

Queensland



ANNO OCTAVO

ELIZABETHAE SECUNDAE REGINAE.

No. 55.

**An Act to Amend "The Traffic Acts, 1949 to 1959," and
"The Local Government Acts, 1936 to 1958,"
each in certain particulars.**

[ASSENTED TO 21ST DECEMBER, 1959.]

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.

Short title.

1. This Act may be cited as "*The Traffic Acts
and Another Act Amendment Act of 1959.*"

Parts of Act.

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

PART I.—PRELIMINARY;

PART II.—AMENDMENTS OF "THE TRAFFIC ACTS,
1949 TO 1959";PART III.—AMENDMENTS OF "THE LOCAL
GOVERNMENT ACTS, 1936 TO 1958."

PART II.—AMENDMENTS OF “THE TRAFFIC ACTS,
1949 TO 1959.”

3. (1.) This Part of this Act shall be read as one with “*The Traffic Acts, 1949 to 1959,*” herein in this Part referred to as the Principal Act. Construction of Part II.

(2.) The Principal Act and this Part of this Act may be collectively cited as “*The Traffic Acts, 1949 to 1959.*” Collective title.

4. Section three of the Principal Act is amended by inserting after the words and figures “PART II.—ADMINISTRATION;” the words, figures and letter “PART IIA.—TRAFFIC COMMISSION;”. Amendment of s. 3.

5. Subsection one of section nine of the Principal Act is amended— Amendments of s. 9.

(i.) By repealing the definition “Commissioner” therein and by inserting, in lieu of that repealed definition, the following definitions:—

““Commission”—The Traffic Commission constituted under this Act; Commission.

““Commissioner”—The Commissioner of Police within the meaning of “*The Police Acts, 1937 to 1958,*” or the person who for the time being occupies the office or performs the duties of the said Commissioner of Police; Commissioner.

““Commissioner of Main Roads”—The Commissioner of Main Roads within the meaning of section two of “*The Main Roads Acts, 1920 to 1959,*” or the person who for the time being occupies the office or performs the duties of the said Commissioner of Main Roads;”; Commissioner of Main Roads.

(ii.) By inserting therein, after the definition “Complaint”, the following definition:—

““Co-ordinator-General of Public Works”—The Co-ordinator-General of Public Works within the meaning of section three of “*The State Development and Public Works Organisation Acts, 1938 to 1958*”;”; Co-ordinator-General of Public Works.

(iii.) By inserting therein, after the definition "Traffic", the following definition:—

Traffic
Engineer.

" " Traffic Engineer"—The Traffic Engineer appointed under this Act and the executive officer of the Traffic Commission: The term also includes the person who for the time being occupies the office or performs the duties of the Traffic Engineer;"; and

(iv.) By inserting therein, after the definition "Vehicle", the following definition:—

Vehicle
stand.

" " Vehicle stand"—A section or part of a road defined by an official traffic sign and set aside for the standing or waiting in that vehicle stand of any vehicles and/or horses of a class or description indicated in or by such official traffic sign;".

Amendment
of s. 10.

6. Section ten of the Principal Act is amended by adding thereto the words and commas ", the Traffic Commission, the Traffic Engineer and all other officers of the Traffic Commission".

New Part
IIA
inserted.

7. The following headnote and sections are inserted after section twelve and before the headnote appearing before section thirteen of the Principal Act, namely:—

" PART IIA.—TRAFFIC COMMISSION.

Traffic
Commission.

[12A.] (1.) For the purposes of this Act there is hereby constituted a body which shall be called "The Traffic Commission" (in this Act referred to as the "Commission").

Member-
ship.

(2.) Subject to section 12E of this Act, the Commission shall consist of—

- (i.) The Co-ordinator-General of Public Works;
- (ii.) The Commissioner of Main Roads;
- (iii.) The Commissioner of Police; and
- (iv.) The Town Clerk of Brisbane,

who shall *ex officio* be members thereof.

Chairman.

(3.) The Minister may from time to time appoint a member of the Commission to be the chairman thereof.

Appoint-
ment of
deputies.

