.

An Act to Consolidate and Amend the Law relating to Vehicular and other Traffic, and for other purposes.

13 GEO. VI.
No. 26.
THE TRAFFIC
ACT OF 1949.

[ASSENTED TO 22ND APRIL, 1949.]

BE it enacted by the King'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.

PART I.—
PRELIMINARY.

1. (1.) This Act may be cited as "*The Traffic Act of 1949.*" Short title.

(2.) Except as herein otherwise provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*. Commencement of Act.

Different dates may be so fixed upon which the several Parts of and the Schedule to this Act shall respectively come into operation, and, in that event, any such Part or the Schedule hereto shall come into operation upon the date fixed by the Governor in Council by the Proclamation published in the *Gazette* in relation to it.

Any reference in a provision of this Act to the commencement or coming into operation of this Act means the date upon which the Part hereof or, as the case may be, the Schedule hereto in which that provision appears comes into operation.

2. This Act including every regulation hereunder shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment hereof or provision of any regulation hereunder would but for this section have been construed as being in excess of that power it shall nevertheless be a valid enactment or provision to the extent to which it is not in excess of that power. Construction of Act.

Parts of
Act.

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

PART I.—PRELIMINARY ;

PART II.—ADMINISTRATION ;

PART III.—DRIVING OF MOTOR VEHICLES AND
OTHER VEHICLES AND ANIMALS ;

PART IV.—VEHICLES FOR HIRE ;

PART V.—ROAD INCIDENTS ;

PART VI.—POWERS, FUNCTIONS, AND DUTIES OF
MEMBERS OF THE POLICE FORCE ;

PART VII.—PROCEEDINGS AND EVIDENCE ;

PART VIII.—GENERAL ;

SCHEDULE.

Repeals and
savings.

4. **“ The Traffic Acts, 1905 to 1933 ”* (hereinafter referred to as *“ the repealed Acts ”*), and the following provisions of †*“ The State Transport Acts, 1938 to 1943, ”* that is to say—

(a) Section nineteen ; and

(b) Part IV. of Schedule II. ; and

(c) Clauses thirteen, fourteen, nineteen to thirty both inclusive, thirty-two to thirty-four both inclusive, and forty of Schedule III.

are hereby repealed :

Provided that, but without limiting the operation of ‡*“ The Acts Shortening Acts ”*—

(a) Unless otherwise expressly provided, every regulation, license, certificate, permit, endorsement on a license certificate or permit, registration, or other act of authority made, issued, given, or done under the repealed Acts or any of them, or under the provisions of †*“ The State Transport Acts, 1938 to 1943, ”* repealed by this Act or the regulations thereunder, or any of them, and in force at the commencement of this Act shall, subject as hereinafter provided, continue in force until it expires by effluxion of time or is repealed, amended or otherwise modified, revoked, cancelled, suspended, or surrendered under this Act :

* 5 E. 7 No. 18 and amending Acts.

† 2 G. 6 No. 15 and amending Act.

‡ 31 V. No. 6 and amending Acts.

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Provided that where any such license, certificate, permit, endorsement on a license certificate or permit, or registration is suspended at the commencement of this Act, it shall not be in force under this paragraph until the expiration of the period for which it was suspended and then only if it has not expired during the period of its suspension and it shall only continue in force thereafter for the remainder of the period during which it would have been in force if it had not been so suspended :

Provided further that every such regulation, license, certificate, permit, endorsement on a license certificate or permit, or registration shall be read and construed subject to this Act ;

- (b) Any prohibition or diversion of all or any part of the public traffic and any closure of any road against all or any part of the public traffic made, and any official traffic sign, signboard, sign, or notice relating to traffic put up or affixed to any structure by or on behalf of or by the authority of the Commissioner under the repealed Acts and in force at the commencement of this Act shall continue in force subject to and under this Act until it expires by effluxion of time or is revoked, discontinued, cancelled, removed, demolished, or erased by proper authority ;
- (c) Every traffic district constituted under the repealed Acts and existing at the commencement of this Act shall, notwithstanding such repeal, continue in force as respects any regulation, license, certificate, permit, endorsement on a license certificate or permit, or registration under the repealed Acts continued in force by this Act until the repeal, expiration, revocation, cancellation, withdrawal, or surrender of such regulation, license, certificate, permit, endorsement on a license certificate or permit, or registration ;

- (d) A certificate of competency as an operator of a motor vehicle under the provisions of **“ The State Transport Acts, 1938 to 1943,”* repealed by this Act and the regulations thereunder in force at the commencement of this Act shall expire on and from that date unless the holder thereof is at that date named in an endorsement (issued under the provisions of **“ The State Transport Acts, 1938 to 1943,”* repealed by this Act and the regulations thereunder) of that certificate or of a certificate of the registration or renewal of the registration of a motor vehicle as a person authorised to operate a motor vehicle to which that certificate relates.

If the holder of the certificate of competency is named in an endorsement as aforesaid, that certificate of competency shall, unless it is sooner cancelled, suspended, or surrendered under this Act, continue in force until the expiration of the period of availability of the endorsement as specified therein, but every certificate of competency so continued in force shall expire on and from the expiration of such period of availability :

Provided that where any certificate of competency as an operator of a motor vehicle is, at the commencement of this Act, suspended or withdrawn that certificate shall not be in force under this paragraph until the expiration of the period for which it was suspended or withdrawn and then only if it has not expired during the period of its suspension or withdrawal and it shall only continue in force thereafter for the remainder of the period during which it would have been available if it had not been so suspended or withdrawn.

For the purposes of this Act any such certificate of competency shall, while it is continued in force under the provisions of this

* 2 G. 6 No. 15 and amending Act.

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paragraph, be deemed to be a driver's license under and within the meaning of this Act, and the provisions of this Act shall apply and extend accordingly ;

- (e) Every regulation made under the provisions of **“ The State Transport Acts, 1938 to 1943,”* repealed by this Act and in force at the commencement of this Act shall, subject as hereinafter provided, continue in force until it expires by effluxion of time or is repealed, amended, or otherwise modified under this Act :

Provided that every such regulation shall be read and construed subject to this Act ;

- (f) All penalties and forfeitures imposed under the said repealed Acts, or any of them, or under the provisions of **“ The State Transport Acts, 1938 to 1943,”* repealed by this Act or the regulations thereunder, or any of them, and not recovered at the commencement of this Act, may be enforced and applied as if this Act had not come into operation ;
- (g) All actions and proceedings of whatever nature commenced or pending at the commencement of this Act under the repealed Acts, or any of them, or under the provisions of **“ The State Transport Acts, 1938 to 1943,”* repealed by this Act or the regulations thereunder, or any of them, may be carried on and prosecuted as if this Act had not come into operation, and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained ;
- (h) When in any Act reference is made to the repealed Acts, or any of them, or to the provisions of **“ The State Transport Acts, 1938 to 1943,”* repealed by this Act, or any of them, or to any Act repealed by the repealed Acts or (where the provisions of **“ The State Transport Acts, 1938 to 1943,”* repealed by this Act were substituted by

that Act for any Act thereby repealed) by **“ The State Transport Acts, 1938 to 1943,”* it shall be taken, unless the context otherwise indicates or requires, that such reference is to this Act, or where the reference is to a provision of any such Act to the corresponding provision of this Act, and such enactment shall be read and construed accordingly.

Effect of
Act on the
functions,
&c., of
Local
Authorities.

5. (1.) Except as provided by this Act and notwithstanding anything contained in †*“ The Local Government Acts, 1936 to 1948,”* or in ‡*“ The City of Brisbane Acts, 1924 to 1948,”* a Local Authority or Brisbane City Council shall not, on or after the commencement of this Act,—

- (a) Make any by-law, or in the case of Brisbane City Council any ordinance, in relation to any matter or thing provided for in this Act, including any matter or thing for or in respect of which regulations may be made under this Act ; or
- (b) Have, exercise, perform, or be liable for any power, function, authority, or duty which under this Act is conferred or imposed upon or required or authorised to be performed or exercised by the Commissioner, a District Superintendent, or a Superintendent.

(2.) The Governor in Council may by regulation under this Act repeal any ordinance or by-law made by Brisbane City Council or a Local Authority before and in force at the commencement of this Act in relation to any matter or thing provided for in this Act, including any matter or thing for or in respect of which regulations may be made under this Act, but unless so repealed every such ordinance or by-law shall, in so far as it is not inconsistent with the provisions of this Act, remain and be deemed to remain in force until the expiration of the period of six months next succeeding the commencement of this Act and upon the expiration of such period shall be and be deemed to be repealed.

* 2 G. 6 No. 15 and amending Act.

† 1 G. 6 No. 1 and amending Acts.

‡ 15 G. 5 No. 32 and amending Acts.

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Every ordinance or by-law continued in force by this section shall, while it is so continued in force, be deemed to be a regulation made under the authority of this Act with respect to the area of the City of Brisbane or of the Local Authority in question, as the case may be.

Any reference in any such ordinance or by-law to Brisbane City Council, a Local Authority, or the Mayor, Chairman, an Alderman, a Councillor, or a Member of Brisbane City Council or of a Local Authority, as the case may be, shall, for the purpose of the continuation in force of the ordinance or by-law as a regulation under this subsection, be read and construed as referring to the Commissioner, and reference therein to inspectors and other officers charged with the control of traffic shall for that purpose be read and construed as referring to members of the Police Force.

(3.) A license, permit, certificate, or registration made, granted, or issued by a Local Authority or by Brisbane City Council in respect of a person, vehicle, animal or any other matter or thing, and required by this Act to be applied for and made, granted, or issued under this Act, shall, if made, granted, or issued by the Local Authority or by Brisbane City Council prior to and in force at the commencement of this Act, continue and be deemed to continue in force under and subject to the applicable by-laws of that Local Authority or, as the case may be, the applicable ordinances of Brisbane City Council while such by-laws or ordinances remain in force and if such license, permit, certificate, or registration then still remains in force, thereafter under and subject to this Act until that license, permit, certificate or registration expires by effluxion of time or until it is sooner cancelled, suspended, withdrawn, or surrendered under this Act, whichever event shall first happen.

(4.) The provisions of this Act shall be read and construed—

(a) So as not to prejudice, limit or otherwise affect subsection twenty-nine of section thirty-one or subsection twenty-three of section thirty-five of **The Local Government Acts, 1936 to 1948*”; and

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

- (b) So as not to prejudice, limit, or otherwise affect a Local Authority or Brisbane City Council in the exercise and performance of any power, function, authority or duty which is not inconsistent with the provisions of this Act; and
- (c) So as not to prejudice, limit or otherwise affect the validity of any by-law, ordinance, prohibition, direction or other act or thing made, given or done by a Local Authority or by Brisbane City Council under or pursuant to the provisions of **"The Local Government Acts, 1936 to 1948,"* hereinbefore in this subsection specified, or under or pursuant to any power, function, authority or duty hereinbefore in this subsection mentioned.

Repeal of s. 48 of 15 Geo. V. No. 32 and certain paragraphs of s. 28 of 13 Geo. V. No. 14.

(5.) Section forty-eight of †*"The City of Brisbane Acts, 1924 to 1948,"* and the second and third paragraphs of section twenty-eight of ‡*"The Brisbane Tramway Trust Act of 1922"* are repealed.

Amendment of 5 Geo. V. No. 28.

6. (1.) In section nine of §*"The Railless Traction Act of 1914"* the words "and shall not be deemed to be motor cars or motor vehicles or exceptional traffic within the meaning of ¶*"The Traffic Acts, 1905 to 1910,"*" are repealed.

5 Geo. V. No. 28 not to affect this Act.

(2.) §*"The Railless Traction Act of 1914"* and every Order in Council and regulation made under that Act shall be read, construed, and applied so as not to prejudice, limit, or otherwise affect this Act including any regulation hereunder in its application to and with respect to motor vehicles which are trolley vehicles.

Saving of 10 Geo. V. No. 26 and amending Acts.

7. Subject as hereinafter in this section provided this Act including the regulations hereunder shall be read as one with ¶*"The Main Roads Acts, 1920 to 1943,"* and no provision of either such Act or of any regulation

* 1 G. 6 No. 1 and amending Acts.
 † 15 G. 5 No. 32 and amending Acts.
 ‡ 13 G. 5 No. 14.
 § 5 G. 5 No. 28.
 ¶ 5 E. 7 No. 18 and amending Act.
 ¶ 10 G. 5 No. 26 and amending Acts.

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thereunder shall be deemed to repeal by implication or otherwise any provision of the other such Act or of any regulation thereunder :

Provided that where any act or omission is an offence both under a provision of this Act or of a regulation hereunder and under a provision of **"The Main Roads Acts, 1920 to 1943,"* or of a regulation thereunder, the offender may be prosecuted under either such provision but so that he shall not be twice punished for that offence.

8. The provisions of this Act including the regulations hereunder shall apply to and with respect to road traffic facilities authorised and constructed under †*"The Tolls on Privately Constructed Road Traffic Facilities Act of 1931,"* and to and with respect to tramways (whether a tramway within the meaning of the definition of tramway in section nine of this Act or not) constructed, managed and worked on roads under subsection twenty-four of section thirty-five of ‡*"The Local Government Acts, 1936 to 1948,"* or under any other Act, and where at any time and from time to time the Governor in Council is of opinion that by reason of the application of any provision of this Act including any regulation hereunder to any such road traffic facility or tramway, as the case may be, it is desirable or expedient to revoke, amend, alter or otherwise modify any by-law relating to that road traffic facility made under †*"The Tolls on Privately Constructed Road Traffic Facilities Act of 1931"* or any by-law, rule, or regulation relating to any such tramway made under ‡*"The Local Government Acts, 1936 to 1948,"* or, as the case may be, other Act, he may do so by notice published in the *Gazette*.

Act to apply to privately constructed road traffic facilities and tramways on roads.

9. (1.) In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say :—

Interpretation.

“Address”—Place of residence or, in the case of the owner of a vehicle in respect of which a license to hire or other license has issued under this Act, his place of residence or the

Address.

* 10 G. 5 No. 26 and amending Acts.

† 22 G. 5 No. 14.

‡ 1 G. 6 No. 1 and amending Acts.

- place at which he carries on business, and includes all such information and particulars as will enable such place of residence or of business to be readily and exactly located ;
- Animal.** “Animal ”—Any horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, goat, pig, dog, cat, bird, or other animal of whatever kind or species which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man or which is under the custody, direction, supervision, or control of any person : The term also includes the young of any such animal ;
- Arrest.** “Arrest ”—Used with reference to persons—Arrest without any warrant other than this Act and the taking of such person to a Police Station, there to be detained (unless he is released upon bail or recognizance) until he can be brought before a Court to be dealt with according to law ;
- Articulated vehicle.** “Articulated vehicle ”—Any vehicle having more than four wheels in which the rear pair or group of wheels supports a separate frame near its rear end, the front end of the frame being pivoted to the main frame of the vehicle and free to turn relative thereto when negotiating a curve. If the rear frame and wheels are capable of easy detachment from the rest of the vehicle without disturbing the body (if any), the rear portion shall then be classified as a trailer ;
- Authorised Officer.** “Authorised Officer ”—Any member of the Police Force, and any person appointed as such in writing by the Commissioner ;
- Bicycle.** “Bicycle ”—Any vehicle having two wheels and designed for propulsion wholly by human power ;
- Caravan trailer.** “Caravan trailer ”—Any trailer fitted, equipped, or used principally for camping or as a dwelling or for carrying on any trade or business ;

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- “ Carriage-way ”—A road or that portion of a road formed, prepared, or set aside for the use of vehicles: The term is not intended to exclude the use of such a road or such portion of a road by pedestrians when necessary ; Carriage-way.
- “ Certificate ”—Any certificate, including any renewal thereof, issued under this Act and in force at any material time ; Certificate.
- “ City ”—The Area of the City of Brisbane and the Area of every other Local Authority which is a city ; City.
- “ Commissioner ”—The Commissioner of Police ; Commissioner.
- “ Complaint ”—Includes the terms “ information,” “ information and complaint before justices,” and “ charge ” ; Complaint.
- “ Court ”—A Court of Petty Sessions ; Court.
- “ District Superintendent ”— Any Superintendent of Traffic ; District Superintendent.
- “ Driver ”—The person driving or in charge of any vehicle, tram, train, vessel, or animal, and, in relation to a trailer, the person driving or in charge of the vehicle to or by which that trailer is attached or drawn : Driver.

The term includes the rider of a vehicle or animal and in applying it so as to include the rider of a vehicle or animal the word “ drive ” and derivatives of that word shall, where used in this Act in relation to a vehicle or animal, be read as including “ ride ” or, as the case requires, the corresponding derivative of “ ride ” ;

- “ Driver’s license ”—A license, including a learner’s permit, and any renewal of that license under Part III. of this Act authorising the licensee to drive on any road any motor vehicle to which that driver’s license is applicable and in force at any material time : a Driver’s license.

The term “ driver’s license ” also includes any driving license or driving permit issued under the law of any other State or Territory of the Commonwealth

of Australia or any other Country which, under the regulations made under this Act, is at any time deemed to be equivalent in Queensland to and accepted in lieu of a driver's license for the purpose of authorising the holder thereof to drive in Queensland any vehicle of the class or description to the driving of which the said driving license or driving permit is applicable ;

- Drug. "Drug"—Every substance or article which is a dangerous drug under and within the meaning of **The Health Acts, 1937 to 1948,*" or any other substance, article, preparation or mixture (with the exception of liquor) whether gaseous, liquid, solid, or in any other form which, when consumed or used by any person, deprives him either temporarily or permanently of his normal mental or physical faculties ;
- Footway. "Footway"—Includes that part of a road set apart for the use of pedestrians and every footway, pavement, lane, thoroughfare, or other part of a road habitually used by pedestrians and not by vehicles : The term is not intended to exclude the use of a footway for the purpose of the crossing thereof at, or substantially at, right angles thereto by any vehicle making entry to or exit from premises ;
- Goods. "Goods"—Includes any wares, merchandise, chattels, money, stone, timber, metal, fluid, and any other article, substance, or material whatsoever : The term also includes animals ;
- Gross weight. "Gross weight"—The weight of a vehicle including the tare of the vehicle and the load therein or thereon at a material time ;
- Justices. "Justices"—Justices of the Peace ;
- Left or near-side. "Left" or "near-side"—The left or near-side reckoned by reference to the direction in or towards which a person, vehicle, tram,

* 1 G. 6 No. 31 and amending Acts.

