

MOTOR TRAFFIC

No. 8 of 1964.

An Ordinance to amend the *Motor Traffic Ordinance* 1936-1963.Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Motor Traffic Ordinance* 1964.*

(2.) The *Motor Traffic Ordinance* 1936-1963† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Motor Traffic Ordinance* 1936-1964.

Commence-
ment.

2. This Ordinance shall come into operation on the fourteenth day of September, One thousand nine hundred and sixty-four.

3. Section three of the Principal Ordinance is amended by omitting the words and figures—

“ Part VIB.—Rules relating to Parking (sections 56AK-56AR).”

and inserting in their stead the words and figures—

“ Part VIB.—Rules relating to Parking (sections 56AK-56AW).”.

Interpretation.

4. Section four of the Principal Ordinance is amended—

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

“ ‘ loading area ’ means—

(a) any part of the area of land bounded by the public streets known as Petrie Street, Alinga Street, East Row and London Circuit;

(b) any part of the area of land bounded by the public streets known as Petrie Street, Bunda Street, Garema Place and Alinga Street;

* Made on 20 August, 1964; notified in the *Commonwealth Gazette* on 21 August, 1964, and commenced on 14 September, 1964 (*see* section 2).

† Ordinance No. 45, 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; No. 1, 1955; No. 6, 1956; No. 19, 1957; Nos. 10 and 15, 1958; No. 7, 1959; No. 11, 1960; Nos. 16 and 17, 1962; and No. 21, 1963.

- (c) any part of the area of land bounded by the public streets known as East Row, Alinga Street, Northbourne Avenue and London Circuit; or
- (d) any part of the area of land bounded by the public streets known as Northbourne Avenue, Alinga Street, West Row and London Circuit,

not being the entrances or exits to such an area, an area forming part of those public streets or an area on which a building is erected;”;

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

“ ‘off-street parking area’ means an area of land available for use by the public for the parking of motor vehicles, and includes the entrances to, the exits from and the passageways in such an area;”;

- (c) by omitting from sub-section (1.) the definition of “owner” and inserting in its stead the following definition:—

“ ‘owner’, in relation to a motor vehicle means—

- (a) in the case of a motor vehicle that is registered under this Ordinance—the person whose name is specified in the certificate of registration as the owner of the motor vehicle;
- (b) in the case of a visiting motor vehicle—the person whose name is specified in the certificate of registration as the owner of that vehicle under the law of the State, or of the Northern Territory, in which that vehicle is registered;
- (c) in the case of a motor vehicle to which trader’s plates are affixed—the trader to whom the trader’s licence in

relation to those plates has been granted under this Ordinance;

(d) in the case of a motor vehicle or visiting motor vehicle the owner of which has died—the legal personal representative of the deceased owner whilst he is acting as the legal personal representative; and

(e) in the case of a visiting motor omnibus—the person to whom a licence to use the visiting motor omnibus as a motor omnibus in the Territory has been granted;”;

(d) by omitting from paragraph (a) of the definition of “private hire car” in sub-section (1.) the words “stand or”;

(e) by omitting from sub-section (1.) the definition of “public street” and inserting in its stead the following definitions:—

“‘public place’ means—

(a) an off-street parking area;

(b) a loading area;

(c) a wharf, pier or jetty;

(d) the Lake Burley Griffin foreshores; or

(e) any part of a park, reserve, recreational or sporting ground, racecourse, or any other open place, to which the public has access whether with or without payment for admission, other than a street, road or lane that is prepared with cement or concrete or is sealed with bitumen or other sealing substance,

not being land held under lease from the Commonwealth or occupied with the authority of the Commonwealth or by virtue of a law of the Territory;

“ ‘public street’ means a street, road, lane or footpath (including a street, road, lane or footpath on or forming part of a bridge) that is open to or used by the public, but does not include—

(a) an entrance-driveway leading to a parcel of land; or

(b) any part of a public place;”;

(f) by inserting in the definition of “road marking” in sub-section (1.), after the words “public street”, the words “, or on any part of an off-street parking area or loading area.”;

(g) by omitting from sub-section (1.) the definition of “Territory of the Commonwealth” and inserting in its stead the following definitions:—

“ ‘the Court’ means the Court of Petty Sessions established under the *Court of Petty Sessions Ordinance 1930-1961*;

“ ‘the Lake Burley Griffin foreshores’ means any part of the area of land bounded by the edge of Lake Burley Griffin and an imaginary line drawn at a distance of one hundred yards from that edge other than a street, road or lane that is prepared with cement or concrete or is sealed with bitumen or other sealing substance;”;

(h) by inserting in the definition of “traffic sign” in sub-section (1.), after the words “public street”, the words “, or in a public place.”; and

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

“ (4.) Where there are two or more joint owners or part owners of a motor vehicle, each joint owner or part owner shall be deemed to be, for the purposes of this Ordinance, the owner of the motor vehicle.

