

# TRAFFIC ACT AND ANOTHER ACT AMENDMENT ACT

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No. 103 of 1990

An Act to amend the Traffic Act 1949-1990 and the State  
Transport Act 1960-1990 each in certain particulars

[ASSENTED TO 12TH DECEMBER, 1990]

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 1—PRELIMINARY

**1.1 Short title.** This Act may be cited as the *Traffic Act and Another Act Amendment Act 1990*.

**1.2 Commencement.** (1) Section 1.1 and this section are to commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) The remaining provisions, or such of them as are specified, commence on a day or on days appointed by Proclamation.

#### PART 2—AMENDMENT OF TRAFFIC ACT 1949-1990

**2.1 Citation.** (1) In this Part the *Traffic Act 1949-1990*, being the *Traffic Act 1949-1989* as amended by the *Traffic Act Amendment Act 1990* and the *Public Service (Administrative Arrangements) Act 1990*, is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Traffic Act 1949-1990*.

**2.2 Amendment of s. 4. Repeals and savings.** Section 4 of the Principal Act is amended by omitting from the proviso the word “license” where it occurs three times in paragraph (a) and twice in paragraph (c) and substituting the word “licence” in each case.

**2.3 Amendment of s. 5. Effect of Act on functions, etc., of Local Authorities.** Section 5 of the Principal Act is amended in subsection (6), by inserting after paragraph (a), the following paragraphs:—

- “(aa) The prohibition, regulation and control of the use of any part of a footway for the purpose of providing food or drink or both to members of the public;
- (ab) The prohibition, regulation and control of the advertising upon any road of any business including by means of the distribution of any handbill or other printed or written matter;”.

**2.4 Amendment of s. 9. Interpretation.** Section 9 of the Principal Act is amended by—

(a) inserting after the definition “Arrest”, the following definitions:—

““Articulated motor omnibus”—Any motor omnibus consisting of 2 or more rigid sections with access between the sections for passengers, the rear sections of which is connected to the front section so as to allow rotary movement between the sections;

“Articulated motor vehicle”—A combination of a prime mover and a semi-trailer;”;

(b) inserting after the definition "Authorised Officer", the following definition:—

“ “B-Double”—Any articulated motor vehicle hauling a semi-trailer in which the rear semi-trailer is superimposed onto the semi-trailer of the articulated motor vehicle;”;

(c) inserting after the definition "Bicycle", the following definition:—

“ “Bus”—A motor omnibus;”;

(d) in the definition "Carriage-way" omitting the word "Carriage-way" and substituting the word "Carriageway";

(e) omitting the definition "Coin" and substituting the following definition:—

“ “Coin”—A coin made and used under the Currency Act 1965 of the Commonwealth or that Act as amended and in force for the time being;”;

(f) omitting the definition "Co-ordinator-General of Public Works";

(g) in the definition "Footway" inserting after the words "by vehicles" the words "other than bicycles where the use of bicycles thereon is authorised under this Act";

(h) omitting the definition "Local Authority" and substituting the following definition:—

“ “Local Authority”—A Local Authority within the meaning of the *Local Government Act 1936-1990*: The term includes  
\* Brisbane City Council;”;

(i) in the definition "Manual of Uniform Traffic Control Devices"—

(i) omitting the words "Commissioner." and substituting the words "Commissioner;”;

(ii) omitting all words from and including the words "Until the first" to and including the words "Devices;”;

(j) inserting after the definition "Minister", the following definition:—

“ “Moped”—Any motor vehicle which—

(a) has 2 or 3 wheels;

(b) has a maximum speed of 50 kilometres per hour or less;

(c) if it has a piston engine, has an engine cylinder capacity of 50 millilitres or less;

and

(d) is not a power-assisted bicycle or tricycle (that is to say, a bicycle or tricycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output of 200 watts or less);”;

(k) omitting the definitions “Motor car”, “Motor cycle”, “Motor omnibus” and “Motor truck” and substituting the following definitions:—

