

Traffic Acts and Another Act, Etc., Act. 5 ELIZ. II. No. 26,

TRAFFIC.

- (1) *Traffic Acts and Another Act Amendment Act*
of 1956 5 *Eliz. II. No. 26*
- (2) *Traffic Acts and Another Act Amendment Act*
of 1957 6 *Eliz. II. No. 13*

5 ELIZ. II.
NO. 26.
THE TRAFFIC
ACTS AND
ANOTHER ACT
AMENDMENT
ACT OF
1956.

An Act to Amend "The Traffic Acts, 1949 to 1953," and "The Local Government Acts, 1936 to 1956," each in certain particulars.

[ASSENTED TO 28TH NOVEMBER, 1956.]

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

PART I.—
PRELIMINARY.

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as "*The Traffic Acts and Another Act Amendment Act of 1956.*"

Parts of Act.

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

PART I.—PRELIMINARY;

PART II.—AMENDMENTS OF *"THE TRAFFIC ACTS,
1949 TO 1953";

PART III.—AMENDMENTS OF †"THE LOCAL
GOVERNMENT ACTS, 1936 TO 1956."

PART II.—
AMENDMENTS
OF "THE
TRAFFIC ACTS,
1949 TO 1953."

PART II.—AMENDMENTS OF *"THE TRAFFIC ACTS, 1949
TO 1953."

Construction
of Part II.

3. (1.) This Part of this Act shall be read as one
with *"*The Traffic Acts, 1949 to 1953,*" herein in this
Part referred to as the Principal Act.

Collective
title.

(2.) The Principal Act and this Part of this Act
may be collectively cited as "*The Traffic Acts, 1949
to 1956.*"

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

† 1 G. 6 No. 1 and amending Acts.

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4. Section three of the Principal Act is amended by inserting after the words and figures "PART VI.— POWERS, FUNCTIONS, AND DUTIES OF MEMBERS OF THE POLICE FORCE;" the words and figures "PART VIA.—METERED PARKING." Amendment of s. 3.

5. Subsection one of section nine of the Principal Act is amended— Amendment of s. 9 (1).

(i.) By inserting after the definition of the term "Bicycle" in that subsection, the following definition:—

" "By-law"—A by-law made by a Local Authority pursuant to the provisions of "*The Local Government Acts, 1936 to 1956*": The term shall include an ordinance made by Brisbane City Council pursuant to the provisions of †"*The City of Brisbane Acts, 1924 to 1954*";"; By-law.

(ii.) By inserting after the definition of the term "City" in that subsection the following definition:—

" "Coin"—An Australian coin within the meaning of the †*Coinage Act 1909–1947* of the Parliament of the Commonwealth of Australia;"; Coin.

(iii.) By inserting after the definition of the term "Drug" in that subsection the following definition:—

" "Fixed hours"—In relation to any metered space, the hours fixed by regulation pursuant to section 44B of this Act during which metered parking only shall be permitted in that metered space and parking, other than metered parking, therein shall be prohibited;"; Fixed hours.

(iv.) By inserting after the definition of the term "Gross weight" in that subsection the following definition:—

" "Horse"—Includes any horse, mare, gelding, ass, mule or other draught animal or beast of burden;"; Horse.

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

† 15 G. 5 No. 32 and amending Acts.

‡ No. 6 of 1909 of the Commonwealth and amending Acts.

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(v.) By inserting after the definition of the term "Mechanical power" in that subsection the following definitions:—

Metered parking.

" "Metered parking"—Parking in a metered space pursuant to the provisions of Part VIA. of this Act;

Metered space.

" Metered space"—A section or part of a metered zone defined by an official traffic sign and set aside for the metered parking of one vehicle and/or horse pursuant to the provisions of Part VIA. of this Act, in which or immediately adjacent to which a parking meter is installed for the regulation of metered parking in that metered space;

Metered zone.

" Metered zone"—A defined part or parts of any road declared, pursuant to the provisions of Part VIA. of this Act, to be a metered zone;";

(vi.) By inserting after the definition of the term "Parking" in that subsection the following definition:—

Parking meter.

" "Parking meter"—The term includes the stand on which the meter is erected;"; and

(vii.) By inserting after the definition of the term "This Act" in that subsection, the following definition:—

Town Clerk.

