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QUEENSLAND

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# TRAFFIC ACT 1949-1971

WITH  
REGULATIONS,  
ORDERS IN COUNCIL  
AND  
AN INDEX

(Compiled to 30 September 1972)

Prepared by direction of  
The Honourable W. E. Knox, M.L.A., Minister for Transport,  
Attorney-General and Minister for Justice

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## **TRAFFIC ACT 1949–1971**

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**Traffic Act of 1949, 13 Geo. 6 No. 26**

Amended by

**Main Roads Acts and Another Act Amendment Act of 1952, 1 Eliz. 2 No. 14**

**Traffic Acts Amendment Act of 1953, 2 Eliz. 2 No. 11**

**Traffic Acts and Another Act Amendment Act of 1956, 5 Eliz. 2 No. 26**

**Traffic Acts and Another Act Amendment Act of 1957, 6 Eliz. 2 No. 13**

**Traffic Acts and Another Act Amendment Act of 1957, No. 2, 6 Eliz. 2 No. 34**

**Traffic Acts Amendment Act of 1958, 7 Eliz. 2 No. 41**

**State Transport Facilities Acts and Another Act Amendment Act of 1959, 8 Eliz. 2 No. 21**

**Traffic Acts and Another Act Amendment Act of 1959, 8 Eliz. 2 No. 55**

**Traffic Acts Amendment Act of 1960, 9 Eliz. 2 No. 44**

**Traffic Acts Amendment Act of 1961, 10 Eliz. 2 No. 27**

**Traffic Acts Amendment Act of 1962, No. 23**

**Traffic Acts and Other Acts Amendment Act of 1965, No. 26**

**Traffic Acts Amendment Act of 1967, No. 44**

**Traffic Acts Amendment Act of 1968, No. 22**

**Traffic Act Amendment Act 1968 (No. 2), No. 36**

**Traffic Act Amendment Act 1969, No. 22**

**Commenced 19 January 1970 (Proc. pubd. Gaz. 20 Dec. 1969, p. 1736).**

**Traffic Act and Another Act Amendment Act 1971, No. 33**

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An Act to Consolidate and Amend the Law relating to Vehicular and other Traffic, and for other purposes

[Assented to 22 April 1949]

### **PART I—PRELIMINARY**

1. (1) **Short title.** This Act may be cited as The Traffic Act of 1949.

(2) **Commencement of Act.** Except as herein otherwise provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the Gazette.

Different dates may be so fixed upon which the several Parts of and the Schedule to this Act shall respectively come into operation, and, in that event, any such Part or the Schedule hereto shall come into operation upon the date fixed by the Governor in Council by the Proclamation published in the Gazette in relation to it.

Any reference in a provision of this Act to the commencement or coming into operation of this Act means the date upon which the Part hereof or, as the case may be, the Schedule hereto in which that provision appears comes into operation.

Commenced 1 February 1950 (Proclamation, Gazette 7 January 1950, p. 37).  
Collective title conferred by Act of 1971, No. 33, s. 3 (2).

**2. Construction of Act.** This Act including every regulation hereunder shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment hereof or provision of any regulation hereunder would but for this section have been construed as being in excess of that power it shall nevertheless be a valid enactment or provision to the extent to which it is not in excess of that power.

**3. Parts of Act.** This Act is divided into Parts, as follows:—

- PART I—PRELIMINARY;
- PART II—ADMINISTRATION;
- PART IIA—OFFICIAL TRAFFIC SIGNS;
- PART III—DRIVING OF MOTOR VEHICLES AND OTHER VEHICLES AND ANIMALS;
- PART IV—OFFENCES IN RELATION TO PUBLIC TRANSPORT;
- PART V—ROAD INCIDENTS;
- PART VI—POWERS, FUNCTIONS, AND DUTIES OF MEMBERS OF THE POLICE FORCE;
- PART VIA—REGULATED PARKING;
- PART VII—PROCEEDINGS AND EVIDENCE;
- PART VIII—GENERAL;
- SCHEDULE.

As amended by Act of 1956, 5 Eliz. 2 No. 26, s. 4; State Transport Facilities Acts and Another Act Amendment Act of 1959, s. 27, Schedule; Act of 1959, 8 Eliz. 2 No. 55, s. 4; Act of 1961, 10 Eliz. 2 No. 27, s. 2; Act of 1965, No. 26, s. 5.

**4. Repeals and savings.** The Traffic Acts 1905 to 1933 (hereinafter referred to as “the repealed Acts”), and the following provisions of The State Transport Acts 1938 to 1943, that is to say—

- (a) Section nineteen; and
- (b) Part IV of Schedule II; and
- (c) Clauses thirteen, fourteen, nineteen to thirty both inclusive, thirty-two to thirty-four both inclusive, and forty of Schedule III

are hereby repealed:

Provided that, but without limiting the operation of The Acts Shortening Acts—

- (a) Unless otherwise expressly provided, every regulation, license, certificate, permit, endorsement on a license certificate or permit, registration, or other act of authority made, issued, given, or done under the repealed Acts or any of them, or under the provisions of The State Transport Acts 1938 to 1943 repealed by this Act or the regulations thereunder, or any of them, and in force at the commencement of this Act shall, subject as hereinafter provided, continue in force until it expires by effluxion of time or is repealed, amended or otherwise modified, revoked, cancelled, suspended, or surrendered under this Act:

Provided that where any such license, certificate, permit, endorsement on a license certificate or permit, or registration is suspended at the commencement of this Act, it shall not be in force under this paragraph until the expiration of the period for which it was suspended and then only if it has not expired during the period of its suspension and it shall only continue in force thereafter for the remainder of the period during which it would have been in force if it had not been so suspended:

Provided further that every such regulation, license, certificate, permit, endorsement on a license certificate or permit, or registration shall be read and construed subject to this Act;

- (b) Any prohibition or diversion of all or any part of the public traffic and any closure of any road against all or any part of the public traffic made, and any official traffic sign, signboard, sign, or notice relating to traffic put up or affixed to any structure by or on behalf of or by the authority of the Commissioner under the repealed Acts and in force at the commencement of this Act shall continue in force subject to and under this Act until it expires by effluxion of time or is revoked, discontinued, cancelled, removed, demolished, or erased by proper authority;
- (c) Every traffic district constituted under the repealed Acts and existing at the commencement of this Act shall, notwithstanding such repeal, continue in force as respects any regulation, license, certificate, permit, endorsement on a license certificate or permit, or registration under the repealed Acts continued in force by this Act until the repeal, expiration, revocation, cancellation, withdrawal, or surrender of such regulation, license, certificate, permit, endorsement on a license certificate or permit, or registration;
- (d) A certificate of competency as an operator of a motor vehicle under the provisions of The State Transport Acts 1938 to 1943 repealed by this Act and the regulations thereunder in force at the commencement of this Act shall expire on and from that date unless the holder thereof is at that date named in an endorsement (issued under the provisions of The State Transport Acts 1938 to 1943 repealed by this Act and the regulations thereunder) of that certificate or of a certificate of the registration or renewal of the registration of a motor vehicle as a person authorised to operate a motor vehicle to which that certificate relates.

If the holder of the certificate of competency is named in an endorsement as aforesaid, that certificate of competency shall, unless it is sooner cancelled, suspended, or surrendered under this Act, continue in force until the expiration of the period of availability of the endorsement as specified therein, but every certificate of competency so continued in force shall expire on and from the expiration of such period of availability:

Provided that where any certificate of competency as an operator of a motor vehicle is, at the commencement of this Act, suspended or withdrawn that certificate shall not be in force under this paragraph until the expiration of the

period for which it was suspended or withdrawn and then only if it has not expired during the period of its suspension or withdrawal and it shall only continue in force thereafter for the remainder of the period during which it would have been available if it had not been so suspended or withdrawn.

For the purposes of this Act any such certificate of competency shall, while it is continued in force under the provisions of this paragraph, be deemed to be a driver's license under and within the meaning of this Act, and the provisions of this Act shall apply and extend accordingly;

- (e) Every regulation made under the provisions of The State Transport Acts 1938 to 1943 repealed by this Act and in force at the commencement of this Act shall, subject as hereinafter provided, continue in force until it expires by effluxion of time or is repealed, amended, or otherwise modified under this Act:

Provided that every such regulation shall be read and construed subject to this Act;

- (f) All penalties and forfeitures imposed under the said repealed Acts, or any of them, or under the provisions of The State Transport Acts 1938 to 1943 repealed by this Act or the regulations thereunder, or any of them, and not recovered at the commencement of this Act, may be enforced and applied as if this Act had not come into operation;
- (g) All actions and proceedings of whatever nature commenced or pending at the commencement of this Act under the repealed Acts, or any of them, or under the provisions of The State Transport Acts 1938 to 1943 repealed by this Act or the regulations thereunder, or any of them, may be carried on and prosecuted as if this Act had not come into operation, and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained;
- (h) When in any Act reference is made to the repealed Acts, or any of them, or to the provisions of The State Transport Acts 1938 to 1943 repealed by this Act, or any of them, or to any Act repealed by the repealed Acts or (where the provisions of The State Transport Acts 1938 to 1943 repealed by this Act were substituted by that Act for any Act thereby repealed) by The State Transport Acts 1938 to 1943, it shall be taken, unless the context otherwise indicates or requires, that such reference is to this Act, or where the reference is to a provision of any such Act to the corresponding provision of this Act, and such enactment shall be read and construed accordingly.

**5. Effect of Act on the functions, etc., of Local Authorities.** (1) Except as provided by this Act and notwithstanding anything contained in The Local Government Acts 1936 to 1965, or in The City of Brisbane Acts 1924 to 1960, a Local Authority or Brisbane City Council shall not, on or after the commencement of this Act,—

- (a) Make any by-law, or in the case of Brisbane City Council any ordinance, in relation to any matter or thing provided for in this Act, including any matter or thing for or in respect of which regulations may be made under this Act; or

- (b) Have, exercise, perform, or be liable for any power, function, authority, or duty which under this Act is conferred or imposed upon or required or authorised to be performed or exercised by the Commissioner, a District Superintendent, a Superintendent, or the Commissioner of Main Roads.

(2) The Governor in Council may by regulation under this Act repeal any ordinance or by-law made by Brisbane City Council or a Local Authority before and in force at the commencement of this Act and which this Act prohibits Brisbane City Council or, as the case may be, such Local Authority from making on or after the commencement hereof, but unless so repealed every such ordinance or by-law shall, in so far as it is not inconsistent with the provisions of this Act, remain and be deemed to remain in force until the expiration of the period of six months next succeeding the commencement of this Act and upon the expiration of such period shall be and be deemed to be repealed.

