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**Motor Traffic (Amendment) Ordinance  
(No. 3) 1982**

**No. 50 of 1982**

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 25 June 1982.

ZELMAN COWEN  
Governor-General

By His Excellency's Command,

MICHAEL HODGMAN  
Minister of State for the Capital Territory

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An Ordinance to amend the *Motor Traffic Ordinance* 1936

**Short title**

1. This Ordinance may be cited as the *Motor Traffic (Amendment) Ordinance* (No. 3) 1982.<sup>1</sup>

**Principal Ordinance**

2. In this Ordinance, "Principal Ordinance" means the *Motor Traffic Ordinance* 1936.<sup>2</sup>

**Interpretation**

3. Section 149 of the Principal Ordinance is amended—

(a) by omitting from sub-section (1) the definition of "authorized motor vehicle" and substituting the following definition:

“ 'approved label' means a label of a kind approved under section 150A;”;

(b) by inserting after the definition of "certified vehicle" in sub-section (1) the following definitions:

“ 'Class A class of motor vehicles' means—

(a) the class of motor vehicles that consists of motor vehicles to which are affixed number-plates of a type issued by the

Commonwealth in respect of motor vehicles owned by it; and

- (b) the class of motor vehicles that consists of motor vehicles to which are affixed number-plates of a type and material determined by the Minister under sub-section 18 (1) for motor vehicles of members of the diplomatic corps;

'Class B class of motor vehicles' means 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 a class of motor vehicles for the purposes of this definition;";

- (c) by omitting paragraph (d) of the definition of "parking sign" in sub-section (1) and substituting the following paragraph:

"(d) an inscription indicating that parking is reserved for motor vehicles included in the class of motor vehicles referred to in the inscription, being a Class A class of motor vehicles or a Class B class of motor vehicles;";

- (d) by inserting after the definition of "taxi rank sign" in sub-section (1) the following definition:

" 'Tribunal' means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1975*"; and

- (e) by inserting after sub-section (6) the following sub-section:

"(6A) For the purposes of sub-sections 152 (5) and 155 (5), an approved label shall be deemed not to be affixed to a motor vehicle (not being a motor cycle) unless the label—

- (a) is affixed to the interior of the main front windscreen of the vehicle;
- (b) is positioned—
- (i) where a registration label is affixed to the windscreen—either directly above or directly below the registration label; or
- (ii) where a registration label is not affixed to the windscreen— at the bottom and as near as practicable to the left-hand side of the windscreen; and
- (c) faces towards the front of the vehicle."

#### **Labels for certified vehicles**

4. Section 150 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) "a specified authorized motor vehicle or";
- (b) by omitting from paragraph (2) (a) "the authorized motor vehicle or";
- (c) by omitting sub-section (3); and
- (d) by omitting from sub-section (4) "sub-section (3) or".

5. After section 150 of the Principal Ordinance the following sections are inserted:

**Labels for Class B classes of motor vehicles**

“150A. (1) The Registrar shall, in relation to a class of motor vehicles that is a Class B class of motor vehicles, approve, by instrument in writing, a kind of label as the kind of label applicable to that class of motor vehicles.

“(2) Subject to this Ordinance, the Registrar may issue to a person, for affixing to a specified motor vehicle included in a Class B class of motor vehicles, a label of a kind approved under sub-section (1).

**Application for approved label**

“150B. (1) An application by a person for the issue of an approved label—

- (a) shall be in writing and signed by the applicant;
- (b) shall be lodged with the Registrar;
- (c) shall state the full name and address of the applicant;
- (d) shall specify the registration number of the motor vehicle to which the applicant proposes to affix the label; and
- (e) shall set out such particulars as are necessary to show that the motor vehicle referred to in paragraph (d) is included in a Class B class of motor vehicles.

“(2) The Registrar shall approve an application for an approved label unless—

- (a) the applicant refuses or fails to comply with a requirement of the Registrar under sub-section (3);
- (b) the applicant fails to establish that the motor vehicle referred to in the application is included in a Class B class of motor vehicles; or
- (c) the application does not comply with the requirements of sub-section (1).

“(3) The Registrar may, by notice in writing, require an applicant to furnish to him, either orally or in writing, within the period specified in the notice, such further information as is necessary to enable the Registrar to determine whether the motor vehicle referred to in the application is included in a Class B class of motor vehicles.

“(4) Where the Registrar approves an application for an approved label, he shall—

- (a) cause to be inserted in the label—
  - (i) the registration number of the motor vehicle to which the label may be affixed; and
  - (ii) the expiry date of the label, being a date not later than 12 months after the date of approval; and
- (b) cause the label to be issued to the applicant.