" "Town Clerk"—In the case of the City of Brisbane, the Town Clerk of Brisbane; in the case of any other Local Authority, the person appointed by the Local Authority to act as Town Clerk or Clerk of the Shire; the term includes the officer for the time being performing the duties of Town Clerk."

Amendment of s. 19 (1).

6. Subsection one of section nineteen of the Principal Act is amended by inserting, after subparagraph (c), the following subparagraph:—

" or (d) Any competitive trial designed to test the skill of any vehicle driver or the reliability or mechanical condition of any vehicle on any road,".

Amendments of s. 29 (1).

7. Subsection one of section twenty-nine of the Principal Act is amended—

(i.) By repealing therein the words and punctuation and quotation marks " "taxi," ", " "taxi-cab," " and " "licensed taxi-cab," " "; and

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(ii.) By adding thereto the following paragraph :—

“ A person shall not at any time place or allow to remain on any vehicle, save a taxi-meter cab under and within the meaning of the regulations and save also any other vehicle licensed to be used, kept or plied for hire for the carriage of passengers and their luggage, any printing or sign being or containing any of the following words, namely :—“ taxi ”, “ taxi-cab ”, “ licensed taxi-cab ”, or any other printing or sign implying or that may be construed to imply that such vehicle is a taxi-meter cab under and within the meaning of the regulations or, as the case may be, so licensed.”.

8. The following headnote and sections are inserted after section forty-four and before the headnote appearing before section forty-five of the Principal Act, namely :—

New Part
VIA.
inserted.

“ PART VIA.—METERED PARKING.

[44A.] For the purposes of this Part the term ^{Owner.} “ owner ” means, as well as any person who is an owner within the meaning assigned to that term by this Act, any person who is an owner within the meaning assigned to that term by the regulations under **“ The Main Roads Acts, 1920 to 1952.”*

[44B.] Notwithstanding any other provision of this Act, the Governor in Council may, upon application of the Local Authority, make regulations—

Regulations
in respect
of metered
parking.

- (a) Declaring any defined part or parts of any road in the Area of the Local Authority to be a metered zone ;
- (b) Authorising the Commissioner, after consultation with and at the expense of the Local Authority, to cause to be constructed, made, marked, placed, erected, affixed in, into, or on or near such defined part or parts of such road, official traffic signs—
 - (i.) Delineating such metered zone ; and
 - (ii.) Defining metered spaces in such metered zone ;

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- (c) Prescribing the hours during and the days upon which metered parking only shall be permitted in a metered space in such metered zone, and parking, other than metered parking, therein shall be prohibited (hereinafter referred to as the "fixed hours");
- (d) Regulating metered parking by prescribing the maximum period for which any vehicle and/or horse may be parked in a metered space, which period may differ for different metered spaces;
- (e) Subject to the provisions of this Act and *"*The Local Government Acts, 1936 to 1956,*" authorising the Local Authority to install and maintain a parking meter in each metered space or immediately adjacent thereto in a position approved by the Commissioner;
- (f) Prescribing penalties for breaches of regulations made under this section, and prescribing sums of money which may be paid under section 44F of this Act by way of penalty (which sums of money may differ according to the number of previous offences of a like nature and the time, place and circumstances related to the commission of the offence, or any of those things); and
- (g) Prescribing forms for the purposes of this Part of this Act."

New ss. 44c,
44d and
44e inserted.

9. The following sections are inserted after section 44B of the Principal Act, as previously inserted by this Act, namely:—

When
metered
parking
permitted.

"[44c.] (1.) On and after the date specified by the Governor in Council by Order in Council for the commencement of metered parking in any metered zone, it shall be lawful for a person to park a vehicle and/or horse in a metered space in that metered zone during the fixed hours, if and only if—

- (a) The vehicle and/or horse shall be parked therein for a period of time not exceeding the maximum period of time prescribed for metered parking in such metered space; and

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

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- (b) Immediately upon parking he shall forthwith insert or cause to be inserted in the parking meter provided for that metered space, a coin of the denomination specified on that parking meter as required by section 49E of **"The Local Government Acts, 1949 to 1956,"* and where any further direction is specified on that parking meter for the effective operation thereof, forthwith comply with that direction.