“ (5.) A reference to a public street in sections eight, forty-one C, forty-one AS, fifty-six F, fifty-six Q, fifty-six R, fifty-six S, fifty-six T, fifty-six V, fifty-six W, fifty-six Z, fifty-seven, fifty-eight, sixty, sixty-eight, seventy-four, seventy-five, seventy-six A, seventy-seven, seventy-eight and eighty A, and sub-sections (1.)

and (3.) of section eighty-eight, of this Ordinance shall be read as including a reference to a public place.

“(6.) A reference to a public street in sections fifty-six Q, fifty-six R, fifty-six S, fifty-six T, fifty-six V, fifty-six W and fifty-six Z of this Ordinance shall be read as including an entrance-driveway leading to a parcel of land.”

Definitions.

5. Section forty-one A of the Principal Ordinance is amended by omitting the definition of “trailer”.

Return of certificates, &c., upon cancellation, &c., of registration.

6. Section forty-eight of the Principal Ordinance is amended by omitting from sub-section (3.) the words “the owner shall, within seven days of” and inserting in their stead the words “the former owner shall, within fourteen days after”.

Traffic signs and road markings.

7. Section fifty-five A of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1.), after the words “public street” (first occurring), the words “, or in a public place.”;
- (b) by inserting in paragraph (a) of sub-section (1.), after the words “public street”, the words “or public place”;
- (c) by inserting in paragraph (d) of sub-section (1.), after the words “public street”, the words “or public place”;
- (d) by inserting in sub-section (2.), after the words “public street”, the words “, or on any part of an off-street parking area or loading area.”; and
- (e) by inserting in sub-section (4.), after the words “public street” (wherever occurring), the words “or public place”.

Signs, &c., deemed to be lawfully erected.

8. Section fifty-five C of the Principal Ordinance is amended—

- (a) by inserting in paragraph (a), after the words “public street”, the words “or in a public place”; and
- (b) by inserting in paragraph (b), after the words “public street”, the words “or on any part of an off-street parking area or loading area”.

9. Section fifty-five D of the Principal Ordinance is amended— Damage, removal, &c., of traffic signs, &c.

- (a) by inserting in paragraph (a), after the words “public street”, the words “, or in a public place,”; and
- (b) by inserting in paragraph (b), after the words “public street”, the words “, off-street parking area or loading area”.

10. Section fifty-six of the Principal Ordinance is amended by inserting after sub-section (2.) the following sub-section:— Vehicles to keep left, &c.

“(2A.) A person shall not, without lawful authority or excuse, drive a motor vehicle upon a traffic island or upon an area of land separating two adjacent one way traffic carriageways provided for vehicles travelling in opposite directions.”

11. Section fifty-six C of the Principal Ordinance is amended by inserting after sub-section (1.) the following sub-section:— Unbroken lines marked on carriageway.

“(1A.) The driver of a motor vehicle upon an off-street parking area or a loading area shall not drive his motor vehicle so that it crosses a road marking comprising an unbroken line marked on the off-street parking area or the loading area.”

12. Section fifty-six D of the Principal Ordinance is amended by adding at the end thereof the following sub-section:— Passing on-coming traffic.

“(2.) It is not an offence against the last preceding sub-section if the driver of the motor vehicle is making a right hand turn from a public street at an intersection and he passes another vehicle, which is making a right hand turn at that intersection from the opposite direction in the same public street, in accordance with section fifty-six H of this Ordinance.”

13. Section fifty-six H of the Principal Ordinance is amended— Right hand turns.

- (a) by omitting sub-sections (2.), (3.) and (3A.) and inserting in their stead the following sub-sections:—

“(2.) Where the driver of a motor vehicle is turning the motor vehicle to his right from a public street into another public street at the intersection or junction of those public streets and the course to be followed by a vehicle turning to the right is shown by road markings marked on the carriageway within the intersection or junction, the driver shall so drive the motor vehicle that, in making the turn, he follows that course.

“(2A.) Where the driver of a motor vehicle is turning the motor vehicle to his right from a public street, and another vehicle is turning to the right from the opposite direction in the same public street, at an intersection of that public street and one or more other public streets, the driver of the motor vehicle shall, subject to sub-section (3.) of section fifty-six and section fifty-six c of this Ordinance and to the last preceding sub-section, pass the other vehicle in making the turn with it on his left side.

“(3.) Subject to the next two succeeding sub-sections and to section fifty-six JA of this Ordinance, the driver of a motor vehicle upon a public street shall not turn or continue to turn the motor vehicle to his right (otherwise than by reason only of following the course of the carriageway of the public street) if—

- (a) there is another vehicle in the public street approaching from the opposite direction to that in which he is or was facing immediately before commencing to turn;
- (b) the driver of that other vehicle has not indicated an intention to turn the vehicle to his right; and
- (c) there is a reasonable possibility that the vehicles might collide or that a dangerous situation might otherwise be created if the driver of the motor vehicle turned or continued to turn the motor vehicle to his right and the driver of the other vehicle continued in its course or turned to his left.

“(3A.) The driver of a motor vehicle upon a public street shall not turn or continue to turn the motor vehicle to his right unless he can do so with safety to any other vehicle and other persons using the public street notwithstanding that he is not prohibited from so turning by any other provision of this Ordinance.”; and

- (b) by omitting from sub-section (3B.) the words “sub-section (3.) of”.