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train, or animal is proceeding or facing at the material time, and is not affected by reason only of a vehicle, tram, train, or animal being driven temporarily backwards ;

- “ License ”—Any license, permit, or certificate, ^{License.} and any renewal thereof issued under this Act and in force at any material time. Any endorsement made on any license under this Act shall be regarded as forming part of that license ;
- “ Licensed ”—Licensed under and in accordance ^{Licensed.} with this Act ;
- “ Licensee ”—When used with reference to a ^{Licensee.} license of any kind, class, or description means the holder of that license ;
- “ Liquor ”—Wines, spirits, beer, ale, porter, ^{Liquor.} stout, cider, perry, or any other spirituous or fermented fluid containing three and one-half per centum or more than three and one-half per centum of proof spirit by volume, or any spirituous or fermented fluid whatever of an intoxicating nature ;
- “ Local Authority ”—Includes Brisbane City ^{Local Authority.} Council and a Joint Local Authority ;
- “ Mechanical power ”—Any motive power not ^{Mechanical power.} being human or animal power ;
- “ Metropolitan Traffic District ”—The Area of ^{Metropolitan Traffic District.} the City of Brisbane and so much of the Brisbane Police District as constituted for the time being as is situated outside of the Area of the City of Brisbane ;
- “ Minister ”—The Secretary for Health and Home ^{Minister.} Affairs or other Minister of the Crown for the time being charged with the administration of this Act ;
- “ Motor car ”—Any motor vehicle constructed, ^{Motor car.} fitted, equipped, or used principally for the carriage of persons, and which is not a motor cycle, motor omnibus, service omnibus, or trolley vehicle ;

- Motor cycle.** “Motor cycle”—Any motor vehicle having less than four wheels and having motive power transmitted to not more than one wheel, and the weight of which when unladen does not exceed eight hundredweight ;
- Motor omnibus.** “Motor omnibus”—Any omnibus which is a motor vehicle and which is used or intended to be used, or plying or standing for hire, as an omnibus for any distance not exceeding twenty miles ;
- Motor truck.** “Motor truck”—Any motor vehicle constructed, fitted, equipped, or used principally for the carriage of goods and which is not a motor utility truck ;
- Motor utility truck.** “Motor utility truck”—Any motor vehicle the tare of which does not exceed two tons, constructed, fitted, equipped, or used principally for the carriage of goods ;
- Motor vehicle.** “Motor vehicle”—Any vehicle propelled or designed for propulsion wholly or partly by gas, motor spirit, oil, electricity, steam, or any other mechanical power: The term includes a motor car, motor cycle, motor omnibus, motor truck, motor utility truck, service omnibus, trolley vehicle, tractor or traction engine, and a trailer attached to or drawn by a motor vehicle ;
- Multi-wheeled vehicle.** “Multi-wheeled vehicle”—Any vehicle having more than four wheels: Provided that in the case of any pair of wheels mounted upon the same axle and the distance between the centres of the treads of which is less than three feet six inches, such pair of wheels shall be deemed to be one wheel ;
- Officer in Charge of a Police Station.** “Officer in Charge of a Police Station”—Any member of the Police Force who is for the time being in charge of a Police Station, and “Officer in Charge of the Police Station ” shall have a correlative meaning ;
- Official traffic sign.** “Official traffic sign”—Includes any notice, warning, direction, standard, sign, signal, light, reflector, line, dome, sign-post, direction-post, or other device constructed, made,

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marked, placed, erected, affixed, or painted in, into, or on or near a road for the purpose of the guidance or direction or the regulation of traffic ;

- “ Omnibus ”—Any vehicle constructed, fitted, ^{Omnibus.} equipped, or used principally for the carriage of eight or more adult persons, and used or intended to be used, or plying or standing for hire for the carriage of passengers at separate and distinct fares or of charter parties ;
- “ Owner ”—Includes every person who is the ^{Owner.} owner, joint owner or part owner of any vehicle, tram, animal, or vessel, and any person who is a bailee to whom a vehicle, tram, animal, or vessel is bailed for any period exceeding fourteen days, and any person who has the use of the same under a hiring agreement or hire purchase agreement ;
- “ Parking ”—Includes the standing or waiting ^{Parking.} on a road of a vehicle or animal, whether occupied or not, or whether the driver thereof is present or absent, such standing or waiting being at a time when such vehicle or animal is not actually engaged in picking up or setting down passengers, or loading or unloading goods, or when such vehicle or animal is not required to so stand or wait in obedience to an official traffic sign or a police signal, or an order, or a direction authorised, issued, made, or given under this Act ;
- “ Passenger ”—Includes any person carried on a ^{Passenger.} vehicle, train, animal, vessel or tram, other than the driver or conductor thereof ;
- “ Pedestrian ”—Includes any person walking, ^{Pedestrian.} running, standing, sitting, or being otherwise in or upon a road ;
- “ Permit ”—Any permit, including any renewal ^{Permit.} thereof, issued under this Act and in force at any material time ;
- “ Person ”—Includes any body corporate ; ^{Person.}

Police District.	“ Police District ”—A Police District constituted under * <i>“ The Police Acts, 1937 to 1948 ”</i> ;
Police Force.	“ Police Force ”—The Police Force of Queensland ;
Prescribed.	“ Prescribed ”—Prescribed by this Act ;
Railway.	“ Railway ”—Every kind of way, other than a tramway, upon which conveyances are borne upon a rail or rails whatever may be the means of propulsion ;
Regulations.	“ Regulations ”—Regulations made under the authority of this Act ;
Right or off-side.	“ Right ” or “ off-side ”—The right or off-side reckoned by reference to the direction in or towards which a person, vehicle, tram, train, or animal is proceeding or facing at the material time, and is not affected by reason only of a vehicle, tram, train, or animal being driven temporarily backwards ;
Road.	<p>“ Road ”—Includes any road, street, highway, alley, avenue, lane, thoroughfare, track, carriage-way, footway, or subway, whether surveyed or unsurveyed (and all bridges, viaducts, culverts, grids, approaches, crossings, and other things appurtenant thereto) open to or used by the public or to which the public have or are permitted to have access whether on payment of a fee or otherwise : The term also includes—</p> <p>(a) Any road, street, footway, track, or highway dedicated to the public or declared or proclaimed to be a road, street, footway, track, or highway under any Act and any ferry or ford ; and</p> <p>(b) Any road traffic facility authorised and constructed under †<i>“ The Tolls on Privately Constructed Road Traffic Facilities Act of 1931 ”</i> or any tramway constructed on any road under subsection twenty-four of section thirty-five of ‡<i>“ The Local Government Acts, 1936 to 1948,”</i> or any other Act ; and</p>

* 1 G. 6 No. 12 and amending Acts.

† 22 G. 5 No. 14.

‡ 1 G. 6 No. 1 and amending Acts.

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- (c) Any place declared by the Governor in Council to be a road for the purposes of this Act ;
- “ Service omnibus ”—Any omnibus which is a motor vehicle and which is used or intended to be used, or plying or standing for hire as an omnibus for any distance exceeding twenty miles ; Service omnibus.
- “ Side-car ”—Any attachment for the carriage of passengers or goods, or both passengers and goods, affixed to a velocipede at the side thereof and having a wheel separate and distinct from the wheels of such velocipede. It shall be regarded as forming part of the velocipede to which it is affixed ; Side-car.
- “ Stop ”—When applied to or in respect of any person, vehicle, tram, train, or animal, means to halt and remain halted while thereunto required by lawful authority ; Stop.
- “ Superintendent ”—Any Superintendent of Traffic ; Superintendent.
- “ Tare ”—The weight of any vehicle equipped for travelling on a road, but not including any load ; Tare.
- “ This Act ”—This Act and all Proclamations, regulations, orders, directions, notifications, and determinations hereunder ; This Act.
- “ Tractor ” or “ traction engine ”—Any vehicle propelled or designed for propulsion by mechanical power used or intended to be used as a roller, bulldozer, grader, or for roadmaking or for hauling trailing vehicles (including a trailing vehicle partially superimposed thereon) but not fitted or equipped to carry passengers, or goods (other than fuel or water for its own consumption) ; Tractor or traction engine.
- “ Traffic ”—Includes the use by any person of any road, or the presence therein or thereon of any person, vehicle, tram, train, animal, or other movable article or thing whatsoever ; Traffic.

- Trailer. “Trailer”—Any vehicle without motive power attached or designed for attachment to another vehicle: The term does not include an articulated vehicle;
- Train. “Train”—Any conveyance or group of connected conveyances borne upon a rail or rails of a railway;
- Tram. “Tram”—Any conveyance or group of connected conveyances used or designed for use upon a tramway;
- Tramcar. “Tramcar”—Any tram fitted or equipped for the conveyance of passengers;
- Tramway. “Tramway”—The tramway of Brisbane City Council and any other tramway under and within the meaning of **The Tramways Acts, 1882–1890,*” or any other Act;
- Tricycle. “Tricycle”—Any vehicle having three wheels and designed for propulsion wholly by human power;
- Trolleybus. “Trolleybus”—Any omnibus which is a trolley vehicle;
- Trolley vehicle. “Trolley vehicle”—Any vehicle adapted for use on a road and propelled by mechanical power transmitted thereto from some external source;
- Vehicle. “Vehicle”—Includes any articulated vehicle, barrow, cab, car, carriage, cart, dray, hand cart, lorry, motor vehicle, multi-wheeled vehicle, omnibus, tractor or traction engine, trailer, trolley vehicle, truck, van, velocipede, wagon, or other means of transport or conveyance whatsoever designed for movement upon wheels, whether or not such vehicle is or is not for the time being capable of being operated or used in a normal manner, but does not include a tram or a train;
- Velocipede. “Velocipede”—Any motor cycle, bicycle, tricycle or other vehicle of similar description;

* 46 V. No. 10 and amending Act.

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“Vessel”—Any ship, boat, punt, ferry, and every other kind of vessel used or apparently designed for use in navigation whatever may be the means of its propulsion. Vessel.

(2.) Any reference in this Act to any other Act shall be read so as to include any Act passed hereafter in amendment of or substitution for the Act referred to.

(3.) Derivatives of any term to which a meaning is assigned by this section shall in this Act, unless the context otherwise indicates or requires, have a corresponding meaning.

PART II.—ADMINISTRATION.

PART II.—
ADMINIS-
TRATION.

10. This Act shall be administered by the Minister and subject to the Minister by the Commissioner and all other members of the Police Force. Administra-
tion of Act.

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

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

(3.) The Commissioner may from time to time appoint members of the Police Force to be respectively District Superintendents of Traffic for all or any of the following districts, that is to say—

- (a) The Metropolitan Traffic District ;
- (b) Any Police District situated wholly outside of the Metropolitan Traffic District ;
- (c) Where any Police District (other than the Brisbane Police District) is situated partly within and partly without the Area of the City of Brisbane, so much of that Police District as is situated outside of the Area of the City of Brisbane.

(4.) At any time when a member of the Police Force appointed by the Commissioner is not in office as the District Superintendent of Traffic for a district referred to in subsection three of this section, then the member of the Police Force hereinafter in this subsection specified shall, by virtue of his office, be and be deemed to be the District Superintendent for that district, that is to say—

- (a) For the Metropolitan Traffic District, the member of the Police Force who is at that time in charge of the Brisbane Police District ;
- (b) For any Police District situated wholly outside of the Metropolitan Traffic District, the member of the Police Force who is at that time in charge of that Police District ;
- (c) For any such district which is constituted by that part situated outside of the Area of the City of Brisbane of a Police District (other than the Brisbane Police District) which is partly within and partly without the said Area, the member of the Police Force who is at that time in charge of that Police District.

(5.) Each of the following members of the Police Force shall, by virtue of his respective office as such member, be and be deemed to be a Superintendent of Traffic, that is to say—

- (a) Every Inspector of Police ; and
- (b) Every Sub-Inspector of Police ; and
- (c) Every Officer in Charge of a Police Station.

(6.) In addition to members of the Police Force who, by virtue of their respective offices as such members, are Superintendents, the Commissioner may from time to time appoint such and so many members of the Police Force to be Superintendents of Traffic as the Commissioner shall think necessary or desirable for the proper administration of this Act.

Any such appointment may be made of a particular member of the Police Force or may be made by reference to a particular office and, in the case of an appointment as aforesaid by reference to an office,

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then unless and until the Commissioner revokes that appointment any member of the Police Force for the time being holding or performing the duties of that office shall by virtue of so doing be and be deemed to be the appointee.

(7.) The Commissioner may make administrative arrangements whereunder particular members of the Police Force who are Superintendents of Traffic shall or shall not exercise all or any of the powers, authorities, functions, and duties of a Superintendent of Traffic in and with respect to districts, areas, or localities specified by the Commissioner, but the breach by a Superintendent of any such administrative arrangements shall be a matter for disciplinary action by the Commissioner and shall not affect or prejudice the validity of anything done or omitted to be done by the Superintendent concerned as such.

(8.) Where a member of the Police Force holding a particular office is, by virtue of that office, a District Superintendent or a Superintendent, any other member of the Police Force who is for the time being performing the duties of that office shall, by virtue of so doing, be and be deemed to be a District Superintendent or, as the case may be, Superintendent.

(9.) The Commissioner may direct and require any member of the Police Force to carry out any function or duty deemed necessary or desirable by the Commissioner for the proper administration of this Act, and any member of the Police Force having any other member thereof under his charge or control may direct and require such other member to carry out all such duties as such member so having such charge or control shall deem necessary or desirable for the proper administration of this Act :

Provided that the Commissioner may direct that any matter or thing or class of matters or things authorised, required, or enabled by this Act to be done or executed, or the doing or executing of which is in the opinion of the Commissioner necessary or desirable for the proper administration of this Act, shall or shall not be done or executed at any particular Police Station or other place, or by any particular member of the Police Force, or by any member of the Police Force

holding a particular office or performing particular duties as such member, or shall be done or executed in accordance with such special directions as may be given by the Commissioner from time to time either generally or in respect of a particular case.

Power of
Commis-
sioner to
delegate.

12. (1.) The Commissioner may, generally, or in relation to any matters or things or class of matters or things or in relation to any particular district, area or locality, delegate to any member or members of the Police Force such of his powers, functions and authorities under this Act (other than this power of delegation) as he thinks fit, so that the delegated powers, functions and authorities may, subject to this Act, be exercised by the delegate or delegates generally or with respect to the matters and things or class of matters or things or the district, area or locality specified in the instrument of delegation.

The Commissioner may make any such delegation subject to such terms, conditions, and limitations as he shall specify in the instrument of delegation.

(2.) Where under this Act the exercise of any power, function or authority by the Commissioner is dependent upon the opinion, belief, or state of mind of the Commissioner in relation to any matter or thing, that power, function, or authority may be exercised by a delegate upon the opinion, belief, or state of mind of that delegate.

(3.) Every such delegation shall be revocable at will and no such delegation shall prevent the exercise of any power, function or authority by the Commissioner.

(4.) Any such delegation may be published in the *Gazette* and upon such publication shall be judicially noticed.

(5.) The Commissioner may, at any time and from time to time, make such and so many delegations under this section and to such number of members of the Police Force as he shall deem necessary or desirable for the effective administration of this Act.

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DRIVING OF
MOTOR
VEHICLES
AND OTHER
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PART III.—DRIVING OF MOTOR VEHICLES AND OTHER
VEHICLES AND ANIMALS.

13. This Part of this Act shall, unless the context herein otherwise indicates or requires, apply to and with respect to the driving of all motor vehicles on roads in Queensland and no provision of any other Part of this Act or of any license issued under or pursuant to any other Part of this Act and no provision of or any license or other authority issued under any other Act shall authorise or be deemed to authorise a person to drive or to permit or allow to be driven a motor vehicle on a road unless at that time that person or the person permitted or allowed by him to drive that vehicle is authorised under and in accordance with the provisions of this Part of this Act to drive that vehicle :

Application
of this
Part III.

Provided that the foregoing provisions of this section shall be read and applied so as not to limit the operation or effect of any other provision of this Part.

14. (1.) A Superintendent may, under and in accordance with this Act, including the regulations hereunder, issue and renew drivers' licenses (other than learners' permits), and for the purpose of enabling persons to learn to drive a motor vehicle with a view to passing the prescribed tests and/or examinations, issue and renew learners' permits.

Issue and
renewal of
drivers'
licenses.

(2.) Drivers' licenses shall be in the prescribed form or to the like effect and where the licensee is subject to any term, provision, condition, limitation, or restriction the same shall be specified on the license.

(3.) Subject to this Act, including the regulations hereunder—

(a) Every driver's license (other than a learner's permit) 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 for twelve months from and including the date of issue or renewal, as the case may be :

Provided that in the case of a driver's license (other than a learner's permit) being suspended for a period less than that portion of such period of twelve months remaining

at the date of the commencement of such period of suspension, such driver's license 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 ;

(b) Every learner's permit and every renewal thereof shall, unless such permit is sooner cancelled or surrendered under this Act or under any other Act or law, be in force for such period as is prescribed.

(4.) For the purposes of this section, the day immediately following the day on which the driver's license or the next previous renewal thereof, as the case may be, expired shall, subject to the next succeeding subsection, be deemed to be the date of the renewal of any driver's license renewed under this Act.

(5.) Where a driver's license is renewed subsequent to the date of expiry of the license or next previous renewal thereof, as the case may be, the renewal of the license shall come into force on the date of such subsequent renewal but shall expire on the date on which it would have expired had it been renewed prior to the date of expiry of the license, or next previous renewal thereof, as the case may be.

Driving of
motor
vehicle
without a
driver's
license
prohibited.

15. (1.) A person shall not at any time drive a motor vehicle on a road unless at that time he is the holder of a driver's license authorising him to drive that vehicle on that road.

(2.) A person shall not at any time permit or allow another person to drive a motor vehicle on a road unless at that time that other person is the holder of a driver's license authorising him to drive that vehicle on that road.

(3.) A person who drives or who permits or allows to be driven a motor vehicle on a road in contravention of a provision of subsection one or of subsection two of this section shall be guilty of an offence.

(4.) A person who is guilty of an offence against subsection one of this section and who at the time of the commission of such offence is disqualified—

(a) By this Act ; or

Penalty for
offence by
disqualified
person.

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AND OTHER
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AND ANIMALS.]

(b) By an order made under this or any other Act,

from holding or obtaining a driver's license, shall be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

16. (1.) Any person who whilst he is under the influence of liquor or of a drug—

Drivers
under
influence
of liquor
or drugs.