“Motor car”—Any motor vehicle, other than a motorcycle, which does not exceed 4.5 tonnes gross vehicle mass and which is not equipped to carry more than 12 adult passengers;

“Motor cycle”—Any motor vehicle having less than four wheels which does not exceed 1.0 tonne gross vehicle mass: The term does not include a moped;

“Motor omnibus”—Any motor vehicle constructed, fitted, equipped or used principally for the carriage of more than 12 adult passengers;

“Motor truck”—Any rigid motor vehicle which exceeds 4.5 tonnes gross vehicle mass: The term does not include a motor omnibus;”;

(l) omitting the definition “Motor utility truck”;

(m) in the definition “Motor vehicle” omitting the words “motor car, motor cycle, motor omnibus, motor truck, motor utility truck, service omnibus” and substituting the words “articulated motor vehicle, B-double, moped, motor car, motor cycle, motor omnibus, motor truck, road train, specially constructed vehicle”;

(n) omitting the definition “Omnibus”;

(o) omitting the definition “Pedestrian” and substituting the following definition:—

“Pedestrian”—Includes—

(a) any person walking, running, standing, sitting or being otherwise in or upon a road;

(b) any person who by reason of physical or mental incapacity is in a wheel chair in or upon a road;

(c) any person pushing, otherwise than by riding, a bicycle in or upon a road;”;

(p) inserting after the definition “Police station”, the following definition:—

“Prime mover”—Any rigid motor vehicle designed to haul a semi-trailer;”;

(q) in the definition “Railway” omitting the words “propulsion;” and substituting the words “propulsion: The term includes a tramway under the *Regulation of Sugar Cane Prices Act 1962-1989*;”;

(r) inserting after the definition “Road”, the following definitions:—

“Road train”—Any rigid motor vehicle hauling one or two trailers, or any articulated motor vehicle hauling one or two trailers, either having an overall length of more than 17.5 metres: The term does not include a B-double;

“Semi-trailer”—Any trailer having one axle group which has a means of attachment to a Prime mover whereby some of the load is superimposed on the Prime mover;”;

(s) omitting the definition "Service omnibus";

(t) inserting after the definition "Side-car" the following definition:—

““Specially constructed vehicle”—Any motor vehicle being a tractor, agricultural equipment, earth moving, road making or road maintenance plant, a mobile crane, fork lift truck, straddle truck or any other vehicle of a like nature but does not include any equipment which is mounted on a conventional truck chassis or any vehicle which has a conventional truck chassis;”;

(u) in the definition "Tramway" omitting the words "Act;" and substituting the words "Act: The term does not include a tramway under the *Regulation of Sugar Cane Prices Act 1962-1989*;".

**2.5 New s. 12DA.** The Principal Act is amended by inserting after section 12D, the following section:—

**"12DA. Installation of official traffic signs by prescribed persons.** (1) Where a person is carrying out any works on any road or off-street regulated parking area with the approval of the Commissioner of Main Roads or a Local Authority, the person and any employee of the person acting with the person's authority, if satisfied in the circumstances of the case that a danger, hindrance or obstruction to traffic exists or is likely to exist, or that the use of the road or parking area or any part thereof is prevented, hindered or obstructed or likely to be prevented, hindered or obstructed, by reason of the carrying out of the works, may install any official traffic sign which in his opinion may be necessary or desirable for the purpose of regulating, guiding or warning traffic with respect to the works.

Any official traffic sign so installed may, subject to section 12B, be maintained and continued for so long as the person or employee is satisfied that the danger, hindrance or obstruction to traffic exists or is likely to exist or that the use of the road or off-street regulated parking area or the part thereof is prevented, hindered or obstructed or likely to be prevented, hindered or obstructed.

(2) Any person who obstructs another person in the exercise of that other person's powers under subsection (1) shall be guilty of an offence."