14. After section fifty-six Y of the Principal Ordinance the following section is inserted:—

“ 56YA.—(1.) In this section, ‘ traffic lights ’ means a traffic sign that is displaying any of the following coloured lights, or lighted symbols or words, or a combination of any of them:— Traffic lights.

- (a) a circular green light;
- (b) the word ‘ WALK ’ in green light;
- (c) an arrow in green light;
- (d) a circular amber light;
- (e) a circular red light;
- (f) the words ‘ DON’T WALK ’ in red light.

“ (2.) Subject to this section, where the driver of a motor vehicle upon a public street is approaching, or has stopped immediately before reaching, the intersection or junction of that public street and one or more other public streets, being an intersection or junction at or near which traffic lights are erected, the driver of the motor vehicle shall not—

- (a) proceed into the intersection or junction if and so long as the traffic lights are displaying, towards the direction from which he was travelling immediately before reaching the traffic lights—
 - (i) a circular red or amber light, or a circular red light together with a circular amber light; or
 - (ii) that light or those lights together with the word ‘ WALK ’ in green light or the the words ‘ DON’T WALK ’ in red light; or
- (b) proceed into the intersection or junction if and so long as the traffic lights are so displaying the light or lights referred to in the last preceding paragraph and, in addition, an arrow or arrows in green light, except in the direction indicated by one of those arrows.

“ (3.) For the purposes of paragraph (b) of the last preceding sub-section, an arrow in green light pointing vertically on traffic lights indicates the direction that is directly ahead.

“ (4.) Where the driver of a motor vehicle upon a public street is approaching traffic lights erected on a side of a carriageway of the public street at or near a road marking comprising a line marked across or partly across the carriageway, the driver of the motor vehicle shall not, subject to the next succeeding sub-section, proceed beyond that road marking if and so long as the traffic lights are displaying a circular red or

amber light, or a circular red light together with a circular amber light, towards the direction from which he was travelling immediately before reaching the traffic lights.

“ (5.) It is a defence to a prosecution for an offence against sub-section (2.) of this section or against the last preceding sub-section if the defendant satisfies the Court that—

(a) while he was approaching the traffic lights, they changed from displaying a circular green light towards the direction from which he was travelling to displaying towards that direction a circular red or amber light (with or without any lighted symbols or words); and

(b) having regard to all the circumstances of the case at the time of the change of lights (including his distance from the traffic lights and considerations of safety for himself, any passengers and his motor vehicle, and for other persons and vehicles in the vicinity), he could not reasonably have stopped his motor vehicle before entering the intersection or junction, or before reaching the traffic lights, as the case may be.

“ (6.) Where the carriageway of a public street is divided into traffic lanes for vehicles travelling in the same direction, any such traffic lane above which traffic lights are placed shall be deemed to be a public street for the purposes of this section.”.

Definitions.

15. Section fifty-six AA of the Principal Ordinance is amended by omitting the definition of “ the village of Hall ”.

16. Section fifty-six AB of the Principal Ordinance is repealed and the following section inserted in its stead:—

Speed limits within a public place.

“ 56AB. A person shall not drive a motor vehicle on any part of a public place at a speed exceeding fifteen miles per hour.”.

Maximum speeds applicable to streets in the City Area.

17. Section fifty-six AD of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “ in a restricted speed area is thirty miles per hour ” and inserting in their stead the words “ in the City Area is thirty-five miles per hour ”; and

(b) by omitting from sub-section (2.) the words “ in a restricted speed area ” and inserting in their stead the words “ in the City Area ”.

18. Section fifty-six AE of the Principal Ordinance is amended by omitting the words “outside a restricted speed area” and inserting in their stead the words “elsewhere than in the City Area”.

Maximum speeds outside the City Area fixed by signs.

19. Section fifty-six AF of the Principal Ordinance is amended by omitting from the table to that section the words—

Speed limits of heavy vehicles.

“In a restricted speed area.”

and inserting in their stead the words—

“In the City Area.”.

20. Section fifty-six AJ of the Principal Ordinance is repealed and the following section inserted in its stead:—

“56AJ. In a prosecution for an offence against this Part, an averment of the informant contained in the information that—

Evidence.

(a) a public street or a specified part of a public street is in the City Area; or

(b) a public street or a specified part of a public street is elsewhere than in the City Area,

is evidence of the matter averred.”.

21. Section fifty-six AK of the Principal Ordinance is amended—

nterpretation.