This subsection applies subject to subsection two of this section.

(2.) Any member of the Police Force during any temporary obstruction or danger to traffic or in any case of emergency, or the District Superintendent in his discretion in special circumstances of which public notice shall be given if practicable in some newspaper generally circulating in the locality concerned, may—

- (a) Direct any person not to park or cause or permit to be parked any vehicle and/or horse in any metered zone or any metered space in that zone ;
- (b) Direct the owner or driver of any vehicle and/or horse parked in any metered zone or any metered space to remove such vehicle and/or horse from such metered zone or metered space ; and
- (c) Where the owner or driver of a vehicle and/or horse parked in a metered zone or metered space cannot be readily located, or, if located, fails to remove such vehicle and/or horse from such metered zone or metered space when directed to do so in pursuance of this subsection, remove or cause to be removed such vehicle and/or horse from such metered zone or metered space.

The provisions of section forty-four of this Act shall extend and apply in respect of any vehicle or horse mentioned in subparagraph (c) of the first paragraph of this subsection.

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

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Offences in
metered
parking.

[44D.] (1.) During the fixed hours, a person shall not cause or permit a vehicle and/or horse to park in a metered space—

- (a) While the word "expired" shows upon the parking meter provided for that metered space;
- (b) Continuously for any period longer than that shown or indicated on the parking meter provided for that metered space as being the maximum period during which a vehicle and/or horse is permitted to park upon insertion forthwith in that parking meter of a coin of the denomination specified on that parking meter, and upon forthwith complying with any further direction specified thereon;
- (c) In which any other vehicle and/or horse is parked; or
- (d) So that any part of the vehicle and/or horse is upon or across or partly upon or across an official traffic sign or is not wholly within the metered space.

(2.) A person shall not be guilty of an offence against paragraph (a) of subsection one of this section solely by reason that he caused or permitted a vehicle and/or horse to park in a metered space while the word "expired" showed upon the parking meter provided for that metered space and pending his forthwith inserting or causing to be inserted in that parking meter a coin of the denomination specified thereon, and forthwith complying with any further direction specified on that parking meter for the effective operation thereof.

Owner
responsible
for offence.

[44E.] (1.) Subject as hereinafter provided, where any offence is committed in relation to the metered parking of any vehicle, the person who at the time of the commission of the breach was the owner of the vehicle shall be deemed to have committed that offence and may be proceeded against and shall be punishable accordingly.

Evidence of
ownership.

(2.) Proof that the name and address of a person were shown upon the outside of a vehicle or upon a registration label issued pursuant to the regulations under *"*The Main Roads Acts, 1920 to 1952,*" and

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

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affixed to a vehicle, or that in or upon a vehicle there was otherwise shown the name and address of a person purporting to be the name and address of the owner of that vehicle, shall be evidence that at the time when such name and address were so shown, the person whose name and address were so shown was the owner of that vehicle, and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such ownership."

10. The following sections are inserted after section 44E of the Principal Act, as previously inserted by this Act, namely:—

New ss. 44F
and 44G
inserted.

" [44F.] (1.) Whenever a vehicle is found parked in contravention of this Part of this Act, the member of the Police Force finding such vehicle shall affix on such vehicle in a conspicuous position or give to the owner or driver thereof a notice, in writing, in the prescribed form.

Notice of
alleged
offence.

Such notice shall—

- (a) Be identified by a serial number ;
- (b) Be addressed to the owner of such vehicle by name, or, if the name of the owner is not displayed on the vehicle, be addressed to the owner of such vehicle by the registration number of such vehicle ;
- (c) Describe the vehicle the subject of the alleged offence ;
- (d) Notify that it is alleged that an offence in respect of metered parking has been committed in respect of the parking of that vehicle ;
- (e) Specify the offence which it is alleged has been committed ;
- (f) Inform that owner that he has the right to decline to be dealt with in the manner described in paragraph (g) hereof and to insist on his right to a Court hearing—
 - (i.) If he desires to contest the question whether the offence alleged was in fact committed ;

- (ii.) If he wishes to submit to the Court matters in extenuation of penalty ; or
- (iii.) For any other reason he may regard as sufficient,
- in which event there is no necessity for him to reply to or take any further action in respect of the notice and that Court process will issue against him in due course ;
- (g) Inform the owner that if he does not desire the matter to be dealt with by a Court, he may complete the form annexed to such notice and forward or deliver it to the Town Clerk (or officer nominated in that behalf and named therein) on or before the date and time specified in the notice (which shall not be less than ten days from the date of giving thereof), together with a prescribed sum of money by way of penalty, in which event he will not be liable to any further penalty or costs in the matter ; and
- (h) Inform the owner of the provisions of subsection two of section 44G of this Act.