(4.) If the chairman or any other member of the Commission is at any time prevented by absence, illness or otherwise from performing the duties of his office,

a person nominated in writing in that behalf by the member and appointed by the Minister may act in that office during such time as the chairman or other member is so prevented from performing such duties and the person so nominated and appointed, whilst so acting, shall have and may exercise all the powers, authorities and functions, and shall perform all the duties of the member in whose place he acts. In the case of the chairman appointments under this subsection may be of another member to act as chairman and of another person to act as member.

(5.) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person thereunto duly nominated and approved to act in the place of a member, or as to the necessity or propriety of any such nomination and approval; and all acts or things done or omitted by the person when so acting shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the member in whose place such person is acting.

Validity of acts, persons acting as deputy.

(6.) Each member shall receive such allowances or fees, or allowances and fees, if any, as the Governor in Council may from time to time determine. Any such determination may from time to time be revoked or amended.

Allowances, &c.

Any such determination with respect to any member may differ according to class of payment, or rate, or both class and rate from any determination with respect to any other member.

[12B.] (1.) (a) The Commission shall meet at such times and places and conduct its business in such manner as may be prescribed or, in so far as not prescribed, as it may determine from time to time.

Proceedings of Commission meeting.

(b) A majority of the number of members of the Commission for the time being shall form a quorum at any meeting of the Commission, and any duly convened meeting at which a quorum is present, shall be competent to transact any business of the Commission and shall have and may exercise all the powers, authorities and functions, and may perform all of the duties of the Commission.

Quorum.

The decision of a majority of the members present at any meeting at which there is a quorum shall be a decision of the Commission.

Chairman.

(c) The chairman, or in his absence the person, if any, nominated and approved in that behalf as prescribed shall preside at all meetings of the Commission at which he is present.

If both the chairman and the person, if any, nominated and approved as aforesaid, are absent from any duly convened meeting the members present shall appoint one of their number to preside at the meeting.

(d) The person presiding at any meeting of the Commission shall have a vote and where there is an equal division of votes upon any question shall have a second or casting vote.

Defects in appointment not to invalidate proceedings of Commission.

(e) No act or proceeding of the Commission shall be invalid or illegal in consequence only of the number of the members of the Commission not being complete at the time of such act or proceeding.

All acts and proceedings of the Commission shall, notwithstanding any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if every such member had been duly appointed and was qualified and entitled to act and had acted as a member of the Commission and as if the Commission had been properly and fully constituted.

Committees.

(2.) (a) The Commission may appoint such advisory committees or technical committees as it thinks fit to advise it on such matters within the scope of its function as are referred to those committees by the Commission.

(b) A person may be appointed to be a member of a committee under this subsection notwithstanding that he is not a member of the Commission.

Local Authority representative.

(3.) The Commission may co-opt as a member thereof a person nominated by a Local Authority other than Brisbane City Council while dealing with any matter or any phase of any matter or any class of matters having particular reference or application to the Local Authority."

8. The following sections are inserted after section ^{New ss. 12c} 12B of the Principal Act, as previously inserted by ^{and 12d.} this Act:—

“ [12c.] (1.) The powers and functions of the ^{Functions} Commission shall be— ^{of Traffic} ^{Commission.}

- (i.) To compile and maintain a Manual of Uniform Traffic Control Devices (Queensland);
- (ii.) To make recommendations to the Minister for the elimination of causes of danger and traffic congestion on roads;
- (iii.) To make recommendations to the Minister for the improvement of traffic flow in the existing road system;
- (iv.) To make recommendations for the installation of official traffic signs including the allotment of priorities for such installation;
- (v.) Collection of statistics relating to traffic, including, but without limiting the generality hereof, origin and destination surveys;
- (vi.) Conduct of investigation and research into any matters for the improvement of traffic conditions and control of traffic;
- (vii.) The publication or dissemination (orally or by writing or by any means of producing or transmitting light or sound or otherwise howsoever) of information or literature in relation to the safe use of roads by persons driving or in charge of vehicles or animals and by pedestrians and the reduction or elimination of traffic accidents;
- (viii.) Recommendations for the making, altering or repealing regulations or any of them for or with respect to the regulation and control of vehicular, animal or pedestrian traffic on roads and any matters incidental or related thereto and in particular, without affecting the generality of the foregoing, for or with respect to the matters specified in clauses two, eight, 8A, nine, ten, eleven, 11A, twelve, thirteen, fourteen, sixteen, twenty, twenty-one, twenty-five, twenty-eight, thirty, thirty-five and thirty-six of the Schedule to this Act;

- (ix.) To advise the Minister on any matter relating to traffic referred to it by the Minister ; and
- (x.) Generally to advise the Minister or make recommendation to him as to any matter for the improvement of traffic conditions and the control of traffic.