(a) by inserting in sub-section (1.), before the definition of “bus stop sign”, the following definition:—

“ ‘authorized motor vehicle’ means a motor vehicle that is for the time being included in a class of motor vehicles determined in writing by the Minister (by reference, either generally or in particular, to their description, the purpose for which they are used or the persons by whom they are used) to be authorized motor vehicles for the purpose of this Part;”;

(b) by omitting from sub-section (1.) the definitions of “no parking sign” and “no stopping sign” and inserting in their stead the following definitions:—

“ ‘goods’ includes all personal chattels;

“ ‘goods vehicle’ means a motor vehicle that is constructed primarily for the carriage of goods and is used or intended to be used for that purpose;

“ ‘loading zone sign’ means a traffic sign bearing an arrow, the words ‘LOADING ZONE’ and the words ‘GOODS VEHICLES ONLY’, with or without either or both of the following:—

- (a) an inscription indicating a period of time for which a person may park a goods vehicle in the loading zone to which the sign relates;
- (b) an inscription indicating the times when the area to which the sign relates is a loading zone;

“ ‘no entry sign’ means a traffic sign bearing the words ‘NO ENTRY’;

“ ‘no exit sign’ means a traffic sign bearing the words ‘NO EXIT’;

“ ‘no parking sign’ means—

- (a) a traffic sign bearing an arrow and the words ‘NO PARKING’, with or without an inscription indicating the times when parking is prohibited; or
- (b) a traffic sign bearing the words ‘NO PARKING’ and an inscription indicating the area within which parking is prohibited, with or without an inscription indicating the times when parking is prohibited;

“ ‘no stopping sign’ means—

- (a) a traffic sign bearing an arrow and the words ‘NO STOPPING’, with or without an inscription indicating the times when stopping is prohibited; or
- (b) a traffic sign bearing the words ‘NO STOPPING’ and an inscription indicating the area within which the prohibition on stopping operates, with or without an inscription indicating the times when stopping is prohibited;”;

(c) by omitting from sub-section (1.) the definition of "parking sign" and inserting in its stead the following definitions:—

“ ‘parking infringement’ means a contravention of any of the provisions of this Part;

“ ‘parking sign’ means a traffic sign bearing an arrow, the word ‘PARKING’ and any of the following:—

(a) an inscription indicating the period of time for which parking is permitted;

(b) an inscription indicating the times when a vehicle may be parked in accordance with the sign;

(c) an inscription indicating angle parking;

(d) an inscription indicating that parking is reserved for authorized motor vehicles only or for motor vehicles included in a specified class of authorized motor vehicles only;”;

(d) by omitting from sub-sections (3.) and (4.) the words “or a parking sign” and inserting in their stead the words “, a parking sign or a loading zone sign”;

(e) by inserting in sub-section (5.), after the words “a parking sign,”, the words “a loading zone sign,”;

(f) by inserting in sub-section (5.), after the words “public street” (second occurring), the words “, or on a side of a loading area at an angle to the boundary of the loading area,”; and

(g) by adding at the end thereof the following sub-section:—

“ (6.) For the purposes of this Part, the part of a public street or public place to which a no stopping sign, no parking sign, loading zone sign or parking sign (being a sign bearing an arrow) relates is, in any particular case according to whichever paragraph of this sub-section is applicable—

(a) the area bounded by—

(i) the part of the boundary of the carriageway of the

- public street, or the part of the boundary of the public place, on or near which the sign is erected or displayed, between that sign and another such sign erected or displayed on or near the same boundary nearest in the direction indicated by the arrow; and
- (ii) road markings adjacent to that boundary or part of the boundary;
- (b) a bay for the parking of a vehicle marked by road markings on the public street or public place in which the sign is erected or displayed between that sign and another such sign erected or displayed in that public street or public place nearest in the direction indicated by the arrow; or
- (c) the area bounded by—
- (i) the part of the boundary of the carriageway of the public street, or the part of the boundary of the public place, on or near which the sign is erected or displayed, between that sign and another such sign erected or displayed on or near the same boundary nearest in the direction indicated by the arrow;
 - (ii) imaginary lines drawn adjacent and at right angles to that boundary and half-way across the public street or public place; and
 - (iii) imaginary lines joining the extremities of the lines referred to in the last preceding sub-paragraph.”.

22. After section fifty-six AK of the Principal Ordinance the following section is inserted:—

“ 56AKA.—(1.) The Registrar may issue, for affixing to a specified authorized motor vehicle, a label of a colour and design approved by the Registrar for the purpose. Labels for authorized motor vehicles.

“ (2.) A person shall not—

- (a) drive a motor vehicle to which is affixed a label issued under this section unless the motor vehicle is the authorized motor vehicle specified in the label;
- (b) knowingly drive a motor vehicle to which is affixed a label that may be mistaken for a label issued under this section; or
- (c) by a false statement or misrepresentation, obtain or attempt to obtain a label under this section.

Penalty: Twenty-five pounds.

“ (3.) Where the Registrar is of the opinion that a motor vehicle has ceased to be an authorized motor vehicle, he may direct the owner for the time being to cause the label issued under this section in respect of the motor vehicle to be destroyed.

“ (4.) The owner for the time being of a motor vehicle to whom a direction has been given by the Registrar under the last preceding sub-section shall forthwith comply with that direction.

Penalty: Twenty-five pounds.

“ (5.) If the Registrar is satisfied that a label issued under this section has been lost, destroyed, damaged or defaced, he may issue a duplicate of that label and that duplicate is, for the purposes of this Part, of the same effect as the label.”

23. Section fifty-six AL of the Principal Ordinance is repealed and the following section inserted in its stead:—

“ 56AL.—(1.) A person shall not stop or park a motor vehicle, or park a trailer, on a public street except on the carriageway of the public street. Stopping, &c. adjacent to boundary.

