



AUSTRALIAN CAPITAL TERRITORY

Motor Traffic (Amendment) Act (No. 4) 1997

No. 59 of 1997

An Act to amend the *Motor Traffic Act 1936*

[Notified in ACT Gazette S300: 9 October 1997]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Motor Traffic (Amendment) Act (No. 4) 1997*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, “Principal Act” means the *Motor Traffic Act 1936*.¹

Interpretation

4. Section 149 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of the definition of “goods vehicle” in subsection (1) “used or intended to be used for that purpose in the course of business” and substituting “registered as a business vehicle”;
- (b) by inserting in subsection (1) the following definitions:
 - “ ‘community organisation’ means a body to which the Registrar has issued a label under section 150A by reason of the Registrar being satisfied that the body is a community organisation;
 - ‘disability label’ means a label of the kind referred to in paragraph 150A (2) (b);
 - ‘disabled person’ means a person to whom the Registrar has issued a label under section 150A by reason of the Registrar being satisfied that the person is disabled;”;
- (c) by inserting after subsection (1) the following subsection:
 - “(1A) A determination for the purposes of the definition of ‘Class B class of motor vehicles’ is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.”;
 - and
- (d) by inserting after subsection (6A) the following subsection:
 - “(6B) For the purposes of section 150E and subsections 152 (3AA), (3AC), (3AD) and (5), 155 (3A), (3B), (3C), (3D) and (5), 163E (8) and (9) and 163F (4) and (5), a disability label or a label issued to a community organisation, as the case may be—
 - (a) in the case of a motor vehicle not being a motor cycle—
 - (i) shall be taken not to be affixed to the motor vehicle unless it is affixed in the manner specified in paragraphs (6A) (a), (b) and (c); and

- (ii) shall be taken not to be displayed on the motor vehicle unless the label is so placed against the interior of a windscreen or window of the vehicle that all writing and imprinted words, figures and symbols appearing on the side of the label bearing the date of expiry of the label are capable of being clearly read by a person standing beside the vehicle; and
- (b) in the case of a motor cycle or trailer—shall be taken not to be displayed on a motor cycle or trailer unless the label is so attached to the motor cycle or trailer that all writing and imprinted words, figures and symbols appearing on the side of the label bearing the date of expiry of the label are capable of being clearly read by a person standing beside the motor cycle or trailer, as the case may be.”.

Labels for Class B classes of motor vehicles

5. Section 150A of the Principal Act is amended by omitting subsection (2) and substituting the following subsections:

“(2) Subject to this Act, the Registrar may issue—

- (a) to a person for affixing to a specified motor vehicle included in a Class B class of motor vehicles;
- (b) to a disabled person, or community organisation whose members provide transport services for disabled persons—for displaying in a motor vehicle in a Class B class of motor vehicles; or
- (c) to a community organisation for displaying in a motor vehicle in a Class B class of motor vehicles;

a label of a kind approved under subsection (1).

“(3) Without limiting the generality of paragraph (2) (c), the Registrar may issue a label under that paragraph for use in respect of the parking of a motor vehicle operated by or on behalf of a community organisation in a specified part of a public street or public place while that motor vehicle is being used for the purposes of the organisation.”.

Application for approved label

6. Section 150B of the Principal Act is amended—

- (a) by inserting in paragraph (1) (d) “, except in the case of a disability label or a label to be issued to a community organisation,” after “shall”;
- (b) by inserting in paragraph (2) (b) “(other than an applicant who is a disabled person or community organisation)” after “applicant”;
- (c) by omitting from subsection (3) all the words after “determine” and substituting—

“whether—

- (a) the motor vehicle referred to in the application is included in a Class B class of motor vehicles; or
- (b) the applicant is entitled to a label as a disabled person or a community organisation;

as the case requires”;

- (d) by inserting in subparagraph (4) (a) (i) “if the label is to be issued for the purpose of paragraph 150A (2) (a)—” before “the registration”;
- (e) by omitting subparagraph (4) (a) (ii) and substituting the following subparagraph:

“(ii) subject to subsection (9), the expiry date of the label; and”;

- (f) by omitting subsection (9) and substituting the following subsections:

“(9) Subject to section 150C, an approved label remains in force—

- (a) in the case of a disability label issued to a person or a community organisation—
 - (i) in the case of a natural person, if the Registrar is satisfied that the person to whom it is issued has a permanent disability—until the expiration of 3 years from the date of approval of the application; or
 - (ii) in any other case—until the expiration of the period specified in the label;

- (b) in the case of a label issued to a community organisation—until the expiration of 3 years from the date of approval of the application; and
- (c) in the case of a label issued in relation to a specified motor vehicle included in a Class B class of motor vehicles—until the expiration of 12 months from the date of approval of the application.

“(10) If the Registrar is satisfied that a person is not permanently disabled, the Registrar may issue a disability label for a period of 3, 6, 9 or 12 months, as the Registrar considers appropriate in the circumstances.

