

No. 52 of 1976

## AN ORDINANCE

To amend the *Motor Traffic Ordinance 1936*.

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

Dated this twenty-first day of October, 1976.

JOHN R. KERR  
Governor-General.

By His Excellency's Command,

A. A. STALEY  
Minister of State for the Capital Territory.

### MOTOR TRAFFIC ORDINANCE (No. 5) 1976

1. This Ordinance may be cited as the *Motor Traffic Ordinance* (No. 5) 1976.\* Short title.

2. In this Ordinance, "Principal Ordinance" means the *Motor Traffic Ordinance 1936*.† Principal Ordinance.

3. Section 159 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:— Liability of owner and actual offender for parking infringement.

"(10) At the hearing of a prosecution for a parking infringement, a certificate signed by the Registrar or a Deputy Registrar and stating that a person specified in the certificate has not, in relation to that infringement, furnished a statutory declaration to the Registrar for the purpose of a provision of this section is evidence of the matter so stated.

"(11) For the purpose of sub-section (10)—

(a) a document that purports to have been signed by the Registrar shall be taken to have been so signed unless the contrary is proved; and

\* Notified in the *Australian Government Gazette* on 26 October 1976.

† Ordinance No. 45, 1936 as amended. For references to amending Ordinances made before 1976 see footnote † to Ordinance No. 3, 1976. For amendments made during 1976 see Ordinances Nos. 3, 16, 23 and 31, 1976.

- (b) a document that purports to have been signed by a Deputy Registrar shall be taken to have been so signed unless the contrary is proved.”.

Parking  
infringe-  
ment  
notices.

4. Section 162 of the Principal Ordinance is amended—

- (a) by omitting paragraph (5) (c) and substituting the following paragraph:—

“ (c) contains a notification to the person on whom it is served that, if he does not wish the matter to be dealt with by the Court, he may pay the amount of the prescribed penalty specified in the notice within the period of 14 days after the date of the notice; ”;

- (b) by omitting sub-section (7) and substituting the following sub-sections:—

“ (7) Where a parking infringement notice has been served and, before the expiration of the period of 14 days after the date of the notice or within such further time (not exceeding 28 days) as the Registrar, whether before or after the expiration of that period, allows, the amount of the prescribed penalty is paid in accordance with the notice—

- (a) any liability of a person in respect of the alleged parking infringement shall be deemed to be discharged;
- (b) no further proceedings shall be taken in respect of the alleged parking infringement; and
- (c) no person shall be regarded as having been convicted for the alleged parking infringement.

“ (7A) At the hearing of a prosecution for a parking infringement, a certificate signed by the Registrar or a Deputy Registrar and stating that a parking infringement notice, a copy of which is attached to the certificate, was, on the date specified in the certificate, duly served by securely placing the notice or affixing the notice, as the case may be, in a conspicuous position upon the motor vehicle specified in the certificate is evidence of the matters so stated.

“ (7B) At the hearing of a prosecution for a parking infringement in respect of which a parking infringement notice has been served, a certificate signed by the Registrar or a Deputy Registrar and stating—

- (a) that the Registrar did not allow further time, for the purpose of sub-section (7), for the payment of the prescribed penalty in respect of the infringement; and

(b) that the prescribed penalty in respect of the infringement was not paid in accordance with the notice within 14 days after the date of the notice,  
is evidence of the matters so stated.

“(7C) At the hearing of a prosecution for a parking infringement in respect of which a parking infringement notice has been served, a certificate signed by the Registrar or a Deputy Registrar and stating—

- (a) that the Registrar allowed, for the purpose of sub-section (7), the further time specified in the certificate for the payment of the prescribed penalty in respect of the infringement; and
- (b) that the prescribed penalty in respect of the infringement was not paid in accordance with the notice within 14 days after the date of the notice or within the further time allowed by the Registrar for the purpose of sub-section (7),

is evidence of the matters so stated.

“(7D) For the purposes of sub-sections (7A), (7B) and (7C)—

- (a) a document that purports to have been signed by the Registrar shall be taken to have been so signed unless the contrary is proved; and
  - (b) a document that purports to have been signed by a Deputy Registrar shall be taken to have been so signed unless the contrary is proved.”; and
- (c) by omitting from sub-section (8) the words “the last preceding sub-section” and substituting the word and figures “sub-section (7)”.