“ (2.) Subject to this Part, a person shall not stop or park a motor vehicle, or park a trailer, on the carriageway of a public street other than a one way traffic carriageway except with the left hand side of the motor vehicle or trailer immediately adjacent to the left hand boundary of the carriageway.

“(3.) Subject to this Part, a person shall not stop or park a motor vehicle or park a trailer on a one way traffic carriageway or within a loading area—

- (a) if a no stopping sign, no parking sign, parking sign or loading zone sign is erected, placed or displayed on or near the right hand boundary of the carriageway or loading area—except with a side of the motor vehicle or trailer immediately adjacent to a boundary of the carriageway or loading area; or
- (b) in any other case—except with the left hand side of the motor vehicle or trailer immediately adjacent to the left hand boundary of the carriageway or loading area.

Penalty: Ten pounds.”.

Parking, &c.,
in public streets
regulated by
traffic signs.

24. Section fifty-six AM of the Principal Ordinance is amended—

- (a) by inserting after sub-section (1.) the following sub-section:—

“(1A.) It is a defence to a prosecution for an offence against the last preceding sub-section if the defendant satisfies the Court that he stopped the motor vehicle or trailer for the purpose of—

- (a) setting down at the boundary of the carriageway of the public street a passenger and the luggage or goods (if any) of the passenger; or
- (b) permitting a person who, before the motor vehicle was stopped, was standing on the boundary of the carriageway of the public street to enter the motor vehicle and taking up from the boundary of the carriageway the luggage or goods (if any) of that person which were then with that person,

and the period for which the vehicle was so stopped was no longer than was reasonable for that purpose.”; and

- (b) by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“(3.) Where a parking sign bearing an arrow is erected on or near the boundary of the carriageway of a public street, a person shall not park a

motor vehicle or trailer in the part of the public street to which the parking sign relates—

- (a) if the parking sign indicates a period of time for which parking is permitted—for a period exceeding the period so indicated;
- (b) if the parking sign indicates angle parking—otherwise than at right angles to that boundary; and
- (c) if the parking sign indicates that parking is reserved for authorized motor vehicles only or for motor vehicles included in a specified class of authorized motor vehicles only—unless the motor vehicle is an authorized motor vehicle, or is included in that specified class of authorized motor vehicles, as the case may be.”.

25. Section fifty-six AP of the Principal Ordinance is repealed and the following sections are inserted in its stead:—

“ 56AO.—(1.) A person shall not stop or park a motor vehicle, other than a taxi, or park a trailer so that any part of it is within a taxi rank.

Taxis and private hire cars.

Penalty: Twenty-five pounds.

“ (2.) Subject to this section, the driver of a taxi shall not park the taxi in a public street, elsewhere than in a taxi rank, for a period exceeding thirty minutes.

Penalty: Twenty-five pounds.

“ (3.) Subject to this section, the driver of a private hire car shall not park the private hire car in a public street for a period exceeding thirty minutes.

Penalty: Twenty-five pounds.

“ (4.) It is not an offence against either of the last two preceding sub-sections if—

- (b) the driver of the taxi or private hire car was, during the period in which it was parked, waiting to take up a person who had hired it before the commencement of that period; or
- (c) the taxi or private hire car was so parked by or at the direction, or with the consent, of a member of the Police Force in uniform or an officer in the execution of his duty.

Parking in loading areas, off-street parking areas and other public places.

“ 56AP.—(1.) Where a no parking sign bearing an arrow is erected, placed or displayed in a public place, a person shall not park a motor vehicle or trailer in the part of the public place to which the sign relates.

“ (2.) Where a no stopping sign or a no parking sign is erected, placed or displayed in a part of a public place and the sign bears an inscription indicating the area within which stopping or parking is prohibited, a person shall not stop or park a motor vehicle or park a trailer within the area indicated by the sign.

“ (3.) Where a parking sign bearing an arrow is erected, placed or displayed in a public place and an inscription on the sign indicates a period of time for which parking is permitted in the part of the public place to which the sign relates, a person shall not park a motor vehicle or trailer in that part of the public place for a period exceeding the period so indicated.

“ (4.) Where a parking sign bearing an arrow is erected, placed or displayed in a public place and an inscription on the sign indicates that parking is reserved in the part of the public place to which the sign relates for authorized motor vehicles only or for motor vehicles included in a specified class of motor vehicles only, a person shall not park a motor vehicle or trailer in that part of the public place unless the motor vehicle is an authorized motor vehicle, or is included in that specified class of authorized motor vehicles, as the case may be.

“ (5.) It is not an offence against a preceding sub-section of this section if—

- (a) the inscription on the sign also indicates that the prohibition or qualification on stopping or parking referred to in that sub-section only applies during specified times; and
- (b) a person stops or parks a motor vehicle or parks a trailer in the part of the public place to which the sign relates otherwise than during those specified times.

Penalty: Twenty-five pounds.

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

“ 56APA.—(1.) Where a no entry sign is erected on or near a carriageway of a public street at an exit from an off-street parking area or loading area and facing towards the public street, the driver of a motor vehicle shall not enter the off-street parking area or loading area by that exit.