(2.) Upon receipt by the Town Clerk of a report wherein it is alleged that a vehicle has been parked in contravention of this Part of this Act in any case where a notice has not been affixed to the vehicle or given to the owner or driver thereof by a member of the Police Force pursuant to subsection one of this section, the Town Clerk may give to the owner or driver of that vehicle a notice, in writing, to the like effect as the notice referred to in subsection one of this section.

Prosecution
for breach.

[44G.] (1.) Subject to subsection two of this section, where a notice in writing in the prescribed form shall have been affixed on a vehicle or given to the owner or driver thereof pursuant to the provisions of section 44F of this Act and the sum of money by way of penalty shall not have been paid to the Town Clerk or officer nominated in that behalf and named in such notice on or before the date and time specified therein for such payment, the alleged offence may, notwithstanding any other provision of this Act, be prosecuted upon

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the complaint of the Town Clerk or of any other person authorised by him, and either against the owner or any other person whomsoever alleged to be guilty thereof.

For the purposes of any such prosecution the appointment and signature of the Town Clerk shall be judicially noticed.

(2.) Notwithstanding the provisions of section 44E Answer to complaint. of this Act, an owner of a vehicle shall not, by virtue of that section, be deemed guilty of an offence not actually committed by him if not later than ten days after the day of the service of a summons for that offence—

- (a) He supplies to the Town Clerk a statement in writing, verified upon oath or by statutory declaration, stating facts which prove to the satisfaction of the Town Clerk that some other person actually committed the offence and stating the name of that other person and the address at which he may be readily located; or
- (b) He supplies to the Town Clerk a statement in writing, verified upon oath or by statutory declaration, stating facts which prove to the satisfaction of the Town Clerk that he had sold such vehicle on a date before the time when the offence was committed and stating the name of the person to whom the vehicle was so sold and the address at which such person may be readily located, the date of the sale, and the name and address of the agent, if any, who made the sale on his behalf; or
- (c) He proves to the satisfaction of the Town Clerk that, at the time of the offence, the vehicle was stolen or being used unlawfully without his consent.

(3.) In any proceedings in respect of an offence related to the metered parking of any vehicle against a person named in a statement referred to in paragraph (a) or paragraph (b) of subsection two of this section, a copy of such statement shall be served with the summons.

The endorsement of a copy of such statement with an oath of service shall be evidence of such service and, in the absence of evidence in rebuttal, conclusive such evidence.

(4.) Subject to subsection three of this section, the production by the prosecutor of a statement referred to in paragraph (a) or paragraph (b) of subsection two of this section shall be evidence of the facts stated therein and, in the absence of evidence in rebuttal, shall be conclusive evidence of those facts."

New ss. 44H,
44I and
44J
inserted.

Liability for
offences in
respect of
metered
parking.

11. The following sections are inserted after section 44G of the Principal Act, as previously inserted by this Act, namely:—

"[44H.] The provisions of this Part whereby an owner may be proceeded against and punished for an offence in relation to the metered parking of a vehicle not actually committed by him or may, pursuant to section 44F of this Act, pay a prescribed sum of money by way of penalty in respect of such an offence shall not prejudice or affect howsoever the liability of the person by whom the offence was actually committed to be proceeded against and punished therefor, save that where either of them has been punished for the offence by being convicted therefor or by paying pursuant to section 44F of this Act a prescribed sum of money by way of penalty, then the other of them shall cease to be subject to any liability under this Part in respect of the offence.

Offences.