(2.) It shall be the duty of the Commission to consider and advise the Minister upon such of the matters and questions specified in subsection one of this section as the Minister may from time to time refer to it.

Delegation
of powers
by the
Commission.

[12D.] (1.) The Commission may from time to time, in relation to any matters or class of matters or to a particular part of the State, by instrument in writing under the hand of the chairman of the Commission, delegate to the Traffic Engineer or any officer of the Crown all or any of its powers, authorities, functions and duties under this Act as may be specified in the instrument (other than this power of delegation) so that the delegated powers, authorities, functions and duties may be exercised, or as the case may be, shall be performed by the delegate with respect to the matter or class of matters or in relation to the particular part of the State specified in the instrument.

(2.) Where, by or under this Act, the exercise of any power, authority or function or the performance of a duty of the Commission is dependent upon the opinion, belief or state of mind of the Commission in relation to any matter that power, authority or function may be exercised or the duty performed, upon the opinion, belief or state of mind of the person to whom it is delegated under this section.

Revocation
of delega-
tion.

(3.) Every delegation under this section shall be revocable by the Commission at its will (and shall be revoked by it if the Minister so directs), and no delegation shall prevent the exercise of the delegated power, authority or function, or the performance of the duty by the Commission.

(4.) The Commission may make such and so many delegations under this section and to such number of persons and either at any one and the same time or from time to time as it may consider necessary or desirable."

9. The following sections are inserted after section 12D of the Principal Act, as previously inserted by this Act :—

New ss. 12E and 12F.

“ [12E.] (1.) When the Governor in Council is of the opinion that it is necessary or desirable that the Commission be constituted upon a full-time basis, he may by Order in Council, direct that the said Commission be reconstituted in accordance with the provisions of this section and that on a day specified in the Order in Council the offices of the members of the Commission then in office shall be vacated.

Constitution of Traffic Commission on full-time basis.

(2.) (a) On and from the day specified as aforesaid the Commission shall consist of a chairman and three other members.

Membership.

(b) The Co-ordinator-General of Public Works shall *ex officio* be a member of the Commission.

(c) The members of the Commission other than the *ex officio* member shall be appointed from time to time by the Governor in Council by notification published in the *Gazette*.

(d) Of the persons appointed as members of the Commission under paragraph (c) of this subsection—

- (i.) One shall be an officer of the Department of Main Roads experienced in traffic engineering nominated by the Commissioner of Main Roads ;
- (ii.) One shall be a member of the Police Force nominated by the Commissioner of Police ; and
- (iii.) One shall be an officer of Brisbane City Council experienced in traffic engineering nominated by Brisbane City Council.

Each such member shall act in a full-time capacity and shall be seconded for duty as such.

(e) (i.) The Governor in Council may from time to time appoint a member of the Commission to be the chairman thereof.

Chairman.

(ii.) The office of chairman shall—

- (a) Commence on the day of his appointment thereto ; and

- (b) Become vacant if he—
 - (i.) Ceases to be a member of the Commission ; or
 - (ii.) Resigns.
- (iii.) Subject to this Act the chairman of the Commission—
 - (a) Shall be eligible for re-appointment ; and
 - (b) Shall hold office for the term for which he is appointed or re-appointed, but no such appointment or re-appointment shall be for a term exceeding three years.
 - (iv.) The chairman may resign his office as such by writing under his hand delivered to the Minister (such resignation shall be complete and shall take effect from the time when it is received by the Minister).

Tenure of office.