“ (2.) Where a no exit sign is erected on or near an entrance to an off-street parking area or loading area from a public

street and facing away from the public street, the driver of a motor vehicle shall not leave the off-street parking area or loading area by that entrance.

“ (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 elsewhere than within one of those bays.

Penalty: Twenty-five pounds.

“ 56APB.—(1.) Subject to the next succeeding sub-section, the part of a public street or loading area to which a loading zone sign relates is, for the purposes of this section, a loading zone.

Parking in loading zones.

“ (2.) If a loading zone sign bears an inscription indicating the times when a goods vehicle may be parked, the part of the public street or loading area to which the sign relates is, for the purposes of this section, a loading zone only during the times so indicated.

“ (3.) Subject to this Part, a person shall not stop or park a motor vehicle, other than a goods vehicle, or park a trailer, so that any part of it is within an area that is for the time being a loading zone.

“ (4.) A person shall not park a goods vehicle in an area that is for the time being a loading zone for a period that exceeds—

- (a) the period during which goods are unloaded from or loaded on to the goods vehicle; or
- (b) if the loading zone signs relating to the loading zone indicate a period of time for which a goods vehicle may park—for the period during which goods are unloaded from or loaded on to the goods vehicle, or the period indicated on the signs, whichever is the shorter.

Penalty: Twenty-five pounds.”.

26. Section fifty-six AQ of the Principal Ordinance is amended—

Other parking &c., offences.

(a) by omitting paragraphs (f) and (g) and inserting in their stead the following paragraphs:—

“ (ea) without lawful authority or excuse, upon a traffic island or upon an area of land separating two adjacent one way traffic carriageways provided for vehicles travelling in opposite directions;

“(f) within an intersection of a public street with another public street, or within any part of a junction of two public streets except immediately adjacent to the part of the boundary of the through public street that is opposite to the joining public street;

“(g) upon the carriageway of a public street, off-street parking area or loading area so that any part of the motor vehicle is alongside a road marking comprising a kerb of the public street, off-street parking area, or loading area, that is coloured red;” and

(b) by inserting in paragraph (n), after the words “public street” (wherever occurring), the words “or public place”.

27. Section fifty-six AR of the Principal Ordinance is repealed and the following sections are inserted in its stead:—

Liability of
owner and
actual offender
for parking
infringement.

“56AR.—(1.) Except as provided in this section, where a parking infringement occurs, the owner of the motor vehicle at the time of the occurrence of the parking infringement shall be deemed to have committed the parking infringement, whether or not he in fact committed the parking infringement.

“(2.) Nothing in this section affects the liability of an actual offender other than the owner of the motor vehicle, but—

(a) the owner and the actual offender shall not both be liable for the same parking infringement; and

(b) where a penalty has been imposed on a person in respect of a parking infringement, a further penalty shall not be imposed upon or recovered from another person in respect of the same parking infringement.

“(3.) The owner of a motor vehicle shall not be deemed to have committed a parking infringement if the motor vehicle was, at the time of the alleged parking infringement, stolen or illegally taken or used.

“(4.) The owner of a motor vehicle shall not, by virtue of this section, be deemed to have committed a parking infringement if, within fourteen days after the date of a parking infringement notice served under section fifty-six AU of this Ordinance or within fourteen days after service of a summons in respect of the alleged parking infringement, he furnishes to the

Commissioner of Police a statutory declaration made by him stating—

- (a) that it is made for the purposes of this section;
- (b) that he was not in charge of the motor vehicle at the time of the alleged parking infringement; and
- (c) the name and address of the person who was in charge of the motor vehicle at that time.

“ (5.) Where the owner of a motor vehicle is a body corporate, the body corporate shall not, by virtue of this section, be deemed to have committed a parking infringement if, within fourteen days after the date of a parking infringement notice served under section fifty-six AU of this Ordinance or within fourteen days after service of a summons in respect of the alleged parking infringement, a director, manager or secretary of the body corporate furnishes to the Commissioner of Police a statutory declaration made by him stating—

- (a) that it is made for the purposes of this section;
- (b) that the motor vehicle was not being used for the purposes of the body corporate at the time of the alleged parking infringement; and
- (c) the name and address of the person who was in charge of the motor vehicle at that time.

“ (6.) Where a parking infringement notice has been served under section fifty-six AU of this Ordinance, or a summons has been served, on the owner of a motor vehicle in respect of an alleged parking infringement, the owner may, within fourteen days after the date of the notice or service of the summons, as the case may be, furnish to the Commissioner of Police a statutory declaration made by him or by some person having knowledge of the facts stating—

- (a) that it is made for the purposes of this section;
- (b) that the owner was not in charge of the motor vehicle at the time of the alleged parking infringement;
- (c) that he has not been able to ascertain who was in charge of the motor vehicle at that time; and
- (d) the nature of the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the motor vehicle at that time.