**2.6 Amendment of s. 14. Issue and renewal of drivers' licences.** Section 14 of the Principal Act is amended—

(a) by inserting after subsection (2) the following subsections:—

“(2A) Where the existence of any term, provision, condition, limitation or restriction to which a licence is subject is indicated on the licence by means of a code the same shall be taken to be specified on the licence.

The regulations may provide for and with respect to the interpretation of any code specified on a licence.

(2B) Where it is a condition of a licence that the holder thereof must carry a receipt issued in respect of the licence, the receipt referred to is that last issued for the purposes of this Act in respect of that licence and that receipt forms part of the licence.”;

(b) in subsection (3)—

(i) by omitting the words “coming into operation of Part III of *The Main Roads Acts and Another Act Amendment Act of 1952*,” and substituting the words “date appointed under section 1.2 (2) of the *Traffic Act and Another Act Amendment Act 1990*”;

(ii) by omitting from the first column of the Table the words “Applicant under 41 years of age” and “Applicant 41 or over, but not 46, years of age” and omitting from the second column of the Table the words “The period of 10 years commencing on, and including, the date of the issue of the driver’s licence.” and “The period commencing on, and including, the date of the issue of the driver’s licence and thereafter until the date when the applicant shall attain the age of fifty-one years.”;

(iii) by omitting from the first column of the Table the words “46 or over, but not 62,” and substituting the words “under 62”;

(c) in subsection (5), by omitting all words from and including the words “shall be in force shall be stated therein” to and including the words “that renewal” and substituting the words “or any renewal thereof shall be in force shall be stated in the licence”;

(d) in subsection (6), by omitting the words “\$2 or of such other” and substituting the word “such”.

**2.7 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—

(a) in subsection (2) omitting paragraph (aa) and substituting the following paragraphs:—

“(aa) Any person who has not attained the age of 25 years, who is the holder of a provisional licence or a learner’s permit or is not the holder of a driver’s licence, and who whilst the concentration of alcohol in his blood exceeds 0 milligrams of alcohol per 100 millilitres of blood but is less than 50 milligrams of alcohol per 100 millilitres of blood—

(i) drives a motor vehicle (other than a motor vehicle to which paragraph (ab) applies);

(ii) attempts to put such motor vehicle in motion;

or

(iii) is in charge of such motor vehicle;

is guilty of an offence and liable to a penalty not exceeding 14 penalty units or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

(ab) Any person who whilst the concentration of alcohol in his blood exceeds 0 milligrams of alcohol per 100 millilitres of blood but is less than 50 milligrams of alcohol per 100 millilitres of blood—

- (i) drives a motor vehicle to which this paragraph (ab) applies;
- (ii) attempts to put such motor vehicle in motion;
- or
- (iii) is in charge of such motor vehicle;

is guilty of an offence and liable to a penalty not exceeding 14 penalty units or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

Motor vehicles to which this paragraph (ab) apply are—

- (i) a motor truck, a motor omnibus, an articulated motor vehicle, a B-double, a road train;
- (ii) a vehicle carrying dangerous goods within the meaning of the *Carriage of Dangerous Goods by Road Act 1984-1990* where that carriage is authorized or should be authorized by a licence issued under that Act or is prohibited or limited under that Act;
- (iii) a tow truck which is licensed or should be licensed under the *Tow-truck Act 1973-1990* while it operates as a tow truck under that Act;
- (iv) a pilot vehicle in respect of which a pilot vehicle licence is issued or should be issued under this Act, where that vehicle is escorting an excess dimension vehicle under this Act;
- (v) a vehicle which is licensed or should be licensed under the authority of a licence to hire— taxi-meter cab, licence to hire—exempted cab or licence to hire—private hire car issued under the *State Transport Act 1960-1990*;
- (vi) a vehicle while it is being used by a driving instructor of a driving instruction school to teach a student driver to drive all classes or any class of motor vehicle under the *Motor Vehicle Driving Instruction School Act 1969-1990*.

