

No. 41 of 1973

AN ORDINANCE

**To amend the *Motor Traffic Ordinance 1936-1972*,
as amended by the *Motor Traffic Ordinance 1973*, the
Motor Traffic Ordinance (No. 2) 1973 and the
Motor Traffic Ordinance (No. 3) 1973.**

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1972*.

Dated this ninth day of October, 1973.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

KEP ENDERBY
Minister of State for the Capital Territory.

MOTOR TRAFFIC ORDINANCE (No. 4) 1973

1. (1) This Ordinance may be cited as the *Motor Traffic Ordinance (No. 4) 1973*.*

Short title
and
citation.

(2) The *Motor Traffic Ordinance 1936-1972*,† as amended by the *Motor Traffic Ordinance 1973*,‡ the *Motor Traffic Ordinance (No. 2) 1973*§ and the *Motor Traffic Ordinance (No. 3) 1973*,|| is in this Ordinance referred to as the Principal Ordinance.

(3) Section 1 of the *Motor Traffic Ordinance (No. 3) 1973* is amended by omitting sub-section (4).

(4) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Motor Traffic Ordinance 1936-1973*.

2. Section 38 of the Principal Ordinance is amended by omitting from sub-section (3) the words "six months" and substituting the words "three months".

Lost
property.

* Notified in the *Australian Government Gazette* on 11 October 1973.

† Ordinance No. 43, 1936, as amended by Nos. 25 and 41, 1938; No. 16, 1941; No. 14, 1942; Nos. 2 and 13, 1943; No. 3, 1945; Nos. 6 and 13, 1947; No. 7, 1950; No. 17, 1951; Nos. 1 and 7, 1955; No. 6, 1956; No. 19, 1957; Nos. 10 and 15, 1958; Nos. 7 and 21, 1959; No. 11, 1960; Nos. 16 and 17, 1962; No. 21, 1963; No. 8, 1964; Nos. 9 and 13, 1965; No. 19, 1966; No. 2, 1968; Nos. 27 and 29, 1969; No. 27, 1970; Nos. 13, 17, 37 and 39, 1971; and Nos. 3 and 10, 1972.

‡ Ordinance No. 1, 1973.

§ Ordinance No. 32, 1973.

|| Ordinance No. 38, 1973.

Inter-
pretation.

3. Section 149 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1), after the definition of “authorized motor vehicle”, the following definition:—

“‘business hours’ means—

- (a) the period commencing at nine o'clock in the morning and ending at half past five o'clock in the afternoon on Monday, Tuesday, Wednesday, Thursday and Friday;
- (b) the period commencing at seven o'clock in the evening and ending at nine o'clock in the evening on Friday; and
- (c) the period commencing at nine o'clock in the morning and ending at half past eleven o'clock in the morning on Saturday;”;

- (b) by inserting in sub-section (1), after the definition of “certified vehicle”, the following definitions:—

“‘coin’ means a coin issued in accordance with the *Currency Act 1965-1969*;

“‘controlled parking zone’ means an area declared to be a controlled parking zone in pursuance of section 163A;”;

- (c) by inserting in sub-section (1), after the definition of “parking sign”, the following definition:—

“‘parking voucher’ means a document issued by a voucher machine installed in or near a controlled parking zone in pursuance of paragraph (a) of section 163B;”;

- (d) by inserting in sub-section (1), after the definition of “Taxi Rank Sign”, the following definition:—

“‘voucher machine’ means a device which, upon the insertion of a coin or coins of a denomination shown on the machine issues a document or documents—

- (a) bearing, whether with or without other words, the words ‘Parking Voucher’ and the words ‘Department of the Capital Territory’; and
- (b) bearing an imprint indicating the date and time of issue.”;

- (e) by adding at the end thereof the following sub-sections:—

“(7) Where a controlled parking zone is marked off by road markings into bays for the parking of vehicles, each of those bays is a designated parking place for the purposes of this Part.

“(8) A parking meter shall be deemed to be near a designated parking place if it is, alongside, and not more than twenty-four inches from, the designated parking place.

“(9) A reference in section 163J or 163K to a parking meter or a voucher machine includes a reference to the stand upon which the meter or machine is installed.”.

4. Section 156 of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-section:—

Further regulation of parking in off-street parking and loading areas.

“(3) If a part of an off-street parking area or loading area is marked off by road markings into bays for the parking of vehicles, a person shall not park a motor vehicle or trailer in that part of that area—

- (a) elsewhere than within one of those bays; or
- (b) so that any part of the vehicle or trailer is upon or across such a road marking.”.

5. After section 163 of the Principal Ordinance the following sections are inserted:—

“163A. (1) The Minister may, by notice published in the *Gazette*, declare an area of land specified in the notice to be a controlled parking zone.

