

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:—

1. Short title. This Act may be cited as the *Traffic Act Amendment Act 1982*.

2. Commencement. (1) This section and section 1 shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

3. Principal Act and citation as amended. (1) In this Act the *Traffic Act 1949–1980* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Traffic Act 1949–1982*.

4. Amendment of s. 14. Issue and renewal of drivers' licenses. Section 14 of the Principal Act is amended by, in subsection (6), omitting the word "driving" where thrice occurring and substituting in each case the words "traffic improvement".

5. Amendment of s. 14A. Traffic Engineering Trust Fund. Section 14A of the Principal Act is amended by, in subsection (2), omitting the word "driving" and substituting the words "traffic improvement".

6. Amendment of s. 16. Driving, etc., whilst under influence of liquor or drugs or with prescribed concentration of alcohol in blood. Section 16 of the Principal Act is amended by adding at the end of the section the following subsection:—

"(12) Where a person convicted pursuant to this section is convicted before a court situated in a prescribed place, the justices constituting the Court may in addition to any penalty or imprisonment imposed under this section order that person, during the period he is disqualified by such conviction or by the order of the Court from holding or obtaining a driver's license, to attend and complete a training programme (approved by the Minister) to be conducted by the Queensland Road Safety Council at a prescribed place, on such dates and at such times as are notified to him by notice in writing given by the Commissioner for Transport."

7. Amendment of s. 16A. Provisions with respect to breath tests and laboratory tests. Section 16A of the Principal Act is amended by, in subsection (8), in paragraph (g)—

(a) omitting the words "notwithstanding that he is required pursuant to this subsection to provide a specimen of his breath for analysis," and substituting the words "notwithstanding that he has been required pursuant to this subsection to provide a specimen of his breath for analysis, be again required pursuant to this subsection to provide a specimen of his breath for analysis by a breath analysing instrument or";

(b) omitting the words "is made in respect of a specimen of blood pursuant to this paragraph" and substituting the words "authorized by this paragraph is made".

8. Amendment of s. 20. Disqualification of drivers of motor vehicles for certain offences. Section 20 of the Principal Act is amended by inserting after subsection (5) the following subsection:—

"(5A) Where a person ordered to attend a training programme referred to in section 16 (12) fails to comply with the order, the Commissioner for Transport may by notice given to the person call upon him to appear and show cause before a court at a time and place specified in the notice why he should not be disqualified from holding or obtaining a driver's license for a period of one month in addition to the period for which he is or was so disqualified by his conviction or the order of the Court.

Where a person called upon to appear and show cause pursuant to the preceding paragraph—

- (a) fails to appear at the time and place specified or at any time or place to which the show-cause proceeding may be adjourned; or
- (b) having appeared, fails to show cause to the satisfaction of the court,

he shall thereby, without any specific order being made, be disqualified from holding or obtaining a driver's license for a period of one month in addition to the period for which he is or was so disqualified by his conviction or the order of the Court.

The additional period of one month's disqualification shall commence—

- (a) if it is incurred during the period for which he is disqualified from holding or obtaining a driver's license by his conviction or the order of the Court, upon the expiration of that period; or
- (b) if it is incurred after the expiration of the period for which he is disqualified from holding or obtaining a driver's license by his conviction or the order of the Court, upon the date of his failure whereby he has incurred the additional period of disqualification."

9. Amendment of s. 44B. Regulated parking. Section 44B of the Principal Act is amended by, in subsection (4), inserting after paragraph (g) the following paragraph:—

"(ga) A Local Authority may, from time to time by by-law—

- (i) provide, in relation to vehicles (including motor cars, station sedans and station wagons) that are used for the carriage of disabled persons that the appropriate parking fee ascertained as prescribed by section 44C (3) shall not be payable in relation to the parking of such vehicles in a metered space in any Traffic Area in its Area whilst such vehicles are being used for the carriage of such persons;
- (ii) provide for the issue of a form of identification of such vehicles."

10. Amendment of s. 44F. Notice of alleged offence. Section 44F of the Principal Act is amended by, in subsection (2), inserting after the words "Town Clerk" where secondly occurring the words ", or a person authorized in that behalf by the Town Clerk,".

11. New s. 44N. This Part not to apply to certain persons. The Principal Act is amended by inserting after section 44M the following section:—

"**44N. This Part not to apply to certain persons.** Where a form of identification in respect of a vehicle has been issued by a Local Authority under by-laws made pursuant to paragraph (ga) of section 44B (4) the provisions of this Part shall not apply to the parking of the vehicle by a person in a metered space in any Traffic Area in the Local Authority's Area whilst that vehicle is being used for the carriage of disabled persons."

12. Amendment of s. 45. General penalty. Section 45 of the Principal Act is amended by, in subsection (2)—

(a) omitting the words "one hundred pounds" and substituting the expression "\$500";

(b) omitting the words "fifty pounds" and substituting the expression "\$250".

13. Amendment of s. 49. Facilitation of proof. Section 49 of the Principal Act is amended by, in subsection (2), omitting the expression "(h), (r)," and substituting the expression "(r)".

14. Amendment of s. 57. Appeals with respect to issue of licenses, etc. Section 57 of the Principal Act is amended by—

(a) in subsection (2),

(i) in the first paragraph,

(A) omitting all words from and including the words "holding a sittings of the Supreme Court" to and including the words "Northern Supreme Court district";

(B) omitting all words from and including the words "at the place where the order was made or, if the appointment" to and including the words "to the Court nearest to that place".

(ii) inserting after the second paragraph the following paragraph:—

"The notice required by the preceding paragraph to be given shall be given at least 14 clear days prior to the date of hearing of such application.";

(b) in the second paragraph of subsection (3), inserting after the words "Supreme Court" the words "or, as the case may be, District Court".

15. Amendment of s. 65. Service of documents. Section 65 of the Principal Act is amended by in paragraph (c) of subsection (1) inserting after the words "registered post" the words "or certified mail".

16. Amendment of Schedule. The Principal Act is amended by in clause 36 of the Schedule—

(a) omitting the words “one hundred pounds” and substituting the expression “\$250”;

(b) omitting the words “ten pounds” and substituting the expression “\$50”.