(ac) Any person who whilst the concentration of alcohol in his blood exceeds 0 milligrams of alcohol per 100 millilitres of blood but is less than 50 milligrams of alcohol per 100 millilitres of blood—

- (i) drives a tram, a train or a vessel to which this paragraph (ac) applies;
- (ii) attempts to put in motion a tram, a train or a vessel to which this paragraph (ac) applies;
- or

(iii) is in charge of a tram, a train or a vessel to which this paragraph (ac) applies;

is guilty of an offence and liable to a penalty not exceeding 14 penalty units or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

Vessels to which this paragraph (ac) apply are air cushion vehicles and class I passenger vessels (not including 'Hire and Drive' Vessels) as defined in clause 6.1 of Part 3 of section 1 of The Uniform Shipping Laws Code.”;

(b) omitting subsection (4) and substituting the following subsection:—

“(4) Subject to subsection (3), where upon the hearing of a complaint of an offence against subsection (1) the Court is satisfied—

- (a) as to all the elements of the offence charged other than the element of the defendant's being under the influence of liquor or a drug at the material time;
- (b) that at the material time the concentration of alcohol in the defendant's blood equalled or exceeded 50 milligrams of alcohol per 100 millilitres of blood or that at the material time the defendant was a person to whom paragraphs (aa), (ab) or (ac) of subsection (2) referred and the concentration of alcohol in his blood exceeded 0 milligrams of alcohol per 100 millilitres of blood;

the court shall convict the defendant of the offence under paragraph (a), (aa), (ab) or (ac) of subsection (2) that is established by the evidence.

Where in the circumstances provided for in this subsection, the court is satisfied that an offence under paragraph (a) of subsection (2) and an offence under paragraph (aa), (ab) or (ac) of subsection (2) are both established by the evidence, the court shall convict the defendant of the offence under paragraph (a) of subsection (2).”;

(c) in subsection (6)—

(i) in the general words preceding paragraph (a), inserting after the words “subsection (2)” where secondly occurring the words “or subparagraph (iii) of paragraph (ab) of subsection (2)”;

(ii) in paragraph (a), omitting from the general words following provision (ii) the words “the lower concentration referred to in paragraph (a) or (aa)” and substituting the words “, or exceeded as the case may be the lower concentration referred to in paragraph (a), (aa) or (ab)”.

**2.8 Amendment of s. 16A. Provisions with respect to breath tests and laboratory tests. Section 16A of the Principal Act is amended by—**

(a) omitting subsection (5A) and substituting the following subsection:—

“(5A) (a) Subject to paragraph (b), if a person requested by a member of the Police Force under subsection (2) to provide a specimen of breath for a breath test by him, either—

(i) elects not to provide the specimen;

or

(ii) fails to provide the specimen in the manner directed by the member of the Police Force who makes the request;

the person commits an offence against this Act.

(b) A person referred to in paragraph (a) is not guilty of an offence pursuant to that paragraph if—

(i) forthwith upon being so requested, he produces to the member of the Police Force who made the request a writing under the hand of an authorised officer or a District Superintendent or Superintendent stating that the medical practitioner named in the writing has certified in writing that by reason of a stated illness or disability such person is incapable of providing a specimen of his breath or the provision of such a specimen by him could adversely affect his health;

or

(ii) he satisfies the justices that the requisition to provide the specimen was not lawfully made or that he was, by reason of the events that occurred, incapable of providing the specimen or that there was some other reason of a substantial character for his failure to provide the specimen other than a desire to avoid providing information that might be used in evidence.”;

(b) in subsection (6) omitting paragraph (aa) and substituting the following paragraph:—

“(aa) it appears to a member of the Police Force in consequence of a breath test carried out by him on a specimen of breath of any person that the concentration of alcohol in the person’s blood exceeds 0 milligrams of alcohol per 100 millilitres of blood and the member of the Police Force suspects on reasonable grounds that the person is a person to whom section 16 (2) (aa); (ab) or (ac) refers;

or”;