(3.) When the Commission is constituted under this section then—

- (a) (i.) Subject to this Act every member of the Commission other than the *ex officio* member thereof—
 - (a) Shall be eligible for re-appointment ; and
 - (b) Shall hold office for the respective term for which he is appointed or re-appointed but no such appointment or re-appointment shall be for a term exceeding three years ;
- (ii.) The office of a member of the Commission, other than the *ex officio* member thereof, shall—
 - (a) Commence on the date of his appointment thereto ; and
 - (b) Become vacant if such member—
 - (i.) Dies or becomes mentally sick ; or
 - (ii.) Becomes bankrupt or compounds with his creditors, or otherwise takes advantage of the laws in force for the time being relating to bankruptcy ; or
 - (iii.) If, except by reason of illness or physical incapacity or on leave granted by the Minister (power to grant such leave being hereby authorised), he absents himself from duty for fourteen consecutive days or for twenty-eight days in all in any calendar year ; or

- (iv.) Resigns his office by writing under his hand delivered to the Minister (such resignation shall be complete and shall take effect from the time when it is received by the Minister); or
- (v.) Is convicted of an indictable offence; or
- (vi.) Is removed from office by the Governor in Council by notification published in the *Gazette* on the grounds of mental or physical incapacity to perform his duties or because of any conduct which, in the opinion of the Governor in Council shows the member to be unfit to be a member of the Commission;
- (b) When a vacancy arises in the office of the chairman or any other member of the Commission other than the *ex officio* member by death, resignation, or otherwise howsoever, the Governor in Council shall upon the recommendation of the Minister appoint, by notification published in the *Gazette*, a chairman or other member to hold office for the remainder of the term of his predecessor. This subsection applies so as not to affect the power of the Governor in Council to appoint a person to act temporarily in any such office during a vacancy therein. In the case of the chairman appointments under this paragraph may be of another member to be chairman and of another person to act as member;
- (c) If the chairman or any other member of the Commission is at any time prevented by absence, illness or otherwise from performing the duties of his office, the Governor in Council may, by notification published in the *Gazette*, appoint another person to act in that office during such time as the chairman or other member is so prevented from performing such duties, and the person so appointed, whilst so acting, shall have and may exercise all of the powers, authorities and functions, and shall perform all of the duties of the chairman or other member in

Extra-ordinary vacancies.

Appointment of deputy.

whose place he acts. In the case of the chairman appointments under this paragraph may be of another member to act as chairman and of another person to act as member. Any appointments under this paragraph of a person to act as a member in the place of the Co-ordinator-General of Public Works shall be upon the nomination in writing of that officer ;

Validity of acts of persons acting as deputies.

(d) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person thereunto appointed to act in the place of the chairman or other member of the Commission or as to the necessity or propriety of any such appointment ; and all acts or things done or omitted by a person when so acting as aforesaid shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the chairman or other member in whose place such person, as the case may be, is acting ;

Salary of members other than *ex officio* member.

(e) The members of the Commission other than the *ex officio* member thereof, and any person appointed pursuant to this section to act as such a member, shall respectively be paid such salary and allowances as the Governor in Council may fix from time to time.

Appointment of officers.

[12F.] (1.) The Governor in Council may from time to time appoint under and for the purposes of this Part of this Act a Traffic Engineer, a Secretary to the Commission, and such and so many other officers as he deems necessary for the effectual execution of this Part of this Act.

Every such appointee shall be appointed to and hold his respective office under, subject to and in accordance with “ *The Public Service Acts, 1922 to 1958.*”

Any person may be appointed to hold any such office in conjunction with any other office held by him under “ *The Public Service Acts, 1922 to 1958.*”

Traffic Engineer.

(2.) (a) The Traffic Engineer shall possess the qualifications as prescribed and shall have knowledge and experience in traffic engineering.

(b) The Traffic Engineer shall be the executive officer of the Commission.

(c) The Traffic Engineer shall have, exercise and perform such powers, functions, authorities and duties (including such of the powers, functions and duties of the Commission) as may be prescribed, or, in so far as not prescribed, as the Commission may direct either generally or in any special case.

(d) The person who immediately prior to the enactment of this section holds the office of Traffic Engineer in the Department of Labour and Industry of the Government of Queensland shall without further or other appointment whatsoever be deemed to have been appointed as the first Traffic Engineer and shall hold office accordingly.

(3.) Any appointment as the Secretary to the Commission or other officer thereof may be made by the appointment of the holder for the time being of an office under the Crown in the right of this State, specifying the office but without naming the holder; and in every such case each successive holder of the office in question and each person who for the time being occupies, or performs the duties of, that office, shall without further appointment or other authority, and while he holds or occupies or performs the duties of that office, be the Secretary to the Commission or an officer in terms of such appointment.