[44I.] (1.) A person shall not—

- (a) Insert or cause to be inserted in any parking meter anything whatsoever other than a coin of the denomination specified on the parking meter ;
- (b) Deface any parking meter or without the authority of the Local Authority, affix any placard, advertisement, notice, list, document or thing to or paint or write upon any parking meter ;
- (c) Tether any animal to a parking meter ;
- (d) Destroy or damage, or attempt to destroy or damage, or do, or attempt to do, or cause to be done any act which interferes with or is likely to interfere with the due and proper working of a parking meter ; or

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(e) Fraudulently operate or attempt to operate any parking meter.

(2.) A person, other than the owner or the person in charge of the vehicle, shall not remove, deface, or interfere with a notice affixed to such vehicle in pursuance of the provisions of section 44F of this Act.

(3.) All offences against the provisions of this section may, notwithstanding any other provisions of this Act, be prosecuted upon the complaint of the Town Clerk or of any other person authorised by him.

For the purposes of any such prosecution the appointment and signature of the Town Clerk shall be judicially noticed.

[44J.] The Commissioner may, with the approval of the Minister, enter into an agreement with the Local Authority whereby the Local Authority shall pay to the Commissioner an annual or other periodic sum in respect of the costs incurred in the carrying out of duties under this Part by members of the Police Force.”

Agreement
with Local
Authority
on costs of
administra-
tion.

12. The following section is inserted after section 44J of the Principal Act as previously inserted by this Act, namely:—

New s. 44K
inserted.

“ [44K.] (1.) Where the Governor in Council is satisfied that a Local Authority is unwilling to join in the execution of this Part VIA. of this Act, and that it is in the public interest that metered parking should be provided in relation to any road or roads in the Area of that Local Authority, then the Governor in Council may, without application in that behalf by that Local Authority, make pursuant to section 44B of this Act such regulations as he deems necessary in respect of such metered parking.

Metered
parking
without
co-operation
of the Local
Authority.

He may by such regulations authorise, direct or require the Commissioner or some prescribed authority or person to do, perform or exercise any function, power, or duty conferred or imposed upon the Local Authority, the Town Clerk, or any other person by the provisions of this Part VIA. of this Act or of section 49E of **“ The Local Government Acts, 1936 to 1956,”* and the provisions of this Part VIA. of this Act and of the said section 49E shall apply subject to such adaptations thereof as are necessary to give operation and effect to those regulations.

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

(2.) For the purposes of doing, performing or exercising any function, power or duty conferred or imposed upon the Local Authority by section 49E of **"The Local Government Acts, 1936 to 1956,"* the Commissioner, authority or person thereunto authorised by the regulations as aforesaid shall be deemed to be the Local Authority and accordingly shall not in respect of any of the aforesaid be subjected to any obligation or liability to which the Local Authority would not be subject in the like case.

(3.) Subsections four, five and six of section 49E of "*The Local Government Acts, 1936 to 1956,*" shall not apply with respect to metered parking to which the provisions of this section apply.

In lieu of those provisions the following provisions shall apply :—

- (a) A trust fund called "The Metered Parking Trust Fund" shall be established in the Treasury ;
- (b) All expenses in respect of such metered parking mentioned in the said subsection four shall be defrayed from that fund ;
- (c) All fees, charges, fines, penalties and other sums of money in respect of such metered parking mentioned in the said subsection five shall be paid into that fund ; and
- (d) Any surplus moneys in that fund may, subject to appropriation by Parliament, be applied for any purpose mentioned in the said subsection six."

New s. 45A
inserted.

13. The following section is inserted after section forty-five of the Principal Act, namely :—

Minor traffic
offences.

" [45A.] (1.) The power of the Governor in Council to make under this Act regulations shall include power to make regulations prescribing any offences under this Act to be minor traffic offences, and prescribing sums of money which shall be payable by way of penalties in respect of minor traffic offences.

(2.) Sums of moneys may be so prescribed differently in relation to different minor traffic offences or differently in relation to any such offence according to previous like offences or the time, place or circumstances related to the commission of the offence.

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(3.) Subject to this section, any person who at the time of the commission of a minor traffic offence is the owner within the meaning of section 44A of this Act of the vehicle in relation to which the offence is committed shall be deemed to have committed that offence and may be proceeded against and shall be punishable accordingly.