“(5) Where the Registrar refuses an application for an approved label, he shall give to the applicant a notice, in writing, of his decision.

“(6) A notice under sub-section (5) shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, the applicant is entitled to apply to the Tribunal for a review of the decision to which the notice relates.

“(7) The validity of a decision of the Registrar referred to in sub-section (5) shall not be taken to be affected by a failure to comply with sub-section (6).

“(8) Application may be made to the Tribunal for a review of a decision of the Registrar refusing an application for the issue of an approved label.

“(9) Subject to section 150C, an approved label remains in force until the date shown on the label as the expiry date of the label.

#### **Cancellation, &c., of approved label**

“150C. (1) The Registrar shall cancel an approved label if—

- (a) he is satisfied that the person to whom the label was issued was not entitled to receive the label; or
- (b) the motor vehicle in respect of which the label was issued ceases to be a motor vehicle that is included in a Class B class of motor vehicles.

“(2) Where the Registrar cancels an approved label, he shall give to the person to whom the label was issued a notice, in writing, of his decision.

“(3) A notice given to a person under sub-section (2) shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, the person is entitled to apply to the Tribunal for a review of the decision to which the notice relates.

“(4) The validity of a decision of the Registrar referred to in sub-section (2) shall not be taken to be affected by a failure to comply with sub-section (3).

“(5) Application may be made to the Tribunal for a review of a decision of the Registrar cancelling an approved label.

“(6) An approved label ceases to be in force if a change occurs in the ownership of the motor vehicle in respect of which the label was issued.

“(7) Where an approved label is cancelled or ceases to be in force by virtue of sub-section (6), the person to whom the label was issued shall, within 7 days of receipt of the notice referred to in sub-section (2), or within 7 days of the label so ceasing to be in force, as the case may be—

- (a) destroy the label and notify the Registrar, in writing, accordingly; or
- (b) surrender the label to the Registrar.

#### **Replacement of approved label**

“150D. If the Registrar is satisfied that an approved label that has been issued to a person and is in force in pursuance of this Ordinance has been lost, destroyed or defaced, he may issue to the person a new label containing the same particulars as were inserted in the first-mentioned label.

### General offences relating to approved labels

“150E. A person shall not—

- (a) in an application for an approved label or in a statement accompanying such an application make a statement or furnish information that is false or misleading in a material particular;
- (b) cause an approved label issued to him to be affixed to a motor vehicle other than the motor vehicle in respect of which the label was issued;
- (c) cause to be affixed to a motor vehicle a label that may reasonably be mistaken for an approved label; or
- (d) allow to remain affixed to a motor vehicle an approved label that has been cancelled or has otherwise ceased to be in force.”.

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

6. Section 152 of the Principal Ordinance is amended by omitting sub-sections (3) and (4) and substituting the following sub-sections:

“(3) Where a parking sign 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 sign relates

- (a) if the sign bears an inscription indicating the period of time for which parking is permitted for a period of time exceeding the period so indicated; and
- (b) if the sign bears an inscription indicating angle parking otherwise than at right angles to that boundary.

“(4) Where a parking sign is erected on or near the boundary of the carriageway of a public street and the sign bears an inscription indicating that parking in the part of the public street to which the sign relates is reserved for motor vehicles included in a Class A class of motor vehicles, a person shall not—

- (a) park a motor vehicle in the part of the public street to which the sign relates unless the vehicle is included in that class of motor vehicles; or
- (b) park a trailer in the part of the public street to which the sign relates.

“(5) Where a parking sign is erected on or near the boundary of the carriageway of a public street and the sign bears an inscription indicating that parking in the part of the public street to which the sign relates is reserved for motor vehicles included in a Class B class of motor vehicles, a person shall not—

- (a) park a motor vehicle in the part of the public street to which the sign relates unless there is affixed to the vehicle a label of a kind approved by the Registrar under sub-section 150A (1) as the kind of label applicable to that class of motor vehicles; or
- (b) park a trailer in the part of the public street to which the sign relates.

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

- (a) the sign to which the sub-section relates bears an inscription indicating—

- (i) the times when parking or stopping is prohibited; or
  - (ii) the times when a vehicle may be parked in accordance with the sign; and
- (b) a person stops or parks a motor vehicle or parks a trailer in the part of the public street to which the sign relates otherwise than at a time so indicated.”.