Every ordinance or by-law continued in force by this section shall, while it is so continued in force, be deemed to be a regulation made under the authority of this Act with respect to the area of the City of Brisbane or of the Local Authority in question, as the case may be.

Any reference in any such ordinance or by-law to Brisbane City Council, a Local Authority, or the Mayor, Chairman, an Alderman, a Councillor, or a Member of Brisbane City Council or of a Local Authority, as the case may be, shall, for the purpose of the continuation in force of the ordinance or by-law as a regulation under this subsection, be read and construed as referring to the Commissioner, and reference therein to inspectors and other officers charged with the control of traffic shall for that purpose be read and construed as referring to members of the Police Force.

(3) A license, permit, certificate, or registration made, granted, or issued by a Local Authority or by Brisbane City Council in respect of a person, vehicle, animal or any other matter or thing, and required by this Act to be applied for and made, granted, or issued under this Act, shall, if made, granted, or issued by the Local Authority or by Brisbane City Council prior to and in force at the commencement of this Act, continue and be deemed to continue in force under and subject to the applicable by-laws of that Local Authority or, as the case may be, the applicable ordinances of Brisbane City Council while such by-laws or ordinances remain in force and if such license, permit, certificate, or registration then still remains in force, thereafter under and subject to this Act until that license, permit, certificate or registration expires by effluxion of time or until it is sooner cancelled, suspended, withdrawn, or surrendered under this Act, whichever event shall first happen.

(4) The provisions of this Act shall be read and construed—

- (a) So as not to prejudice, limit or otherwise affect subsection twenty-nine of section thirty-one or subsection twenty-three of section thirty-five of The Local Government Acts 1936 to 1965; and
- (b) So as not to prejudice, limit, or otherwise affect a Local Authority or Brisbane City Council in the exercise and performance of any power, function, authority or duty which is not inconsistent with the provisions of this Act; and
- (c) So as not to prejudice, limit or otherwise affect the validity of any by-law, ordinance, prohibition, direction or other act or thing made, given or done by a Local Authority or by



Brisbane City Council under or pursuant to the provisions of The Local Government Acts 1936 to 1965, hereinbefore in this subsection specified, or under or pursuant to any power, function, authority or duty hereinbefore in this subsection mentioned.

(5) [Amended City of Brisbane Acts 1924 to 1948, and Brisbane Tramway Trust Act of 1922.]

(6) **Power to control certain traffic and obstructions in roads vested in Local Authority.** Notwithstanding the foregoing provisions of this section the power of a Local Authority to make by-laws or, in the case of Brisbane City Council, ordinances under The Local Government Acts 1936 to 1965, or under those Acts and The City of Brisbane Acts 1924 to 1960, includes power to make by-laws or ordinances, and accordingly a Local Authority or Brisbane City Council may make by-laws or ordinances, with respect to all or any of the following matters:—

- (a) The prohibition, regulation and control of the driving, riding, leading, wheeling or standing of vehicles or animals in, on or across a footway, water-channel or gutter and the seizure, removal, detention and disposal of any of them which are found under circumstances which constitute an offence against such by-laws or, as the case may be, ordinances.

Without in any way limiting the matters which are not included within the ordinary scope and meaning of the subject matter of the powers conferred by this paragraph such subject matter shall not include, in particular, any of the following matters:—

- (i) the right of way of any vehicle or animal so driven, ridden, led or wheeled;
- (ii) the qualification of a person to drive a motor vehicle;
- (iii) the driving of or attempting to put in motion or occupying the driving seat of or being in charge of a motor vehicle whilst under the influence of liquor or a drug;
- (iv) the driving or being in charge of a horse or other animal or the driving or being in charge of a vehicle (other than a motor vehicle) or attempting to put in motion any vehicle (other than a motor vehicle) whilst under the influence of liquor or a drug;
- (v) the manner of driving of a vehicle or animal including the driving of the same dangerously or without due care and attention or without reasonable consideration for other persons or negligently, recklessly or at a speed in excess of the maximum speed at which the vehicle may lawfully be driven;
- (b) The prohibition, regulation and control of the washing or cleansing, painting, repairing, alteration or maintenance of vehicles in, on or over a road;
- (c) The prohibition, regulation and control of the stacking, storing or exposure of goods in, on or over a road and the seizure, removal, detention and disposal of any goods so stacked, stored or exposed;
- (d) Making provision for and the prohibition, regulation and control of the setting-up and use in or on a road of stalls, booths, stands or standing vehicles for a purpose of or

connected with the carrying on of any business, calling or employment other than the setting-up and use of a booth for religious, charitable, educational or political purposes or of a booth to be used at or near a polling place for, or for a meeting in connection with, an election in respect of either House of the Commonwealth Parliament, the Legislative Assembly or a Local Authority.

(7) When a Local Authority has made a by-law or, as the case may be, an ordinance, with respect to any of the matters specified in subsection (6) of this section as being within the powers of the Local Authority the provisions of this Act concerning that matter shall cease to have force and effect in the Area of the Local Authority which has made such by-law or ordinance or, if such by-law or ordinance has been made to apply to one or more parts only of such Area then the provisions of this Act concerning that matter shall cease to have force and effect in such part or parts.

The revocation of the by-law or ordinance shall not revive the provision in question of this Act.

As amended by Act of 1953, 2 Eliz. 2 No. 11, s. 2; Act of 1961, 10 Eliz. 2 No. 27, s. 3; Act of 1965, No. 26, s. 6.

**6. (1)** [Amended Railless Traction Act of 1914, s. 9.]

(2) **5 Geo. 5 No. 28 not to affect this Act.** The Railless Traction Act of 1914 and every Order in Council and regulation made under that Act shall be read, construed, and applied so as not to prejudice, limit, or otherwise affect this Act including any regulation hereunder in its application to and with respect to motor vehicles which are trolley vehicles.

**7. Saving of 10 Geo. 5 No. 26 and amending Acts.** Subject as hereinafter in this section provided this Act including the regulations hereunder shall be read as one with The Main Roads Acts 1920 to 1965, and no provision of either such Act or of any regulation thereunder shall be deemed to repeal by implication or otherwise any provision of the other such Act or of any regulation thereunder:

Provided that where any act or omission is an offence both under a provision of this Act or of a regulation hereunder and under a provision of The Main Roads Acts 1920 to 1965, or of a regulation thereunder, the offender may be prosecuted under either such provision but so that he shall not be twice punished for that offence.

As amended by Act of 1965, No. 26, s. 7; Act of 1968, No. 22, s. 2.

**7A. (1) Advisory committee.** The Commissioner for Transport, who shall be chairman, the Commissioner and the Commissioner of Main Roads shall constitute an advisory committee to report to the Minister from time to time on the operation of this Act and the regulations made under it.

(2) [Repealed.]

(3) **Delegation by Commissioner of Main Roads.** (a) The Commissioner of Main Roads may from time to time, in relation to any matters or class of matters, or in relation to a particular part of the State, by instrument in writing under his hand, delegate all or any of his powers, functions, authorities and duties under this Act as may be specified in the instrument (other than this power of delegation) so that the delegated

powers, functions, authorities and duties may be exercised or, as the case may be, shall be performed by the delegate with respect to the matters or class of matters or in relation to the particular part of the State specified in the instrument of delegation.

(b) Any delegation under this subsection may, if the said Commissioner deems it so desirable, be made by the delegation of all or any of his powers, functions, authorities and duties under this Act as may be specified in the delegation to the holder of an office specifying the office but without naming the holder; and in every such case each successive holder of the office in question and each person who for the time being occupies or performs the duties of that office may exercise or, as the case may be, shall perform without further or other authority and while he holds or occupies or performs the duties of that office every delegated power, authority, function or duty with respect to the matters or class of matters or in relation to the particular part of the State specified in the instrument of delegation.

(c) Where, by or under this Act, the exercise of a power, function or authority or the performance of a duty of the said Commissioner is dependent upon the opinion, belief, or state of mind of the said Commissioner in relation to any matter, that power, function or authority may be exercised or the duty performed, upon the opinion, belief, or state of mind of the person to whom it is delegated by an instrument of delegation under this subsection.

(d) The said Commissioner may, at his will, revoke a delegation made by him under this subsection. No delegation shall prevent the exercise of any power, function or authority, or the performance of any duty by the said Commissioner.

(e) The said Commissioner may make such and so many delegations under this subsection and to such number of persons, as he may consider necessary or desirable.

(f) Any delegation under this subsection may be published in the Gazette and upon such publication shall be judicially noticed.

Inserted by Act of 1965, No. 26, s. 8; as amended by Act of 1968, No. 22, s. 3.

78. See also Instrument of Delegation published Gazette 31 July 1965, p. 1653.

**8. Act to apply to privately constructed road traffic facilities and tramways on roads.** The provisions of this Act including the regulations hereunder shall apply to and with respect to road traffic facilities authorised and constructed under The Tolls on Privately Constructed Road Traffic Facilities Act of 1931, and to and with respect to tramways (whether a tramway within the meaning of the definition of tramway in section nine of this Act or not) constructed, managed and worked on roads under subsection twenty-four of section thirty-five of The Local Government Acts 1936 to 1948, or under any other Act, and where at any time and from time to time the Governor in Council is of opinion that by reason of the application of any provision of this Act including any regulation hereunder to any such road traffic facility or tramway, as the case may be, it is desirable or expedient to revoke, amend, alter or otherwise modify any by-law relating to that road traffic facility made under The Tolls on Privately Constructed Road Traffic Facilities Act of 1931 or any by-law, rule, or regulation relating to any such tramway made under The Local Government Acts 1936 to 1948, or, as the case may be, other Act, he may do so by notice published in the Gazette.