(4.) The provisions of subsection two of section 44E, section 44F, section 44G and section 44H of this Act shall apply with respect to minor traffic offences subject to the following modifications and adaptations:—

- (a) By reading as references to minor traffic offences, all references with respect to offences in relation to metered parking;
- (b) By reading as references to the Commissioner of Police or other persons prescribed by the regulations made pursuant to this section, references to the Town Clerk or officer nominated in that behalf;
- (c) By reading as referring to the form of notice prescribed by the regulations made pursuant to this section, references to the notice to be affixed to vehicles pursuant to the said section 44F; and
- (d) All such other adaptations as may be necessary for so applying those provisions."

PART III.—AMENDMENTS OF *"THE LOCAL GOVERNMENT ACTS, 1936 TO 1956."

PART III.—
AMENDMENTS
OF "THE LOCAL
GOVERNMENT
ACTS, 1936
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14. (1.) This Part of this Act shall be read as one with "*The Local Government Acts, 1936 to 1956.*"

Construction
of Part III.

(2.) *"*The Local Government Acts, 1936 to 1956,*" and this Part of this Act may be collectively cited as "*The Local Government Acts, 1936 to 1956.*"

Collective
title.

15. The following sections are inserted after section 49D of "*The Local Government Acts, 1936 to 1956,*" namely:—

New ss. 49E
and 49F
inserted.

"[49E.] (1.) The Local Authority may make application to the Minister for the time being administering †"*The Traffic Acts, 1949 to 1956,*" for the making of regulations pursuant to the provisions of Part VIA. of those Acts, providing for metered parking on any defined part or parts of any road or roads in the Area.

Application
by Local
Authority
for
regulations
for metered
parking.

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

† 13 G. 6 No. 26 and amending Acts.

(2.) The Local Authority may, subject to this Act, acquire and provide parking meters.

(3.) Subject to **"The Traffic Acts, 1949 to 1956,"* the Local Authority shall cause to be firmly installed in or adjacent to each metered space a parking meter which shall clearly show or indicate in respect of that parking meter or the metered space in which or adjacent to which that parking meter is installed—

- (a) The fixed hours within the meaning of **"The Traffic Acts, 1949 to 1956,"* for metered parking in that metered space ;
- (b) The maximum period for which any one vehicle and/or horse may be parked in that metered space ; and
- (c) The denomination of the coin (which the Local Authority is hereby authorised to fix) specified in section 44c of **"The Traffic Acts, 1949 to 1956."*

Any such matters may be shown or indicated in an abbreviated form.

The Local Authority shall at all times maintain in good and serviceable condition all parking meters installed pursuant to this subsection.

Upon the abolition of a metered zone or the exclusion of any metered space from a metered zone, the Local Authority shall forthwith remove all parking meters provided in respect of that zone or, as the case may be, the parking meter provided in respect of that metered space.

Expense to
be borne
by Local
Authority.

(4.) The expense of—

- (a) Providing, installing, controlling, operating, maintaining, removing and regulating metered zones, metered spaces and the parking meters installed therein or adjacent thereto including the payment of interest on, or redemption of, or instalments into a sinking fund in respect of any loan money borrowed for providing or installing parking meters ; and
- (b) Supervising and enforcing the provisions of Part VIA. of **"The Traffic Acts, 1949 to 1956,"* the regulations made thereunder and this Act relating to metered zones, metered

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spaces and parking meters (including expenses incurred pursuant to an agreement under section 44J of **The Traffic Acts, 1949 to 1956*"); and

- (c) Providing, installing and maintaining official traffic signs caused to be installed by the Commissioner of Police pursuant to Part VIA. of **The Traffic Acts, 1949 to 1956*",

shall be borne by the Local Authority and shall be a charge against the special account in the Trust Fund established in conformity with the provisions of subsection five hereof.

(5.) All fees and charges received by a Local Authority from parking meters or otherwise under Part VIA. of **The Traffic Acts, 1949 to 1956*," and, notwithstanding the provisions of section sixty-two of such Acts, any fines and penalties recovered for an offence against Part VIA. of such Acts, including all prescribed sums of money by way of penalty paid pursuant to section 44F thereof, shall be the property of the Local Authority and shall be paid into a special account in the Trust Fund (called the "Metered Parking Account") and, subject as hereinafter provided, shall be applied only towards meeting the expenses referred to in subsection four of this section.

Moneys
received by
Local
Authority.