Controlled parking zones.

“(2) A declaration made in pursuance of sub-section (1) shall, unless the declaration otherwise provides, take effect from the date of publication of the notice in the *Gazette*.

“163B. The Minister may authorize—

- (a) the installation of one or more voucher machines in or near a controlled parking zone; and
- (b) the installation of a parking meter in or near a designated parking place.

Installation of voucher machines and parking meters.

“163C. (1) A parking meter installed in pursuance of section 163B shall be so adjusted that—

Parking fees.

- (a) where one coin of a denomination of Five cents has been inserted in the meter, the meter will display a sign bearing the word ‘expired’ at the expiration of a period of not less than thirty minutes after the insertion of the coin; and
- (b) where one coin of a denomination of Ten cents has been inserted in the meter, or two coins of a denomination of Five cents have been inserted in the meter at the same time, the meter will display a sign bearing the word ‘expired’ at the expiration of a period of not less than one hour after the insertion of the coin or coins.

“(2) A voucher machine installed in pursuance of section 163B shall be so adjusted that—

- (a) for every coin of a denomination of Five cents that is inserted in the machine, one parking voucher is issued; and
- (b) for every coin of a denomination of Ten cents that is inserted in the machine, two parking vouchers are issued.

One vehicle only to be parked on designated parking place.

“ 163D. During business hours, a person shall not cause a motor vehicle or trailer to stand or be parked upon a designated parking place in which another vehicle or trailer is standing or parked.

Penalty: Fifty dollars.

Purchase and display of vouchers.

“ 163E. (1) A person shall not, during business hours, permit a motor vehicle or trailer to stand or be parked upon a designated parking place (not being a designated parking place in or near which a parking meter is installed) unless the standing or parking of the vehicle or trailer is authorized by a parking voucher, or by parking vouchers, displayed on the vehicle or on the trailer, as the case may be.

Penalty: Fifty dollars.

“ (2) A person shall not, during business hours, permit a motor vehicle or trailer to stand or be parked upon a designated parking place (not being a designated parking place in or near which a parking meter is installed) after the expiration of the period during which the parking or standing of the vehicle or trailer upon a designated parking place is authorized by a parking voucher or parking vouchers.

Penalty: Fifty dollars.

“ (3) Where a person obtains from a voucher machine a parking voucher or parking vouchers, the voucher or vouchers authorize the standing or parking of a motor vehicle or trailer upon a designated parking place (not being a parking place in or near which a parking meter is installed) on the date shown on the voucher or vouchers—

- (a) where one voucher is obtained, for a period of thirty minutes after the time shown on the voucher as the time of issue of the voucher; and
- (b) where two or more vouchers are obtained at the same time, for a period of thirty minutes after the time shown on the vouchers as the time of the issue of the vouchers together with a further period of thirty minutes in respect of each voucher so obtained in addition to the first.

“ (4) Where—

- (a) a person obtains from a voucher machine one or more parking vouchers; and
- (b) before the expiration of the period during which the standing or parking of a motor vehicle or trailer upon a designated parking place is authorized by that voucher or those vouchers, the person obtains from a voucher machine a further voucher or vouchers,

sub-section (3) applies as if the further voucher or vouchers had been obtained at the same time as the voucher or vouchers referred to in paragraph (a) of this sub-section and the time of issue shown on the further voucher or vouchers were the same as the time of issue shown on the voucher or vouchers referred to in that paragraph.

" (5) For the purpose of sub-section (1), a parking voucher shall be deemed not to be displayed on a motor vehicle (not being a motor cycle) unless the voucher is so placed against the interior of a wind-screen or window of the vehicle that all writing and imprinted words, figures and symbols appearing on the side of the voucher bearing the date and time of issue of the voucher are capable of being clearly read by a person standing beside the vehicle.

" (6) For the purpose of sub-section (1), a parking voucher shall be deemed not to be displayed on a motor cycle or trailer unless the voucher is so attached to the motor cycle or trailer that all writing and imprinted words, figures and symbols appearing on the side of the voucher bearing the date and time of issue are capable of being clearly read by a person standing beside the motor cycle or the trailer, as the case may be.

" (7) In proceedings for an offence against sub-section (1), it is a defence for the defendant to establish that he displayed on the motor vehicle or trailer concerned a parking voucher or parking vouchers in accordance with this section and took reasonable steps to ensure that the voucher or vouchers remained so displayed.

" 163F. (1) Subject to sub-section (2), a person shall not, during business hours, permit a motor vehicle or trailer to stand or be parked upon a designated parking place in or near which a parking meter is installed while a sign bearing the word 'expired' is displayed in the parking meter.