**9. Interpretation.** (1) In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say:—

- “Address”—Place of residence or, in the case of the owner of a vehicle in respect of which a license has issued under this Act, his place of residence or the place at which he carries on business or, in the case of a corporation incorporated or registered in Queensland under any Act, its registered office or, if the corporation is not so incorporated or registered in Queensland, the principal place where it carries on business in Queensland, and includes all such information and particulars as will enable such place of residence or of business to be readily and exactly located;
- “Air cushion vehicle”—A vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;
- “Analyst”—An analyst under and within the meaning of The Health Acts 1937 to 1967;
- “Animal”—Any animal of any sex or age belonging to a species to which any of the following animals belong, namely, horse, cow, mule, donkey, camel, sheep, pig, dog, or goat;
- “Area”—An Area under and within the meaning of The Local Government Acts 1936 to 1965. In relation to Brisbane City Council the term means the City of Brisbane as constituted and defined by and under The City of Brisbane Acts 1924 to 1960;
- “Arrest”—Used with reference to persons—Arrest without any warrant other than this Act and the taking of such person to a Police Station, there to be detained (unless he is released upon bail or recognizance) until he can be brought before a Court to be dealt with according to law;
- “Articulated vehicle”—Any vehicle having at the rear thereof a portion on wheels which is pivoted on and partly superimposed on the forward part of the vehicle;
- “Authorised Officer”—Any member of the Police Force, and any person appointed as such in writing by the Commissioner;
- “Bicycle”—Any vehicle having two wheels and designed for propulsion wholly by human power;
- “By-law”—A by-law made by a Local Authority or an ordinance made by Brisbane City Council under The Local Government Acts 1936 to 1965, or under The City of Brisbane Acts 1924 to 1960;
- “Caravan trailer”—Any trailer fitted, equipped, or used principally for camping or as a dwelling or for carrying on any trade or business;
- “Carriage-way”—A road or that portion of a road formed, prepared, or set aside for the use of vehicles: The term is not intended to exclude the use of such a road or such portion of a road by pedestrians when necessary;

- “Certificate”—Any certificate, including any renewal thereof, issued under this Act and in force at any material time;
- “City”—The Area of the City of Brisbane and the Area of every other Local Authority which is a city;
- “Coin”—An Australian coin within the meaning of the Coinage Act 1909-1947 of the Parliament of the Commonwealth of Australia;
- “Commercial Vehicle”—In relation to standing in a loading zone—
- (a) any horse drawn vehicle constructed fitted or equipped for the carriage of goods;
  - (b) any motor vehicle (excluding any motor car, station sedan, station wagon or motor cycle) constructed fitted or equipped for the carriage of goods;
  - (c) any motor vehicle constructed fitted or equipped for the carriage of persons to which is affixed a form of identification as an approved commercial vehicle—
    - (i) issued by any Local Authority pursuant to a scheme instituted pursuant to a by-law made by the Local Authority under paragraph (g) of subsection (4) of section 44B of this Act; and
    - (ii) conforming in all respects (whether as to design or otherwise) with the directions in relation thereto contained in the Manual of Uniform Traffic Control Devices;
- “Commissioner”—The Commissioner of Police within the meaning of The Police Acts 1937 to 1958, or the person who for the time being occupies the office or performs the duties of the said Commissioner of Police;
- “Commissioner of Main Roads”—The Commissioner of Main Roads within the meaning of section two of The Main Roads Acts 1920 to 1959, or the person who for the time being occupies the office or performs the duties of the said Commissioner of Main Roads;
- “Commissioner for Transport”—The Commissioner for Transport within the meaning of subsection (1) of section five of The State Transport Acts 1960 to 1965, or the person who for the time being occupies the office or performs the duties of the said Commissioner for Transport;
- “Complaint”—Includes the terms “information,” “information and complaint before justices,” and “charge”;
- “Co-ordinator-General of Public Works”—The Co-ordinator-General of Public Works within the meaning of section three of The State Development and Public Works Organisation Acts 1938 to 1958;
- “Court”—A Magistrates Court constituted under The Justices Acts 1886 to 1968;
- “Declared road”—A declared road under and within the meaning of The Main Roads Acts 1920 to 1965;

“Deputy Commissioner for Transport”—The Deputy Commissioner for Transport within the meaning of subsection (1) of section 5 of The State Transport Acts 1960 to 1965, or the person who for the time being occupies the office or performs the duties of the said Deputy Commissioner for Transport;

“District Superintendent”—Any District Superintendent of Traffic;

“Driver”—The person driving or in charge of any vehicle, tram, train, vessel, or animal, and, in relation to a trailer, the person driving or in charge of the vehicle to or by which that trailer is attached or drawn:

The term includes the rider of a vehicle or animal and in applying it so as to include the rider of a vehicle or animal the word “drive” and derivatives of that word shall, where used in this Act in relation to a vehicle or animal, be read as including “ride” or, as the case requires, the corresponding derivative of “ride”;

“Driver’s license”—A license, including a learner’s permit, and any renewal of that license under Part III of this Act authorising the licensee to drive on any road any motor vehicle to which that driver’s license is applicable and in force at any material time:

The term “driver’s license” also includes any driving license or driving permit issued under the law of any other State or Territory of the Commonwealth of Australia or any other Country which, under the regulations made under this Act, is at any time deemed to be equivalent in Queensland to and accepted in lieu of a driver’s license for the purpose of authorising the holder thereof to drive in Queensland any vehicle of the class or description to the driving of which the said driving license or driving permit is applicable;

“Drug”—Every substance or article which is a dangerous drug under and within the meaning of The Health Acts 1937 to 1948, or any other substance, article, preparation or mixture (with the exception of liquor) whether gaseous, liquid, solid, or in any other form which, when consumed or used by any person, deprives him either temporarily or permanently of any of his normal mental or physical faculties;

“Fixed hours”—In relation to any metered space or parkatarea space the hours determined by by-laws or determined by resolution of the Local Authority concerned pursuant to by-laws made pursuant to Part VIA of this Act, during which metered parking or, as the case may be, parkatarea parking only shall be permitted in that metered space or parkatarea space and parking other than metered parking or parkatarea parking therein is prohibited;

“Footway”—Includes that part of a road set apart for the use of pedestrians and every footway, pavement, lane, thoroughfare, or other part of a road habitually used by pedestrians and not by vehicles: The term is not intended to exclude the use of a footway for the purpose of the crossing thereof at, or substantially at, right angles thereto by any vehicle making entry to or exit from premises;

- “Goods”—Includes any wares, merchandise, chattels, money, stone, timber, metal, fluid, and any other article, substance, or material whatsoever: The term also includes animals;
- “Gross weight”—The weight of a vehicle including the tare of the vehicle and the load therein or thereon at a material time;
- “Horse”—Includes any horse, mare, gelding, ass, mule or other draught animal or beast of burden;
- “Justices”—Justices of the Peace;
- “Left” or “near-side”—The left or near-side reckoned by reference to the direction in or towards which a person, vehicle, tram, train, or animal is proceeding or facing at the material time, and is not affected by reason only of a vehicle, tram, train, or animal being driven temporarily backwards;
- “License”—Any license, permit, or certificate, and any renewal thereof issued under this Act and in force at any material time. Any endorsement made on any license under this Act shall be regarded as forming part of that license;
- “Licensed”—Licensed under and in accordance with this Act;
- “Licensee”—When used with reference to a license of any kind, class, or description means the holder of that license;
- “Liquor”—Wines, spirits, beer, ale, porter, stout, cider, perry, or any other spirituous or fermented fluid containing three and one-half per centum or more than three and one-half per centum of proof spirit by volume, or any spirituous or fermented fluid whatever of an intoxicating nature;
- “Loading zone”—A section or part of a road defined by an official traffic sign and set aside for the standing, in conformity with the sign, in that section or part of vehicles or horses—
- (a) of a class indicated by the sign, be it, in the case of vehicles, commercial vehicles, motor trucks, motor utility trucks, or any other class of vehicle;
  - (b) where no class is so indicated, generally, whilst actually engaged in the purpose indicated by the sign or, where no purpose is so indicated in picking up or setting down passengers or loading or unloading goods and, in any case for a period not exceeding—
  - (c) two minutes or such longer period as is indicated by the sign in picking up or setting down passengers; or
  - (d) twenty minutes or such longer period as is indicated by the sign in loading or unloading goods;
- “Local Authority”—Includes Brisbane City Council and a Joint Local Authority;
- “Manual of Uniform Traffic Control Devices”—The Manual of Uniform Traffic Control Devices (Queensland) issued by the Commissioner of Main Roads. The term includes that manual as amended from time to time by the said Commissioner.

Until the first such manual is issued by the said Commissioner the Manual of Uniform Traffic Control Devices (Queensland) issued pursuant to the provisions in that behalf of this Act prior to and in force at the date of the commencement of The Traffic Acts and Other Acts Amendment Act of 1965, shall, with and subject to any amendments thereof made from time to time by the said Commissioner, be and continue to be the Manual of Uniform Traffic Control Devices;

- “Mechanical power”—Any motive power not being human or animal power;
- “Metered parking”—Parking in a metered space;
- “Metered space”—A space on a road or off-street regulated parking area defined by an official traffic sign to be a metered space;
- “Metropolitan Traffic District”—The Area of the City of Brisbane and so much of the Brisbane Police District as constituted for the time being as is situated outside of the Area of the City of Brisbane;
- “Minister”—The Minister for Transport or other Minister of the Crown for the time being administering this Act;
- “Motor car”—Any motor vehicle constructed, fitted, equipped, or used principally for the carriage of persons, and which is not a motor cycle, motor omnibus, service omnibus, or trolley vehicle;
- “Motor cycle”—Any motor vehicle having less than four wheels and having motive power transmitted to not more than one wheel, and the weight of which when unladen does not exceed eight hundredweight;
- “Motor omnibus”—Any omnibus which is a motor vehicle and which is used or intended to be used, or plying or standing for hire, as an omnibus for any distance not exceeding twenty miles;
- “Motor truck”—Any motor vehicle constructed, fitted, equipped, or used principally for the carriage of goods and which is not a motor utility truck;
- “Motor utility truck”—Any motor vehicle the tare of which does not exceed two tons, constructed, fitted, equipped, or used principally for the carriage of goods;
- “Motor vehicle”—Any vehicle propelled or designed for propulsion wholly or partly by gas, motor spirit, oil, electricity, steam, or any other mechanical power: The term includes a motor car, motor cycle, motor omnibus, motor truck, motor utility truck, service omnibus, trolley vehicle, tractor or traction engine, and a trailer attached to or drawn by a motor vehicle;
- “Multi-wheeled vehicle”—Any vehicle having more than four wheels: Provided that in the case of any pair of wheels mounted upon the same axle and the distance between the centres of the treads of which is less than three feet six inches, such pair of wheels shall be deemed to be one wheel;



“Officer in Charge of a Police Station”—Any member of the Police Force who is for the time being in charge of a Police Station, and “Officer in Charge of the Police Station” shall have a correlative meaning;

“Official Traffic Sign”—Any sign, signal, marking, light or device, not inconsistent with this Act, placed or erected for the purpose of regulating, warning or guiding traffic the design of which and methods, standards and procedures in relation to which—

(a) are contained in the Manual of Uniform Traffic Control Devices; or

(b) are approved by the Commissioner of Main Roads;