- (a) Drives, or is in charge of a motor vehicle, tram, train, or vessel ; or
- (b) Occupies the driving seat of a motor vehicle and attempts to put that motor vehicle in motion ; or
- (c) Attempts to put in motion a tram, train, or vessel,

shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(2.) Any person who whilst he is under the influence of liquor or of a drug drives or is in charge of any horse or other animal on a road, or drives or is in charge of any vehicle (other than a motor vehicle) on a road, or attempts to put in motion any vehicle (other than a motor vehicle) on a road shall be guilty of an offence.

(3.) (a) When any person charged with or arrested for an offence against any provision of subsection one of this section in relation to a motor vehicle does not appear personally before the justices constituting the Court at any time and place when and where the complaint of the said offence is to be heard or to which such hearing has been adjourned, the justices shall—

- (i.) If that person has been released on bail by recognizance or on deposit of money by way of bail, order the recognizance to be estreated or the deposit by way of bail to be forfeited ; and
- (ii.) In every such case require evidence on oath to be given before them of the matter of the said complaint (unless, in the case of any such adjournment, the matter of the

complaint is already substantiated to their satisfaction by evidence on oath given prior to that adjournment), and shall, if the evidence on oath required as aforesaid or, in the case of any such adjournment, given prior to that adjournment substantiates the matter of the said complaint to their satisfaction, issue their warrant to apprehend that person and to bring him before justices to answer the complaint and to be further dealt with according to law ; and

- (iii.) In every such case, unless that person appears by counsel or solicitor and shows sufficient cause why any and every driver's license held by that person should not be suspended until the complaint has been heard and determined, upon the hearing of evidence substantiating the matter of the complaint to their satisfaction, order that any and every driver's license held by that person shall from the date of such order be suspended until the complaint has been heard and determined.

(b) The provisions of section one hundred and forty-three of **"The Justices Acts, 1886 to 1948,"* shall thereupon apply to and be observed in such proceedings.

(c) Every other provision of **"The Justices Acts, 1886 to 1948,"* and of any other relevant Act or law shall be read, construed, and applied so as not to limit the operation and effect of this subsection.

(4.) Subsection one of this section shall apply to and with respect to any person—

- (a) Who is in charge of a motor vehicle on a road ; or
- (b) Who drives a motor vehicle on a road or elsewhere ; or
- (c) Who occupies the driving seat of a motor vehicle on a road or elsewhere, and attempts to put that motor vehicle in motion ; or
- (d) Who drives or is in charge of or attempts to put in motion a tram or train on a road or elsewhere ; or

* 50 V. No. 17 and amending Acts.

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AND ANIMALS.

- (e) Who drives or is in charge of or attempts to put in motion a vessel which is being used, or is apparently about to be used, in navigation.

17. Any person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road shall be guilty of an offence. Careless driving of motor vehicles.

18. (1.) (a) Any person who drives a vehicle (other than a motor vehicle), a tram, a train, or an animal on a road negligently or recklessly or at a speed or in a manner which is dangerous to the public, shall be guilty of an offence. Dangerous driving of vehicles (other than motor vehicles), &c.

(b) In considering whether an offence under this subsection has been committed, the justices shall have regard to all the circumstances of the case, including the nature, condition, and use of the road and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on such road.

Evidence proving or tending to prove any of the abovementioned circumstances shall be admissible.

(2.) Any person who drives a vehicle (other than a motor vehicle), a tram, a train, or an animal on a road without due care and attention or without reasonable consideration for other persons using the road shall be guilty of an offence.

19. (1.) Any person who organises or promotes or takes part in— Racing and speed trials on roads.

- (a) Any race between vehicles or animals on a road; or
(b) Any attempt to establish or break any vehicle or animal speed record on a road; or
(c) Any trial of the speed of a vehicle or animal on a road,

shall be guilty of an offence, unless the prior permission in writing of the Commissioner to the holding or making of the race, attempt, or trial has been obtained.

(2.) The fact that any race between vehicles or animals was held on any occasion shall be deemed conclusively proved if it is shown that on that occasion.

any vehicle or animal was driven simultaneously with or in succession after any other vehicle or vehicles or, as the case may be, animal or animals over substantially the same course.

(3.) (a) The Commissioner shall have power to grant or refuse permits under this section.

The Commissioner may in any such permit impose any conditions he deems necessary in the interests of public safety and/or convenience.

Any such permit or conditions may be of general or limited application.

(b) Where any person organising, promoting, or taking part in any such race, attempt, or trial contravenes or fails to comply with any condition imposed as aforesaid, that person shall be guilty of an offence.

(4.) Where a person is convicted of the offence, under subsection one of this section, of taking part in a race between motor vehicles on a road or in an attempt to establish or break a motor vehicle speed record on a road or in a trial of the speed of a motor vehicle on a road then he shall be ordered to be disqualified from holding or obtaining a driver's license by the justices who convicted him for that offence for such period from the date of the order as the justices shall specify in the order.

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

Disquali-
fication of
drivers of
motor
vehicles
for certain
offences.

20. Notwithstanding anything contained in any other Act where a person is convicted upon indictment of any offence in connection with or arising out of the driving of a motor vehicle by him, or is summarily convicted of an offence against any provision of section 328A of **"The Criminal Code,"* or is convicted of an offence in relation to a motor vehicle against section sixteen or of an offence against any provision of section seventeen of this Act, then—

(a) If during the period of three years immediately preceding such conviction (whether such period commenced before or commences after the commencement of

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this Act) such person has not been convicted of any offence (whether of the same or of a different kind) of the classes hereinbefore in this section mentioned—he shall be disqualified by such conviction and without any specific order for a period of three months from the date of such conviction from holding or obtaining a driver's license ; or

- (b) If during the period of three years immediately preceding such conviction (whether such period commenced before or commences after the commencement of this Act) such person has been convicted of one or more offences (whether of the same or of a different kind) of the classes hereinbefore in this section mentioned—he shall be disqualified by such conviction and without any specific order for a period of twelve months from the date of such conviction from holding or obtaining a driver's license ; or
- (c) If the Judge of the Supreme Court before whom such person is so convicted upon indictment, or the justices by whom such person is so convicted, orders or order (such Judge or justices being hereby empowered to make such order) that from the date of conviction such person shall be disqualified absolutely or for a longer period than the appropriate period specified in his case in paragraph (a) or paragraph (b) of this section from holding or obtaining a driver's license—he shall be so disqualified under and in accordance with that order.

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

21. Where upon the trial of any person charged upon indictment with an offence in connection with or arising out of the driving of a motor vehicle by him the Judge presiding at his trial is satisfied that upon the evidence such person should, in the interest of the public, be prohibited from driving a motor vehicle either absolutely or for a period, the Judge may, notwithstanding that such person is found not guilty by the jury, order

Power to
disqualify
person
from
holding or
obtaining
driver's
license
though
acquitted
of certain
indictable
offences.

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 Judge shall specify in the order.

An order under this section may be made by the Judge before he discharges the defendant upon the conclusion of the trial, or the Judge may discharge the defendant and adjourn the matter of whether or not he will make such order to a later date when he may receive such evidence in addition to the evidence given at the trial as he considers necessary under the circumstances.

Power to
disqualify
person
from
holding or
obtaining
driver's
license
though
complaint
dismissed.

22. Where upon the hearing of a complaint against any person of an offence against any provision of section 328A of **The Criminal Code*, or of an offence in relation to a motor vehicle against section sixteen or section seventeen or section nineteen of this Act, the justices determining the complaint are satisfied that upon the evidence such person should, in the interest of the public, be prohibited from driving a motor vehicle either absolutely or for a period, the justices may, notwithstanding that they dismiss the complaint, 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 justices shall specify in the order.

An order under this section may be made by the justices when they dismiss the complaint or the justices may dismiss the complaint and adjourn the matter of whether or not they will make such order to a later date when the justices may receive such evidence in addition to the evidence given upon the hearing of the complaint as they consider necessary under the circumstances.

Commis-
sioner to be
advised of
persons
disqualified
from
holding
drivers'
licenses,
&c.

23. When, by or under this Act, a person is disqualified or has been ordered by a Judge of the Supreme Court or justices to be disqualified from holding or obtaining a driver's license either absolutely or for a period, then—

(a) In the case where no order with respect to such disqualification was made by the Judge of the Supreme Court before whom he was convicted, particulars of the conviction; or

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- (b) In the case where an order with respect to such disqualification was made by a Judge of the Supreme Court upon the trial or conviction of that person, a copy of such order ; or
- (c) In the case where no order with respect to such disqualification was made by the justices who convicted him, a copy of the minute or memorandum of the conviction made and signed by such justices ; or
- (d) In the case where the order with respect to such disqualification has been made by justices, a copy of such order,

shall be transmitted by the Registrar of the Supreme or Circuit Court or the Clerk of the Petty Sessions concerned to the Commissioner.

24. In subsection two of section forty of **The State Transport Facilities Acts, 1946 to 1947*,” the words “the certificate that he is competent to operate” shall be read as “a driver’s license under and within the meaning of †*The Traffic Act of 1949*” and the words “certificate of competency” wherever such words appear shall be read as “driver’s license.”

Reference to certificate of competency in s. 40 (2) of 11 Geo. VI. No. 17 and s. 328c of *The Criminal Code.*”

In section 328c of †*The Criminal Code*” the words “a certificate of competency to operate a motor vehicle” shall be read as “a driver’s license under and within the meaning of †*The Traffic Act of 1949*,” and the words “certificate of competency” wherever such words appear shall be read as “driver’s license.”

PART IV.—VEHICLES FOR HIRE.

PART IV.—
VEHICLES
FOR HIRE.

25. (1.) Except as herein in this Part otherwise expressly provided, this Part of this Act shall not apply to or with respect to—

Application of this Part IV.

- (a) A vehicle approved by the Commissioner for Transport for use in carrying on a service for the carriage of passengers, or goods, or both passengers and goods licensed under **The State Transport Facilities Acts, 1946 to 1947*,” while that vehicle is being used for the purpose of carrying on that service ; or

* 11 G. 6 No. 17 and amending Act.

† This Act.

‡ 63 V. No. 9, Sch. I.

(b) A vehicle permitted by the Commissioner for Transport to be used for any purpose specified in subsection one of section fifty-six of **The State Transport Facilities Acts, 1946 to 1947,*” while that vehicle is being used for that purpose.

(2.) Except as hereinbefore provided in subsection one of this section, this Part of this Act shall apply to and with respect to all vehicles—

- (a) Kept or let for hire ; or
- (b) Used for the carriage of passengers, or goods, or both passengers and goods, for hire ; or
- (c) Plying or standing for hire for the carriage of passengers, or goods, or both passengers and goods,

and no provision of any other Part of this Act or of any license issued under or pursuant to any provision of any other Part of this Act shall authorise or be deemed to authorise a person to at any time—

- (i.) Keep or let for hire ; or
- (ii.) Use for the carriage of passengers, or goods, or both passengers and goods, for hire ; or
- (iii.) Cause to ply or stand for hire for the carriage of passengers, or goods, or both passengers and goods,

a vehicle unless at that time the vehicle is being so kept, let or used or is so standing or plying under and in accordance with a license under this Part of this Act.

A license under this Part of this Act is hereinafter referred to as a “license to hire.”

Holder of a license to hire to comply with 11 Geo. VI. No. 17, &c.

26. A license to hire shall not exempt or be deemed to exempt the holder thereof from liability for any contravention of or failure to comply with any of the provisions of **The State Transport Facilities Acts, 1946 to 1947,*” or of any regulations thereunder.

Issue and renewal of licenses to hire.

27. (1.) Subject to subsection two of this section, a Superintendent may, under and in accordance with this Act, including the regulations hereunder, issue and renew licenses to hire.

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(2.) A license to hire shall not be issued in the first instance by a Superintendent unless and until the applicant for that license has been approved by a District Superintendent :

Provided that a license to hire may be renewed by a Superintendent without requiring such approval by a District Superintendent.

A license to hire shall not be issued or renewed in respect of a motor vehicle unless—

- (a) A certificate of registration or of renewal of registration under **“ The Main Roads Acts, 1920 to 1943,”* and the regulations thereunder in respect of the vehicle is current ; and
- (b) Such vehicle is constructed and equipped in compliance with the requirements of this Act,

at the date of the issue or renewal of such license.

(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 for 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 such period of twelve months 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.

(4.) For the purposes of this section, the day immediately following the day on which the license to hire or the next previous renewal thereof, as the case may be, expired shall, subject to the next succeeding subsection, be deemed to be the date of the renewal of any license to hire renewed under this Act.

(5.) Where a license to hire is renewed subsequent to the date of expiry of the license or next previous renewal thereof, as the case may be, the renewal of the

license shall come into force on the date of such subsequent renewal but shall expire on the date on which it would have expired had it been renewed prior to the date of expiry of the license or next previous renewal thereof, as the case may be.

Offences.

28. (1.) A person shall not keep or let, or permit or allow to be kept or let, for hire at any time a vehicle unless at that time such vehicle is being kept or let for hire under and in accordance with a license to hire.

(2.) A person shall not use, or permit or allow to be used, on a road at any time a vehicle for the carriage of passengers, or goods, or both passengers and goods, for hire unless at that time such vehicle is being used for the carriage of such passengers, or goods, or both passengers and goods, as the case may be, under and in accordance with a license to hire.

(3.) A person shall not cause or permit or allow to stand or ply for hire for the carriage of passengers, or goods, or both passengers and goods, at any time a vehicle unless at that time such vehicle is so standing or plying for hire under and in accordance with a license to hire.

Placing
distinguish-
ing sign,
&c., on
unlicensed
vehicle.

29. (1.) A person shall not at any time place or allow to remain on any vehicle any printing or sign being or containing any of the following words, namely:—"cab," "taxi," "taxi-cab," "licensed cab," "licensed taxi-cab," "for hire," "vacant," or any other printing or sign implying or that may be construed to imply that such vehicle is licensed for hire or is for hire or is in use or standing or plying for hire, or any distinguishing number, sign, or words prescribed for use on any vehicle or vehicles of any class or description licensed under this Part of this Act, unless he is at that time the holder of a license to hire in respect of that vehicle.

(2.) Subsection two of section twenty-five of this Act shall be read so as not to limit the application of this section.

Offences by
persons
using
licensed
vehicles,
trams,
&c.

30. (1.) Any person hiring or using or attempting to hire or use a vehicle licensed under this Part of this Act, or a vehicle permitted to be used for carrying passengers or passengers and goods or approved for use

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VEHICLES
FOR HIRE.

in carrying on a service for the carriage of passengers or passengers and goods under any other Act, or a tramcar, who—

- (a) Evades or attempts to evade payment of the lawful fare for such hiring or use, or refuses to pay such fare ; or
- (b) Having failed or refused to pay such fare, fails when required to give to an authorised officer or to the driver or conductor of such vehicle or tramcar his name and address, or gives a false name and address or a false name or a false address ; or
- (c) Enters upon or into such vehicle or tramcar (or into any compartment thereof) when such vehicle or tramcar (or compartment thereof) already is carrying the full complement of passengers or is hired by another person ; or
- (d) Having entered upon or into such vehicle or tramcar (or into any compartment thereof) when such vehicle or tramcar (or compartment thereof) already is carrying the full complement of passengers or is hired by another person, fails to remove himself therefrom when required to do so by the driver or conductor of that vehicle or tramcar or by an authorised officer ; or
- (e) Having entered upon or into such vehicle or tramcar (or into any compartment thereof) and his continued presence thereon or therein becoming unauthorised, fails to remove himself therefrom when required to do so by the driver or conductor of that vehicle or tramcar or by an authorised officer ; or
- (f) Misconducts himself or causes inconvenience, annoyance, or discomfort to any person whilst using such vehicle or tramcar ; or
- (g) Wilfully damages or otherwise improperly interferes with any part of such vehicle or tramcar or with any equipment therein or thereon,

shall be guilty of an offence, and may be removed from the vehicle or tramcar by the driver, conductor, or any other person employed thereon or by any authorised officer.

(2.) Any person who procures or attempts to procure the use or hire of any vehicle or tramcar by fraud or misrepresentation shall be guilty of an offence.

(3.) Nothing in this section shall be deemed to repeal or affect the provisions in force of any other Act or of any regulation, ordinance, or by-law made under any other Act relating to offences by persons hiring or using or attempting to hire or use a vehicle or tramcar within the meaning of this Act and where any act or omission is an offence both under a provision of this section and under a provision of any such other Act, regulation, ordinance, or by-law, the offender may be prosecuted under this Act or under such other Act, regulation, ordinance, or by-law, but so that he shall not be twice punished for that offence.

(4.) Section twenty-five of this Act shall be read so as not to limit the application of this section.

PART V.—ROAD INCIDENTS.

Duties and liabilities of drivers involved in certain road incidents.

31. (1.) If, 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 that vehicle or tram or to some other vehicle or tram, or to any other property, real or personal, or death or injury is caused to that animal or to some other animal, the driver of every vehicle, tram, or animal involved in that incident shall, if in motion, stop and, in any case, shall, 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 and the identification marks of the vehicle, tram, or animal.

The driver of every vehicle, tram, or animal involved in that incident shall also render all reasonable assistance to any person to whom injury as aforesaid has been caused.

(2.) Moreover, when any such incident happens, the driver of every vehicle, tram, or animal involved in that incident shall 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.

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Any member of the Police Force to whom such an incident is reported shall, if required, supply his name, rank, and registered number, if any, to the person reporting the incident.

(3.) A person who fails to comply with this section in any respect shall be guilty of an offence and liable—

- (a) Where injury (fatal or non-fatal) has been caused to any person by the incident, to a penalty of not more than one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment ; or
- (b) In any other case to a penalty of not more than one hundred pounds or to imprisonment for a term not exceeding six months :

Provided that a person shall not be punished for an offence against this section if he satisfies the justices hearing and determining the complaint of that offence that he did not know that any such incident had occurred and that the circumstances of the incident in question were such that a competent driver using all due diligence would not have known that the incident had occurred.

(4.) 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.

(5.) Where a person is convicted of an offence against any provision of this section the justices 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 a period of twelve months or for such longer period than twelve months as the justices 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.

(6.) 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 five of this section upon a conviction of any person for an offence against this section resulting from any road incident hereinbefore mentioned, 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 by the justices as the Judge shall specify in his order.