(6.) Any surplus moneys in such special account in the Trust Fund may be applied by the Local Authority only to or towards any of the following:—

Disposal of
surplus
funds.

- (a) The cost of providing off-street parking stations, including the payment of interest on, or redemption of, or instalments into a sinking fund in respect of any loan money borrowed for the purpose of providing such parking stations;
- (b) The cost of works for the alleviation or reduction of traffic congestion, including interest on, or redemption of, or instalments into a sinking fund in respect of any loan money borrowed for the purpose of such works.

[49F.] (1.) The Local Authority may on any land owned or held in trust or controlled by it or which it may acquire or take for the purpose of this section,

Provision of
off-street
parking
stations.

provide, maintain, control and manage off-street parking stations (whether within or without any building), and may in connection therewith demand and recover such fees or charges as may be fixed by the Local Authority by by-law.

Power of
resumption.

(2.) The provisions of **"The City of Brisbane Improvement Acts, 1916 to 1953,"* and of †*"The Public Works Land Resumption Acts, 1906 to 1955,"* shall respectively apply to the taking of land for the purposes of this section by Brisbane City Council and by any other Local Authority.

Lease of
off-street
parking
stations.

(3.) Subject to the provisions of section nineteen of this Act, the Local Authority may lease to any person any parking station provided by it under the provisions of this section. The Local Authority may lease land owned or held in trust by it to any person on a building lease for a parking station for a term not exceeding thirty years. Such building lease shall provide that the building becomes the property of the Local Authority forthwith upon completion and shall provide that the lessee shall not impose fees or charges in excess of those from time to time fixed by the Local Authority in respect of such parking station. The provisions of ‡*"The Landlord and Tenant Acts, 1948 to 1954,"* and subsection four of section thirty-two of this Act shall not apply to any leases granted under this section.

Permission
to sell
petrol, &c.,
in off-street
parking
station.

(4.) The Local Authority may, or a lessee from the Local Authority under this section may with the prior written approval of the Local Authority under the hand of the Town Clerk and subject to such conditions as may be attached to the said approval, in or upon any such parking station sell, distribute, or otherwise supply petrol, oil and vehicle accessories and parts, and repair, maintain and service motor vehicles, or carry on such other business or undertaking as the Local Authority may approve.

(5.) All fees and charges received by a Local Authority from the provision, maintenance, control and management of off-street parking stations and any other income whatever from the exercise of such

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

† 6 E. 7 No. 14 and amending Acts.

‡ 12 G. 6 No. 31 and amending Acts.

6 ELIZ. II. No. 13, 1957. *Traffic Acts and Another Act, Etc., Act.*

PART III.—
AMENDMENTS
OF "THE LOCAL
GOVERNMENT
ACTS, 1936
TO 1956."

functions (including the proceeds or rents of any lease) shall be paid to a special account in the Trust Fund (called the "Off-street Parking Account").

All expenses incurred by the Local Authority in the provision, maintenance, control and management of off-street parking stations (including the payment of interest on, or redemption of, or instalments into a sinking fund in respect of any loan money borrowed for the purpose of providing such off-street parking stations) shall be paid from such special account in the Trust Fund.

Any surplus arising in any such special account in such Trust Fund shall be applied only for the purposes specified in subsection six of section 49E of this Act.

Any deficit arising in any such special account in such Trust Fund may be funded either in part or in whole from the surplus funds specified in subsection six of section 49E of this Act."

**An Act to Amend "The Traffic Acts, 1949 to 1956,"
and "The Local Government Acts, 1936 to
1956," each in certain particulars.**

6 ELIZ. II.
No. 13.
THE TRAFFIC
ACTS AND
ANOTHER ACT
AMENDMENT
ACT OF
1957.

[ASSENTED TO 18TH APRIL, 1957.]

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

PART I.—PRELIMINARY.

PART I.—
PRELIMINARY.

1. This Act may be cited as "*The Traffic Acts and Another Act Amendment Act of 1957.*" Short title.

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

PART I.—PRELIMINARY ;

PART II.—AMENDMENTS OF *"THE TRAFFIC ACTS, 1949 TO 1956" ;

PART III.—AMENDMENTS OF †"THE LOCAL GOVERNMENT ACTS, 1936 TO 1956."

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

† 1 G. 6 No. 1 and amending Acts.