“(11) For the purposes of subsection (10), in determining the period for which a disability label is to be issued, the Registrar shall have regard to—

- (a) the nature of the disability; and
- (b) the likely duration of the disability.

“(12) The Registrar—

- (a) shall not issue more than 1 label to a disabled person; and
- (b) may issue more than 1 label to a community organisation.”.

Cancellation etc. of approved label

7. Section 150C of the Principal Act is amended—

- (a) by inserting in paragraph (1) (a) “, or would no longer be entitled to,” before “receive”; and
- (b) by inserting in subsection (6) “, other than a disability label or label issued to a community organisation,” after “label” (first occurring).

General offences relating to approved labels

8. Section 150E of the Principal Act is amended—

- (a) by omitting from paragraph (c) “or”;
- (b) by adding at the end of paragraph (d) “or”; and
- (c) by adding at the end the following paragraph:
 - “(e) display an approved label that has been cancelled.”.

Parking etc. in public streets regulated by traffic signs

9. Section 152 of the Principal Act is amended—

(a) by inserting after subsection (3) the following subsections:

“(3AA) 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 the period of time for which parking is permitted is not more than 30 minutes, a disabled person shall not park a motor vehicle or trailer in the part of the public street to which the sign relates—

- (a) for a period exceeding 2 hours; and
- (b) unless there is displayed in or on the motor vehicle a disability label.

“(3AB) 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—

- (a) that parking in the part of the public street to which the sign relates is reserved for motor vehicles displaying a disability label; and
- (b) the period of time for which parking is permitted in the part of the public street to which the sign relates;

a disabled person shall not park a motor vehicle or trailer in the part of the public street to which the sign relates for a period of time exceeding the period so indicated.

“(3AC) A disabled person does not contravene subsection (3) if—

- (a) the sign bears an inscription indicating the period of time for which parking is permitted is more than 30 minutes; and
- (b) there is displayed in or on the motor vehicle a disability label.

“(3AD) A person does not contravene subsection (3) if—

- (a) the motor vehicle is being used by or on behalf of a community organisation for the purposes of the organisation;

- (b) a label has been issued to the organisation under paragraph 150A (2) (c) specifying the part of a public street or public place to which the label relates;
 - (c) the label is displayed in or on the motor vehicle; and
 - (d) the motor vehicle is parked in the part of the public street or public place so specified.”;
- (b) by omitting from paragraph (5) (a) “or”;
- (c) by inserting after paragraph (5) (a) the following paragraph:
- “(ab) park a motor vehicle in the part of a public street to which the sign relates unless—
 - (i) the person is a disabled person, a disabled person is a passenger in the motor vehicle and the motor vehicle is parked for the purpose of setting down the disabled person, or the vehicle is parked for the purposes of picking up a disabled person; or
 - (ii) the motor vehicle is being used by or on behalf of a community organisation for the purposes of the organisation;and there is displayed in or on the motor vehicle a disability label or label issued to a community organisation, as the case requires; or”;
- (d) by adding at the end the following subsection:
- “(7) A reference in subsections (3AA), (3AB) and (3AC) to a disabled person shall be read as including a reference to the driver of a motor vehicle—
 - (a) in which a disabled person is a passenger; or
 - (b) being parked for the purpose of picking up a disabled person.”.

Parking in public places

10. Section 155 of the Principal Act is amended—

(a) by inserting after subsection (3) the following subsections:

“(3A) Where a parking sign bearing an arrow is erected, placed or displayed in a public place and an inscription on the sign indicates the period of time for which parking is permitted is not more than 30 minutes, a disabled person shall not park a motor vehicle or trailer in the part of the public place to which the sign relates—

- (a) for a period of time exceeding 2 hours; and
- (b) unless there is displayed in or on the motor vehicle a disability label.

“(3B) Where a parking sign bearing an arrow is erected, placed or displayed in a public place and the sign bears an inscription indicating—

- (a) that parking in the part of the public place to which the sign relates is reserved for motor vehicles displaying a disability label; and
- (b) the period of time for which parking is permitted in the part of the public place to which the sign relates;

a disabled person shall not park a motor vehicle or trailer in the part of the public place to which the sign relates for a period of time exceeding the period so indicated.

“(3C) A disabled person does not contravene subsection (3) if—

- (a) the sign bears an inscription indicating the period of time for which parking is permitted is more than 30 minutes; and
- (b) there is displayed in or on the motor vehicle a disability label.