Power of
the Minister
to cause
inquiry into
certain
road
incidents.

32. (1.) Where owing to the presence of a person, vehicle, tram, train, or animal on a road an incident occurs whereby death or injury is caused to any person, or damage is caused to that vehicle, tram, or train or to some other vehicle, tram, or train or to any other property, real or personal, or death or injury is caused to that animal or to some other animal, the Minister may cause a person appointed by him in that behalf to inquire to such extent as the Minister shall think necessary or desirable into that incident, including the cause or causes thereof and the circumstance or circumstances attendant thereon.

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(2.) A person appointed under this section shall have power to—

- (a) Summon witnesses ; and
- (b) Take evidence on oath or, in the case of a witness conscientiously refusing to take an oath, upon affirmation ; and
- (c) Require the production of any document, book, paper, vehicle, tram, train, or animal.

(3.) Witnesses summoned in pursuance of subsection two of this section may be paid such fees and allowances as are prescribed, or, in so far as not prescribed, fixed by the Minister.

(4.) A person having been summoned as a witness in pursuance of subsection two of this section shall not fail, without lawful excuse, to appear in obedience to the summons.

(5.) A person having appeared as a witness before the person appointed under this section, whether summoned so to appear or not, shall not, without lawful excuse, refuse to be sworn or to make an affirmation, or fail or refuse to produce any document, book, paper, vehicle, tram, train, or animal, or to answer any question which he is lawfully required to produce or answer.

(6.) A person appointed under this section to make an inquiry may require any person—

- (a) To furnish him with such information as is required ; or
- (b) To answer any question put by him, in relation to such inquiry.

A person shall not, when so required under this subsection—

- (a) Without lawful excuse fail or refuse to furnish any information or to answer any question ; or
- (b) Furnish any information or make any answer which is false in any particular.

(7.) A person appointed by the Minister under this section to inquire into any such incident may, on production, if so required, of his authority, inspect any vehicle, tram, train, or animal alleged to have been

involved in that incident and for that purpose may enter, using force if necessary, at any reasonable time, any land, premises or place wherein or whereon the vehicle, tram, train, or animal is or is suspected on reasonable grounds to be.

(8.) A person shall not obstruct any person authorised under this section in the performance of his duty hereunder.

Members of
the Police
Force may
make
inquiries,
&c., into
certain
road
incidents.

33. (1.) Any member of the Police Force may make all such inquiries and investigations as he deems necessary or desirable for the purpose of ascertaining full particulars relating to any person, vehicle, tram, train, or animal, or other property, real or personal, involved in any incident on any road whereby death or injury was caused to any person, or damage was caused to any vehicle, tram, or train, or to any other property, real or personal, or death or injury was caused to any animal, and the cause or causes of such incident and the circumstance or circumstances attendant thereon and may make or cause to be made such inspection, examination, or test of any vehicle, tram, train, or animal as he considers necessary or desirable for that purpose.

(2.) A person shall not, when required by a member of the Police Force under this section—

(a) Without lawful excuse, fail or refuse to furnish any information within the knowledge of that person ; or

(b) Furnish any information which he knows to be false.

Detention of
vehicles, &c.,
involved in
certain road
incidents.

34. Any vehicle, tram, or animal as well as any goods, equipment, or other property or thing whatsoever therein or thereon or attached thereto, involved in any incident whereby death or injury was caused to any person, or damage was caused to any vehicle, tram, or any other property, real or personal, or death or injury was caused to any animal, may be seized and removed and detained or caused to be removed to and detained at a place of safe custody by any member of the Police Force for such period as is reasonably necessary to complete inquiries and investigations with respect to such incident, and such vehicle, tram, animal, goods,

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ROAD
INCIDENTS.

equipment, or other property or thing may be submitted to such inspection, examination, or test as is, in the opinion of such member of the Police Force, necessary or desirable to complete such inquiries and investigations :

Provided that if any complaint is made against any person of an offence in connection with or arising out of such incident, such vehicle, tram, animal, goods, equipment, or other property or thing may be detained for such further period as is necessary for the production thereof as an exhibit in the proceeding upon such complaint :

Provided further that this section shall be read and construed so as not to prejudice or affect the power of a Court of Petty Sessions to make an order for the delivery of such vehicle, tram, animal, goods, equipment, or other property or thing under the provisions of section thirty-nine of **"The Justices Acts, 1886 to 1948,"* but such an order shall not be made by a Court if it is considered that the vehicle, tram, animal, goods, equipment, or other property or thing has not been detained for a period longer than that which is reasonably necessary to complete inquiries and investigations as aforementioned.

PART VI.—POWERS, FUNCTIONS, AND DUTIES OF
MEMBERS OF THE POLICE FORCE.

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MEMBERS OF
THE POLICE
FORCE.

35. Every member of the Police Force shall at all times cause the provisions of this Act to be duly observed, and any such member may make any inquiry, investigation, inspection, examination, or test which in the opinion of such member is necessary to establish whether or not a breach of this Act has been committed by any person or by any person in respect of any vehicle, tram, train, vessel, or animal.

General
powers,
functions,
and duties
of Police.

In all cases not expressly provided for by this Act, any member of the Police Force may give to all drivers of and passengers upon vehicles, animals, trains, and trams on or about to enter on any road, and to all pedestrians on and to all persons about to enter on any road, such directions, signals, and orders as may, in his opinion, be necessary for the safe and effective regulation of traffic therein or thereon.

* 50 V. No. 17 and amending Acts.

Obstruction,
&c., of
members of
the Police
Force.

36. A person shall not—

- (a) Obstruct or hinder any member of the Police Force in the exercise of his powers or duties under this Act; or
- (b) Disobey any direction, signal, or order given by a member of the Police Force in the exercise of his powers or duties under this Act.

Diversion
of traffic.

37. (1.) Whenever and so often as in his opinion it is expedient for the proper execution of this Act so to do, the Commissioner, a District Superintendent or a Superintendent may temporarily prohibit, divert or direct all or any part of the traffic on or from any road or part thereof :

Provided that whenever it is practicable public notice of the intention so to do shall be given in some newspaper generally circulating in the locality concerned.

(2.) The Commissioner or a District Superintendent or Superintendent may close any road or part thereof against all or any part of the traffic during any temporary obstruction or danger to traffic, or whenever it may be necessary for any temporary purpose, and may prevent such traffic in or on any road closed against traffic under the authority of this or any other Act.

(3.) The Commissioner or a District Superintendent may close any road or part thereof permanently or temporarily against any particular class or description of traffic, and may prevent that class or description of traffic in or on any road so closed, provided that another road or route is made available for that class or description of traffic in place of the road or part of the road so closed.

(4.) In the event of an emergency any member of the Police Force may temporarily close any road or part thereof and prohibit, divert, or direct all or any part of the traffic therefrom or thereon and may take all such measures and give or cause to be given any direction, signal, or order which in his opinion is necessary or desirable for the safe and effective regulation of traffic in the locality where the emergency has arisen or exists.

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FORCE.

(5.) Any person who drives, takes, or uses a vehicle, tram, train, or animal on, or who enters or remains on a road or part thereof at any time when—

- (a) That road or part thereof is closed under any provision of this section against all traffic ; or
- (b) All traffic is prohibited on or diverted from that road or part thereof under any provision of this section ; or
- (c) That road or part thereof is closed under any provision of this section against that part of the traffic which includes that person, vehicle, tram, train, or animal ; or
- (d) That part of the traffic which includes that person, vehicle, tram, train, or animal is prohibited on or diverted from that road or part thereof under any provision of this section ; or
- (e) That road or part thereof is closed against that particular class or description of person, vehicle, tram, train, or animal,

or who contravenes or fails to comply with a direction, signal, or order given under any provision of this section shall be guilty of an offence.

38. (1.) The Commissioner or a District Superintendent or Superintendent may from time to time authorise the construction, making, marking, placing, or erection in, into, on, or near any road or the affixing to or the painting upon any structure of any official traffic sign which in his opinion may be necessary, required, or desirable for the safe and effective regulation of traffic.

(2.) The Commissioner or a District Superintendent or Superintendent may from time to time construct, make, mark, place, or erect in, into, on, or near any road, or affix to or paint upon any structure, or cause to be constructed, made, marked, placed, or erected in, into, on, or near any road or to be affixed to or painted upon any structure, any official traffic sign.

(3.) The Commissioner or a District Superintendent or Superintendent may from time to time revoke, discontinue, cancel, remove, demolish, erase, or cause or authorise to be revoked, discontinued, cancelled, removed, demolished, or erased, any official traffic sign.

(4.) For the purpose of this section “structure” includes any building, wall, fence, pillar, post or other structure, erection, or device wheresoever situated and by whomsoever owned.

(5.) Any person who obstructs the Commissioner, a District Superintendent, or Superintendent in the exercise of his powers under this section, or who obstructs any person acting under an authority given hereunder by the Commissioner, a District Superintendent, or Superintendent, or who unless authorised pursuant to this section demolishes, destroys, pulls down, erases, removes, defaces, or otherwise damages or interferes with any official traffic sign shall be guilty of an offence.

(6.) Any person who contravenes or fails to comply with—

(a) (Where a direction or indication given by an official traffic sign specified in the regulations is prescribed), the prescribed direction or indication given by that official traffic sign ; or

(b) In any other case, the direction or indication given by an official traffic sign,

shall be guilty of an offence.

(7.) Any person who, without the authority of the Commissioner, a District Superintendent, or Superintendent, constructs, makes, marks, places, or erects in, into, on, or near any road, or who affixes to or paints upon any structure, or who causes to be so constructed, made, marked, placed, erected, affixed, or painted, any sign or other thing in the nature of, or similar to, or which is likely to be mistaken for, any official traffic sign shall be guilty of an offence, and any such sign or other thing may (whether or not any proceeding is taken for an offence with respect thereto) be destroyed, removed, or obliterated by or at the direction of any member of the Police Force.

Police may
require
name and
address.

39. (1.) Any member of the Police Force who—

(a) Finds any person committing or who reasonably suspects any person of having committed an offence against this Act ; or

(b) Is making inquiries or investigations with a view to establishing whether or not an offence against this Act has been committed by any person ; or

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(c) Is of the opinion that any person was present at the scene of any incident on any road whereby death or injury was caused to any person, or damage was caused to any vehicle, tram, or train, or to any other property, real or personal, or death or injury was caused to any animal, and may be able to give information or evidence in relation to such incident ; or

(d) Is of the opinion that the name and address of any person is required for the purpose of giving effect to any provision of this Act, or for the purpose of enabling him to carry out his functions and duties under this Act,

may require such person to stop and/or to state his name and address, or name or address, and, if he has reasonable ground to suppose that the name and address, or name or address, given is false, may require evidence of the correctness thereof.

(2.) Any person required under this section to stop who fails to do so shall be guilty of an offence.

(3.) Any person required under this section to state his name and address, or name or address, who—

(a) Fails or refuses to state his name and address or, as the case may be, name or address ; or

(b) States a false name and address or, as the case may be, a false name or address,

shall be guilty of an offence.

(4.) Any person required under this section to give evidence of the correctness of his name and address, or name or address, who fails to give that evidence, or who gives false evidence with respect to his name and address or, as the case may be, name or address, shall be guilty of an offence.

40. (1.) Any driver of a vehicle, tram, or animal who fails—

(a) To stop that vehicle, tram, or animal ; or

(b) To state his name and address, or name or address ; or

Driver to
stop and
supply
name, &c.,
when
required.

- (c) If this Act prohibits him from driving that vehicle, tram, or animal without the authority of a driver's license or other license issued hereunder, to produce that driver's license or, as the case may be, other license for inspection,

when required or called upon so to do by any member of the Police Force shall be guilty of an offence.

(2.) Any driver of a vehicle, tram, or animal required or called upon by any member of the Police Force to state his name and address, or name or address, who—

- (a) States a false name and address or, as the case may be, a false name or address; or
- (b) (If that member of the Police Force has reasonable ground to suppose that the name and address or, as the case may be, name or address, stated is false and requires evidence of the correctness thereof), fails to give evidence or gives false evidence with respect to the correctness thereof,

shall be guilty of an offence.

(3.) Any person who while required under this Act to hold a license fails to produce such license for inspection when called upon so to do by any member of the Police Force shall be guilty of an offence.

The provision of this subsection shall not prejudice or affect any other provision of this Act requiring the production of a license for inspection and where an omission is both an offence under this subsection and under such other provision, the offender may be prosecuted under this subsection or under such other provision, but so that he shall not be twice punished for that offence.

Power to
require
information
respecting
identity of
drivers of
vehicles, &c.

41. (1.) The owner of a vehicle, tram, or animal, or a person in whose name a vehicle is registered, or a person having the possession or control of a vehicle, tram, or animal, shall give such information as he may be required by any member of the Police Force to give as to the identity of any person who was driving, or who was in charge or control of, that vehicle, tram,

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or animal on any occasion when an offence under this Act in relation to that vehicle, tram, or animal is alleged to have been or is suspected of having been committed.

(2.) Every person shall, if required by any member of the Police Force, give any information, which it is in his power to give, which may lead to the identification of any person who was driving or who was in charge or in control of a vehicle, tram, or animal on any occasion when an offence under this Act in relation to that vehicle, tram, or animal is alleged to have been or is suspected of having been committed.

(3.) Any driver of a vehicle, tram, or animal shall give such information as he may be required by any member of the Police Force to give as to the identity of the owner of such vehicle, tram, or animal.

(4.) A person who fails to give any information required by this section to be given by him shall be guilty of an offence: Provided that he shall not be punished for that offence if he satisfies the Court that he did not know, and could not by using all due diligence have known, the information required.

(5.) Nothing in this section contained shall render any person compellable to answer any question tending to incriminate himself.

42. Any member of the Police Force may arrest any person found committing an offence against this Act, or who in the opinion of such member is guilty of an offence against any provision of section sixteen, section seventeen, section eighteen, section nineteen, or section thirty-one of this Act or whom he reasonably suspects to be evading or attempting to evade payment of any fare payable under this Act, or under any other Act or law, or any person who when required under this Act to state his name and address, or name or address, or to give evidence of the correctness thereof fails to do so, or states a name and address, or name or address, or gives evidence which in the opinion of such member is false.

General
power of
arrest
without
warrant.

43. Any member of the Police Force may at any time enter any land, premises, or place for the purpose of making any seizure, inquiry, investigation, inspection, examination, or test which he is authorised or required

Powers of
entry.

to make under this Act whether in relation to any person, or to such land, premises, or place or to anything which may be therein or thereon, whether it be an animal, or a vehicle, tram, train, or part thereof, or any goods, equipment, or other property or thing, or which in his opinion is necessary or desirable to give proper effect to the provisions of this Act, and if such member is the Commissioner or a District Superintendent, or is acting under the instruction of the Commissioner or a District Superintendent, he may use reasonable force, if necessary, for making such entry.

Police may
take charge^e
of vehicles,
&c., in
certain
cases.

44. (1.) Any member of the Police Force may seize and remove and detain or cause to be removed to and detained at a place for safe keeping or any purpose deemed necessary for giving effect to any provision of this Act or for the safe and effective regulation of traffic any vehicle, tram, or animal—

- (a) Where the driver of such vehicle, tram, or animal has been arrested by a member of the Police Force under this Act or any other Act ; or
- (b) In respect of which there are reasonable grounds for suspecting that such vehicle, tram, or animal has been abandoned by the person who last drove or used the same or has been left unattended after being involved in an incident whereby death or injury was caused to any person, or damage was caused to a vehicle, tram, or train, or to any other property, real or personal, or death or injury was caused to any animal ; or
- (c) In respect of which there are reasonable grounds for suspecting that such vehicle, tram, or animal has been left on a road unattended whether temporarily or otherwise for such time or in such place, condition, manner or circumstances, that its presence on the road causes or is likely to cause danger, hindrance, or obstruction to traffic or prevents, hinders or obstructs or is likely to prevent, hinder or obstruct, the use of the road or any part thereof for some lawful purpose ; or

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- (d) Which is found on a road in such place, condition, manner, or circumstances that its presence constitutes an offence under this Act or causes or is likely to cause danger, hindrance or obstruction to traffic or prevents, hinders or obstructs, or is likely to prevent, hinder or obstruct, the use of the road or any part thereof for some lawful purpose, and
- (i.) The driver of which cannot be readily located ; or
- (ii.) Which the driver thereof fails to remove forthwith when required by a member of the Police Force so to do :

Provided that in any of the cases specified in paragraph (c) or paragraph (d) of this subsection a member of the Police Force may, without seizing and detaining at a place for safe keeping the vehicle, tram, or animal concerned, remove it or cause it to be removed to some other place but in that event the member of the Police Force shall only remove or cause the vehicle, tram, or animal to be removed to a place at which it can be located by the driver thereof.

The owner or a person possessing authority to act for or on behalf of the owner of a vehicle, tram, or animal seized under this subsection may take delivery of or obtain possession of that vehicle, tram, or animal before its removal or while it is being removed to a place for safe keeping or other purpose for which it was seized on obtaining the prior consent of the member of the Police Force who made the seizure.

(2.) As soon as practicable after a seizure, removal and detention under subsection one of this section the member of the Police Force seizing and removing or causing to be removed the vehicle, tram, or animal, or some person on his behalf, shall give to the owner notice of the seizure and of the place to and at which the vehicle, tram, or animal was removed and detained. The notice shall wherever practicable be in writing and be served upon the owner personally, but if it is not so served within fourteen days after the seizure it may be given by public advertisement in a newspaper circulating in the locality in which the vehicle, tram, or animal was found.

(3.) If the owner of the seized vehicle, tram, or animal does not within one month after the service or advertisement of the notice under subsection two of this section, and before the vehicle, tram, or animal is released from Police custody, pay all expenses in connection with the removal and detention of the vehicle, tram, or animal, and of serving or advertising the notice, and take possession of the vehicle, tram, or animal, such vehicle, tram, or animal may be sold or otherwise disposed of by direction of the Commissioner and the proceeds of such sale or disposal shall be applied as follows :—

- (a) Firstly, in payment of the expenses of the sale ;
- (b) Secondly, in payment of the cost of removal and detention of the vehicle, tram, or animal, and of the notice served or advertised under this section ;
- (c) Thirdly, in payment of the balance to the owner, or if after reasonable inquiry the owner cannot be found, into the Consolidated Revenue Fund of the State :

Provided that when a vehicle, tram, or animal is seized and detained by a member of the Police Force under this section and it is, in the opinion of a Superintendent, necessary for the Police to retain custody of the same for the purpose of producing it as an exhibit or for some other purpose, notification thereof shall be given to the owner and thereupon, unless any order for its delivery is sooner made by a Court of Petty Sessions in the district in which the seizure was made or in the district to which the vehicle, tram, or animal has been removed and detained upon an application made under the provisions of section thirty-nine of **“ The Justices Acts, 1886 to 1948,”* such vehicle, tram, or animal may be retained in the custody of the Police for that purpose.