(c) in subsection (8) (d), omitting all words from and including the words “his driver’s licence” to and including the words “the endorsement” and substituting the words “a writing under the hand of an authorised

officer or a District Superintendent or Superintendent stating that the medical practitioner named in the writing”;

(d) in subsection (22) omitting the words “or in the case of a person who has not attained the age of 18 years, that the concentration of alcohol in that person’s blood equals or exceeds 20 milligrams of alcohol” where they occur in each of paragraphs (a) (i) and (a) (iii) (A) and substituting the words “or in the case of a person to whom section 16 (2) (aa), (ab) or (ac) refers, that the concentration of alcohol in that person’s blood exceeds 0 milligrams of alcohol”.

**2.9 Amendment of s. 20. Disqualification of drivers of motor vehicles for certain offences.** Section 20 of the Principal Act is amended by, in subsection (2) (a) (vii), inserting after the words “person convicted was” the words “, in respect of the motor vehicle, not the holder of a driver’s licence or was”.

**2.10 Amendment of s. 20A. Issue of provisional licence to disqualified person.** Section 20A of the Principal Act is amended by—

(a) in subsection (1), inserting after the words “section 16” the words “or section 16A(5A)”;

(b) in subsection (5) (c), inserting after the words “section 16” where twice occurring the words “or section 16A(5A)” in each case.

**2.11 Amendment of s. 31. Duties and liabilities of drivers involved in road incidents.** Section 31 of the Principal Act is amended by omitting subsections (1) to (6) (both inclusive) and substituting the following subsections:—

“(1) 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) shall—

- (a) immediately stop the vehicle, tram or animal;
- (b) at the scene of the incident as soon as possible 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;
  - (iii) the owner of any property damaged;and
- (iv) any other person having reasonable grounds for requiring such information;
- (c) if any person is injured—
  - (i) remain at or near the scene of the incident and

- immediately render such assistance as he can to the injured person;
- (ii) make reasonable endeavours to obtain such medical and other aid as may reasonably be required for the injured person;
  - (d) at the scene of the incident as soon as possible give those particulars mentioned in paragraph (b) to any member of the Police Force who is present;
  - (e) if by reason of an injury sustained by him in the incident he is incapable of complying with paragraph (d), as soon as possible report in person full particulars of the incident at the Police Station that is nearest to the scene of the incident;
  - (f) if any person is injured or dead and no member of the Police Force is present at the scene of the incident, as soon as possible report in person full particulars of the incident at the Police Station that is nearest to the scene of the incident;
  - (g) except where paragraph (h) is applicable and he has complied with that paragraph, if any property is damaged and neither the owner of the property nor any member of the Police Force is present at the scene of the incident, as soon as possible report in person full particulars of the incident at the Police Station that is nearest to the scene of the incident;
  - (h) if damage has been caused by the incident to any vehicle that has been left unattended, affix on that vehicle in a conspicuous position a notice in writing setting forth the particulars mentioned in paragraph (b);
  - (i) if any property is damaged to an extent apparently in excess of an amount fixed by Order in Council for the purpose of this paragraph and no member of the Police Force is present at the scene of the incident, as soon as possible report in person full particulars of the incident at the Police Station that is nearest to the scene of the incident;
  - (j) if any person is dead or apparently dead exhibit proper respect for the person's body and take whatever steps are reasonably practicable to have the body removed to an appropriate place.
- (2) Notwithstanding subsection (1) (c) (i), a person may leave the scene of the incident where his leaving is solely for the purpose of obtaining medical or other aid for the injured person.
- (3) A person who commits an offence against subsection (1) is liable—
- (a) in case of an incident whereby death or injury shall have been caused to any person—to a penalty of 20

penalty units or to imprisonment for 12 months or to both;

(b) in any other case—to a penalty of 10 penalty units or to imprisonment for 6 months.