“Off-street regulated parking area”—An area of land, including any structure thereon, defined as an off-street regulated parking area pursuant to paragraph (h) of subsection (4) of section 44B of this Act;

“Omnibus”—Any vehicle constructed, fitted, equipped, or used principally for the carriage of eight or more adult persons, and used or intended to be used, or plying or standing for hire for the carriage of passengers at separate and distinct fares or of charter parties;

“Owner”—Includes every person who is the owner, joint owner or part owner of any vehicle, tram, animal, or vessel, and any person who is a bailee to whom a vehicle, tram, animal, or vessel is bailed for any period exceeding fourteen days, and any person who has the use of the same under a hiring agreement or hire purchase agreement;

“Parkatarea”—The term includes the stand on which the parkatarea is installed;

“Parkatarea parking”—Parking or standing in a parkatarea space;

“Parkatarea space”—A space on a road or off-street regulated parking area defined by an official traffic sign to be a parkatarea space;

“Parking”—The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and whilst actually engaged in picking up or setting down passengers or in loading or unloading goods:

Provided that, in relation to parking in a metered space, during fixed hours, the term “Parking” includes the standing of a vehicle, whether or not engaged in picking up or setting down passengers or in loading or unloading goods, and in relation to parking in a loading zone during the hours during which regulated parking is operative, the term “Parking” includes—

(a) the standing continuously of a vehicle—

(i) whilst actually engaged in picking up or setting down passengers, for any period exceeding two minutes or, if any longer period is indicated by the official traffic sign whereby the loading zone is defined for the picking up or setting down passengers, exceeding that period; or

- (ii) whilst actually engaged in loading or unloading goods, for any period exceeding twenty minutes or, if any longer period is indicated by the official traffic sign whereby the loading zone is defined for the loading or unloading goods, exceeding that period;
  - (b) if the loading zone is set aside as indicated by the official traffic sign whereby the loading zone is defined for the standing therein of vehicles of a specified class, the standing of any vehicle other than a vehicle of the specified class whether or not engaged in picking up or setting down passengers or loading or unloading goods;
  - (c) if the loading zone is set aside as indicated by the official traffic sign whereby the loading zone is defined for the standing therein of vehicles whilst engaged in a specified purpose, the standing of any vehicle for a purpose other than a specified purpose whether or not engaged in picking up or setting down passengers or loading or unloading goods;
- “Parking meter”—The term includes the stand on which the meter is erected;
- “Passenger”—Includes any person carried on a vehicle, train, animal, vessel or tram, other than the driver or conductor thereof;
- “Pedestrian”—Includes any person walking, running, standing, sitting, or being otherwise in or upon a road;
- “Permit”—Any permit, including any renewal thereof, issued under this Act and in force at any material time;
- “Police District”—A Police District constituted under The Police Acts 1937 to 1948;
- “Police Force”—The Police Force of Queensland;
- “Police station”—Includes a police office, watch-house, station-house and lock-up;
- “Provisional license”—A driver’s license issued or renewed as a provisional license pursuant to section 14 of this Act;
- “Railway”—Every kind of way, other than a tramway, upon which conveyances are borne upon a rail or rails whatever may be the means of propulsion;
- “Regulated parking”—Parking in accordance with the provisions of Part VIA of this Act. The term includes metered parking, parkatarea parking, and parking for no longer than the period specified either by official traffic signs in, on or near to the road or off-street regulated parking area on which the parking occurs or specified by official traffic signs at the boundary of the Traffic Area which includes the road or off-street regulated parking area on which the parking occurs;
- “Right” or “off-side”—The right or off-side reckoned by reference to the direction in or towards which a person, vehicle, tram, train, or animal is proceeding or facing at the material time, and is not affected by reason only of a vehicle, tram, train, or animal being driven temporarily backwards;

“Road”—Includes any road, street, highway, alley, avenue, lane, thoroughfare, track, carriage-way, footway, or subway, whether surveyed or unsurveyed (and all bridges, viaducts, culverts, grids, approaches, crossings, and other things appurtenant thereto) open to or used by the public or to which the public have or are permitted to have access whether on payment of a fee or otherwise: The term also includes—

- (a) Any road, street, footway, track, or highway dedicated to the public or declared or proclaimed to be a road, street, footway, track, or highway under any Act and any ferry or ford; and
- (b) Any road traffic facility authorised and constructed under The Tolls on Privately Constructed Road Traffic Facilities Act of 1931 or any tramway constructed on any road under subsection twenty-four of section thirty-five of The Local Government Acts 1936 to 1948, or any other Act; and
- (c) Any place declared by the Governor in Council to be a road for the purposes of this Act;

“Service omnibus”—Any omnibus which is a motor vehicle and which is used or intended to be used, or plying or standing for hire as an omnibus for any distance exceeding twenty miles;

“Side-car”—Any attachment for the carriage of passengers or goods, or both passengers and goods, affixed to a velocipede at the side thereof and having a wheel separate and distinct from the wheels of such velocipede. It shall be regarded as forming part of the velocipede to which it is affixed;

“Stop”—When applied to or in respect of any person, vehicle, tram, train, or animal, means to halt and remain halted while thereunto required by lawful authority;

“Superintendent”—Any Superintendent of Traffic;

“Tare”—The weight of any vehicle equipped for travelling on a road, but not including any load;

“Town Clerk”—In the case of the City of Brisbane, the Town Clerk of Brisbane; in the case of any other Local Authority, the person appointed by the Local Authority to act as Town Clerk or Clerk of the Shire; the term includes the officer for the time being performing the duties of Town Clerk;

“Tractor” or “traction engine”—Any vehicle propelled or designed for propulsion by mechanical power used or intended to be used as a roller, bulldozer, grader, or for roadmaking or for hauling trailing vehicles (including a trailing vehicle partially superimposed thereon) but not fitted or equipped to carry passengers, or goods (other than fuel or water for its own consumption);

“Traffic”—Includes the use by any person of any road or off-street regulated parking area, or the presence therein or thereon of any person, vehicle, tram, train, animal, or other movable article or thing whatsoever;

“Traffic Area”—All roads and parts of roads and off-street regulated parking areas in any area defined or deemed to be defined pursuant to the provisions of this Act, as a Traffic Area;

- “Trailer”—Any vehicle without motive power attached or designed for attachment to another vehicle: The term does not include an articulated vehicle;
- “Train”—Any conveyance or group of connected conveyances borne upon a rail or rails of a railway;
- “Tram”—Any conveyance or group of connected conveyances used or designed for use upon a tramway;
- “Tramcar”—Any tram fitted or equipped for the conveyance of passengers;
- “Tramway”—The tramway of Brisbane City Council and any other tramway under and within the meaning of The Tramways Acts 1882-1890, or any other Act;
- “Tricycle”—Any vehicle having three wheels and designed for propulsion wholly by human power;
- “Trolleybus”—Any omnibus which is a trolley vehicle;
- “Trolley vehicle”—Any vehicle adapted for use on a road and propelled by mechanical power transmitted thereto from some external source;
- “Vehicle”—Includes any articulated vehicle, barrow, cab, car, carriage, cart, dray, hand cart, lorry, motor vehicle, multi-wheeled vehicle, omnibus, tractor or traction engine, trailer, trolley vehicle, truck, van, velocipede, wagon, or other means of transport or conveyance whatsoever designed for movement upon wheels, whether or not such vehicle is or is not for the time being capable of being operated or used in a normal manner, but does not include a tram or a train;
- “Vehicle stand”—A section or part of a road defined by an official traffic sign and set aside for the standing or waiting in that vehicle stand of any vehicles and/or horses of a class or description indicated in or by such official traffic sign;
- “Vessel”—Any ship, boat, punt, ferry, and every other kind of vessel used or apparently designed for use in navigation whatever may be the means of its propulsion.

(2) Any reference in this Act to any other Act shall be read so as to include any Act passed hereafter in amendment of or substitution for the Act referred to.

(3) Derivatives of any term to which a meaning is assigned by this section shall in this Act, unless the context otherwise indicates or requires, have a corresponding meaning.

Without limit to the generality of the first paragraph of this subsection, the term “park” and derivatives of that term shall in this Act, unless the context otherwise indicates or requires, have a meaning corresponding to that assigned by this Act to the term “parking”.

As amended by Act of 1956, 5 Eliz. 2 No. 26, s. 5; Act of 1957, 6 Eliz. 2 No. 13, s. 4; Act of 1957 (No. 2), 6 Eliz. 2 No. 34, s. 4; Act of 1959, 8 Eliz. 2 No. 55, s. 5; Act of 1961, 10 Eliz. 2 No. 27, s. 4; Act of 1965, No. 26, s. 9; Act of 1968, No. 22, s. 4; Act of 1968 (No. 2), No. 36, s. 2; Act of 1969, No. 22, s. 3 (as from 19 January 1970); Act of 1971, No. 33, s. 4.

Court of Petty Sessions now Magistrates Court: see Justices Act Amendment Act of 1964, s. 2 (4).

## PART II—ADMINISTRATION

**10. Administration of Act.** This Act shall be administered by the Minister and subject to the Minister by the Commissioner, the Commissioner for Transport and the Commissioner of Main Roads.

As amended by Act of 1959, 8 Eliz. 2 No. 55, s. 6; Act of 1965, No. 26, s. 10; Act of 1968, No. 22, s. 5.

**11. District Superintendents and Superintendents of Traffic.** (1) The Commissioner, the Commissioner for Transport, the Deputy Commissioner for Transport, every Assistant Commissioner of Police, the Commissioner's Inspector of Police and every superintendent of police (including the Chief Superintendent of Police) shall each by virtue of his respective office as such, be and be deemed to be a District Superintendent of Traffic and a Superintendent of Traffic, and shall have and may exercise throughout the State of Queensland the powers, authorities, functions, and duties of a District Superintendent of Traffic and a Superintendent of Traffic under this Act.

(1A) [Repealed.]

(2) [Repealed.]

(3) The Commissioner may from time to time appoint members of the Police Force to be respectively District Superintendents of Traffic for all or any of the following districts, that is to say—

- (a) The Metropolitan Traffic District;
- (b) Any Police District situated wholly outside of the Metropolitan Traffic District;
- (c) Where any Police District (other than the Brisbane Police District) is situated partly within and partly without the Area of the City of Brisbane, so much of that Police District as is situated outside of the Area of the City of Brisbane.