When it is, in the opinion of the Superintendent under whose direction a vehicle, tram, or animal is retained in the possession of the Police, no longer necessary to retain possession of the vehicle, tram, or animal for the purpose of producing it as an exhibit (and it has not been so produced) or for any other purpose for which it was retained, the owner shall be notified accordingly.

* 50 V. No. 17 and amending Acts.

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When the owner of any such vehicle, tram, or animal has been so notified that it is no longer required to be detained in Police custody and he fails to take possession of the same within one month after being so notified, such vehicle, tram, or animal may be sold or otherwise disposed of and the proceeds of such sale or disposal shall be applied as previously specified in this subsection.

(4.) The authority to deal with any vehicle, tram, or animal in any manner specified in this section shall also apply to any goods, equipment, or other property or thing whatsoever contained therein or thereon, or attached thereto at the material time, and the provisions of this section shall extend and apply to such goods, equipment, or other property or thing accordingly.

(5.) Subject to any order made by a Court of Petty Sessions under the provisions of section thirty-nine of **“The Justices Acts, 1886 to 1948,”* the following rules shall be observed in relation to the release from Police custody of a vehicle, tram, or animal seized and detained by a member of the Police Force under this Act, that is to say—

- (a) Application for its release from the custody of the Police shall be made by the owner of the vehicle, tram, or animal or by a person acting for or on behalf of such owner to the Officer in Charge of the Police Station in the area where such vehicle, tram, or animal is located ;
- (b) The applicant shall furnish proof of the ownership of the vehicle, tram, or animal to the satisfaction of the said Officer in Charge ;
- (c) The vehicle, tram, or animal shall not be released from Police custody unless—
 - (i.) Where such vehicle, tram, or animal has been retained for the purpose of producing it as an exhibit it has not been so produced, or where it has been retained for some other purpose it is no longer required for such purpose ; and

* 50 V. No. 17 and amending Acts.

- (ii.) The said Officer in Charge is satisfied that the applicant is the owner thereof or that he possesses authority to act for or on behalf of such owner ; and
- (iii.) The costs of the removal and detention of such vehicle, tram, or animal, and of the service or advertisement of notice of the seizure thereof, incurred by the Police have been paid to the said Officer in Charge or evidence is produced to the satisfaction of such Officer that such costs have been paid to the person to whom the same were due and payable ; and
- (iv.) The applicant has signed a receipt for the delivery of the vehicle, tram, or animal, on the prescribed form supplied to him by the said Officer in Charge.
- (6.) Any person who takes delivery or obtains possession of or removes or attempts to remove any vehicle, tram, or animal seized under this Act except—
- (a) Under and pursuant to an order made by a Court of Petty Sessions under the provisions of section thirty-nine of **“ The Justices Acts, 1886 to 1948 ”* ; or
- (b) After complying with the rules set out in subsection five of this section ; or
- (c) After obtaining the prior consent of the member of the Police Force who made the seizure,
- shall be guilty of an offence.

PART VII.—PROCEEDINGS AND EVIDENCE.

Offences.

45. (1.) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence.

General
penalty.

(2.) Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty not exceeding one hundred pounds, or to imprisonment for a term not exceeding six months.

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(3.) All offences against this Act may be prosecuted and all fares and other sums payable under this Act may be recovered in a summary way under **"The Justices Acts, 1886 to 1948,"* on complaint by any member of the Police Force or by any other person authorised by the Minister :

Summary
proceedings.

Provided that the Minister's authority shall not be required in any proceeding for the recovery of a fare or other sum payable under this Act where such proceeding is taken by a licensee or other person to whom such fare or other sum is due or payable.

(4.) In any proceeding under **"The Justices Acts, 1886 to 1948,"* for the recovery of any fare payable under this Act, no fee in respect of such proceeding shall be charged or taken by any Clerk of Petty Sessions or other officer of the Court.

No fee to be
charged in
proceedings
for
recovery
of fares.

(5.) Proceedings in respect of the recovery in a summary way of the fare payable under this Act for the whole distance a person has travelled may be heard and determined at a place appointed for holding Courts of Petty Sessions within any Petty Sessions district within or within twenty miles of the boundary of which such person travelled any part of that distance.

Venue in
certain
summary
proceedings.

(6.) A complaint against any person of an offence under this Act in connection with or arising out of the driving or use of a vehicle in respect of the whole distance the vehicle was unlawfully driven or used may be heard and determined at a place appointed for holding Courts of Petty Sessions within any Petty Sessions district within or within twenty miles of the boundary of which that vehicle was driven or used for any part of that distance.

(7.) The Clerk of a Petty Sessions shall cause particulars of each conviction, estreat, forfeiture, or order under this Act made by justices constituting at any time that Court to be forwarded to the Commissioner.

Duty of
Clerk of
Petty
Sessions.

46. Any prescribed fee may be recovered in a summary way under **"The Justices Acts, 1886 to 1948,"* or by action as for a debt in any Court of competent jurisdiction.

Recovery of
fees.

In any action or proceedings for the recovery of a prescribed fee a document in writing purporting to be signed by a Superintendent and stating that any sum specified therein is the amount of a prescribed fee which became due and payable on the date set out therein and that such sum has not been paid shall be admissible in evidence and shall be conclusive proof of the facts stated in that document unless the contrary is proved.

Police may
prosecute
in all
proceed-
ings.

47. In any proceedings under this Act any member of the Police Force, although not the informant or complainant, may appear and act in Court on behalf of the prosecution.

Records.

48. The particulars of licenses, applications, appointments, determinations, notifications, demands, directions, cancellations, suspensions, surrenders, authorisations, approvals, convictions, estreats, forfeitures, or orders issued, made or given under or pursuant to this Act shall be recorded in books or other records kept for the purpose at the Office of the Commissioner or at the Office of a District Superintendent or Superintendent and such records or an extract from or copy of any entry of any particulars so recorded, purporting to be certified under the hand of the Officer ordinarily having the custody thereof as being the record, or an extract from or copy of such record, shall in all courts and upon all occasions whatsoever, be received as evidence and deemed sufficient proof of all particulars contained in such record, extract, or copy without requiring the production of such books or other records or document or documents upon which entry of such particulars may be founded, and the signature of the person certifying to such record, extract, or copy shall, until the contrary is proved, be taken to be the signature of the person having authority to so certify.

Facilitation
of proof.

49. (1.) In any proceeding under or for the purpose of this Act—

- (a) It shall not be necessary to prove the appointment of the Commissioner or of the Chief Inspector of Police or of a District Superintendent or of a Superintendent or of a member of the Police Force ;

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PROCEEDINGS
AND EVIDENCE.

- (b) A signature purporting to be that of the Commissioner, or of the Chief Inspector of Police, or of a District Superintendent, or of a Superintendent shall be taken to be the signature it purports to be until the contrary is proved ;
- (c) It shall not be necessary to prove the limits of any district or part of a district, or that any road or place is within a district or part thereof, or the authority of the Commissioner, the Chief Inspector of Police, a District Superintendent or Superintendent, or a member of the Police Force to do any act or take any proceedings, but this shall not prejudice the right of any defendant to prove the limits of the district or part of the district or the extent of such authority ;
- (d) Proof that at any time any vehicle in respect of which a license to hire has been issued and is in force under this Act is or was on a road shall be evidence that it is or was plying or standing for hire at that time and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such plying or standing for hire ;
- (e) Proof that a person applied for or obtained a license for a vehicle shall be evidence that such person was the owner of such vehicle and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such ownership ;
- (f) A document purporting to be a copy of a license under this Act shall, upon its production in evidence, be evidence of that license, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of that license ;
- (g) A document purporting to be signed by the Commissioner, or by a District Superintendent, or by a Superintendent and stating that at any specified time there was or was not in force a license under this Act as described therein issued to a specified person,

or in respect of a specified vehicle, or for a specified purpose, or that any such license was or was not issued subject to terms, conditions, or restrictions, or was or was not issued subject to the terms, conditions, and restrictions set out in that document shall, upon its production in evidence, be evidence of the matter or matters in that document, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters ;

- (h) In relation to the use or driving of a vehicle, tram, or animal the allegation or averment in the complaint that the driver or person in charge of that vehicle, tram, or animal was not authorised under this Act by an appropriate driver's license or otherwise to drive or, as the case may be, to be in charge of that vehicle, tram, or animal or that such use was not authorised by an appropriate license under this Act shall be evidence of the matter or matters so alleged or averred, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters ;
- (j) Against the owner of a vehicle, tram, or animal for permitting or allowing such vehicle, tram, or animal to be used or driven by a person not authorised under this Act by an appropriate driver's license or otherwise to use or drive that vehicle, tram, or animal, proof that such person used or drove that vehicle, tram, or animal shall be evidence that the owner of such vehicle, tram, or animal permitted or allowed such use or driving, and in the absence of evidence in rebuttal thereof shall be conclusive evidence that the owner of such vehicle, tram, or animal permitted or allowed such use or driving ;
- (k) Any certificate purporting to be under the hand of the Commissioner, or of the Chief Inspector of Police, or of a District Superintendent, or of a Superintendent of the receipt or non-receipt of any notice, application, or payment or of any other thing

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AND EVIDENCE.

required by this Act to be given or made shall, upon its production in evidence, be evidence of the matter or matters certified to therein, and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such matter or matters ;

- (l) Any certificate purporting to be under the hand of the Chief Inspector of Machinery appointed under **“The Inspection of Machinery Acts, 1915 to 1946,”* or of any person thereunto authorised by the said Chief Inspector, as to any inspection made by any inspector appointed under **“The Inspection of Machinery Acts, 1915 to 1946,”* of any vehicle, whether such inspection was carried out at the direction of any member of the Police Force or not, shall, upon its production, be evidence of the matter or matters stated therein and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such matter or matters, appointment, or authority, and the appointment of the Chief Inspector of Machinery or the authority of the person giving such certificate to give same and the appointment of the inspector who made such inspection shall be presumed until the contrary is proved ;
- (m) A certificate purporting to be under the hand of the Chief Inspector of Weights and Measures or the Deputy Chief Inspector of Weights and Measures appointed under †*“The Weights and Measures Acts, 1924 to 1931,”* or of any person thereunto authorised by the said Chief Inspector or Deputy Chief Inspector that any instrument used in checking weights—
- (i.) Has been tested on a day named in the certificate and has been found to indicate weight correctly ; or
- (ii.) Has been tested on a day named in the certificate and that the greatest amount of error (expressed as a percentage of the

* 6 G. 5 No. 24 and amending Acts.

† 15 G. 5 No. 2 and amending Acts.

correct weight) found in any weight indicated by such instrument is not greater than the percentage specified in such certificate ;

shall be received in evidence, and when such instrument is used for checking any weight within the three months next succeeding the said day named in the certificate shall be *primâ facie* evidence that any weight indicated by such instrument was—

- (iii.) In the case of a certificate under subparagraph (i.) of this paragraph the correct weight ; and
- (iv.) In the case of a certificate under subparagraph (ii.) of this paragraph not greater than the correct weight by a greater percentage of the correct weight than the percentage specified in such certificate to be the greatest amount of error (expressed as a percentage of the correct weight) found upon such test ;
- (n) A certificate purporting to be under the hand of the Secretary of the Commissioner of Main Roads or any person thereunto authorised by the Commissioner of Main Roads that the particulars in the register of motor vehicles kept by the Commissioner of Main Roads under the provisions of **“ The Main Roads Acts, 1920 to 1943,”* show that any person was the owner of any motor vehicle at any time shall be received in evidence and shall be evidence that such person was the owner of such motor vehicle at such time and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such ownership at that time, and the authority of such person to give such certificate shall be presumed until the contrary is proved ;
- (o) A certificate purporting to be under the hand of the Commissioner, or of the Chief Inspector of Police, or of a District Superintendent, or of a Superintendent, that the records at the

* 10 G. 5 No. 26 and amending Acts.

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Office of the Commissioner, a District Superintendent or Superintendent, as the case may be, show that any person was the licensee of any vehicle licensed under this Act at any time shall be received in evidence and shall be evidence that such person was such licensee at such time, and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence that such person was such licensee at that time ;

- (p) A certificate purporting to be under the hand of the Commissioner, or of the Chief Inspector of Police, or of a District Superintendent, or of a Superintendent certifying that any stop watch, other watch, or speedometer specified therein had been tested and found correct on any date specified therein shall be *prima facie* evidence that that stop watch, other watch, or speedometer was correct on each of the sixty days following that date ;
- (q) The burden of proof that any person, vehicle, tram, train, vessel, or animal was at any time exempt from any provision of this Act or that any such provision was not at any time applicable to any person, vehicle, tram, train, vessel, or animal shall be on the defendant ;
- (r) The allegation or averment in any complaint that—
- (i.) Any person is or is not or was or was not at any time or date mentioned in the complaint—
- (a) The owner of any vehicle, tram, train, vessel, or animal ; or
- (b) The holder of a license or any particular class or description of license ; or
- (c) Of, or under, or over a specified age ; or
- (d) The holder of a driver's license authorising him to drive a motor vehicle on the road therein specified ; or
- (ii.) Any thing is or was a vehicle, tram, train, vessel, or animal or of a particular class or description thereof ; or

- (iii.) Any place or thing is or was a road or a part of a road ; or
- (iv.) Any way is or was a tramway or railway ; or
- (v.) Any distance referred to therein is or was a specified distance or is or was greater or less than a specified distance ; or
- (vi.) Any direction or indication or prescribed direction or indication is or was given by an official traffic sign,
shall be evidence of the matter or matters so averred or alleged, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters ;
- (s) The allegation or averment in any complaint that any notice, warning, direction, standard, sign, signal, light, reflector, dome, sign-post, direction-post, or other device—
- (i.) Is or is not, or was or was not, an official traffic sign ; or
- (ii.) Is or is not, or was or was not, lawfully constructed, made, marked, placed, erected, affixed, or painted in, into, or on or near any specified road, or that such notice, warning, direction, standard, sign, signal, light, reflector, dome, sign-post, direction-post, or other device is or is not, or was or was not, for any purpose specified in the complaint ; or
- (iii.) Does or does not contain, or has or has not contained, any specified word, figure, warning, direction, indication, or symbol,
shall be evidence of the matter or matters so alleged or averred and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters ;
- (t) Any person who appears, acts, or behaves as the driver, rider, or person having the possession, custody, care, or management of any vehicle, tram, train, vessel, or

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animal, or who uses or drives, or attempts to use or drive the same shall be presumed to be the person in charge thereof whether he is or is not the real person in charge, and it is immaterial that by reason of circumstances not known to such person it is impossible to drive or otherwise use the same.

(2.) Paragraphs (*h*), (*r*), and (*s*) of subsection one of this section shall apply to any matter alleged or averred thereunder although—

- (a) Evidence in support of such matter or of any other matter is given; or
- (b) Any matter so alleged or averred is a mixed question of law and fact, but in that case the allegation or averment shall be evidence of the fact only.

(3.) This section shall not lessen or affect any onus of proof otherwise falling on the defendant.

50. (1.) An action shall not be brought against any person for anything done or intended or omitted to be done under this Act until the expiration of one month after notice in writing has been served on such person, clearly stating the cause of action and the name and address of the intended plaintiff and of his solicitor or agent. Limitation
of actions.

On the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served.

Unless such notice is proved, the Court shall find for the defendant.

Every such action shall be commenced within three months next after the accruing of the cause of action, and shall be tried in the circuit, district, or place where the cause of action occurred and not elsewhere.

Any person to whom any such notice of action is given may tender amends to the plaintiff, his solicitor, or agent at any time within one month after service of the notice, and in case the same is not accepted may plead such tender.

(2.) In any such action, if a verdict is given for the defendant, or the plaintiff becomes non-suited or discontinues after issue joined, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and have the like remedy for the same as any defendant has by law in other cases, and if a verdict is given for the plaintiff he shall not have costs against the defendant unless the Judge or Court before whom the trial is held certifies his or its approbation of the action and of the verdict obtained thereupon.

(3.) This section shall be read and construed so as not to apply to prosecutions for offences under this Act, or to proceedings for recovery of fares, or other sums payable under or in pursuance of this Act.

When
offence not
to be twice
punished.

51. Where the same act or omission is an offence both under this Act and under some other Act or law, the offender may be prosecuted under either this Act or the other Act or law in question, but so that he shall not be twice punished for that act or omission.

Where a person is charged with an act or omission which is both an offence under this Act and an indictable offence, the justices shall abstain from dealing with the case summarily if they are of opinion that the charge is a fit subject for prosecution by indictment and thereupon shall commit the alleged offender for trial.

PART VIII.—
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Avoidance
of license
where
cheque not
honoured.

52. If any applicant for any license pays the fee for such license by cheque and the cheque is not honoured on presentation, the license for which the cheque was tendered shall be absolutely void as from the time of issue, and the applicant shall, on demand made by the Commissioner, a District Superintendent or Superintendent, immediately deliver such purported license to the person making such demand.

If, after such demand, any applicant fails so to deliver or uses or continues to use or permits or allows any other person to use such purported license or if any person other than the applicant so uses such purported license, the applicant and/or such person shall be guilty of an offence.

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GENERAL.**53. (1.)** A person shall not—

- (a) In any written application, notice, or other document made or given to the Commissioner, a District Superintendent, or Superintendent, wilfully make any statement which is false ; or
- (b) By any false statement or misrepresentation obtain or attempt to obtain a license ; or
- (c) Wilfully furnish false or misleading information with regard to particulars required by this Act to be furnished in relation to an application for a license or otherwise ; or
- (d) Without lawful excuse (the proof of which shall be upon him) have in his possession—
- (i.) Any license ; or
- (ii.) Any article resembling a license and calculated to deceive ; or
- (iii.) Any document which was formerly a license, but which is void, cancelled, suspended, or surrendered ; or
- (e) Forge, or without lawful excuse (the proof of which shall be upon him) use, lend, or permit or allow to be used by any other person any license ; or
- (f) Unless he is authorised by or under this Act or is a person acting under the direction of the Commissioner or a Judge of the Supreme Court or justices, make or cause or permit or allow to be made any endorsement (other than his signature) or any addition or alteration or erasure whatsoever on or from a license.