(4.) During the absence from duty of the Traffic Engineer by reason of illness, leave of absence or other cause, or during any vacancy in the office of the Traffic Engineer, the power, functions, authorities and duties of the Traffic Engineer may be exercised and performed by a Deputy Traffic Engineer appointed by the Governor in Council (whether generally or in respect of any particular period of absence from duty of, or vacancy in the office of, the Traffic Engineer).

(5.) (a) The Secretary and every other officer shall have, exercise and perform such powers, authorities, functions and duties as may be prescribed, or, in so far as not prescribed, as the Commission may direct either generally or in any special case.

Saving of
officers.

(6.) All officers who, being appointed under "*The Public Service Acts, 1922 to 1958,*" are employed in the office of the Traffic Engineer in the Department of Labour and Industry of the Government of Queensland immediately prior to the enactment of this section shall, without further or other appointment whatsoever, be deemed to have been appointed to their respective offices under and for the purposes of this Part of this Act and shall, subject to this Act, continue to hold those offices respectively in terms of their appointments without further or other appointments under this Act."

New ss. 12g
and 12h.

10. The following sections are inserted after section 12F of the Principal Act, as previously inserted by this Act:—

Power of
delegation
by Traffic
Engineer.

"[12G.] (1.) With the prior approval of the Commission, the Traffic Engineer may (and shall if the Commission so directs) from time to time, in relation to any matters or class of matters, or in relation to a particular part of the State, by instrument in writing under his hand delegate to the Commissioner of Main Roads, a Local Authority or a member of the Police Force all or any of his powers, authorities, functions and duties under this Act as may be specified in the instrument (other than this power of delegation) so that the delegated powers, authorities, functions and duties may be exercised or, as the case may be, shall be performed by the delegate with respect to the matters or class of matters or in relation to the particular part of the State specified in the instrument.

(2.) Where, by or under this Act, the exercise of a power, authority or function or the performance of a duty of the Traffic Engineer is dependent upon the opinion, belief or state of mind of the Traffic Engineer in relation to any matter, that power, authority or function may be exercised or the duty performed upon the opinion, belief or state of mind of the person to whom it is delegated by an instrument of delegation under this section.

(3.) Every delegation under this section shall be revocable by the Traffic Engineer at his will (and shall be revoked by him if the Commission so directs), and no delegation shall prevent the exercise of any power, authority or function or the performance of any duty by the Traffic Engineer.

(4.) The Traffic Engineer may make such and so many delegations under this section and to such number of persons and either at any one and the same time or from time to time as he may consider necessary or desirable.

[12H.] (1.) Subject to subsection ten of this section the Traffic Engineer 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.

Official
traffic signs.

(2.) Subject to subsection ten of this section, the Traffic Engineer 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.) Where the Commissioner of Main Roads, the Commissioner, a Superintendent, a holder of a prescribed office under the Crown, or a Town Clerk, as the case may be, is satisfied in the circumstances of the case that a danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist, or the use of a road or any part thereof is prevented, hindered or obstructed, or likely to be prevented, hindered or obstructed, such person may 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 which, in his opinion, may be necessary, required or desirable for the safe and effective regulation of traffic.

Any official traffic sign so constructed, made, marked, placed, erected, affixed or painted may, unless otherwise directed by the Traffic Engineer pursuant to subsection four of this section, be maintained and continued for so long as the Commissioner of Main Roads, Commissioner, Superintendent, holder of a prescribed office under the Crown, or Town Clerk, as the case may be, is satisfied that the danger, hindrance or

obstruction to traffic or other emergency exists or is likely to exist, or the use of the road or the part thereof is prevented, hindered or obstructed, or likely to be prevented, hindered or obstructed.

(4.) The Traffic Engineer may from time to time alter, revoke, discontinue, cancel, remove, demolish, erase, or cause or authorise to be altered, revoked, discontinued, cancelled, removed, demolished or erased, any official traffic sign.

(5.) For the purposes of this section "structure" includes any building, wall, fence, pillar, post or other structure, erection or device wheresoever situated and by whomsoever owned.