(4) At any time when a member of the Police Force appointed by the Commissioner is not in office as the District Superintendent of Traffic for a district referred to in subsection three of this section, then the member of the Police Force hereinafter in this subsection specified shall, by virtue of his office, be and be deemed to be the District Superintendent for that district, that is to say—

- (a) For the Metropolitan Traffic District, the member of the Police Force who is at that time in charge of the Brisbane Police District;
- (b) For any Police District situated wholly outside of the Metropolitan Traffic District, the member of the Police Force who is at that time in charge of that Police District;
- (c) For any such district which is constituted by that part situated outside of the Area of the City of Brisbane of a Police District (other than the Brisbane Police District) which is partly within and partly without the said Area, the member of the Police Force who is at that time in charge of that Police District.

(5) Each of the following members of the Police Force shall, by virtue of his respective office as such member, be and be deemed to be a Superintendent of Traffic, that is to say—

- (a) Every Inspector of Police; and
- (b) Every Officer in Charge of a Police Station.

(6) In addition to members of the Police Force who, by virtue of their respective offices as such members, are Superintendents, the Commissioner may from time to time appoint such and so many members of the Police Force to be Superintendents of Traffic as the Commissioner shall think necessary or desirable for the proper administration of this Act.

Any such appointment may be made of a particular member of the Police Force or may be made by reference to a particular office and, in the case of an appointment as aforesaid by reference to an office, then unless and until the Commissioner revokes that appointment any member of the Police Force for the time being holding or performing the duties of that office shall by virtue of so doing be and be deemed to be the appointee.

(7) The Commissioner may make administrative arrangements whereunder particular members of the Police Force who are Superintendents of Traffic shall or shall not exercise all or any of the powers, authorities, functions, and duties of a Superintendent of Traffic in and with respect to districts, areas, or localities specified by the Commissioner, but the breach by a Superintendent of any such administrative arrangements shall be a matter for disciplinary action by the Commissioner and shall not affect or prejudice the validity of anything done or omitted to be done by the Superintendent concerned as such.

(8) Where a member of the Police Force holding a particular office is, by virtue of that office, a District Superintendent or a Superintendent, any other member of the Police Force who is for the time being performing the duties of that office shall, by virtue of so doing, be and be deemed to be a District Superintendent or, as the case may be, Superintendent.

(9) The Commissioner may direct and require any member of the Police Force to carry out any function or duty deemed necessary or desirable by the Commissioner for the proper administration of this Act, and any member of the Police Force having any other member thereof under his charge or control may direct and require such other member to carry out all such duties as such member so having such charge or control shall deem necessary or desirable for the proper administration of this Act:

Provided that the Commissioner may direct that any matter or thing or class of matters or things authorised, required, or enabled by this Act to be done or executed, or the doing or executing of which is in the opinion of the Commissioner necessary or desirable for the proper administration of this Act, shall or shall not be done or executed at any particular Police Station or other place, or by any particular member of the Police Force, or by any member of the Police Force holding a particular office or performing particular duties as such member, or shall be done or executed in accordance with such special directions as may be given by the Commissioner from time to time either generally or in respect of a particular case.

As amended by Act of 1953, 2 Eliz. 2 No. 11, s. 3; Act of 1961, 10 Eliz. 2 No. 27, s. 5; Act of 1971, No. 33, s. 5.

**12. Power of Commissioner to delegate.** (1) The Commissioner may, generally, or in relation to any matters or things or class of matters or things or in relation to any particular district, area or locality, delegate

to any member or members of the Police Force such of his powers, functions and authorities under this Act (other than this power of delegation) as he thinks fit, so that the delegated powers, functions and authorities may, subject to this Act, be exercised by the delegate or delegates generally or with respect to the matters and things or class of matters or things or the district, area or locality specified in the instrument of delegation.

The Commissioner may make any such delegation subject to such terms, conditions, and limitations as he shall specify in the instrument of delegation.

(2) Where under this Act the exercise of any power, function or authority by the Commissioner is dependent upon the opinion, belief, or state of mind of the Commissioner in relation to any matter or thing, that power, function, or authority may be exercised by a delegate upon the opinion, belief, or state of mind of that delegate.

(3) Every such delegation shall be revocable at will and no such delegation shall prevent the exercise of any power, function or authority by the Commissioner.

(4) Any such delegation may be published in the Gazette and upon such publication shall be judicially noticed.

(5) The Commissioner may, at any time and from time to time, make such and so many delegations under this section and to such number of members of the Police Force as he shall deem necessary or desirable for the effective administration of this Act.

#### PART IIA—OFFICIAL TRAFFIC SIGNS

Substituted by Act of 1965, No. 26, s. 11, for a former Part IIA inserted by Act of 1959, 8 Eliz. 2 No. 55, ss. 7-11.

**12A. Definitions.** In this Part IIA and in Part VIA of this Act, unless the context otherwise indicates or requires—

- (a) "Install"—means construct, make, mark, place or erect, or affix to or paint on any structure, and repair, maintain, manage and control;
- (b) "On"—means on, in, into, over or near;
- (c) "Remove"—means remove, alter, discontinue, cancel, demolish or erase;
- (d) "Structure"—includes any building, wall, fence, pillar, post or other structure, erection or device wheresoever situated and by whomsoever owned.

Inserted by Act of 1959, 8 Eliz. 2 No. 55, s. 7; substituted by Act of 1965, No. 26, s. 11.

**12B. (1) Commissioner of Main Roads may install official traffic signs.** The Commissioner of Main Roads may install on a road any official traffic sign and may remove from a road any official traffic sign.

(2) **Local Authority may install official traffic signs.** A Local Authority may install on a road in its Area which is not a declared road or on an off-street regulated parking area in its Area any official traffic sign and may remove from a road in its Area which is not a declared road or from an off-street regulated parking area in its Area any official traffic sign.

Inserted by Act of 1959, 8 Eliz. 2 No. 55, s. 7; substituted by Act of 1965, No. 26, s. 11; and amended by Act of 1971, No. 33, s. 6.

**12C. Notice to install or remove an official traffic sign.** (a) If, in the opinion of the Commissioner of Main Roads, an official traffic sign should be installed on, or removed from, any road in an Area which is not a declared road, he may serve notice on the Local Authority for such Area specifying the nature of the official traffic sign required to be installed or removed and the location at or from which such official traffic sign shall be installed or removed. The notice shall specify a date not less than fourteen days from the date of service of the notice on or before which the installation or removal of the official traffic sign specified shall be completed.

(b) If the Local Authority does not comply with the terms of the notice within the time specified, the Commissioner of Main Roads may install or remove the official traffic sign specified in the notice and recover any cost and expense incurred by him in so doing from the Local Authority.

Inserted by Act of 1959, 8 Eliz. 2 No. 55, s. 8; substituted by Act of 1965, No. 26, s. 11.

**12D. Installation of official traffic signs in case of danger.** Where the Commissioner of Main Roads, a Superintendent, a holder of a prescribed office under the Crown, a Town Clerk, or a person authorised in that behalf by the Commissioner of Main Roads, a Superintendent, a holder of a prescribed office under the Crown, a Local Authority or a Town Clerk, as the case may be, is satisfied in the circumstances of the case that a danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist, or the use of a road or any part thereof or an off-street regulated parking area or any part thereof is prevented, hindered or obstructed, or likely to be prevented, hindered or obstructed, such person may install any official traffic sign which, in his opinion, may be necessary, required or desirable for the purpose of regulating, guiding or warning traffic.

Any official traffic sign so installed may, unless otherwise directed by the Commissioner of Main Roads pursuant to section 12C of this Act be maintained and continued for so long as the said Commissioner, Superintendent, holder of a prescribed office under the Crown, Town Clerk, or person authorised as prescribed by this section is satisfied that the danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist or the use of the road or the part thereof or the off-street regulated parking area or the part thereof is prevented, hindered or obstructed or likely to be prevented, hindered or obstructed.

Inserted by Act of 1959, 8 Eliz. 2 No. 55, s. 8; substituted by Act of 1965, No. 26, s. 11; and amended by Act of 1971, No. 33, s. 7.

**12E. Obstruction of prescribed officer and destruction of official traffic signs to be an offence.** Any person who—

- (a) obstructs the Commissioner of Main Roads, a Superintendent, a holder of a prescribed office under the Crown, or a Town Clerk in the exercise of his powers under this Part IIA or Part VIA of this Act; or
- (b) obstructs any person acting under an authority given under section 12D of this Act in the exercise of the powers under this Part IIA or Part VIA of this Act had by him by virtue of such authority; or
- (c) without lawful authority demolishes, destroys, pulls down, erases, removes, defaces or otherwise damages or interferes with an official traffic sign,

shall be guilty of an offence.



A person guilty of an offence against any provision of this section shall also be liable to pay the amount of the expenses of making good any damage occasioned by the offence.

The court convicting him of the offence may, whether an application or complaint is made in respect thereof or not, order him to pay such amount or such amount may be recovered by either the Commissioner of Main Roads or a Local Authority or any person duly authorised by the Commissioner of Main Roads or a Local Authority, either generally or in the particular case, by action in any court of competent jurisdiction.

Without limit to the power of a member of the Police Force or any other person thereunto authorised by some other provision of this Act to prosecute an offence against this section,—

- (a) an offence against this section committed in relation to the Commissioner of Main Roads or the holder of a prescribed office under the Crown, or any person acting under the authority of either of them, or in relation to an official traffic sign installed on a road by the said Commissioner or holder of a prescribed office under the Crown, or any person acting under the authority of either of them, may be prosecuted by the said Commissioner or holder or by any person thereunto authorised by the said Commissioner; and
- (b) an offence against this section committed in relation to the Town Clerk or a Local Authority or a person acting under the authority of the Town Clerk or Local Authority, or in relation to an official traffic sign installed on a road or an off-street regulated parking area in its Area by the Local Authority may be prosecuted by the Town Clerk or by any person thereunto authorised by the Town Clerk.

Inserted by Act of 1959, 8 Eliz. 2 No. 55, s. 9; substituted by Act of 1965, No. 26, s. 11; and amended by Act of 1971, No. 33, s. 8.

**12F. Contravention of or failure to comply with an official traffic sign to be an offence.** Any person who contravenes or fails to comply with—

- (a) (Where a direction or indication given by an official traffic sign is prescribed) that direction or indication; or
- (b) In any other case, the direction or indication given by an official traffic sign,

shall be guilty of an offence.

Inserted by Act of 1959, 8 Eliz. 2 No. 55, s. 9; substituted by Act of 1965, No. 26, s. 11.