Fraud and
unlawful
possession
of licenses.

(2.) Any license obtained by any false statement or misrepresentation shall be null and void.

54. (1.) Where the holder of a license or licenses under this Act is convicted of an offence under this Act or is convicted upon indictment or summarily of an offence against any other Act or law, then, if the Judge of the Supreme Court presiding at his trial upon indictment is, or the justices before whom he is

Power of
Courts to
disqualify
convicted
persons
from
holding or
obtaining
licenses.

summarily convicted are, satisfied upon the evidence (or, upon a plea of guilty, upon the facts relevant to the offence and the circumstances thereof stated by the prosecutor and not rebutted by the defendant)—

- (a) That any such license or licenses, or the powers and authorities conferred upon the offender by any such license or licenses, enabled, aided, or facilitated the commission of the offence by him ; or
- (b) That, having regard to the nature of the offence, or to the circumstances in which it was committed, or to both, the offender should, in the interest of the public, be prohibited from holding any such license or licenses either absolutely or for a period,

the Judge or justices may order that the offender shall, from the date of the order, be disqualified absolutely from holding or obtaining such license or all or any of such licenses, or be so disqualified for such period as the Judge or justices shall specify in the order.

Such disqualification may be absolute as respects any one or more of the licenses concerned and for a period as respects another or other such licenses, and different periods of disqualification may be ordered as respects different licenses.

(2.) This section shall be read so as not to limit the operation and effect of sections nineteen to twenty-two, both inclusive, and section thirty-one of this Act.

(3.) Any disqualification under this section shall be in addition to any punishment to which the person convicted may be liable upon his conviction.

(4.) A copy of any order made under this section shall be transmitted to the Commissioner by the Registrar of the Supreme or Circuit Court or the Clerk of the Petty Sessions which recorded the conviction.

55. (1.) Where under this or any other Act a Judge of the Supreme Court or justices orders or order that any person shall be disqualified absolutely from holding or obtaining a 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

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of the other kind, class, or description in question 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.

(2.) Where under this or any other Act a Judge of the Supreme Court or justices orders or order that any person shall be disqualified for a specified period from holding or obtaining a 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 held by that person shall by virtue of the order, where such license—

- (a) Would expire during the period of disqualification so ordered, be and be deemed to be cancelled on and from the date upon which that person became so disqualified ; or
- (b) Would not expire during the period of disqualification so ordered, be and be deemed to be suspended on and from the date upon which that person became so disqualified and thereafter until the expiration of the period of disqualification specified in the order.

(3.) Where under paragraph (a) of subsection four of section nineteen of this Act or under paragraph (a) or paragraph (b) of section twenty of this Act a conviction for an offence disqualifies any person from holding or obtaining a driver's license for any period therein specified and no order of disqualification has been made upon such conviction, each and every subsisting driver's license held by that person shall, by virtue of such conviction, where such driver's license—

- (a) Would expire during the appropriate period of disqualification imposed by such conviction, be and be deemed to be cancelled on and from the date of such conviction ; or
- (b) Would not expire during the appropriate period of disqualification imposed by such conviction, be and be deemed to be suspended on and from the date of such conviction and thereafter until the expiration of the appropriate period of disqualification specified in the said sections.

Effect of
suspension

(4.) Suspension under this Act of any license—

- (a) Shall, whilst such license is so suspended, have the same effect as the cancellation of the license ; and
- (b) Shall, whilst such license is so suspended, disqualify the person who held that license from holding or obtaining a license of the same kind, class, or description ; and
- (c) (If the period of such suspension is less than the period during which that license ordinarily would have remained in force) shall not, upon the termination of that suspension, extend the period during which that license thereafter remains in force beyond the period during which that license would have remained in force if it had not been so suspended.

(5.) Any cancellation or suspension of a driver's license shall apply and extend to such license and to every other driver's license authorising the person in question to drive any vehicle.

Offences
by
disqualified
persons.

(6.) (a) A person shall not apply for or obtain a driver's license or license of any other kind, class, or description at a time when he is disqualified—

- (i.) By this Act ; or
- (ii.) By an order made under this or any other Act,

from holding or obtaining a driver's license or, as the case may be, license of that other kind, class, or description.

A person who applies for or obtains a license in contravention of this paragraph shall be guilty of an offence.

(b) Any driver's license or license of any other kind, class, or description, obtained by any person or issued to him at any time when he is disqualified—

- (i.) By this Act ; or
- (ii.) By an order made under this or any other Act,

from holding or obtaining a driver's license or, as the case may be, license of that other kind, class, or description shall be absolutely void and of no legal effect whatsoever.

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(c) This subsection shall be read so as not to affect the liability, if any, of that person to punishment under any other provision of this Act or under any other Act in respect of anything done or omitted to be done by him in relation to the obtaining of the license in question.

56. (1.) Where any license is or is deemed to be cancelled or suspended or is surrendered or is required for the purpose of making an endorsement thereon under this Act the licensee shall forthwith deliver that license—

Delivery of cancelled or suspended licenses, or licenses for endorsement.

- (a) If any person is appointed by the regulations to whom a license of that kind, class, or description is to be delivered upon its cancellation, suspension, or surrender, or for its endorsement to that person; or
- (b) Where any person has not been so appointed by the regulations and—
 - (i.) Where such license is cancelled or suspended consequent on a conviction on indictment, or by or consequent on an order made by a Judge of the Supreme Court, to the Registrar of the Supreme Court or the Circuit Court which recorded the conviction or made the order; or
 - (ii.) Where such license is cancelled or suspended consequent on a conviction, or by or consequent on an order, by justices, to the Clerk of the Petty Sessions which recorded the conviction or made the order; or
 - (iii.) In any other case, to the Superintendent who is the Officer in Charge of the Police Station in the Police Division in which the address of the licensee, as indicated on the license in question, is situated.

(2.) Any person who fails to deliver any license as required by subsection one of this section shall be guilty of an offence.

If such default in delivering any license is continued by any person who has been convicted of the offence of failing to deliver that license as required by subsection one of this section, then that person shall be deemed to commit a continuing offence and shall be liable to a

penalty of not less than two pounds or more than twenty pounds for each and every day during which such offence is so continued: Provided that the continuing offence in respect of the non-delivery of such license shall not be deemed to commence until the expiration of fourteen days from the date of conviction as aforementioned.

Endorse-
ments.

(3.) The person to whom any license is delivered pursuant to the provisions of this section shall make an endorsement containing such particulars relating to its cancellation, suspension, or surrender, or the other purpose for which the endorsement is required to be made thereon, as may be prescribed and shall transmit such license to the Commissioner unless, in the case of a license continuing in force, he is authorised by the regulations to return such license to the licensee.

(4.) Subject to this Act, where any license is deemed to be cancelled under this Act by reason of the disqualification of any person from holding or obtaining a license or the suspension of a license, the Commissioner shall keep the license so deemed to be cancelled until such disqualification has expired or been removed or, as the case may be, such suspension has terminated, and the person entitled to the license has made a demand in writing for its return to him.

(5.) Where any person (whether he is at the time the holder of a license or not) has been disqualified—

(a) By this Act; or

(b) By an order made under this or any other Act,

from holding or obtaining any license, every license of that kind, class, or description which he may then hold or may subsequently obtain shall be endorsed with such particulars relating to his disqualification as may be prescribed.

(6.) On the issue of a new license to any person, the prescribed particulars endorsed or required to be endorsed on any previous license of that kind, class, or description held by him shall be copied or made on to the new license unless he has previously become entitled under the provisions of this Act to have that new license issued to him free from such endorsements.

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GENERAL.

(7.) Any person who, having failed to deliver in accordance with this Act for endorsement his license required hereby to be delivered for the purpose of making an endorsement thereon hereunder and not previously becoming entitled under the provisions of this Act to have a license issued to him free from such endorsement, applies for or obtains a new license of the same kind, class, or description as that which was required to be endorsed without giving sufficient particulars to enable any and every required endorsement to be made on the new license shall be guilty of an offence.

57. (1.) Any person aggrieved by the refusal of a District Superintendent or of a Superintendent other than the Commissioner to issue or renew a license, or by the suspension or cancellation of a license by a District Superintendent or by a Superintendent other than the Commissioner, may appeal against such refusal, suspension, or cancellation to the Commissioner, whose decision shall be final and binding and without appeal.

Appeals
with respect
to issue of
licenses, &c.

This subsection shall be read so that an appeal hereunder shall not lie in respect of the cancellation or suspension of a driver's license by reason of the disqualification from holding or obtaining that license of the licensee upon his conviction or by order of a Judge of the Supreme Court or of justices or in respect of the cancellation or suspension of any license by, or at or pursuant to, the order or direction of a Judge of the Supreme Court or of justices under any provision of this Act or under any other Act or law.

(2.) A person in respect of whom an order has been made under this or any other Act that he shall be disqualified absolutely from holding or obtaining a driver's license or license of any other kind, class, or description may, at any time after the expiration of two years from the date of the order, and subject as hereinafter provided, from time to time apply to—

Application
for removal
of
disqualifica-
tion.

(a) (Where the order was made by a Judge of the Supreme Court), a Judge of the Supreme Court holding a sittings of the Supreme Court or Circuit Court at the place where the order was made or at Brisbane, Rockhampton, or

Townsville, according as the place where the order was made is situate within the Southern, Central, or Northern Supreme Court district ;
or

(b) (Where the order was made by justices), the Court at the place where the order was made or, if the appointment of that place as a place at which Petty Sessions shall be holden has been cancelled, to the Court nearest to that place,

to remove the disqualification.

Notice of any such application shall be given to the Commissioner or to any member of the Police Force authorised by the Commissioner to receive such notices, who shall be entitled to appear and be heard and to give and produce evidence at the hearing of such application for or against the granting of the application.

Upon hearing any such application the Judge of the Supreme Court or justices constituting the Court may, as is thought proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

Where an application under this subsection is refused, a further application hereunder shall not be entertained if made within twelve months after the date of the refusal.

If an order is made under this subsection for the removal of a disqualification, the Judge or justices shall further order that particulars of the order for removal be endorsed on each and every license, if any, previously held by the applicant and cancelled as a result of the disqualification, and on every license of that kind, class, or description which the applicant may subsequently obtain (unless in the case of any license he may subsequently obtain the applicant becomes entitled under the provisions of this Act to have that license issued to him free from such endorsement), and the Judge or justices shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

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Particulars of the result of any application made under this subsection shall be transmitted by the Registrar of the Supreme Court or the Clerk of the Petty Sessions concerned to the Commissioner.

(3.) A person who by virtue of an order of a Judge of the Supreme Court or justices made under this or any other Act is disqualified from holding or obtaining a license may appeal against the order in the same manner as against a conviction recorded against him by that Judge or the justices and the Supreme Court in determining the appeal may, as is thought proper, having regard to the circumstances of the case, either by order remove the disqualification as from such date as may be specified in that order or dismiss the appeal.

Appeal from order of disqualification made by Judge or Court.

A memorandum of the determination of the appeal shall be transmitted by the Registrar of the Supreme Court to the Commissioner.

(4.) Where on an appeal a conviction against any person for an offence against this or any other Act is quashed, any disqualification of that person from the holding or obtaining of a license by that conviction without any specific order of disqualification having been made by a Judge of the Supreme Court or justices shall thereupon be removed without any specific order being required for that purpose and without further or other authority than this Act.

Removal of disqualification upon quashing of conviction.

(5.) Where under the authority of this or any other Act an order is made by a Judge of the Supreme Court or justices disqualifying a person from holding or obtaining any license such order shall be valid and effective notwithstanding that no application was made for that purpose or that the person so disqualified was not present or was not called upon to show cause against the making thereof.

Validity of orders of disqualification.

58. (1.) The occupier of every garage or other premises where motor vehicles are repaired or painted for reward shall keep a register in the prescribed form, and shall enter therein in respect of every motor vehicle to which repairs are or painting is effected at such garage or premises—

Occupiers of garages, &c., to keep register of repairs.

- (a) The make, model, engine number, chassis number, registered number and colour of such motor vehicle; and

- (b) The name and address of the person leaving such motor vehicle and of the owner thereof; and
- (c) The date and time of receiving such motor vehicle at such garage or premises; and
- (d) The nature of the repairs or painting, including colour of painting carried out; and
- (e) Such further particulars as may be prescribed.

(2.) Such register shall be kept at the premises where such repairs are or painting is carried out for the period of three years next following the date upon which such work is carried out, and shall be produced for inspection whenever demanded by any member of the Police Force.

(3.) Every such occupier who—

- (a) Fails to keep such a register; or
- (b) Fails to produce such register to a member of the Police Force on demand; or
- (c) Makes or causes or permits to be made any false, incorrect, or misleading entry in such register; or
- (d) Fails to make any entry required by this Act to be made in such register,

shall be guilty of an offence.

(4.) The occupier of a garage or other premises shall not be convicted of an offence against this section in relation to repairs effected to a motor vehicle at such garage or other premises if the Court is satisfied—

- (a) That, at the time when such repairs were effected, particulars as required by paragraph (a) of subsection one of this section of that motor vehicle and the name and address of the owner thereof were recorded in the aforementioned register; and
- (b) That such motor vehicle was delivered at such garage or other premises for the purpose of being so repaired by, or with the authority of, the person recorded in such register as the owner thereof; and

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- (c) That such register containing particulars as specified in paragraph (a) of this subsection was available for inspection at the time when the repairs in question were effected and at all times thereafter to and including the date of the hearing of the complaint for the offence.

59. Any person who—

Alteration
and
defacing
of numbers,
&c.

- (a) Alters, defaces, or removes any number on the engine or chassis of any motor vehicle being or purporting to be the number of such engine or chassis without the permission in writing of the Commissioner ; or
- (b) Places on the engine or chassis of any motor vehicle any number purporting to be, or which is likely to be taken to be, the number of such engine or chassis, without previously—
- (i.) Delivering to the Commissioner a notice in writing signed by such person and stating that the number is to be placed on such engine or chassis and containing particulars of such number and the registration number of such motor vehicle under **“The Main Roads Acts, 1920 to 1943”* ; and
- (ii.) Receiving permission in writing from the Commissioner to place such number on such engine or chassis, as the case may be ; or
- (c) Without lawful excuse, the proof of which shall lie upon him, has in his possession or under his control any motor vehicle upon which the engine number or chassis number has been altered, or defaced, or from which any engine number or chassis number has been removed, or upon which any number has been placed in contravention of this section,

shall be guilty of an offence.

Unlawful
interference
with
vehicles
and
mechanism
thereof, &c.

60. (1.) Any person who drives or in any manner uses on any road any vehicle or tram without the consent of the owner or of the person in lawful possession thereof or who without such consent wilfully destroys, damages, removes, or otherwise interferes with any mechanism or other part of or equipment attached to a vehicle or tram which is on any road or who without such consent wilfully destroys, damages, removes, or otherwise interferes with the harness or other equipment attached to an animal that is on any road shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment :

Provided that this subsection shall be read so as not to apply to any member of the Police Force acting in the execution of his powers and duties, or to any person acting under and in accordance with a lawful direction of any such member.

(2.) The justices may, in addition to any penalty imposable by them under this section, order the defendant to pay to the owner of the vehicle, tram, harness or other equipment in relation to which an offence under this section has been committed, such a sum as the justices think proper by way of compensation for any loss, damage, or expense suffered by the owner as a result of the commission of such offence.

The compensation so awarded may be ordered to be paid either in one sum or by such instalments and at such times as the justices think fit. Moreover in such order the justices may in their discretion order that if the offender does not pay the sum assessed in accordance with such order he shall be imprisoned for any further term not exceeding six months; but if the justices do not so order then such order shall operate as a judgment for the payment of money under **" The Magistrates Courts Act of 1921 "* and be enforceable as a judgment under that Act and for such purpose a minute or memorandum of the conviction or order signed by the justices by whom the order was made may be entered in the records of the Magistrates Court exercising jurisdiction at the place for holding Courts of Petty Sessions where the order was made.

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(3.) Nothing in this section shall affect the provisions of any other Act or any other liability, civil or criminal, of any person guilty of an offence against this section, excepting that where an act or omission is an offence both under this section and under some other Act or law the offender shall not be twice punished for that offence.

61. (1.) Any person who deposits or drops or causes or suffers to be deposited or dropped on any road any matter, substance, or thing likely to cause injury, damage, or danger to any person, vehicle, tram, train, or animal, and being any wood, stone, sand, gravel, nail, tack, scrap iron, glass, wire, tin, bottle, thorn, clipping, oily or sticky substance, or other matter, substance or thing whatsoever, shall be guilty of an offence :

Injurious
matter
on roads.

Provided that it shall be a defence to a charge under this section if the defendant proves that he had taken reasonable precautions to prevent the matter, substance or thing from being so deposited or dropped.

(2.) Any person who deposits or drops or causes or suffers to be deposited or dropped upon any road any matter, substance or thing referred to in subsection one of this section shall immediately upon becoming aware thereof remove or cause to be removed from such road all of such matter, substance or thing, and if he fails to do so he shall be guilty of an offence.

(3.) If any damage or injury (other than normal wear and tear) is caused to any road in consequence of the use or passage thereon of a vehicle, tram, or animal, or of anything carried, drawn, or propelled by a vehicle, tram, or animal, and such damage or injury is of such a nature that it may endanger any person, vehicle, tram, or animal using or being used upon such road, the driver of the vehicle, tram, or animal by the use or passage of which such damage or injury was caused or which carried, drew, or propelled the thing by the use or passage of which such damage or injury was caused shall immediately place a mark or sign on or near the place where the damage or injury has been caused of such a nature and in such a manner that it will act as a conspicuous warning of danger to any person approaching that place.

Duties of
drivers of
vehicles, &c.,
causing
damage
to road.

The driver as aforesaid shall also report the damage or injury to the Superintendent who is the Officer in Charge of the nearest Police Station as soon as reasonably practicable after the causing thereof.

A person who fails to comply with any provision of this subsection in any respect shall be guilty of an offence.

Appropriation of fines, fees, &c.

62. Any fine or penalty recovered for any offence against this Act shall be paid into and form part of the Consolidated Revenue Fund unless the Court has directed that such fine or penalty or one moiety thereof shall be paid to any complainant who is not a member of the Police Force in which latter case the remainder of the fine or penalty shall be paid into and form part of such Fund.