Failure to
pay required
parking
fees.

Penalty: Fifty dollars.

" (2) Where—

- (a) a person stands or parks a motor vehicle or trailer upon a designated parking place during business hours;
- (b) at the time of the standing or parking of the vehicle there is displayed in a parking meter installed in or near the designated parking place a sign bearing the word 'expired'; and
- (c) the person forthwith upon standing or parking the vehicle inserts or causes to be inserted in that parking meter a coin or coins of a denomination specified on the parking meter,

that person is not guilty of an offence against sub-section (1) by reason only that he initially caused the vehicle or trailer to stand or be parked upon that designated parking place while a sign bearing the word 'expired' was displayed in that parking meter.

" 163G. A person shall not interfere with or remove a parking voucher that is in or on a motor vehicle or trailer standing or parked in a controlled parking zone unless—

Interference
with
displayed
parking
vouchers.

- (a) he is the owner of the vehicle or trailer;
- (b) he obtained the voucher;

- (c) the voucher was obtained on his behalf; or
- (d) he is acting with the authority of the owner of the vehicle or trailer or the person by whom, or on whose behalf, the voucher was obtained.

Penalty: Fifty dollars.

Abuse of
parking
meters and
voucher
machines.

“ 163H. (1) A person shall not—

- (a) operate a parking meter or a voucher machine otherwise than in accordance with the instructions (if any) affixed to, or appearing on, the meter or machine, as the case may be;
- (b) insert, or cause to be inserted, in a parking meter or a voucher machine anything other than a coin or coins of the denomination or denominations specified on the meter or voucher machine, as the case may be; or
- (c) insert, or cause to be inserted, in a parking meter or a voucher machine a bent or damaged coin.

Penalty: Fifty dollars.

“ (2) A person shall not do an act that is calculated or likely to interfere with the operation of a parking meter or voucher machine.

Penalty: One hundred dollars.

Un-
authorized
installation
of or
interference
with parking
meters and
voucher
machines,
&c.

“ 163J. A person shall not, except with the authority of the Minister—

- (a) install or place, in or near a public street or off-street parking area, a device that so nearly resembles a parking meter or voucher machine as to be reasonably capable of being mistaken for a parking meter or voucher machine, as the case may be; or
- (b) attach or affix anything to, place anything upon or stand anything against a parking meter or a voucher machine.

Penalty: Fifty dollars.

Un-
authorized
removal of
parking
meters, &c.

“ 163K. A person shall not, except with the authority of the Minister, remove, move, damage, deface, paint, write upon, obscure, or otherwise interfere with a parking meter or a voucher machine.

Penalty: Two hundred dollars.

Evidence of
authorized
installation
of parking
meters and
voucher
machines.

“ 163L. (1) Evidence that a voucher machine was installed in or near a controlled parking zone is evidence that it was so installed with the authority of the Minister.

“ (2) Evidence that a parking meter was installed in or near a designated parking place is evidence that it was so installed with the authority of the Minister.

Covering of
parking
meters.

“ 163M. A person shall not permit a motor vehicle or trailer to stand or be parked upon a designated parking place in or near which a parking meter is installed if the parking meter is covered by means of a hood bearing the words “no parking”.

Penalty: Fifty dollars.

" 163N. (1) If, for any reason, the Minister is satisfied that the operation of any provision of section 151, 152, 153, 154, 155, 156, 157, 158, 163D, 163E or 163F is likely to cause excessive inconvenience to members of the public he may, by instrument in writing, suspend the operation of that provision for such period, not exceeding seven days, and in respect of such place or places, as are specified in the instrument.

Suspension
of operation
of certain
provisions.

" (2) The Minister may, at any time, by instrument in writing, revoke an instrument under sub-section (1) and, where such an instrument is revoked the suspension effected by it shall cease to have effect on the day following the date on which the instrument is revoked."

6. Section 164 of the Principal Ordinance is amended—

Defences.

- (a) by omitting from sub-section (1) the word and figures " or 158 " and substituting the figures and word " , 158, 163D, 163E, 163F and 163M " ;
- (b) by inserting after sub-section (3) the following sub-section:—

" (3A) Sections 163E and 163F do not apply on a day that is a public holiday. " ;
- (c) by omitting from sub-section (4) the word and figures " or 158, " and substituting the figures and word " , 158, 163D, 163E, 163F and 163M " ; and
- (d) by omitting from sub-section (5) the word and figures " or 157, " and substituting the figures and word " , 157, 163D, 163E, 163F and 163M " .

7. Section 187 of the Principal Ordinance is amended by omitting from sub-paragraph (a) (ii) all the words after the word " noise " .

Noise and
smoke.