**12G. Unlawful installation of official traffic signs.** Any person who without lawful authority installs on a road or an off-street regulated parking area an official traffic sign or other thing in the nature of or similar to or which is likely to be mistaken for an official traffic sign shall be guilty of an offence, and any such sign or other thing may be removed by the Commissioner of Main Roads or the Local Authority (whether or not any proceeding is taken for an offence with respect thereto).

Upon convicting a person for an offence against any of the provisions of this section the Court, in addition to any penalty which it may impose, may (whether an application or complaint is made in respect thereof or not) order him to pay the costs of the removal of the official traffic sign or other thing in question to the Commissioner of Main Roads or the Local Authority, as the case may be.

Without prejudice to subsection (3) of section forty-five of this Act any offence against section 12F of this Act or this section may—

- (a) if committed in relation to a declared road, be prosecuted on the complaint of a person thereunto authorised by the Commissioner of Main Roads; or
- (b) if committed in relation to a road in any Area which is not a declared road or an off-street regulated parking area in any Area, be prosecuted on the complaint of a person thereunto authorised by the Local Authority for such Area or by the Town Clerk of such Local Authority.

Inserted by Act of 1959, 8 Eliz. 2 No. 55, s. 10; substituted by Act of 1965, No. 26, s. 11; and amended by Act of 1971, No. 33, s. 9.

**12H. Injury to official traffic signs.** (a) Where any injury is done to an official traffic sign the following persons, namely:—

- (i) any person who negligently or wilfully causes such injury; and
- (ii) if that person is an agent or employee, the principal or employer of that person,

shall each be answerable in damages to the Commissioner of Main Roads or the Local Authority (according to which of them installed such sign) for the whole injury, and such damages may be—

- (iii) sued for by; or
- (iv) recovered in a summary way under The Justices Acts 1886 to 1964, on complaint of,

the Commissioner of Main Roads or the Local Authority or any person authorised by the Commissioner of Main Roads or the Local Authority in that behalf, either generally or in the particular case, but the Commissioner of Main Roads or the Local Authority shall not be entitled by virtue of the provisions of this section to recover twice for the same cause of action.

(b) Where the owner of any vehicle pays any money in respect of any injury caused through the wilful act or negligence of the driver of that vehicle to any official traffic sign, he shall be entitled to recover the money so paid, with costs, from that driver.

Inserted by Act of 1959, 8 Eliz. 2 No. 55, s. 10; substituted by Act of 1965, No. 26, s. 11.

**12I. Application of Part II A.** The provisions of this Part II A of this Act shall apply to all official traffic signs whatsoever and whether in relation to regulated parking or otherwise.

Inserted by Act of 1959, 8 Eliz. 2 No. 55, s. 11; substituted by Act of 1965, No. 26, s. 11.

**12J.** [Inserted by Act of 1959, 8 Eliz. 2 No. 55, s. 11; repealed by Act of 1965, No. 26, s. 11.]

### PART III—DRIVING OF MOTOR VEHICLES AND OTHER VEHICLES AND ANIMALS

**13. Application of this Part III.** This Part of this Act shall, unless the context herein otherwise indicates or requires, apply to and with respect to the driving of all motor vehicles on roads in Queensland and no provision of any other Part of this Act or of any license issued under or pursuant to any other Part of this Act and no provision of or any license or other authority issued under any other Act shall authorise or be deemed to authorise a person to drive or to permit or allow to be driven a motor

vehicle on a road unless at that time that person or the person permitted or allowed by him to drive that vehicle is authorised under and in accordance with the provisions of this Part of this Act to drive that vehicle:

Provided that the foregoing provisions of this section shall be read and applied so as not to limit the operation or effect of any other provision of this Part.

**14. Issue and renewal of drivers' licenses.** (1) A Superintendent may, under and in accordance with this Act, including the regulations hereunder, issue and renew drivers' licenses (other than learners' permits) either provisionally or otherwise, and for the purpose of enabling persons to learn to drive a motor vehicle with a view to passing the prescribed tests and/or examinations, issue and renew learners' permits.

(2) Where a license is subject to any term, provision, condition, limitation, or restriction the same shall be specified on the license.

(3) Subject to this Act, including the regulations hereunder, a driver's license issued on or after the coming into operation of Part III of The Main Roads Acts and Another Act Amendment Act of 1952, shall, according to the age of the applicant therefor as at the date of the issue thereof to him, be in force for not longer than the period specified in the second column of the Table to this subsection unless sooner suspended, cancelled or surrendered under this Act or under any other Act or law.

TABLE

Age of applicant as at the date of the issue to him of a driver's license	Maximum period for which driver's license to be in force
Applicant under 41 years of age	The period of 10 years commencing on, and including, the date of the issue of the driver's license.
Applicant 41 or over, but not 46, years of age	The period commencing on, and including, the date of the issue of the driver's license and thereafter until the date when the applicant shall attain the age of fifty-one years.
Applicant 46 or over, but not 62, years of age	The period of 5 years commencing on, and including, the date of the issue of the driver's license.
Applicant 62 or over, but not 66, years of age	The period commencing on, and including, the date of the issue of the driver's license and thereafter until the date when the applicant shall attain the age of sixty-seven years.
Applicant 66 or over, years of age	The period of one year from, and including, the date of the issue of the driver's license.

(4) Subject to this Act, including the regulations hereunder, a driver's license issued on or after the coming into operation of The Main Roads Acts and Another Act Amendment Act of 1952, may be renewed from time to time:

Provided that every renewal of such a driver's license shall, according to the age of the holder thereof as at the date of the renewal thereof, be for not longer than the maximum period for which the license in question could be in force if it were issued to the holder thereof upon the date of the renewal thereof.

Upon the renewal thereof such a driver's license shall, unless sooner cancelled, suspended or surrendered under this Act or under any other Act or law, be in force for the period for which it is renewed.

(5) The period for which a driver's license shall be in force shall be stated therein and the period for which any renewal of a driver's license shall be in force shall be stated in the endorsement upon that license of that renewal.

(6) The Commissioner of Main Roads shall collect in respect of every registration or renewal of the registration of a motor vehicle (except a trailer) under the provisions of the regulations under The Main Roads Acts 1920 to 1965, (including any other regulations thereunder amending or in substitution for those regulations), an annual driving fee of two dollars.

The said Commissioner shall not issue a certificate of registration or of renewal of the registration as aforesaid unless and until payment has been made to him of the annual driving fee in respect of the vehicle to which that certificate relates.

Provision shall be made on the form of any and every such certificate for the inclusion of an endorsement respecting the payment of the annual driving fee.

(7) (a) Save as provided under paragraph (b) of this subsection a licensing fee of four dollars shall be paid in respect of a driver's license (other than a learner's permit) issued to an applicant—

- (i) who has not previously been issued with a driver's license; and
- (ii) who, when the driver's license is issued to him, is not registered in a certificate of registration as the sole owner of the motor vehicle thereby registered.

(b) The fee prescribed by paragraph (a) of this subsection shall not be payable in respect of a driver's license issued to an applicant who has not previously been issued with a driver's license in any of the following cases, namely:—

- (i) where, when the driver's license is issued, no other person who is registered in a certificate of registration as the owner jointly with the applicant of the motor vehicle thereby registered holds a driver's license;
- (ii) where, when the driver's license is issued, the applicant is carrying on business with any other person or persons under a business name which is then registered under The Business Names Act of 1962, and the applicant and such other person or persons are, under such business name, registered in a certificate of registration as the owner of the motor vehicle thereby registered, and no such other person holds a driver's license;
- (iii) where, in respect of any motor vehicle whereof a body or association of persons, corporate or unincorporate, is registered in a certificate of registration as the owner, the applicant produces to the Superintendent to whom he has applied for the issue of a driver's license a statutory declaration made by the secretary of the body or association in question or by some other employee thereof whose duty it is to supervise the use of such motor vehicle, stating that the driver's license is required by the applicant for the purpose of enabling his employment by such body or association of persons in driving such motor vehicle and that, in respect of such motor vehicle, a prior statutory declaration under this subparagraph has not been made by the declarant or by any other person whomsoever during the period current at the date of the making of the statutory declaration of the certificate of registration thereof.

(c) In this subsection the term "certificate of registration", in relation to a motor vehicle, means the certificate of the registration or renewal of the registration of the motor vehicle in question under the provisions of the regulations under The Main Roads Acts 1920 to 1965, as in force at the time of the issue of the driver's license in question.

(d) A Superintendent shall not issue a driver's license to an applicant unless—

- (i) such applicant satisfies him that a driver's license has been previously issued to him; or
- (ii) in the case of an applicant who fails to so satisfy him, such applicant pays to him a licensing fee of four dollars or satisfies him that such applicant is then registered in a certificate of registration as the sole owner of the motor vehicle thereby registered or that, by virtue of a provision of paragraph (b) of this subsection, such fee is not payable in respect of the issue of a driver's license to such applicant pursuant to his application.

(e) Any licensing fee paid by an applicant for a drivers' license shall be paid by the Superintendent into Consolidated Revenue.

(8) Every learner's permit and every renewal thereof shall, unless such permit is sooner cancelled or surrendered under this Act, or under any other Act or law, be in force for such period as is prescribed.

As amended by Act of 1952, 1 Eliz. 2 No. 14, s. 15; Act of 1958, 7 Eliz. 2 No. 41, s. 2; Act of 1961, 10 Eliz. 2 No. 27, s. 8; Act of 1965, No. 26, s. 12; Act of 1969, No. 22, s. 4 (as from 19 January 1970).

Decimal currency references substituted pursuant to section 7 of Decimal Currency Act of 1965.

**14A. Traffic Engineering Trust Fund.** (1) A trust fund called "The Traffic Engineering Trust Fund" in this section called "the Trust Fund", shall be established in the Treasury.

(2) In respect of each annual driving fee collected under section fourteen of this Act the Commissioner of Main Roads shall pay—

- (a) an amount equal to twenty per centum of the fee into the Trust Fund; and
- (b) the balance into Consolidated Revenue.

Section sixty-two of this Act applies subject to this subsection.

(3) Expenditure incurred by the Commissioner of Main Roads in respect of the installation or removal of official traffic signs, or in respect of the alleviation, reduction or elimination of traffic congestion or danger to traffic, or for the improvement of traffic flow on existing roads including interest on, redemption of or instalments into a sinking fund in respect of any loan money borrowed for the purpose of any of the matters specified in this subsection may be defrayed from the Trust Fund.

(4) With the approval of the Minister for the time being administering The Main Roads Acts 1920 to 1965, the Commissioner of Main Roads may apply moneys in the Trust Fund to the payment of a subsidy to a Local Authority in respect of expenditure incurred by it in respect of the installation of official traffic signs, or in respect of the alleviation, reduction or elimination of traffic congestion or danger to traffic or for the improvement of traffic flow on existing roads.