“ (7.) Where a parking infringement notice has been served under section fifty-six AU of this Ordinance, or a summons has been served, on a body corporate as the owner of a motor vehicle in respect of an alleged parking infringement, a director, manager or secretary of the body corporate may, within fourteen

days after the date of the notice or service of the summons, as the case may be, furnish to the Commissioner of Police a statutory declaration made by him or by some person having knowledge of the facts stating—

- (a) that it is made for the purposes of this section;
- (b) that to his knowledge, from the facts as set out in the statutory declaration, the motor vehicle was not being used for the purposes of the body corporate at the time of the alleged parking infringement;
- (c) that he has not been able to ascertain who was in charge of the motor vehicle at that time; and
- (d) the nature of the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the motor vehicle at that time.

“(8.) At the hearing of a prosecution for a parking infringement against the owner of a motor vehicle who has furnished a statutory declaration under sub-section (6.) of this section, the Court shall dismiss the charge if it is satisfied (whether on the statement contained in the statutory declaration or otherwise) that—

- (a) the owner was not in charge of the motor vehicle at the time of the alleged parking infringement; and
- (b) the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the motor vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence.

“(9.) At the hearing of a prosecution for a parking infringement against a body corporate that is the owner of a motor vehicle and in respect of which a statutory declaration has been furnished under sub-section (7.) of this section, the Court shall dismiss the charge if it is satisfied (whether on the statements contained in the statutory declaration or otherwise) that—

- (a) the motor vehicle was not being used for the purposes of the body corporate at the time of the alleged parking infringement; and
- (b) the inquiries made for the purpose of ascertaining the name and the address of the person who was in charge of the motor vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence.

“ 56AS.—(1.) Where a person is named in a statutory declaration furnished under sub-section (4.) or (5.) of the last preceding section as being the person who was in charge of the motor vehicle at the time of the alleged parking infringement, that person shall not be found guilty of that parking infringement unless a copy of the statutory declaration was affixed to the summons for the parking infringement at the time it was served on him.

Copy of
statutory
declaration
to be served
with summons.

“ (2.) Where a person is named in a statutory declaration furnished in accordance with sub-section (4.) or (5.) of the last preceding section as being the person who was in charge of the motor vehicle at the time of the alleged parking infringement, the statutory declaration is admissible in evidence in a prosecution in respect of that parking infringement against that person, and is evidence that that person was in charge of the motor vehicle at that time.

“ (3.) In a prosecution for a parking infringement, a document purporting to be a statutory declaration furnished in accordance with sub-section (4.) or (5.) of the last preceding section shall, unless the contrary is shown, be taken to be such a statutory declaration, duly made and furnished.

“ 56AT.—(1.) For the purposes of this Part, a document issued—

Evidence of
registration of
motor vehicle.

(a) by the Registrar; or

(b) by an officer having duties in connexion with the registration of motor vehicles in a State or in the Northern Territory,

bearing his written, stamped or printed signature and stating that, during a specified period or on a specified date, a specified person was the person whose name was registered as the owner of a specified motor vehicle is evidence of the matters stated in the document.

“ (2.) In a prosecution for a parking infringement, a document purporting to be a document referred to in the last preceding sub-section and purporting to be signed by the Registrar or an officer referred to in that sub-section is admissible in evidence as such a document without proof of the signature of the person by whom it purports to have been issued or of the fact that he was the Registrar or the officer.

“ 56AU.—(1.) Where a member of the Police Force or an officer has reason to believe that a parking infringement has been committed in respect of a motor vehicle, he may serve or cause to be served a parking infringement notice in accordance with this section.

Parking
infringement
notices.

“(2.) A parking infringement notice may be served—

- (a) by serving the notice personally on the person who appears to have committed the parking infringement or on any person who is driving, or appears to be in charge of, the motor vehicle;
- (b) by securely placing or affixing the notice upon the motor vehicle in a conspicuous position;
- (c) by serving the notice on the owner of the motor vehicle personally or by post or by leaving it at his last-known place of residence or business with a person apparently over the age of sixteen years and apparently an occupant of or employed at that place; or
- (d) where the owner of a motor vehicle has furnished a statutory declaration in accordance with sub-section (4.) or (5.) of section fifty-six AR of this Ordinance—by serving the notice personally or by post on the person whose name is specified in the statutory declaration as being in charge of the motor vehicle at the time of the alleged parking infringement or by leaving it at his last-known place of residence or business with a person apparently over the age of sixteen years and apparently an occupant of or employed at that place.

“(3.) Where a parking infringement notice is to be served by post on the owner of a motor vehicle, it may be addressed to him—

- (a) at his last-known place of residence or business;
- (b) in the case of the owner of a motor vehicle registered under the law of a State or of the Northern Territory relating to the registration of motor vehicles—at the latest address of the owner in the record of registration of the motor vehicle; or
- (c) in the case of a person whose name is specified in a statutory declaration furnished in accordance with sub-section (4.) or (5.) of section fifty-six AR of this Ordinance—at the address shown in the statutory declaration.

“(4.) In the case of a parking infringement notice that is served by placing or affixing the notice upon a motor vehicle, the notice shall be addressed to ‘the owner’ of the motor vehicle without further description of the owner, and in every other case the notice shall have clearly shown on its face the full name, or surname and initials, and address of the person on whom it is served.

