

Queensland



ANNO NONO

ELIZABETHAE SECUNDAE REGINAE.

No. 44.

An Act to Amend "The Traffic Acts, 1949 to 1959,"
in certain particulars.

[ASSENTED TO 16TH DECEMBER, 1960.]

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:—

1. (1.) This Act may be cited as "*The Traffic Acts* Short title.
Amendment Act of 1960."

(2.) "*The Traffic Acts, 1949 to 1959,*" are in this Principal
Act referred to as the Act.

(3.) The Principal Act and this Act may be Collective
collectively cited as "*The Traffic Acts, 1949 to 1960.*" title.

2. Section 12H of the Principal Act is amended by— Amendments

(a) Repealing in subsection one the words "Subject
to subsection ten of this section ;" of s. 12H.

(b) Adding to subsection one the following paragraph :—

“ The authority conferred upon the Traffic Engineer by this subsection is limited to official traffic signs—

- (a) The methods, standards and procedures in relation to which are contained in the Manual of Uniform Traffic Control Devices, Queensland ; or
- (b) In respect of which such authority is exercised upon, and in accordance in all respects with, a recommendation of the Commission.” ; and
- (c) Repealing in subsection ten the words “ subsections one and two ” and inserting, in lieu of those repealed words, the words “ subsection two ”.

Amendment
of s. 31.

3. Section thirty-one of the Principal Act is amended—

(a) By repealing subsections one, two and three and inserting, in lieu of those repealed subsections, the following subsections :—

“ (1.) (a) The driver—

- (i.) Of any vehicle, tram or animal involved on any road ; or
- (ii.) Of any motor vehicle involved elsewhere than on a road,

in an incident resulting in injury to or death of any person or damage to any property (including an animal in the charge of any person, a vehicle or a tram), shall immediately stop such vehicle, tram or animal at the scene of such incident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the incident until he has fulfilled the requirements of subsection two of this section.

Every such stop shall be made without obstructing traffic more than is necessary.

(b) A person who fails to stop or to comply with the said requirements under such circumstances or who, in purported compliance with the said requirements, furnishes any false or misleading information shall be guilty of an offence and liable—

- (i.) In case of an incident whereby death or injury shall have been caused to any person, to a penalty of two hundred pounds or to imprisonment for twelve months, or to both such penalty and imprisonment ; or

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- (ii.) In any other case, to a penalty of one hundred pounds or to imprisonment for six months.

If, in the opinion of the Court hearing and determining the complaint for an offence against this subsection in relation to an incident whereby death or injury has resulted to any person, the offender has shown a callous disregard for the dead or injured person, the Court shall impose a sentence which shall include imprisonment for a term not less than three months, which sentence of imprisonment shall not be suspended, mitigated or varied, any Act or law to the contrary notwithstanding.

(2.) The driver of any vehicle, tram or animal involved on any road, or of any motor vehicle involved elsewhere than on a road, in an incident resulting in injury to or death of any person or damage to any property (including any animal in the charge of any person, a vehicle or a tram) shall—

- (a) In the case of an incident whereby injury has been caused to any other person, render all reasonable assistance to that person ;
- (b) Give his name and address and also the name and address of the owner of the vehicle, tram or animal driven by him and the identification marks of that vehicle, tram or animal to—
- (i.) Any person injured ;
- (ii.) The driver of any vehicle, tram or animal (other than the one driven by him) involved in the incident ; and
- (iii.) Any person having reasonable grounds for requiring such information ;
- (c) Where damage has been caused by the incident to any vehicle which has been left unattended, affix on that vehicle in a conspicuous position a notice in writing setting forth the particulars mentioned in paragraph (b) of this subsection.

(3.) The driver of any vehicle, tram or animal involved on any road or of any motor vehicle involved elsewhere than on a road in an incident resulting in injury to or death of any person or damage, to an extent apparently in excess of the prescribed sum, to any

property (including any animal in the charge of any person, a vehicle or a tram) 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 after the occurrence thereof :

Provided that, notwithstanding the foregoing provisions of this subsection, where the driver of the vehicle, tram or animal is incapable, by reason of an injury sustained by him in the incident, of reporting the incident as required by this subsection, he shall report the incident as so prescribed as soon as practicable after the occurrence thereof.

Any member of the Police Force to whom an incident to which this section applies is reported shall, if required, supply his name, rank and number, if any, to the person reporting the incident.” ; and

(b) By repealing in subsection four the words, letter and brackets “ paragraph (e) of subsection one ” and inserting in lieu thereof the words “ subsection three ”.

Repeal of
and new
s. 44A.

4. The Principal Act is amended by repealing section 44A and inserting, in lieu of that repealed section, the following section :—

Owner.

“ [44A.] For the purposes of this Part the term “ owner ” means, as well as any person who is an owner within the meaning assigned to that term by this Act, any person in whose name a vehicle is registered under the regulations under “ *The Main Roads Acts, 1920 to 1959*,” or under any corresponding legislation, ordinance or law of any State or Territory of the Commonwealth.”

Amendments
of s. 44B.

5. Section 44B of the Principal Act is amended by—

(a) In subsection (1A) repealing subparagraph (i.) of paragraph (a) of subparagraph (ii.) of paragraph (a) (being the subparagraph reading “ Delineating such metered zone ”), and inserting, in lieu of that repealed subparagraph, the following subparagraph :—

“ (i.) Indicating where metered parking is authorised ; ” ;

(b) In subsection two—

- (i.) Repealing the words, brackets and numerals “subparagraphs (ii.) and (iii.)”, where appearing twice, and inserting in lieu thereof the words, brackets and numerals “subparagraphs (i.), (ii.) and (iii.)”; and
- (ii.) Inserting before the word “prescribing”, where appearing in the last paragraph, the words “declaring or”.