### **Parking in public places**

7. Section 155 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2) “a no stopping sign or”;
- (b) by omitting from sub-section (2) “stopping or”;
- (c) by omitting from sub-section (2) “stop or park a motor vehicle or park a trailer” and substituting “park a motor vehicle or trailer”;
- (d) by inserting after sub-section (2) the following sub-section:

“(2A) Where a no stopping 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 is prohibited, a person shall not stop or park a motor vehicle or park a trailer within the area indicated by the sign.”; and

- (e) by omitting sub-sections (4) and (5) and substituting the following sub-sections:

“(4) Where a parking sign is erected, placed or displayed in a public place and the sign bears an inscription indicating that parking in the part of the public place to which the sign relates is reserved for motor vehicles included in a Class A class of motor vehicles, a person shall not—

- (a) park a motor vehicle in the part of the public place to which the sign relates unless the vehicle is included in that class of motor vehicles; or
- (b) park a trailer in the part of the public place to which the sign relates.

“(5) Where a parking sign is erected, placed or displayed in a public place and the sign bears an inscription indicating that parking in the part of the public place to which the sign relates is reserved for motor vehicles included in a Class B class of motor vehicles, a person shall not—

- (a) park a motor vehicle in the part of the public place to which the sign relates unless there is affixed to the vehicle a label of a kind approved by the Registrar under sub-section 150A (1) as the kind of label applicable to that class of motor vehicles; or
- (b) park a trailer in the part of the public place to which the sign relates.

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

- (a) the sign to which the sub-section relates bears an inscription indicating—
  - (i) the times when parking or stopping is prohibited; or
  - (ii) the times when a vehicle may be parked in accordance with the sign; 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 at a time so indicated.”.

### **Other parking, &c., offences**

8. Section 158 of the Principal Ordinance is amended

(a) by omitting paragraphs (b), (c), (e), (g) and (l);

(b) by omitting—

“Penalty: Fifty dollars.”; and

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

“(2) A person shall not stop or park a motor vehicle or park a trailer—

- (a) on that part of the carriageway of a public street immediately adjoining an area in the public street reserved by a traffic sign for angle parking;
- (b) on a public street nearer than 1 metre to another motor vehicle upon the public street;
- (c) where a kerb is constructed on the boundary of the carriageway of a public street—upon a part of the public street other than the carriageway of the public street or a part reserved for parking by a traffic sign;
- (d) 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; or
- (e) upon a public street alongside or opposite to a street excavation or obstruction.

Penalty: \$100.”.

### **Parking infringement notices**

9. Section 162 of the Principal Ordinance is amended by omitting sub-section (6) and substituting the following sub-section:

“(6) For the purposes of this section, the prescribed penalty for a parking infringement is—

- (a) in respect of a contravention of sub-section 152 (2), section 153 or sub-section 155 (2A) or 158 (1) ... \$35;
- (b) in respect of a contravention of sub-section 152 (5) or 155 (5) where the relevant sign bears an inscription that, in referring to a class of motor vehicles, includes a reference to ‘disabled persons’, ‘district nurses’, ‘medical practitioners’ or ‘Red Cross vehicles’—\$25; and

- (c) in respect of a contravention of sub-section 152 (5) or 155 (5), not being a contravention referred to in paragraph (b), or of a contravention of section 151, sub-section 152 (1), (3) or (4), section 154, sub-section 155 (1), (2), (3) or (4), section 156 or 157, sub-section 158 (2) or section 163D, 163E, 163F or 163M—\$15.”

### Additional amendments

10. The Principal Ordinance is amended as set out in the following table:

Provision	Amendment
Section 151 . . . . .	Omit “Twenty dollars”, substitute “\$100”.
Section 152 . . . . .	Omit “Fifty dollars”, substitute “\$100”.
Section 153 . . . . .	Omit “Fifty dollars”, substitute “\$100”.
Sub-section 154 (1) . . . . .	Omit “Fifty dollars”, substitute “\$100”.
Sub-section 154 (2) . . . . .	Omit “Fifty dollars”, substitute “\$100”.
Sub-section 154 (3) . . . . .	Omit “Fifty dollars”, substitute “\$100”.
Section 155 . . . . .	Omit “Fifty dollars”, substitute “\$100”.
Section 156 . . . . .	Omit “Fifty dollars”, substitute “\$100”.
Section 157 . . . . .	Omit “Fifty dollars”, substitute “\$100”.
Section 163D . . . . .	Omit “Fifty dollars”, substitute “\$100”.
Sub-section 163E (1) . . . . .	Omit “Fifty dollars”, substitute “\$100”.
Sub-section 163E (2) . . . . .	Omit “Fifty dollars”, substitute “\$100”.
Sub-section 163F (1) . . . . .	Omit “Fifty dollars”, substitute “\$100”.
Section 163M . . . . .	Omit “Fifty dollars”, substitute “\$100”.

### NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 2 July 1982.
2. No. 45, 1936 as amended to date. For previous amendments see Note 2 to No. 6, 1982 and see also Nos. 6 and 49, 1982.