(6.) (a) Any person—

(i.) Who obstructs the Commissioner of Main Roads, Commissioner, Superintendent, Traffic Engineer, holder of a prescribed office under the Crown, or Town Clerk in the exercise of his powers under this section; or

(ii.) Who obstructs any person acting under an authority given thereunder by the Commissioner of Main Roads, Commissioner, Superintendent, Traffic Engineer, holder of a prescribed office under the Crown, or Town Clerk; or

(iii.) 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 and in the case of an offence against the provisions of subparagraph (iii.) of this paragraph (a) shall also be liable to pay the total amount of the expenses of making good any damage occasioned by the offence, which amount he may be ordered by the court convicting him of the offence to pay whether an application or complaint is made in respect thereof or not, or may be recovered by the Traffic Engineer or any person duly authorised by the Traffic Engineer either generally or in the particular case, by action in any court of competent jurisdiction.

(b) The provisions of this subsection shall not derogate from or otherwise affect the provisions of section 121 of this Act.

(7.) 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 sign,
shall be guilty of an offence.

(8.) Any person who, without the authority of the Traffic Engineer, constructs, makes, marks, places, or erects in, into, on or near any road, or 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, altered or obliterated by or at the direction of the Traffic Engineer.

(9.) Any authority for the provision of official traffic signs may require such signs to be provided and installed in the prescribed manner.

For the purposes of this subsection “in the prescribed manner” shall mean in accordance with methods, standards and procedures prescribed in relation to such signs in the Manual of Uniform Traffic Control Devices (Queensland) or, in so far as not so prescribed, the directions of the Traffic Engineer specified in the authority.

(10.) Where the cost of providing any such official traffic sign exceeds such sum as may be prescribed from time to time by the Governor in Council by Order in Council or, until a sum is so prescribed, the sum of one hundred pounds, the powers conferred upon the

Traffic Engineer by subsections one and two of this section shall not be exercised by that officer except upon and in all respect in accordance with a recommendation of the Commission.

Installation
of official
traffic signs
by Local
Authorities

(11.) Notwithstanding any other provision of this Act, a Local Authority may install and maintain official traffic signs the provision whereof is duly authorised under this section.

(12.) The provisions of this section shall apply to all official traffic signs whatsoever and whether in relation to metered parking or otherwise."

New ss. 12I
and 12J.

11. The following sections are inserted after section 12H of the Principal Act, as previously inserted by this Act:—

Obstruction
of Traffic
Engineer.

" [12I.] (1.) A person shall not—

- (a) Hinder or obstruct the Traffic Engineer in the exercise of his powers or in the discharge of his duties under this Part of this Act; or
- (b) Use any threat or any abusive or insulting language to the Traffic Engineer or to any other person with respect to any investigation, survey or inquiry authorised pursuant to this Part of this Act; or
- (c) Fail to comply with the lawful requisition or any part of the lawful requisition of the Traffic Engineer.

(2.) In this section the term "Traffic Engineer" includes any person acting upon lawful authority under or pursuant to this Part of this Act.

Responsi-
bility
for injury to
official
traffic signs.

[12J.] (1.) Where any injury is done by a vehicle, or by any person employed about the same, to any official traffic sign, the following persons, namely:—

- (i.) Whether the injury is caused through negligence or not, the owner of that vehicle; and
- (ii.) In case the injury is caused through the wilful act or negligence of the driver of that vehicle, that driver,

shall each be answerable in damages to the Traffic Engineer for the whole injury by action in any court of competent jurisdiction; but the Traffic Engineer shall not be entitled by virtue hereof to recover twice for the same cause of action.

The Traffic Engineer may appear before any court in any action under this subsection by any person authorised by the Traffic Engineer in that behalf either generally or in the particular case.

(2.) Where the owner of any vehicle pays any money in respect of any injury caused through the wilful act or negligence of the driver of that vehicle to any official traffic sign, he shall be entitled to recover the money so paid, with costs, from that driver."

12. Subsection four of section fifteen of the Principal Act is amended by adding thereto the following paragraph:—

Amendment
of s. 15 (4).

"Notwithstanding that, at the time of the commission of an offence against subsection one of this section, the person who committed the offence is disqualified—

(a) By this Act; or

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

from holding or obtaining a driver's license, the justices before whom he is convicted of the offence, in addition to any punishment which they may impose upon him on his conviction, may order that the offender shall, from the date of the conviction, be disqualified absolutely from holding or obtaining a driver's license or be so disqualified for such period longer than the period during which he is already so disqualified at the time of the commission of the offence as the justices shall specify in the order."