All sums payable under this Act, including all license fees and other prescribed fees, shall upon recovery be paid into and form part of the Consolidated Revenue Fund :

Provided that any sum recovered in any proceeding for the recovery of a fare or other sum payable under this Act, taken by a licensee or, as the case may be, other person to whom such fare or other sum is due or payable, shall be payable to that licensee or other person.

Damage done by licensed vehicles.

63. If any driver of a vehicle in respect of which a license to hire under this Act is in force wilfully or negligently, by driving such vehicle on any road, causes any injury or damage to be done to any person or property, the owner, licensee and such driver shall, jointly and severally, be liable for the amount of such injury or damage, and such amount may be recovered in any court of competent jurisdiction at the suit of the person aggrieved.

Service of determinations, notices, orders, and directions of the Commissioner.

64. (1.) Every determination, notice, order, or direction made or given by the Commissioner under this Act, or notice of rescission by the Commissioner of any such determination, notice, order, or direction, may be published in the *Gazette*, and upon such publication shall be judicially noticed and shall be and be deemed to be sufficiently served upon or notified to all persons affected by such determination, notice, order, or direction, or rescission thereof.

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(2.) Every determination, notice, order, or direction made or given under this Act not published in the *Gazette*, affecting a person or persons individually, or notice of the rescission of such determination, notice, order, or direction, shall be sufficiently served if a copy of such determination, notice, order, or direction or notice of such rescission is delivered to such person or, if more persons than one are affected, to each such person.

(3.) The foregoing provisions of this section shall not apply with respect to determinations by the Commissioner of any provision, term, or condition of a license, where such provision, term, or condition is set out in that license.

(4.) The Commissioner may rescind any determination, notice, order, or direction made or given by him under this Act, or may by a further determination, notice, order, or direction modify any such determination, notice, order, or direction.

65. (1.) Any determination, notice, order, direction, or other document whatsoever under the provisions of this Act required or authorised to be given or delivered to or served upon any person may be given, delivered, or served—

Service of
documents.

- (a) By delivering the same to such person personally ; or
- (b) By leaving the same at the usual place of business or address of such person or at his place of business or address last known to the Commissioner or to a District Superintendent ; or
- (c) By forwarding the same by post in a prepaid letter addressed to such person at his usual place of business or address or at his place of business or address last known to the Commissioner or to a District Superintendent.

(2.) Where any such determination, notice, order, direction, or document as aforesaid is required or authorised to be given or delivered to or served upon any person whose place of business or address is unknown to the Commissioner or, as the case may be, to a District

Superintendent, the same may be and shall be deemed to be given, delivered, or served by publishing it in some newspaper twice with an interval of not less than one week between the dates of such publications.

(3.) (a) A declaration by any person that he has delivered, left, or posted any determination, notice, order, direction, or document in the manner hereinbefore provided shall be conclusive evidence that such determination, notice, order, direction, or document has been so delivered, left, or posted, as the case may be.

(b) A document purporting to be a declaration by the Commissioner or by a District Superintendent as to the usual place of business or address of any person or as to the place of business or address of any person last known to the Commissioner or to that District Superintendent, or that the place of business or address of any person is unknown to the Commissioner or to that District Superintendent, shall, upon production in evidence, be conclusive evidence of those facts.

(c) The publication of any determination, notice, order, direction, or document may be proved by the production of a copy of the *Gazette* or of a newspaper containing the same.

(4.) This section shall be read so as not to limit the operation and effect of section sixty-four of this Act.

When
determina-
tions, &c.,
not
affected by
error.

66. (1.) No misnomer or inaccurate description or omission contained in any determination, notice, order, direction, or other document made or given by the Commissioner, a District Superintendent, or Superintendent, as the case may be, shall in anywise prevent or abridge the operation of this Act with respect to the subject-matter of such determination, notice, order, direction, or other document provided the same is designated so as to be understood.

(2.) No determination, notice, order, direction, or other document purporting to be made under this Act and being within the powers conferred on the Commissioner, a District Superintendent, or Superintendent, as the case may be, shall be deemed to be invalid on account of non-compliance with any of the matters required by this Act as preliminary to the same.

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67. (1.) No matter or thing done by the Minister or any person acting with the authority of the Minister, or done by any member of the Police Force in good faith and without negligence for the purpose of executing this Act or in the execution of his powers and duties under this Act, shall subject the Crown, or the Minister, or the person acting with the authority of the Minister, or subject the member of the Police Force, to any liability in respect thereof.

Protection
of
Minister
and
members
of Police
Force.

(2.) The provisions of this Act relating to offences other than offences under section sixteen of this Act shall not apply to any member of the Police Force while acting in the execution of any power or duty conferred or imposed upon him by this Act or by any other Act or law.

68. The weight of any vehicle and/or the loading on or in any vehicle carrying goods may be ascertained by or in the presence of an authorised officer on a weighbridge under the control of the Commissioner for Railways or any Local Authority or on any weighbridge approved by the Commissioner, or on instruments approved by the Commissioner for checking weights. The loading carried on or in any vehicle carrying goods shall be deemed to be the difference between the gross weight of the loaded vehicle and the tare of the vehicle, as shown on the license issued in respect of such vehicle, or, in the case of a vehicle in respect of which a license has not been issued under this Act, or if so issued, does not contain a record of the tare of the vehicle, on a certificate of registration issued in respect of such vehicle under the provisions of **“ The Main Roads Acts, 1920 to 1943,”* or in the case of a vehicle not licensed or registered, the tare of such vehicle ascertained by any other means.

Weights of
vehicles
and
loading.

69. All such Rules of Court as may be deemed necessary or convenient for regulating the procedure and practice of the Supreme Court for the purpose of giving full effect to this Act may be made and the provisions of †*“ The Supreme Court Act of 1921 ”* and ‡*“ The Supreme Court Acts Amendment (Rules Ratification) Act of 1928 ”* shall apply and extend in respect of such Rules of Court.

Rules of
Court.

* 10 G. 5 No. 26 and amending Acts.

† 12 G. 5 No. 15.

‡ 19 G. 5 No. 3.

Regulations.

70. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be necessary or convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.

Schedule.

(2.) Without limiting the generality of the provisions of subsection one of this section regulations may be made for or in respect of all or any of the purposes, matters, and things specified in the Schedule to this Act.

(3.) Regulations may be made on the passing of this Act.

(4.) The power to make any regulation under this Act shall include power to make that regulation so that it shall be limited in its application—

- (a) To, or to any part of, the Metropolitan Traffic District, any Police District, or any Area of a Local Authority; or
- (b) To, or to any part of, any prescribed locality, place, or road; or
- (c) To persons included in any prescribed class of persons; or
- (d) To all persons excepting persons included in any prescribed class of persons; or
- (e) To vehicles, or animals, or vehicles and animals included in any prescribed class or description thereof; or
- (f) To all vehicles, or all animals, or all vehicles and animals excepting vehicles, or animals, or vehicles and animals included in any prescribed class or description thereof; or
- (g) Otherwise as to time, place, or circumstance as is prescribed.

(5.) The power to make any regulation under this Act in respect of trams, trains, or vessels shall include power to make that regulation so that it shall be limited in its application in any manner prescribed in subsection four of this section and the said subsection four shall, with all necessary modifications, apply and extend accordingly.

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(6.) The power to make regulations under this Act shall include power to make different regulations for or with respect to different districts, areas, localities, places, or roads, or different parts thereof.

(7.) The power to make a regulation regulating or controlling any act, matter, or thing shall include power to make a regulation prohibiting that act, matter, or thing either absolutely or except under the authority of a license under this Act.

(8.) The power to make regulations under this Act shall include power to repeal, amend, or otherwise modify any regulation in force at the commencement of this Act and continued in force by virtue of any provision of this Act.

71. (1.) All Proclamations and regulations made or purporting to have been made under this Act shall be published in the *Gazette*, and thereupon shall be judicially noticed, and such publication shall be conclusive evidence of the matters contained therein. Proclamations, regulations, &c.

(2.) All such Proclamations and regulations shall be laid before the Legislative Assembly within fourteen days after such publication if it is then sitting for the despatch of business; or, if not, then within fourteen days after the date when the Legislative Assembly next sits for the despatch of business.

If the Legislative Assembly passes a resolution disallowing any such Proclamation or regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such Proclamation or regulation has been laid before it, such Proclamation or regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

For the purpose of this section, the term "sitting days" shall mean days on which the House actually sits for the despatch of business.

[s. 70 (2).]

THE SCHEDULE.

SUBJECT MATTERS FOR REGULATIONS.

Prescribed matters.

1. Prescribing all matters or things which by this Act are required or permitted to be prescribed.

General.

2. Determining, ordering, directing, authorising, prohibiting, requiring, or regulating all or any matters or things necessary or expedient to carry out the objects and purposes of this Act, and any matters or things incidental thereto or consequent thereon, or incidental to or consequent on the direction, control, or regulation of traffic or of persons, vehicles, trams, trains, animals, or other things who or which are or have been or are likely to be on a road, or which, in the case of vehicles, trams, trains, animals, or other things, are or have been used, or are likely to be used, on a road.

Prescribing licenses.

3. Prescribing licenses, including the kind, class, or description of licenses, under this Act, the purposes for or the circumstances under which persons shall be required to obtain and maintain in force any such license and, in particular, but without limit to the generality of the power to make regulations under this paragraph, requiring the following persons to obtain and maintain in force a license under this Act, that is to say—

- (a) Every driver or conductor (other than the owner) of any vehicle included in any prescribed class of vehicles in respect of which licenses to hire are in force under this Act ;
- (b) Every owner, driver, or conductor of any vehicle (not being a vehicle in respect of which a license to hire is in force under this Act) or animal for the use of which any payment, recompense, or remuneration is made, given, or received ;
- (c) Every driver or conductor of a tram used on any road ;
- (d) Every person carrying on the business of a carrier, carter, fuel carter, water drawer, or other prescribed business by means of any vehicle or animal, whether plying for hire or not ;
- (e) Every person setting up or using any coffee stall, stand, stall, or standing vehicle, tram or animal for the purpose of offering for sale any goods or for the pursuit of any business, calling, or employment ;
- (f) Every itinerant vendor ; and
- (g) Every porter :

Provided that this clause and the regulations made under this clause shall not apply to or with respect to a vehicle approved by the Commissioner for Transport for use in carrying on a service for the carriage of passengers or goods, or both passengers and goods, licensed under **The State Transport Facilities Acts, 1946 to 1947*," while that vehicle is being used for the purpose of carrying on that service nor to or with respect to a vehicle permitted by the Commissioner for Transport to be used for any purpose specified in subsection one of section fifty-six of **The State Transport Facilities Acts, 1946 to 1947*," while that vehicle is being used for that purpose.

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4. Providing for, regulating, and controlling the maximum number of licenses of any particular kind, class, or description which may be issued under this Act, and providing for, regulating, and controlling the issue of licenses, or of a specified number or a percentage of licenses of any kind, class, or description, to persons of a particular class or description who are otherwise qualified to apply for and obtain those licenses.

Limiting
the
maximum
number of
licenses.

5. With respect to licenses under this Act, providing for, regulating, and controlling—

Licenses.

- (a) Applications for licenses of any particular kind, class, or description ;
- (b) The information and particulars to be contained in or to accompany every such application and the verification of all such information and particulars ;
- (c) The granting, issue, refusal to grant or issue, transfer, surrender, cancellation, or suspension of a license of any particular kind, class, or description ;
- (d) The period for which a license of any particular kind, class, or description or any renewal thereof shall remain in force ;
- (e) Applications for the renewal of licenses of any particular kind, class, or description, the information to be contained in or to accompany such applications, the verification of all such information and particulars, and the grant or refusal to grant such renewals ;
- (f) Duplicates for lost or destroyed licenses of any particular kind, class, or description, applications for such duplicates, the information to be contained in or to accompany such applications, the verification of such information and particulars, and the grant, or issue, or refusal to grant or issue such duplicates and the force and effect of such duplicates ;
- (g) The conditions, terms, grounds, restrictions, or circumstances under, upon, or subject to which, and the persons by whom licenses of any particular kind, class, or description may be granted, issued, refused, renewed, transferred, cancelled, suspended, or surrendered ;
- (h) The delivery to prescribed persons of licenses of any kind, class, or description upon the disqualification of the holder from holding that particular kind, class, or description of license, or upon the conviction of the holder thereof, or upon the cancellation, suspension, or surrender of licenses or upon the expiration by effluxion of time of licenses or for the purposes of making endorsements thereon under this Act ;
- (i) Endorsements of licenses of any particular kind, class, or description (including endorsements of convictions of licensees committing offences or any prescribed offence against this Act), defining what shall constitute and be the effect of an endorsement of a license, providing that any endorsement of a license by a person duly authorised

to make that endorsement shall be deemed to be a part of that license and determining when a licensee shall be entitled to have a license issued to him free of endorsements;

- (j) Production of licenses by licensees for inspection when required or called upon by authorised officers.

Qualifica-
tions and
tests for
licenses.

6. Providing for, regulating, and controlling the qualifications of, and the tests or examinations, or tests and examinations, to be passed by applicants for licenses (which qualifications, tests, and examinations, or any of them, may differ in respect of licenses of different kinds, classes, or descriptions) and providing for the submission by any applicant for a license of any particular kind, class, or description of character references or of a medical certificate or other evidence of health, or requiring him to supply any personal particulars.

Providing for, regulating, and controlling additional tests and/or examinations to be passed by the holder of a driver's license issued to such holder outside the area of a city, if such holder desires to drive a motor vehicle inside the area of a city, and for the endorsement of such driver's license after such tests and/or examinations have been passed by the holder.

Providing for, regulating, and controlling the issue, without any prescribed test or examination, of a driver's license to any person who is the holder of a license issued to him and then in force in any other State or country, authorising him to drive in Queensland any motor vehicle of the type or class to the driving of which the said license issued to him in another State or country applies.

Learners

Prescribing the conditions to be observed by a person learning to drive a motor vehicle, and providing for, regulating, and controlling the issuing of a learner's permit authorising any such person to drive a motor vehicle in the course or for the purpose of learning to drive that class or description of motor vehicle with a view to passing the prescribed tests and/or examinations.

Identifica-
tion of
motor
vehicles
driven by
learners, &c.

Prescribing notices, letters, and/or symbols (including the form and dimensions thereof) to be displayed on any motor vehicle being driven by the holder of a learner's permit and the manner of affixing such notices, letters, and/or symbols to such a vehicle, and prescribing any other matter or thing with relation to the driving of motor vehicles on any road by persons learning to drive such vehicles.

Age of
licensee.

Defining the age at which any person shall or shall not be entitled to be issued with any kind, class, and/or description of license.

Reciprocity
regarding
interstate
licenses.

7. Providing for reciprocity in regard to licenses as drivers of motor vehicles and the disqualification of persons from holding or obtaining such licenses between the State of Queensland and any other State or Territory of the Commonwealth of Australia or any other Country :

Providing that, subject to any conditions and limitations which may be prescribed, a driving license issued under the law of the State or Territory of the Commonwealth of Australia or other Country in which the holder thereof usually resides, or an international Driving Permit issued in such State, Territory, or other Country, may, so long as such driving license or Driving Permit is in force, be deemed to be equivalent in Queensland and accepted in lieu of a driver's license

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for the purpose of authorising the holder thereof to drive in Queensland any vehicle of the class or description to the driving of which the said driving license or Driving Permit is applicable (if, but only if, such holder is not disqualified from obtaining or holding a driver's license in Queensland).

Providing for the withdrawal as may be prescribed of the privilege conferred on the holder of any such driving license or Driving Permit by any regulation to be made hereunder.

Providing that, subject to any exceptions which may be prescribed, persons disqualified from holding or obtaining licenses as drivers of motor vehicles in any other State or Territory of the Commonwealth of Australia or other Country shall be disqualified from holding or obtaining drivers' licenses in Queensland.

8. Traffic in and on roads (which regulations may differ in Traffic. respect of different classes or descriptions of such traffic) and in particular, but without limit to the generality of the power to make regulations under this paragraph, providing for, regulating, and controlling the following acts, matters, and things, that is to say—

- (a) The use of vehicles or of any class or description of vehicles Vehicles. in or on roads ;
- (b) Providing for the size, number, position, power, or means, Lighting. method, or system of connection or operation of the lights to be carried and exhibited by or on vehicles or trams or by or on any class or description of vehicles or trams, the time at which such lights are to be carried and exhibited, and providing that the owner of a vehicle or tram shall provide such lights, and that the driver of such vehicle or tram shall keep such lights functioning efficiently ; and providing for the proper illumination at night time of identification marks or numbers or equipment of vehicles or trams or of any particular class or description of vehicles or trams other than such illumination with respect to vehicles approved for use in carrying on any licensed service under **The State Transport Facilities Acts, 1946 to 1947* ” ;
- (c) The carriage of dangerous goods by trams and vehicles Dangerous other than vehicles approved for use in carrying on any goods licensed service under **The State Transport Facilities Acts, 1946 to 1947* ” ;
- (d) The transshipment in transit of passengers, or goods, or Tran- both passengers and goods carried by trams or vehicles shipping. other than vehicles approved for use in carrying on any licensed service under **The State Transport Facilities Acts, 1946 to 1947* ” ;
- (e) Advertisements, placards, boards, notices, and signs in, on, Advertise- or near roads (including the constructing, making, marking, ments. placing, erecting, or painting of the same in, on, or near roads), the passage on roads of persons, vehicles, or animals carrying any advertisement, placard, board, notice, or

	sign, and the throwing or distributing of handbills or other printed or written matter in or on roads or from any place where such handbills or other printed or written matter may fall in or on a road ;
Rule of the Road.	(f) " The Rule of the Road " including the application of the regulations in respect thereof to the whole of the traffic in, on, or along roads or to persons using the roads or to vehicles, trams, trains, or animals thereon ;
Age limits of drivers.	(g) The maximum and minimum age limits for persons driving vehicles, trams, or animals or any particular class or description thereof ;
Speed.	(h) Rates of speed and pace including speed and pace limits on roads of vehicles, trams, and animals or of any particular class or description thereof and empowering justices to order the disqualification from holding or obtaining drivers' licenses for a specified period or for a longer or shorter period than that specified of drivers of motor vehicles who are convicted of offences against such regulations or any such regulation ;
Parking.	(i) The parking, stopping, standing, or waiting of or by persons, vehicles, trams, or animals or other traffic, or of or by any particular class or description of persons, vehicles, trams, animals, or other traffic, on roads either generally or at or during any specified time or period, and the confining of traffic or of any particular class or description of traffic to a specified part of any road ;
Processions.	(j) Processions on roads, the routes of funeral processions, and of processions generally, or of processions of any particular class or description ;
Exceptional traffic.	(k) Defining what shall be deemed to be exceptional traffic upon roads, the restriction on roads of exceptional traffic or of any particular class or description thereof, and the restriction where deemed necessary of the carriage upon vehicles or animals of long, large, heavy, or projecting goods ;
Road incidents, loitering and obstruction, &c.	(l) The prevention of road incidents which may cause, or are likely to cause, death or injury to persons, or damage to vehicles, trams, or trains, or to any other property, real or personal, or death or injury to animals or danger, inconvenience, or obstruction to persons or things on roads ; the prevention of such road incidents arising from the improper use upon roads of vehicles, trams, trains, or animals, or of any class or description thereof ; the information and particulars to be furnished in reports of road incidents as aforementioned by drivers of vehicles, trams, trains, or animals ; the prevention of loitering or obstruction of traffic on roads ; the prohibition of the driving or wheeling of any hand-cart, truck, barrow, or other similar class or description of vehicle or of any velocipede on or along a footway ; the prohibition of the carrying of large or bulky parcels on or along a footway ; the prohibition or regulation of the playing of games on

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roads ; the prohibition or regulation of the use on roads of any scooter or other type of vehicle normally intended for use by children, or of any vehicle, or of any vehicle belonging to a class or description of vehicles, determined by the Commissioner, or of any vehicle the use of which upon roads would constitute a danger or undue hazard to road users ; the regulation of traffic on tramways on roads ; the regulation and, when thought proper, the temporary prohibition of traffic at times of public interest, amusement, or excitement or in the case of an emergency ; the prohibition or restriction of the breaking in or training, or exercising of horses either by leading or driving on roads ; the compliance by any person walking, standing, loitering, or being on any footway with the orders, signals, or directions of any member of the Police Force ; and the prohibition, formation, and regulation of queues ; and

- (m) The use of hand-carts, barrows, or vehicles belonging to any other similar class or description of vehicles and velocipedes upon roads.