Inserted by Act of 1965, No. 26, s. 13.

**15. Driving of motor vehicle without a driver's license prohibited.** (1) A person shall not at any time drive a motor vehicle on a road unless at that time he is the holder of a driver's license authorising him to drive that vehicle on that road.

(2) A person shall not at any time permit or allow another person to drive a motor vehicle on a road if at that time he knows that that other person is not the holder of a driver's license authorising that other person to drive that vehicle on that road.

(3) A person who drives or who permits or allows to be driven a motor vehicle on a road in contravention of a provision of subsection one or of subsection two of this section shall be guilty of an offence.

(4) **Penalty for offence by disqualified person.** A person who is guilty of an offence against subsection one of this section and who at the time of the commission of such offence is disqualified—

(a) By this Act; or

(b) By an order made under this or any other Act,

from holding or obtaining a driver's license, shall be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding twelve months or to both such penalty and imprisonment.

Notwithstanding that, at the time of the commission of an offence against subsection one of this section, the person who committed the offence is disqualified—

(a) By this Act; or

(b) By an order made under this or any other Act,

from holding or obtaining a driver's license, the justices before whom he is convicted of the offence, in addition to any punishment which they may impose upon him on his conviction, may order that the offender shall, from the date of the conviction, be disqualified absolutely from holding or obtaining a driver's license or be so disqualified for such period longer than the period during which he is already so disqualified at the time of the commission of the offence as the justices shall specify in the order.

As amended by Act of 1959, 8 Eliz. 2 No. 55, s. 12; Act of 1961, 10 Eliz. 2 No. 27, s. 9; Act of 1965, No. 26, s. 14.

Decimal currency reference substituted pursuant to section 7 of Decimal Currency Act of 1965.

**16. Drivers under influence of liquor or drugs.** (1) Any person who whilst he is under the influence of liquor or a drug—

(a) Drives a motor vehicle, tram, train, or vessel; or

(b) Occupies the driving seat of a motor vehicle and attempts to put that motor vehicle in motion; or

(c) Attempts to put in motion a tram, train, or vessel; or

(d) Is in charge of a motor vehicle,

shall be guilty of an offence and shall be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding nine months or to both such penalty and imprisonment.

If the offender has been previously convicted under this subsection he shall be liable to a penalty not exceeding six hundred dollars or to imprisonment for a term not exceeding eighteen months or to both such penalty and imprisonment.

If the offender has been twice previously convicted under this subsection the justices shall upon conviction impose, as the whole or part of the punishment, imprisonment.

For the purpose of determining whether or not the provisions of this subsection require imprisonment to be imposed as the whole or part of the punishment for an offence (in this paragraph called the "latest offence") against this subsection, no previous conviction for an offence against this subsection incurred by the offender earlier than the period of ten years immediately preceding the date of his conviction for the latest offence shall be taken into account.

(1a) (a) Any person who, whilst the concentration of alcohol in his blood equals or exceeds 100 milligrams of alcohol to 100 millilitres of blood—

- (i) drives a motor vehicle, tram, train, or vessel; or
- (ii) occupies the driving seat of a motor vehicle and attempts to put that motor vehicle in motion; or
- (iii) attempts to put in motion a tram, train or vessel; or
- (iv) is in charge of a motor vehicle,

shall be guilty of an offence and shall be liable to be convicted thereof in the circumstances prescribed by this subsection.

(b) Where upon the hearing of a complaint of an offence against subsection (1) of this section the Court is satisfied—

- (i) as to all the elements of the offence charged other than the element of the defendant's being under the influence of liquor or a drug at the material time;
- (ii) that at the material time the concentration of alcohol in the defendant's blood equalled or exceeded 100 milligrams of alcohol to 100 millilitres of blood,

the Court shall convict the defendant of the offence under paragraph (a) of this subsection which is established by the evidence;

(c) A person who is convicted under this subsection shall be liable—

- (i) if he has not been previously convicted under this subsection to a penalty of two hundred dollars;
- (ii) if he has been previously convicted under this subsection once only to a penalty of three hundred dollars; or
- (iii) if he has been previously convicted under this subsection more than once to a penalty of four hundred dollars.

(d) A person who is convicted under this subsection shall be disqualified by such conviction from holding or obtaining a driver's license—

- (i) if he has not been previously convicted under this subsection for a period of one month;
- (ii) if he has been previously convicted under this subsection once only, for a period of two months;
- (iii) if he has been previously convicted under this subsection more than once, for a period of three months.

(1b) Where upon the hearing of a complaint of an offence against paragraph (d) of subsection (1) of this section, the Court is satisfied beyond reasonable doubt by evidence on oath that at the material time—

- (a) that the defendant,—
  - (i) by occupying a compartment of the motor vehicle in respect of which the offence is charged other than the compartment containing the driving seat of that motor vehicle; or

- (ii) not being in that motor vehicle, by some action, had manifested an intention of refraining from driving that motor vehicle whilst he was under the influence of liquor or a drug;
- (b) that the defendant was not under the influence of liquor or a drug to such an extent as to be incapable of understanding what he was doing or as to be incapable of forming the intention referred to in paragraph (a) of this subsection;
- (c) the motor vehicle in respect of which the offence is charged was parked in such a manner as not to constitute a source of danger to other persons or other traffic; and
- (d) that the defendant had not been previously convicted of an offence against subsection (1) or (1a) of this section within a period of one year prior to the date in respect of which he is charged,

the Court shall not convict the defendant of the offence charged or of an offence under subsection (1a) of this section.

(2) Any person who whilst he is under the influence of liquor or a drug drives or is in charge of any horse or other animal on a road, or drives or is in charge of any vehicle (other than a motor vehicle) on a road, or attempts to put in motion any vehicle (other than a motor vehicle) on a road shall be guilty of an offence.

(2A) A complaint for an offence against any provision of subsection one or subsection two of this section shall not be bad for uncertainty or duplicity by reason that it charges the alleged offender with being under the influence of "liquor or a drug".

If upon the hearing of such a complaint the evidence led and admitted (including evidence, if any, for the defence) establishes—

- (a) That the person so charged was under an influence which was that of liquor or a drug, or both liquor and a drug; and
- (b) All other elements of the offence,

he shall be convicted of the offence notwithstanding that the particular such influence is not established by the evidence.

(3) (a) When any person charged with or arrested for an offence against any provision of subsection one of this section in relation to a motor vehicle does not appear personally before the justices constituting the Court at any time and place when and where the complaint of the said offence is to be heard or to which such hearing has been adjourned, the justices shall—

- (i) If that person has been released on bail by recognizance or on deposit of money by way of bail, order the recognizance to be estreated or the deposit by way of bail to be forfeited; and
- (ii) In every such case require evidence on oath to be given before them of the matter of the said complaint (unless, in the case of any such adjournment, the matter of the complaint is already substantiated to their satisfaction by evidence on oath given prior to that adjournment), and shall, if the evidence on oath required as aforesaid or, in the case of any such adjournment, given prior to that adjournment substantiates the matter of the said complaint to their



satisfaction, issue their warrant to apprehend that person and to bring him before justices to answer the complaint and to be further dealt with according to law; and

- (iii) In every such case, unless that person appears by counsel or solicitor and shows sufficient cause why any and every driver's license held by that person should not be suspended until the complaint has been heard and determined, upon the hearing of evidence substantiating the matter of the complaint to their satisfaction, order that any and every driver's license held by that person shall from the date of such order be suspended until the complaint has been heard and determined.

(b) The provisions of section one hundred and forty-three of The Justices Acts 1886 to 1948 shall thereupon apply to and be observed in such proceedings.

(c) Every other provision of The Justices Acts 1886 to 1948 and of any other relevant Act or law shall be read, construed, and applied so as not to limit the operation and effect of this subsection.

(4) Subsections (1) and (1a) of this section shall apply to and with respect to any person—

- (a) Who is in charge of a motor vehicle on a road; or
- (b) Who drives a motor vehicle on a road or elsewhere; or
- (c) Who occupies the driving seat of a motor vehicle on a road or elsewhere, and attempts to put that motor vehicle in motion; or
- (d) Who drives or is in charge of or attempts to put in motion a tram or train on a road or elsewhere; or
- (e) Who drives or is in charge of or attempts to put in motion a vessel which is being used, or is apparently about to be used, in navigation.

As amended by Act of 1959, 8 Eliz. 2 No. 55, s. 13; Act of 1961, 10 Eliz. 2 No. 27, s. 10; Act of 1965, No. 26, s. 15; Act of 1968, No. 22, s. 6 (as from 1 August 1968).

Decimal currency references substituted pursuant to section 7 of Decimal Currency Act of 1965.<sup>4</sup>

**16A. (1) Provision, as respects alcohol, for breath tests and for laboratory tests for evidentiary purposes.** In this section—

- (a) "breath analysing instrument" means any instrument of a type approved for the purposes of this section by the Governor in Council (who is hereby thereunto empowered) by notice published in the Gazette for ascertaining by analysis of a specimen of a person's breath what concentration of alcohol is present in his blood; and
- (b) "breath test" means a test for the purpose of an indication of the concentration of alcohol in a person's blood carried out, by means of a device of a type approved for the purpose of such a test by the Minister (who is hereby thereunto empowered) by notification published in the Gazette, on a specimen of breath provided by that person.

(2) A member of the Police Force may request any person found by him, or who he suspects on reasonable grounds was during the last two preceding hours,—

- (a) driving a motor vehicle, tram, train, or vessel; or

- (b) occupying the driving seat of a motor vehicle and attempting to put that motor vehicle in motion; or
- (c) attempting to put in motion a tram, train or vessel; or
- (d) in charge of a motor vehicle on a road;

to provide a specimen of breath for a breath test by him when and where he makes the request if such member suspects on reasonable grounds—

- (i) that, having regard to the behaviour of such person in relation to the motor vehicle, tram, train or vessel in question or to the behaviour of the motor vehicle, tram, train or vessel in question, such person has alcohol or any drug in his body; or
- (ii) that in relation to the motor vehicle, tram or train in question such person has committed an offence against this Act during the aforesaid period.

(3) Where a motor vehicle, tram, train or vessel is involved in an incident resulting in injury to or death of any person or damage to any property, a member of the Police Force may request any person who he suspects on reasonable grounds was driving or attempting to drive the motor vehicle, tram, train or vessel or, in the case of a motor vehicle on a road, was in charge of the motor vehicle at the time of the incident to provide a specimen of breath for a breath test by him when and where he makes the request.