13. Section sixteen of the Principal Act is amended—

Amendments
of s. 16.

(i.) By repealing in subsection one thereof the word "of" where that word appears after the words "the influence of liquor or";

(ii.) By repealing in subsection two thereof the word "of" where that word appears after the words "influence of liquor or"; and

(iii.) By inserting in that section, after subsection two thereof, the following subsection :—

“(2A.) A complaint for an offence against any provision of subsection one or subsection two of this section shall not be bad for uncertainty or duplicity by reason that it charges the alleged offender with being under the influence of “liquor or a drug”.

If upon the hearing of such a complaint the evidence led and admitted (including evidence, if any, for the defence) establishes—

(a) That the person so charged was under an influence which was that of liquor or a drug, or both liquor and a drug; and

(b) All other elements of the offence,

he shall be convicted of the offence notwithstanding that the particular such influence is not established by the evidence.”

Amendment
of s. 20.

14. Section twenty of the Principal Act is amended by repealing therein the words “or of an offence against any provision of section seventeen”.

Repeal of
s. 38.

15. (1.) Section thirty-eight of the Principal Act is repealed.

Saving of
existing
official
traffic
signs.

(2.) Every official traffic sign originating under the repealed section thirty-eight of the Principal Act and in existence under the authority of the said section immediately prior to the passing of this Act shall be deemed to have originated under section 12H of “*The Traffic Acts, 1949 to 1959*,” and shall continue in force subject to the said section 12H until it is revoked, discontinued, cancelled, removed, demolished or, as the case may be, erased thereunder.

Amendments
of s. 44B.

16. (1.) Section 44B of the Principal Act is amended—

(i.) By repealing subsection one thereof and by inserting, in lieu of that repealed subsection, the following subsections :—

Application
of provisions
re metered
parking to
Local
Authority.

“(1.) The Governor in Council may, upon the application of the Local Authority, make regulations declaring that the provisions of this Part of this Act with respect to metered parking shall apply within the Area of the Local Authority or a defined part of such Area.

(1A.) (a) Notwithstanding any other provision of this Act the Governor in Council may make regulations not inconsistent with this Act prescribing all matters and things which by this Part of this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Part of this Act, and, without limiting the generality of the foregoing provisions of this subsection, in particular—

Regulations
in respect of
metered
parking.

- (i.) Subject to the provisions of this Act and of “*The Local Government Acts, 1936 to 1958*,” authorising a Local Authority within the Area whereof, or a defined part of the Area whereof, the provisions of this Part of this Act with respect to metered parking apply (hereinafter referred to in sections 44B to 44J, both inclusive, of this Act as the “Local Authority”) to install and maintain a parking meter in each metered space or immediately adjacent thereto in a position approved by the Traffic Engineer ;
- (ii.) Authorising the Traffic Engineer, after consultation with and at the expense of the Local Authority—
 - (a) To cause to be constructed, made, marked, placed, erected, affixed in, into, or on or near any road or part of a road which is in a metered zone or which is a metered zone, official traffic signs—
 - (i.) Delineating such metered zone ;
 - (ii.) Defining metered spaces in such metered zone ;
 - (iii.) Defining loading zones ;
 - (iv.) Defining vehicle stands ;
 - (v.) Necessary, requisite or desirable for the safe and effective regulation of traffic ; and
 - (vi.) In respect of any determination by the Traffic Engineer in consultation with the Local Authority to which subsection two of this section applies, indicating that determination ;

- (b) To revoke or cause to be altered, discontinued, cancelled, removed, demolished, or erased any such official traffic sign ;
- (iii.) 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
- (iv.) Prescribing forms for the purposes of this Part of this Act.

All regulations made under this paragraph (a) of this subsection shall be applicable to the Local Authority whether made before or after the making with respect to the Local Authority of a regulation under subsection one of this section.