“(3D) A person does not contravene subsection (3) if—

- (a) the motor vehicle is being used by or on behalf of a community organisation for the purposes of the organisation;

- (b) a label has been issued to the organisation under paragraph 150A (2) (c) specifying the part of the public street or public place to which the label relates;
 - (c) the label is displayed in or on the motor vehicle; and
 - (d) the motor vehicle is parked in the part of the public street or public place so specified.”;
- (b) by omitting from paragraph (5) (a) “or”;
- (c) by inserting after paragraph (5) (a) the following paragraph:
- “(ab) park a motor vehicle in the part of a public street to which the sign relates unless—
 - (i) the person is a disabled person, a disabled person is a passenger in the motor vehicle and the motor vehicle is parked for the purpose of setting down the disabled person, or the vehicle is parked for the purposes of picking up a disabled person; or
 - (ii) the motor vehicle is being used by or on behalf of a community organisation for the purposes of the organisation;and there is displayed in or on the motor vehicle a disability label or label issued to a community organisation, as the case requires; or”;
- (d) by adding at the end the following subsection:
- “(7) A reference in subsections (3A), (3B) and (3C) to a disabled person shall be read as including a reference to the driver of a motor vehicle—
 - (a) in which a disabled person is a passenger; or
 - (b) being parked for the purpose of picking up a disabled person.”.

Parking in loading zones

11. Section 157 of the Principal Act is amended by omitting from paragraph (1) (a) “being used in the course of the owner’s business”.

Purchase and display of vouchers

12. Section 163E of the Principal Act is amended by adding at the end the following subsections:

“(8) Subsection (1) does not apply to the standing or parking of a motor vehicle or trailer on a public place or in a public street in or near which a voucher machine is installed which, or in relation to which, a parking sign specifies the maximum period for which a motor vehicle may be parked—

- (a) where the period specified is not more than 30 minutes, if—
 - (i) the period of 2 hours has not expired from the time at which the motor vehicle was so stood or parked; and
 - (ii) there is displayed in or on the motor vehicle a disability label;
- (b) where the period specified is more than 30 minutes—if there is displayed in or on the motor vehicle a disability label; or
- (c) in the case of a motor vehicle being used by or on behalf of a community organisation for the purposes of the organisation—
 - (i) where the period specified is not more than 2 hours—
 - (A) the period so specified has not expired; and
 - (B) there is displayed in or on the motor vehicle a label issued to the organisation under paragraph 150A (2) (c); or
 - (ii) where the period specified is more than 2 hours, if—
 - (A) the period of 2 hours has not expired from the time at which the motor vehicle was so stood or parked; and
 - (B) there is displayed in or on the motor vehicle a label issued to the organisation under paragraph 150A (2) (c).

“(9) A person does not contravene subsection (1) if—

- (a) the motor vehicle is being used by or on behalf of a community organisation for the purposes of the organisation;
- (b) a label has been issued to the organisation under paragraph 150A (2) (c) specifying the part of a public street or public place to which the label relates;
- (c) the label is displayed in or on the motor vehicle; and

- (d) the motor vehicle is parked in the part of the public street or public place so specified.”.

Expired parking meter

13. Section 163F of the Principal Act is amended by adding at the end the following subsections:

“(4) Subsection (1) does not apply to the standing or parking of a motor vehicle or trailer on a public place or in a public street in or near which a parking meter is installed which, or in relation to which, a parking sign specifies the maximum period for which a motor vehicle may be parked—

- (a) where the period specified is not more than 30 minutes, if—
 - (i) the period of 2 hours has not expired from the time at which the motor vehicle was so stood or parked; and
 - (ii) there is displayed in or on the motor vehicle a disability label; or
- (b) where the period specified is more than 30 minutes—if there is displayed in or on the motor vehicle a disability label; or
- (c) in the case of a motor vehicle being used by or on behalf of a community organisation for the purposes of the organisation—
 - (i) where the period specified is not more than 2 hours—
 - (A) the period so specified has not expired; and
 - (B) there is displayed in or on the motor vehicle a label issued to the organisation under paragraph 150A (2) (c); or
 - (ii) where the period specified is more than 2 hours, if—
 - (A) the period of 2 hours has not expired from the time at which the motor vehicle was so stood or parked; and
 - (B) there is displayed in or on the motor vehicle a label issued to the organisation under paragraph 150A (2) (c).

“(5) A person does not contravene subsection (1) if—

- (a) the motor vehicle is being used by or on behalf of a community organisation for the purposes of the organisation;

- (b) a label has been issued to the organisation under paragraph 150A (2) (c) specifying the part of a public street or public place to which the label relates;
- (c) the label is displayed in or on the motor vehicle; and
- (d) the motor vehicle is parked in the part of the public street or public place so specified.”.

Schedule 7

14. Schedule 7 to the Principal Act is amended by inserting after item 48 in Part II the following items:

48A	Subparagraph 150B (9) (a) (i)	That the Registrar is not satisfied that a person has a permanent disability
48B	Subsection 150B (10)	Issuing or refusing to issue a label for a period of 3, 6, 9 or 12 months

NOTE

Principal Act

1. Reprinted as at 28 February 1995. See also Acts Nos. 8, 17 and 46, 1995; Nos. 7, 26, 47, 76 and 83, 1996; Nos. 8, 52 and 55, 1997.

[Presentation speech made in Assembly on 19 June 1997]