6. Subsection one of section 44C of the Principal Act is amended by adding the following paragraph:— Amendment of s. 44C (1).

“The Governor in Council may, by Order in Council, specify a date for the commencement of metered parking in any and every metered zone in the Area of any Local Authority named in the Order in Council and, in such event, metered parking shall commence in any metered zone created thereafter in the Area of such Local Authority on the day next following the date upon which official traffic signs shall have been erected in that metered zone to indicate that it is a place where metered parking is authorised, and for the purposes of this subsection such day shall be deemed the date specified in such Order in Council for the commencement of metered parking in the metered zone in question.”

7. Subsection one of section 44F of the Principal Act is amended by— Amendments of s. 44F (1).

(a) In the first paragraph, repealing the words “in the prescribed form”; and

(b) In the second paragraph, inserting after the words “inform the owner”, where appearing in subparagraphs (f), (g) and (h), the words “in general terms”.

8. Section 44J of the Principal Act is amended by adding the following paragraphs:— Amendment of s. 44J.

“If the Commissioner and the Local Authority cannot agree upon such payment, the Governor in Council may, by Order in Council, determine that the Local Authority shall pay to the Commissioner, in respect of the costs incurred in the carrying out of duties under this Part by members of the Police Force, such annual or other periodic sum as the Auditor-General certifies to be fair and reasonable.

The Governor in Council may, by Order in Council, revoke or from time to time vary any such determination, but no such variation shall be made unless the Auditor-General certifies that it is fair and reasonable.

The Local Authority shall make to the Commissioner payments in accordance with such determination (or, if such determination shall have been varied, such determination as varied for the time being)."

Repeal of
and new
s. 45A.

9. (1.) This section shall come into force on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

Regulations for the purposes of section 45A of "*The Traffic Acts, 1949 to 1960*," as inserted by this section, may be made at any time after the passing of this Act.

Notwithstanding the repeal by this section of section 45A of the Principal Act, that section and all regulations made for the purposes thereof shall be deemed to continue in force with respect to all offences under the Principal Act prescribed by such regulations to be minor traffic offences committed prior to the date of the coming into force of this section.

(2.) The Principal Act is amended by repealing section 45A and inserting, in lieu of that repealed section, the following section:—

Traffic
offences
in respect of
which
offender may
elect to pay
penalty.

" [45A.] (1.) The power of the Governor in Council to make under this Act regulations shall include power to make regulations—

- (a) Prescribing any offences under this Act to be traffic offences in respect of which a notice may be given to an offender or affixed to a vehicle advising that a prescribed penalty may be paid for any such offence without involving Court proceedings, which offences may be prescribed separately or by reference to any particular part of this Act or of the regulations made thereunder or by a general statement incorporating reference to offences against any or every provision of this Act or any or every offence except specified offences against the provisions of this Act ;

- (b) Prescribing sums of moneys which shall be payable by way of penalties in respect of offences so prescribed which sums of moneys may be so prescribed differently in relation to different 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 ;
- (c) Prescribing such other matters as shall be shown on any notice given to an offender or affixed to a vehicle.

(2.) Subject to this section any person who at the time of the commission of a traffic offence in relation to the parking, stopping or standing of a vehicle, or in relation to the construction or equipment of a vehicle, 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.

(3.) Whenever a vehicle is found parked, stopped, standing, constructed or equipped under circumstances constituting a traffic offence as prescribed pursuant to this section against any provision of this Act, the provisions of subsection two of section 44E, section 44F, section 44G and section 44H of this Act shall, where applicable, apply with respect to any such offence subject to the following modifications and adaptations :—

- (a) By reading as references to offences in relation to the parking, stopping or standing of vehicles, or offences in relation to construction and equipment of vehicles as prescribed by this section, 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, reference to the Town Clerk or officer nominated in that behalf ;

- (c) By reading as referring to the notice which may be given to an offender or affixed to a vehicle 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.

(4.) Whenever a traffic offence as prescribed pursuant to this section against any provision of this Act in relation to the driving of a vehicle is detected by a member of the Police Force, the provisions of section 44F and subsection one of section 44G of this Act shall apply, where applicable, to such offence subject to the following modifications and adaptations:—

- (a) By reading as reference to the offender, all references with respect to the owner or driver;
- (b) By reading as reference to offences in relation to the driving of a vehicle as prescribed by this section, all references with respect of offences in relation to metered parking;
- (c) 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;
- (d) By reading as referring to the form of notice which may be given to an offender pursuant to this section, references to the notice to be affixed to vehicles pursuant to the said section 44F; and
- (e) All such other adaptations as may be necessary for so applying those provisions.”

Amendment
of s. 49 (1).

10. Subsection one of section forty-nine of the Principal Act is amended by repealing paragraph (n) and inserting, in lieu of that repealed paragraph, the following paragraph:—

“(n) Any certificate or document—

- (i.) Purporting to be issued pursuant to the regulations under “*The Main Roads Acts, 1920 to 1959*,” or to any corresponding legislation, ordinance or law of any State or Territory of the Commonwealth; or

- (ii.) 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, or to be under the hand of the person or authority charged with the registration of motor vehicles under any legislation, ordinance or law of any State or Territory of the Commonwealth corresponding to the regulations under "*The Main Roads Acts, 1920 to 1959,*" or any person thereunto authorised by such person or authority, which states that on any date or during any period the motor vehicle specified in the certificate or document was registered in the name of the person specified therein shall be received in evidence, and shall be evidence that the person specified in the certificate or document was the owner of the motor vehicle specified therein at the time or during the period specified therein, and in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such ownership.

Any certificate or document referred to in this paragraph (n) shall be presumed to have been duly issued or given until the contrary is proved ;”.