(b) Notwithstanding any other provision of this Act, the Governor in Council may, in relation to the Area of a Local Authority or a defined part of such Area, wherein the provisions of this Part of this Act with respect to metered parking apply, and after due consideration of any submissions in that behalf by the Local Authority, make regulations—

- (i.) Declaring all roads and parts of roads in any defined part of the Area of the Local Authority or part of such Area wherein the provisions of this Part of this Act with respect to metered parking apply, or declaring any road or any defined part or parts of a road in the Area of the Local Authority or part thereof as aforesaid, to be a metered zone ;
- (ii.) Prescribing the hours during and 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”) ;

- (iii.) Regulating metered parking by prescribing the maximum period for which any vehicle and/or horse may be parked in a metered space, which maximum period may be so prescribed differently for different metered spaces or, by reference to the insertion in the parking meter provided for a metered space of coins of different denominations or of different numbers of coins of the same denomination, for any one and the same metered space ; and
- (iv.) Modifying, varying, or otherwise limiting the application of, in respect of the Local Authority any regulations made pursuant to paragraph (a) of this subsection.” ; and
- (ii.) By, in subsection two thereof—
- (a) Repealing the word “ Commissioner ” wheresoever that word occurs and by inserting, in lieu of that repealed word wheresoever repealed, the words “ Traffic Engineer ” ; and
- (b) Repealing the words, brackets and letters “ paragraphs (c) and (d) of subsection one ” wheresoever occurring and by inserting in lieu thereof, the words, figures, brackets and letters “ subparagraphs (ii.) and (iii.) of paragraph (b) of subsection 1A ”.

(2.) Every regulation and every determination thereunder originating under section 44B of the Principal Act and in force immediately prior to the passing of this Act shall be deemed to have originated under section 44B of “ *The Traffic Acts, 1949 to 1959,* ” and shall continue in force until it expires by effluxion of time, or is repealed, revoked or rescinded by a regulation or, as the case may be, determination under the said section 44B.

The continuance in force of any such regulation or determination shall not prejudice, limit or otherwise affect howsoever the exercise of any powers conferred by section 44B of “ *The Traffic Acts, 1949 to 1959,* ” with respect to the making of regulations and of determinations thereunder.

Saving of regulations and determinations under repealed subsection.

Amendments
of s. 44c.

17. Section 44c of the Principal Act is amended—

(i.) By, in subsection two thereof—

(a) Repealing, in paragraph (a), the words, letter and brackets “paragraph (d) of subsection one” and inserting in lieu thereof, the words, figures, brackets and letters “subparagraph (iii.) of paragraph (b) of subsection 1A”; and

(b) Repealing, in paragraph (b), the word, letter and brackets “paragraph (d)” and inserting in lieu thereof, the word, figure and brackets “subparagraph (iii.)”; and

(ii.) By, in paragraph (b) of subsection three thereof, repealing the words, letter and brackets “paragraph (d) of subsection one” and inserting in lieu thereof, the words, figures, brackets and letters “subparagraph (iii.) of paragraph (b) of subsection 1A”.

Amendment
of s. 44D.

18. Section 44D of the Principal Act is amended by, in paragraph (b) of subsection one thereof, repealing the words, letter and brackets “paragraph (d) of subsection one” and inserting in lieu thereof, the words, figures, brackets and letters “subparagraph (iii.) of paragraph (b) of subsection 1A”.

Amendment
of s. 44K.

19. Section 44K of the Principal Act is amended by repealing therein the word “Commissioner” where that word twice occurs and by inserting, in lieu of that repealed word where so repealed, the words “Traffic Engineer”.

Amendment
of s. 54.

20. Subsection two of section fifty-four of the Principal Act is amended by inserting therein, after the words “operation and effect of”, the words “section fifteen,”.

PART III.—AMENDMENTS OF “THE LOCAL GOVERNMENT ACTS, 1936 TO 1958.”

Construc-
tion of
Part III.

21. (1.) This Part of this Act shall be read as one with “*The Local Government Acts, 1936 to 1958.*”

Collective
title.

(2.) “*The Local Government Acts, 1936 to 1958,*” and this Part of this Act may be collectively cited as “*The Local Government Acts, 1936 to 1959.*”

22. The following section is inserted after section ^{New s. 49H.} 49G of "*The Local Government Acts, 1936 to 1958*" :—

"[49H.] Subject to this section, a Local Authority ^{Official} may, as a function of Local Government, install and ^{traffic signs.} maintain, or aid the Traffic Engineer in installing and maintaining, official traffic signs the provision whereof is duly authorised under the provisions of section 12H of "*The Traffic Acts, 1949 to 1959.*"

Any such official traffic signs shall be installed in compliance in every respect with the requirements, if any, of the authority therefor under the said section 12H of the aforesaid Acts."