(4) If in determining a complaint for an offence against subsection (1) in respect of an incident whereby any person is injured the Court is satisfied that the defendant showed a callous disregard for the needs of the injured person the Court shall impose, as the whole or part of the sentence, a period of imprisonment.

(5) A person who—

(a) in purported compliance with subsection (1) furnishes any false or misleading information;

or

(b) reports the happening of an incident such as is referred to in subsection (1) to a member of the Police Force knowing the report to be false;

commits an offence.

(6) In any proceedings for an offence against this section the averment in the complaint—

(a) that any incident specified therein had not been reported at the Police Station that was nearest to the scene of the incident within or prior to any time or date specified in the averment;

(b) that a member of the Police Force was or was not present at the scene of any incident specified therein at any time or during any period specified in the averment;

shall be evidence of the matter so averred.

The incident may be specified by reference to the approximate time and place thereof or to the person or persons involved or otherwise so as to sufficiently identify it.”

**2.12 Amendment of s. 43. Powers of entry.** Section 43 of the Principal Act is amended by—

(a) inserting after the words “premises,” where they twice occur the words “vehicle,” in each case;

(b) omitting the words “the Commissioner or a District Superintendent, or is acting under the instruction of the Commissioner or a District Superintendent” and substituting the words “of or above the rank of Inspector, or is acting under the instruction of a member who is of or above the rank of Inspector”.

**2.13 Amendment of s. 44B. Parking.** Section 44B of the Principal Act is amended by omitting subsection (4) (ga) and substituting the following paragraph:—

“(ga) A Local Authority may, from time to time by by-law provide, in relation to vehicles that are used for the carriage of

disabled persons that the appropriate parking fee shall not be payable in relation to the parking of such vehicles in a metered space or parkatarea space in any Traffic Area in its Area whilst such vehicles are being used for the carriage of such persons.”.

**2.14 Amendment of s. 44G.** Section 44G of the Principal Act is amended by—

(a) in subsection (2)—

(b); (i) omitting the word “or” where it occurs at the end of paragraph

(ii) omitting the expression “.” at the end of paragraph (c) and substituting the following words:—

“;

or

(d) In the case of a vehicle subject to a hire or rental agreement, he supplies to the Town Clerk or an officer nominated in that behalf by 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 or the officer nominated in that behalf by the Town Clerk, as the case may be, that, at the time when the offence was committed, the vehicle was hired or rented by another person and stating the name of that other person and the address at which he may be readily located.”;

(b) in subsection (3), omitting the words “or paragraph (b)” and substituting the words “, (b) or (d)”;

(c) in subsection (4), omitting the words “or paragraph (b)” and substituting the words “, (b) or (d)”.

**2.15 Repeal of and new s. 44N.** This Part not to apply to certain persons. Section 44N of the Principal Act is repealed and the following section substituted:—

“44N. **Disabled persons parking.** (1) The Director-General may issue a form of identification in respect of—

(a) a person who has a permanent mobility impairment which relates to the loss of the ability to walk;

or

(b) a motor vehicle where the Director-General is satisfied that it is used by an organisation for the transport of disabled persons.

(2) Where a form of identification has been issued under subsection (1) the provisions of this Part shall not apply to the parking of a vehicle by a person in a metered space or parkatarea space in any Traffic Area where that vehicle displays the form of identification and is being used for the carriage of a disabled person.”.

**2.16 Amendment of s. 53. Fraud and unlawful possession of licences.** Section 53 of the Principal Act is amended in subsection (1) (f) by omitting the words “(other than his signature)”.

**2.17 Amendment of s. 54. Power of Courts to disqualify convicted persons from holding or obtaining licences.** Section 54 of the Principal Act is amended in subsection (2) by—

(a) omitting the words “fifteen,” and substituting the words “fifteen and”;

(b) omitting the words “, and section thirty-one of this Act”.