“ (5.) A parking infringement notice shall—

- (a) clearly specify the day, time and place of the alleged parking infringement;
- (b) clearly indicate the nature of the alleged parking infringement;
- (c) contain 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 make a signed statement to that effect in the manner specified in the notice and pay the amount of the prescribed penalty specified in the notice within the period of fourteen days after the date of the notice; and
- (d) clearly specify the place at which, and the manner in which, the prescribed penalty may be paid,

and may contain such other particulars, if any, as the Minister considers necessary.

“ (6.) For the purposes of this section, the prescribed penalty for a parking infringement is the amount of Two pounds.

“ (7.) Where a parking infringement notice has been served and, before the expiration of the specified period of fourteen days or, where the Commissioner of Police so allows, at any time before service of a summons in respect of the alleged parking infringement, the amount of the prescribed penalty is paid in accordance with the notice and a statement, signed by the person on whom the notice was served or by the owner of the motor vehicle, to the effect that he does not wish the matter to be dealt with by the Court is received by the Commissioner of Police—

- (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.

“ (8.) Nothing in this section prevents the service of more than one parking infringement notice in respect of the same parking infringement, but it is sufficient for the application of the last preceding sub-section to a person on whom more than one such notice has been served for that person to pay the prescribed penalty and to make the statement referred to in that sub-section in accordance with any one of the notices so served on him.

“ (9.) Where the amount of the prescribed penalty is paid by cheque, payment shall be deemed not to be made unless and until the cheque is honoured upon presentation.

“ (10.) Except as provided by sub-section (7.) of this section, nothing in this section in any way prejudices or affects the institution or prosecution of proceedings in respect of an alleged parking infringement or limits the amount of the fine that may be imposed by the Court in respect of a parking infringement.

“ (11.) Nothing in this section shall be construed as requiring the serving of a parking infringement notice under this section or as affecting the liability of a person to be prosecuted in the Court in respect of an alleged parking infringement in relation to which a parking infringement notice has not been served.

Liability of
drivers of
Commonwealth
motor vehicles.

“ 56AV. Where the driver of a motor vehicle owned by the Commonwealth does an act or omits to do an act in relation to the motor vehicle that constitutes a parking infringement, the driver of the motor vehicle is solely liable in respect of the parking infringement.

Exceptions and
defences to
parking, &c.,
offences.

“ 56AW.—(1.) It is not an offence against section fifty-six AL, fifty-six AM, fifty-six AN, fifty-six AO, fifty-six AP, fifty-six APB, or fifty-six AQ, of this Ordinance if a motor vehicle or trailer is stopped or parked—

- (a) in order to avoid a contravention of this Ordinance or the *Traffic Ordinance* 1937-1964; or
- (b) in order to carry out a manoeuvre of the motor vehicle that is required or is not prohibited by this Ordinance or the *Traffic Ordinance* 1937-1964,

and the motor vehicle or trailer does not remain so stopped or parked for a period longer than is reasonable in the circumstances.

“ (2.) It is not an offence against section fifty-six AL, or against paragraph (a) of section fifty-six AQ, of this Ordinance if a motor vehicle the length of which does not exceed twenty feet is stopped or parked on a part of a public street between two traffic signs each inscribed with the words ‘CENTRAL PARKING’ and the motor vehicle is so stopped or parked that—

- (a) the front of the motor vehicle faces one of the boundaries of the public street; and
- (b) other vehicles are not prevented from passing in front of and at the rear of the motor vehicle.

“ (3.) Where an inscription appears on a no parking sign, no stopping sign, loading zone sign or parking sign indicating the times when the prohibition or qualification on parking or stopping operates, it is not an offence if the times when the motor vehicle or trailer is stopped or parked in the part of the public street or public place to which the sign relates occur on a public holiday.

“ (4.) It is a defence to a prosecution for an offence against section fifty-six AL, fifty-six AM, fifty-six AN, fifty-six AO, fifty-six AP, fifty-six APB, or fifty-six AQ, of this Ordinance if the defendant establishes that the motor vehicle was stopped or parked—

- (a) owing to a breakdown or accident involving the motor vehicle or trailer; or
- (b) to the extent necessary to avoid impending danger or collision with a person, vehicle or animal.

“ (5.) It is a defence to a prosecution for an offence against section fifty-six AL, fifty-six AM, fifty-six AN, fifty-six AO, fifty-six AP, or fifty-six APB, of this Ordinance or against a provision, other than paragraph (f) or (i), of section fifty-six AQ of this Ordinance, if the defendant establishes that the motor vehicle or trailer was stopped or parked during a stoppage by reason of the nature of the traffic.”.

28. Section eighty-two of the Principal Ordinance is amended by omitting from paragraph (c) the words “ sub-section (2.) of section fifty-six ” and inserting in their stead the words “ sub-section (5.) of section fifty-six x ”.

Judicial notice of Registrar's and Deputy Registrar's signature.

29. Section eighty-six of the Principal Ordinance is amended by omitting the words “ last specified thereon as the owner or new owner, as the case may be,” and inserting in their stead the words “ whose name is specified in the certificate as the owner ”.

Evidence of ownership of vehicles.