9. Prohibiting or regulating, controlling, and licensing the setting up and use of coffee stalls, vehicles, stalls, or stands or other structures or contrivances for the sale of goods or for the pursuit of any business, calling, employment, or purpose, and the itinerant vending of goods, in or on roads ; prohibiting any goods of any description from being placed, stacked, or stored in or on roads or from remaining in or on any road for a longer period than may be necessary for housing, removing, loading, or unloading the same, and requiring the removal of any such goods at the order or direction of any member of the Police Force.

10. Providing for, regulating, and controlling the seizure, removal and detention of any stall, stand, or other structure or contrivance or of any goods found in such place, condition, manner, or circumstances that its presence constitutes a breach of this Act, or is causing or likely to cause danger, hindrance, inconvenience, or obstruction to traffic in or upon any road ; providing for, regulating, and controlling the seizure, removal, and detention of advertisements, placards, boards, notices, signs, handbills, or other things carried, thrown, distributed, or being in, on, or near roads in contravention of this Act ; and providing for the disposal of same, and for recovery of all expenses of the seizure, removal, detention, or disposal thereof.

11. Prohibiting or regulating the holding of meetings, or the use of musical instruments or the amplification or reproduction of any words, music, or other sounds whatsoever, by means of any electrical or other mechanical appliance, apparatus, or device whatsoever, on any road, or in or on any other place under such circumstances that the same would cause or be likely to cause persons to gather on a road to the danger, inconvenience, hindrance, annoyance, or obstruction of persons or other traffic on such road ; providing for the seizure and disposal of any appliance, apparatus, or device used for amplifying or reproducing words, music, or other sounds in contravention of any regulation made under this clause.

Interference
or damage
to roads.

12. Prohibiting (except by lawful authority the proof of which shall be on the accused person) the digging up or undermining of any road or part thereof or other interference with any road or part thereof, or the placing or use thereon or therein of anything which may, or would be likely to, cause danger, obstruction, inconvenience, annoyance, or injury or an accident.

Construc-
tion,
equipment
and
condition of
vehicle.

13. Prescribing conditions or specifications (including, as respects vehicles licensed under this Act, conditions or specifications designed to secure the safety of the public and their goods) to which vehicles generally or any particular class or description of vehicles must conform, including amongst any other matters or things deemed desirable or convenient the construction of the vehicle, its form, equipment, weight, maximum load or carrying capacity, height, length, width, and overhang, the description of its wheels, its motor or animal power, and its steering.

Providing for, regulating, and controlling the construction and maintenance of vehicles in accordance with the conditions or specifications prescribed therefor.

Prohibiting the use of any vehicle which is not constructed or maintained in accordance with the conditions or specifications prescribed therefor.

Providing for, regulating, and controlling the equipment of vehicles with bells, alarms, or other instruments of warning, wind-screen wipers, reflectors, rear vision mirrors, automatic or mechanical signalling devices, and other equipment designed to ensure safety, and standards for, and the installation and maintenance of all or any such equipment; prohibiting the use on any other vehicle of any bell, alarm, or other instrument of warning prescribed for use on a particular class of vehicle.

Providing for, regulating, and controlling the maintenance of all motor vehicles or of any class or description of motor vehicles driven on roads in good mechanical order and safe condition and to ensure that the brakes thereof are in a safe condition at all times and to secure the safety of other road users and in this regard—

Maintenance
of motor
vehicles in
good
mechanical
order and
safe
condition.

- (i.) Providing for, regulating, and controlling the issuing of certificates of road worthiness with respect to such motor vehicles, or class or description of such motor vehicles, and providing for, regulating, and controlling the persons who may issue such certificates;
- (ii.) Specifying the qualifications of persons who may issue certificates of road worthiness;
- (iii.) Providing for the registration of garages and service stations;
- (iv.) Requiring production of certificates of road worthiness—
 - (a) Prior to the registration of those motor vehicles required to be registered under **The Main Roads Acts, 1920 to 1943*”;
 - (b) Upon the renewal and transfer of such registration; and/or
 - (c) When required by a Superintendent;

* 10 G. 5 No. 26 and amending Acts.

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- (v.) Prohibiting the using of all motor vehicles or of any class or description of motor vehicles on roads unless certificates of road worthiness in respect thereof have been issued and are in force ; and/or
- (vi.) Providing for, regulating, and controlling all or any matters or things necessary to carry out these objects.

Prohibiting the licensing of any vehicle required to be licensed under this Act which is not constructed or maintained in accordance with the conditions or specifications prescribed therefor. Licensed vehicles.

Providing for, regulating, and controlling the cancellation of the license for any vehicle licensed under this Act which is not constructed or maintained in accordance with the conditions or specifications prescribed therefor.

Providing for, regulating, and controlling the maintenance by licensees of vehicles licensed under this Act in good mechanical order, safe and clean condition, and good appearance, and the provision to be made by such licensees for the safety and comfort of passengers in or upon such vehicles.

Providing that licensees of vehicles licensed under this Act shall ensure that the brakes thereof are in safe condition at all times.

Providing for, regulating, and controlling the issue by the Commissioner, District Superintendents, and Superintendents of orders directing licensees of vehicles licensed under this Act to repair, or recondition, or repair and recondition such vehicles as directed by such orders ; authorising the Commissioner, a District Superintendent, or a Superintendent to prohibit by such order or by a further order the use of a vehicle in respect of which he has issued an order as aforesaid until that vehicle has been repaired, reconditioned, or repaired and reconditioned in accordance with the order ; and generally providing for, regulating, and controlling all such matters and things as are deemed necessary or expedient to secure or enforce obedience by licensees to orders as aforesaid.

14. Regulating or restricting and if necessary prohibiting the use on any vehicle or on any class or description of vehicle of any particular class or description of brake, or prescribing the kind and number of brakes which shall be provided on any vehicle, or vehicle of any class or description. Brakes.

Prohibiting the use of any such vehicle not equipped with the prescribed brakes ; providing for the examination and testing of vehicles or of brakes and other equipment or mechanism of vehicles.

Requiring production of a certificate by a competent person or authority of the state of efficiency or otherwise of the vehicle or of the brakes or other mechanism or equipment of a vehicle ; defining what persons or authorities shall be competent persons or authorities as aforesaid.

Notwithstanding anything contained in **The Tramways Acts 1882-1890*," or any other Act, or any regulation, ordinance, or by-law under any such Act, prescribing on the written recommendation of the Chief Inspector of Machinery the kind of brakes that shall be used on tramcars and other vehicles used on tramways, and the brake power of such vehicles.

Misconduct, &c. **15.** Defining what shall be deemed to be misconduct or obnoxious or disorderly conduct by drivers and conductors of or passengers upon vehicles and tramcars ; the prevention of or punishment for any such misconduct or obnoxious or disorderly conduct ; providing for, regulating, and controlling the conduct of such drivers, conductors, and passengers to ensure the safety of those persons and other road users ; the prohibition of touting, calling out or otherwise importuning for or to hire any licensed vehicle ; the enforcement of cleanliness of licensed vehicles and of drivers and conductors thereof.

Permits for vehicles.

16. Providing for, regulating, and controlling the permitting by the Commissioner, a District Superintendent, or a Superintendent of the use of—

- (a) Any vehicle for a purpose for which that vehicle is not licensed, constructed, fitted, or equipped in accordance with the requirements of this Act ; or
- (b) Any vehicle licensed under this Act for a purpose not authorised by that license, or under terms and conditions other than those contained in that license ;

and with respect to such permits providing for, regulating, and controlling—

- (c) The period or maximum period and the terms and conditions of any such permit, and subject as prescribed, the power and authority of the Commissioner, District Superintendent, or Superintendent to fix such period, terms, and conditions ; and
- (d) The power and authority of the Commissioner, a District Superintendent, or a Superintendent to fix the fee for any such permit, the fee for which is not prescribed ; and
- (e) The power and authority of the Commissioner to direct a District Superintendent to issue or to refuse to issue permits as aforesaid, or any class or description of such permits, or any particular permit as aforesaid, and obedience by a District Superintendent or Superintendent to any such direction.

Identification of licensed vehicles.

17. Providing for, regulating, and controlling—

- (a) The identification of vehicles licensed under this Act and in particular the size, shape, and character of identification marks, signs, or numbers to be affixed to or displayed upon such vehicles and the mode or manner in which they are to be so affixed or displayed ;
- (b) The proper illumination at night time of identification marks, signs, or numbers carried or displayed on vehicles licensed under this Act ;
- (c) The carriage upon a vehicle licensed under this Act of the license or of a true copy authenticated as prescribed of the license therefor.

Fares and freights.

18. (Except vehicles in relation to which fares, or freights, or both fares and freights are fixed or authorised to be fixed under some other Act or law) providing for, prescribing, regulating, and controlling—

- (a) Fares and/or freights, or maximum and/or minimum fares and/or freights for the carriage of passengers, or goods, or both passengers and goods in or upon vehicles licensed under this Act ;

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- (b) Fares, freights, and/or rates, or the maximum and/or minimum fares, freights, and/or rates for the carriage of passengers and/or goods in or upon, or for the use of vehicles or animals used, kept, or let for the carriage of passengers, or goods, or both passengers and goods for hire, or let for hire, or for the use of which any payment is made.

19. Providing for, regulating, and controlling—Lost
property.

- (a) The safe custody of property left in or upon any vehicle, with respect to which a license has been issued under this Act or at any stand or stopping-place for any such vehicle ;
- (b) The rewarding of the finder of any such lost property ;
- (c) The sale or, where a sale cannot be effected, the disposal after reasonable notice and upon reasonable conditions of any such property which is unclaimed ; and
- (d) The payment of one-half of the net amount realised from any such sale to the driver or conductor or other person who found the property in question : Provided that such payment shall not exceed fifty pounds ;
- (e) The payment or appropriation of any moneys remaining on hand after the sale or disposal of such unclaimed property.

20. (Except as respects vehicles for which routes or timetables or both are or may be fixed under some other Act or law) providing for, Routes and timetables. prescribing, regulating, and controlling all or any of the following, that is to say—

- (a) The routes to be followed by,
- (b) The time to be taken (being either a fixed time or a maximum or minimum time) by, and
- (c) Timetables for

vehicles, or by any particular class or description of vehicles, for the whole or a particular part of their journey.

21. Providing for, regulating, and controlling public stands and stopping places for vehicles licensed under this Act, vehicles approved Stands and stopping places. or licensed under any other Act (but without prejudice to any provision made with respect to any of these matters under or pursuant to such other Act), and trams being used on any road, either generally, or as respects vehicles, or a particular class or description of vehicle, or trams ; the mode or method of appointment and the persons authorised to appoint such public stands and stopping places.

22. Providing for, regulating, and controlling the maximum Loading and load or weight of goods (including as respects vehicles carrying weights. passengers, or both passengers and goods, luggage of passengers) or the maximum number of passengers to be carried in or on any vehicle licensed under this Act or in or upon any tram being used on any road.

Checking of
vehicles
loading and
weights.

23. Without prejudice to the provisions of any regulation under **“ The State Transport Facilities Acts, 1946 to 1947 ”*—

Authorising checking of the weights of vehicles and of the load or number of passengers carried in or upon any vehicle whether or not licensed under this Act.

Providing for, prescribing, regulating, and controlling the use of instruments for the purpose of such check weighing.

Requiring owners and persons in charge of any vehicle, whether or not licensed under this Act, to permit and aid in the inspection, weighing, and measuring of such vehicle, the inspection, weighing, and measuring of any goods therein or thereon, the checking of the number of passengers therein or thereon, the inspection and checking of books, documents, and records therein or thereon or relating thereto or to any passengers or goods therein or thereon.

Requiring owners and persons in charge of any vehicle, whether licensed under this Act or not, to answer questions put by authorised officers acting in the execution of any regulations made under the foregoing provisions of this clause, and to furnish to such authorised officers such information and particulars with respect to any vehicle or any goods or passengers therein or thereon as may be required by such officers in the course of and for the purposes of the execution of any duty or function conferred or imposed upon authorised officers by the regulations made under the provisions of this clause.

Requiring owners and persons in charge as aforesaid to state, when thereunto required by an authorised officer, their respective names and addresses, and on demand by an authorised officer to produce to him any license under this Act held either in person or in respect of the vehicle concerned.

Providing for, prescribing, regulating, and controlling the inspection of vehicles, horses, and other animals, and the equipment or harness thereof.

Authorised
officers.

24. Providing for, regulating, and controlling the appointment by the Commissioner of persons other than members of the Police Force as authorised officers.

Defining the functions, powers, authorities, duties, obligations, and responsibilities of authorised officers but so that such regulations shall, as respects members of the Police Force, be read so as not to prejudice or limit any provision of any section of this Act.

Exempting.

25. Exempting persons, vehicles, or animals, or any class or description of persons, vehicles, or animals, from any provision of any regulation ; providing for, regulating, and controlling exemptions as aforesaid, the issue by the Commissioner, a District Superintendent, or a Superintendent of a certificate of any such exemption, and defining the effect of any such exemption.

Com-
missioner.

26. Providing for, regulating, and controlling the determination, application, prohibition, or regulation of or dispensing with any matter or thing by the Commissioner either generally or in any prescribed kind, class, or description of cases or in any prescribed particular case.

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Providing for, regulating, and controlling the execution or signing by a District Superintendent or Superintendent for or on behalf of the Commissioner of any document or other writing whatsoever required or authorised under this Act to be executed or signed by him.

27. Providing for, prescribing, regulating, and controlling the registration or licensing and identification of vehicles used by warehousemen and wholesalers for the carriage of goods in the course or for the purpose of their respective businesses. Warehousemen and wholesalers.

28. Providing for, prescribing, regulating, and controlling official traffic signs, and signs, signals, indications, and directions for the control or regulation of traffic ; defining official traffic signs and other signs, signals, indications, and directions as aforesaid, by diagrams, illustrations, or otherwise ; prescribing directions and indications for official traffic signs. Official traffic signs, signs, signals, and directions.

29. Prescribing the persons deemed to have taken part in the commission of any offence against this Act and to be guilty of that offence and who may be charged with actually committing it. Parties to offences.

30. Providing for the minimizing of noise and the issue of smoke or fumes from the using of motor vehicles. Noises, &c.

31. Requiring the making of declarations under the "Oaths Acts, 1867 to 1924," for the purposes of this Act, prescribing the matters or things under this Act with respect to which such declarations are required to be made, and specifying any information required to be contained in such declarations. Declarations.

32. Authorising or requiring the making and furnishing of reports or copies of reports by members of the Police Force of Queensland to Police Departments and other Departments of the Commonwealth and of any State or Territory of the Commonwealth, concerning or in relation to the qualifications or fitness of any person who is or has been or is likely to be in Queensland to hold any license, permit, certificate, or other document or authority of a like nature, issued in any State or Territory of the Commonwealth, in relation to vehicles or traffic, and concerning or in relation to the antecedents, character, and conduct of any such person, and indemnifying members of the Police Force against liability at law in respect of reports made or furnished as aforesaid. Police reports concerning drivers.

33. Forms under this Act and the respective purposes for which such forms shall be used. Forms.

34. Prescribing fees payable for any license or for the renewal, or a duplicate copy thereof, or for or upon the doing of any act or thing prescribed or carried out or required to be carried out under or pursuant to this Act ; prescribing the manner, time, place, and the person by and to whom fees or payments due and payable under this Act shall be paid ; and exempting persons belonging to any specified class of persons from liability to pay wholly or in part any prescribed fee. Fees.

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Facilitation
of proof.

35. The mode and onus of proof of matters required to be proved under and for the purposes of this Act and for facilitating such proof; for the purpose of any proceedings under this Act dispensing with proof of any formal matters as to handwriting or documents or of authority.

Penalty.

36. The amount of any pecuniary or other penalty for any offence against any regulation, provided that any such pecuniary penalty shall not exceed one hundred pounds or in the case of a daily penalty ten pounds per day.

VAGRANTS, GAMING, AND OTHER OFFENCES.
*See CRIMINAL LAW.***WAR SERVICE LAND SETTLEMENT.***See LAND.***WHEAT STABILISATION.***See AGRICULTURE.***WORKERS' COMPENSATION.***See LABOUR.*