**2.18 Amendment of s. 55. Effect of disqualification.** Section 55 (6) of the Principal Act is amended by—

(a) in paragraph (a) (ii), inserting after the words “any other Act” the words “(including any Act of a State or Territory of the Commonwealth of Australia or any other Country)”;

(b) in paragraph (b) (ii), inserting after the words “any other Act” the words “(including any Act of a State or Territory of the Commonwealth of Australia or any other Country)”.

**2.19 Amendment of s. 55A. Effect of disqualification on subsequent issue of driver’s licence.** Section 55A of the Principal Act is amended by—

(a) in the first paragraph, inserting after the words “for a driver’s licence” the words “(other than a learner’s permit referred to in section 14 (1) or a driver’s licence applied for pursuant to an order made under section 20A)”;

(b) omitting the second paragraph.

**2.20 New s. 55B.** The Principal Act is amended by inserting after section 55A the following section:—

**“55B. Effect of cancellation pursuant to regulations.** (1) Where pursuant to the regulations a driver’s licence is cancelled and the regulations require that the person who held the driver’s licence shall not be issued with another driver’s licence unless the person has obtained permission from a District Superintendent to apply for a driver’s licence, then, until that permission is given and the time arrived at which the application may be made, the cancellation of that driver’s licence shall disqualify the person from holding or obtaining a driver’s licence of the same class or description as that which was cancelled.

(2) Subsection (1) shall not apply to disqualify a person from holding or obtaining a driver’s licence where the licence is cancelled at the request of the person who held the licence.

In any proceedings the onus of proving that a driver’s licence was cancelled at the request of the person who held the licence shall be upon the person relying on that fact.”

**2.21 Amendment of s. 56. Delivery of cancelled or suspended licences, or licences for endorsement.** Section 56 of the Principal Act is amended by—

- (a) in subsection (5), inserting after the words “any licence” the words “(other than a driver’s licence)”;
- (b) in subsection (6), inserting after the words “a new licence” the words “(other than a driver’s licence)”;
- (c) omitting subsection (8).

**2.22 Amendment of s. 57. Appeals with respect to issue of licences, etc.** Section 57 of the Principal Act is amended—

(a) in the third paragraph of subsection (1), by omitting the word “Upon” and substituting the words “Except where the reason, or one of the reasons, for a District Superintendent suspending or cancelling the appellant’s licence is the mental or physical disability of the appellant, upon”;

(b) in subsection (2)—

(i) by, in provision (b) of the first paragraph, inserting after the word “Court” the words “exercising jurisdiction at the place where the person resides”;

(ii) by in the third paragraph, omitting the expression “14” and substituting the expression “28”.

**2.23 New s. 57B.** The Principal Act is amended by inserting after section 57A, the following section:—

**“57B. Appeals against licence cancellation under regulations.**

The regulations may provide for any appeal (including to the Court or otherwise, which appeal may be stated to be final) against the cancellation of a driver’s licence pursuant to the regulations solely on the grounds that such cancellation would cause extreme hardship to him or his family by depriving him of his means of earning his livelihood.”.

**2.24 Repeal of and new s. 62. Appropriation of fines, fees, etc.** The Principal Act is amended by repealing section 62 and substituting the following section:—

**“62. Appropriation of fines, fees, etc.** Any fine or penalty recovered for any offence against this Act shall be paid into and form part of the Consolidated Revenue Fund unless the Court has directed that such fine or penalty or a part thereof shall be paid—

- (a) to any complainant who is not a member of the Police Force;
- or
- (b) in the case of an offence under section 30 (1) (a)—  
to a person aggrieved by the commission of the offence;

and where the Court directs that part of a fine or penalty be paid to a person referred to in paragraph (a) or (b) the remainder thereof shall be paid into and form part of that fund.

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

**2.25 Amendment of Schedule.** The Schedule to the Principal Act is amended by—

(a) in clause 5 (a), inserting after the word “description” the words “and the types of motor vehicles to which a particular kind, class or description of licence shall apply”;

(b) in clause 14 omitting the words “Chief Inspector of Machinery” and substituting the words “Director-General”;

(c) inserting after clause 23, the following clause:—

“23A. **Limits of continuous driving.** Making provision for or with respect to—

(a) the maximum number of hours for which a person may continuously drive a motor vehicle or any class or classes of motor vehicles;

(b) the maximum number of hours for which a person may drive a motor vehicle or any class or classes of motor vehicles (whether or not continuously) in any specified period;

and

(c) the rest periods that must be observed by a driver of a motor vehicle or any class or classes of motor vehicles;

and in that connexion—

(d) providing for the duties and liabilities of persons other than the driver of a motor vehicle;

(e) providing that any period of time spent in a specified manner is, or is not, to be treated as time spent in driving or in resting;

(f) providing for the keeping, carriage and retention of records (including records of the wages and salaries paid to drivers of motor vehicles) or other documents or recordings (the type or form of which documents or recordings may be that approved by the Director-General from time to time), for the exemption of any person or class of person from a requirement to keep, carry or retain any records or other documents and for their inspection by or surrender to any authorised officer;

(g) authorising any authorised officer to stop any motor vehicle and to require the driver of the vehicle to

produce his driver's licence and any records or other documents and provide information;

and

- (h) providing for the removal to a place of safety of any vehicle stopped by an authorised officer, the persons who shall or may assist in the removal of the vehicle and the liability of such persons or any of them for any loss or damage caused or occasioned by the removal.”.

**2.26 Further amendments.** A provision of the Principal Act specified in the first column of the following table is amended as specified in the second column of the table opposite that provision:—

TABLE

Provision Amended	Amendment
s. 15 (4)	omit the expression “\$1 700” and substitute the words “34 penalty units”
s. 16 (1) (a)	omit the expression “\$1 400” and substitute the words “28 penalty units”
s. 16 (1) (b)	omit the expression “\$1 700” and substitute the words “34 penalty units”
s. 16 (1) (c)	omit the expression “\$1 700” and substitute the words “34 penalty units”
s. 16 (1) (e)	omit the expression “\$1 500” and substitute the words “30 penalty units”
s. 16 (1) (f)	omit the expression “\$1 700” and substitute the words “34 penalty units”
s. 16 (2) (a)	omit the expression “\$700” and substitute the words “14 penalty units”
s. 16 (2) (b)	omit the expression “\$1 000” and substitute the words “20 penalty units”
s. 16 (2) (c)	omit the expression “\$1 400” and substitute the words “28 penalty units”
s. 16 (2) (d)	omit the expression “\$1 500” and substitute the words “30 penalty units”
s. 16 (2) (e)	omit the expression “\$1 700” and substitute the words “34 penalty units”
s. 16A(22) (e)	omit the expression “\$700” and substitute the words “14 penalty units”

Provision Amended	Amendment
s. 18 (1)	omit the words "one hundred pounds" and the words "two hundred pounds" and substitute the words "4 penalty units" and the words "8 penalty units" respectively
s. 45 (2)	omit the expressions "\$500" and "\$250" and substitute the words "40 penalty units" and "20 penalty units" respectively
s. 55 (6) (a)	omit the expression "\$1,000" and substitute the words "20 penalty units"
s. 56 (2)	omit the words "not less than two pounds or more than twenty pounds" and substitute the words "one penalty unit"
cl. 36 of Schedule	omit the expression "\$250" and the expression "\$50" and substitute the words "20 penalty units" and the words "4 penalty units" respectively

### PART 3—AMENDMENT OF STATE TRANSPORT ACT 1960-1990

**3.1 Citation.** (1) In this Part the *State Transport Act 1960-1990*, being the *State Transport Act 1960-1985* as amended by the *State Transport Act and Another Act Amendment Act 1990* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *State Transport Act 1960-1990*.

**3.2 Repeal of s. 62. Limits of continuous driving hours.** Section 62 of the Principal Act is repealed.

**3.3 Amendment of Schedule.** The Schedule to the Principal Act is amended by omitting clause 12.