(4) Subsections (2) and (3) of this section apply subject to this subsection.

A request shall not be made by virtue of subsection (2) or (3) of this section—

- (a) unless it is made as soon as reasonably practicable and within two hours after the event to which it relates; or
  - (b) while the person concerned is at a hospital for treatment unless the medical practitioner in immediate charge of his treatment is first notified of the intention to make the request or if such medical practitioner objects to the provision of a specimen on the ground that its provision or the request to provide it would be prejudicial to the proper care or treatment of such person.
- (5) If—
- (a) it appears to a member of the Police Force in consequence of a breath test carried out by him on any person under subsection (2) or (3) of this section that the device by means of which the test is carried out indicates that the concentration of alcohol in that person's blood equals or exceeds 80 milligrams of alcohol to 100 millilitres of blood; or
  - (b) a person requested by a member of the Police Force under subsection (2) or (3) of this section to provide a specimen of his breath for a breath test elects not to provide the specimen or, by not exhaling directly into the device indicated by the member of the Police Force who made the request, otherwise fails to provide the specimen forthwith upon his being thereunto requested,

any member of the Police Force may, using such force as is necessary, take such person to a police station or hospital for the purposes of subsection (6) of this section.

This subsection shall be construed so as not to prejudice or affect in any way the provisions of section forty-two of this Act.

**(6) Laboratory tests.** (a) Any person who is arrested under section forty-two of this Act for an offence against section sixteen of this Act or who is taken to a police station or hospital under subsection (5) of this section may, while at the police station or hospital, be required by any member of the Police Force to provide a specimen of his breath for analysis by a breath analysing instrument or, according as such member requires, a specimen of his blood for a laboratory test.

A person to whom this paragraph applies may be detained at a police station or hospital for the purposes of this subsection by a member of the Police Force.

(b) This paragraph (b) applies to any person who may be required by a member of the Police Force under subsection (2) or (3) of this section to provide a specimen of breath for a breath test.

A person while at a hospital for treatment may be required by any member of the Police Force to provide at the hospital a specimen of his breath for analysis by a breath analysing instrument or, according as such member requires, a specimen of his blood for a laboratory test.

A requisition shall not be made by virtue of this paragraph while the person concerned is at a hospital for treatment unless the medical practitioner in immediate charge of his treatment is first notified of the intention to make the requisition or if such medical practitioner objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of such person.

(c) Paragraphs (a) and (b) of this subsection apply subject to this paragraph.

If a person who is required pursuant to paragraph (a) or (b) of this subsection to provide a specimen of his breath for analysis forthwith upon being so required produces to the member of the Police Force who made the requisition his driver's license endorsed by a District Superintendent or Superintendent that the qualified medical practitioner named in the endorsement has certified in writing that by reason of a stated illness or disability such person is incapable of providing a specimen of his breath or the provision of such a specimen by him could adversely affect his health, such member of the Police Force shall not require a specimen of breath of such person but shall require a specimen of his blood.

(d) A person who is required pursuant to paragraph (a) or (b) of this subsection to provide a specimen of his breath for analysis shall do so by, forthwith upon being so required, exhaling directly into the breath analysing instrument indicated by the member of the Police Force who made the requisition and operated by a legally qualified medical practitioner.

(e) A person who is required pursuant to paragraph (a) or (b) of this subsection to provide a specimen of his blood for a laboratory test shall do so by, forthwith upon being so required, permitting a legally qualified medical practitioner indicated by the member of the Police

Force who made the requisition to take such specimen (any legally qualified medical practitioner being hereby authorized to take such a specimen, whether or not the person concerned consents to the taking).

(f) A person who, upon a requisition duly made by a member of the Police Force under paragraph (a) or (b) of this subsection, fails to provide as prescribed a specimen of his breath for analysis or, as the case may be, a specimen of his blood for a laboratory test shall be guilty of an offence and shall be liable—

- (i) if he has not been previously convicted under this paragraph, to a penalty of two hundred dollars;
- (ii) if he has been previously convicted under this paragraph once only to a penalty of three hundred dollars; or
- (iii) if he has been previously convicted under this paragraph more than once to a penalty of four hundred dollars.

A person who is convicted under this paragraph shall be disqualified by such conviction from holding or obtaining a driver's license—

- (i) if he has not been previously convicted under this paragraph, for a period of one month;
- (ii) if he has been previously convicted under this paragraph once only, for a period of two months;
- (iii) if he has been previously convicted under this paragraph more than once, for a period of three months.

(7) A person (other than a person who has already been arrested for and charged with an offence under subsection (1) of section sixteen of this Act) in respect of whom the analysis by the breath analysing instrument or the laboratory test indicates that the concentration of alcohol in that person's blood equals or exceeds 100 milligrams of alcohol to 100 millilitres of blood, shall be charged with an offence against subsection (1) of section sixteen of this Act according to the provision of that subsection which is appropriate in the circumstances and, if that person has been taken to a police station or hospital pursuant to subsection (5) of this section, may (except where, being thereunto required by the requisition, he has provided a specimen of his blood for a laboratory test) be arrested on that charge.

(8) (a) As soon as practicable after a specimen of breath provided pursuant to the requisition has been analysed by means of a breath analysing instrument the legally qualified medical practitioner operating such instrument shall sign in duplicate a certificate in writing stating the concentration of alcohol indicated by the analysis to be present in the blood of the person whose breath has been analysed (which may be by way of indication on a scale) and the date and time at which the analysis was made and shall deliver—

- (i) one copy of such certificate to the member of the Police Force who made the requisition; and
- (ii) the other copy to the person whose breath has been analysed (or to another person on behalf of that person upon request by that other person).

If the form thereof is prescribed, such certificate shall be in or to the effect of the prescribed form.

(b) Evidence by a legally qualified medical practitioner or by a certificate purporting to be signed by a legally qualified medical practitioner—

- (i) that an instrument operated by him for analysing the breath of any person named by him on any occasion stated by him was a breath analysing instrument;
- (ii) that such instrument was on the occasion in question in proper working order and properly operated by him;
- (iii) that in relation to such instrument all regulations made pursuant to this section with respect to any instrument which is a breath analysing instrument were complied with,

shall be evidence of the matters contained therein and in the absence of evidence to the contrary shall be conclusive such evidence.

The matters referred to in this paragraph may be stated in the certificate referred to in paragraph (a) of this subsection or in a separate certificate.

(c) Evidence by a legally qualified medical practitioner or by a copy of the certificate referred to in paragraph (a) of this subsection purporting to be signed by a legally qualified medical practitioner of the concentration of alcohol indicated to be present in the blood of a person by a breath analysing instrument operated by such legally qualified medical practitioner shall be evidence of the concentration of alcohol present in the blood of the person in question at the time (being in the case of such certificate the date and time stated therein) the breath of that person was analysed and at all material times during the period of two hours before the analysis and, in the absence of evidence to the contrary, shall be conclusive such evidence.

(9) (a) As soon as practicable after a specimen of blood has been provided for a laboratory test pursuant to paragraph (a) or (b) of subsection (6) of this section the member of the Police Force who required such specimen shall deliver the same to an analyst.

Such delivery may be effected either personally or by sending the specimen to the analyst by registered post or certified mail.

(b) A certificate purporting to be signed by an analyst and stating—

- (i) that he received from the member of the Police Force named in the certificate a specimen of the blood of the person named in the certificate provided by that person at the time and place stated in the certificate;
- (ii) that he made a laboratory test of such specimen on the date and at the place and time stated in the certificate; and
- (iii) stating the concentration of alcohol in the blood of such person indicated by the laboratory test (which concentration shall be stated by reference to the number of milligrams of alcohol in the blood to 100 millilitres of blood),

shall be evidence of the matters contained therein and in the absence of evidence to the contrary shall be conclusive such evidence.

(c) Evidence by an analyst or by a certificate referred to in paragraph (b) of this subsection of the concentration of alcohol indicated to be present in the blood of a person by a laboratory test of a specimen of the blood of that person shall be evidence of the concentration of alcohol in the blood of that person at the time when he provided the specimen and at all material times during the period of two hours before he provided it and, in the absence of evidence to the contrary, shall be conclusive such evidence.

(d) The Court shall on the application of the complainant adjourn the hearing as necessary to enable the production in evidence of the certificate of the analyst and if within three days after providing the specimen the defendant has given to the member of the Police Force in charge of the police station at which or nearest to the hospital where the specimen of blood for the laboratory test was provided a notice in writing that he requires a copy of the certificate to be given to him at the address stated in the notice shall, at the request of the defendant, adjourn the hearing as necessary to ensure that such copy has been given to the defendant at such address not less than three days before the production of the certificate in evidence.

Such copy may be given either personally or by sending it by registered post or certified mail.

The person who gives the copy (whether personally or by sending it by registered post or certified mail) may attend before any justice of the peace having jurisdiction in the State or part of the State or part of the Commonwealth where he gives the copy and depose on oath and in writing endorsed on a copy of the certificate to the giving thereof.

Such deposition shall, upon production to the Court, be evidence of the matters contained therein and, in the absence of evidence to the contrary, shall be conclusive such evidence.

(10) A person who, being thereunto required pursuant to paragraph (a) or (b) of subsection (6) of this section, has provided a specimen of blood for a laboratory test may when he provides the specimen or immediately after providing it and where he provides it (or another person on behalf of that person may when or immediately after he provides the specimen and where he provides it) request the member of the Police Force who required the specimen in question to give to such person a specimen of blood.

Upon such request, subject to the person concerned then and there providing a second specimen of blood, the member of the Police Force in question shall give such second specimen to such person or to the person requesting it on his behalf.

(11) (a) Any approval given pursuant to this section in respect of a breath analysing instrument or a device for carrying out breath tests by the Governor in Council or the Minister may be revoked at any time in the manner in which it was given and upon such revocation shall cease to have any effect.

(b) The power to make regulations under this Act shall include power to make regulations for or in respect of the maintenance or use of breath analysing instruments and the methods to be employed for ensuring that such instruments give accurate results.

(12) Where—

(a) the analysis by means of a breath analysing instrument of a specimen of breath of a person required by a member of the Police Force to be provided pursuant to paragraph (a) or (b) of subsection (6) of this section indicates that the concentration of alcohol in that person's blood equals or exceeds 80 milligrams of alcohol to 100 millilitres of blood; or

(b) a person so required fails to provide such specimen, then by virtue of that fact the driver's license of such person shall, save where the license is cancelled under subsection (1) of section 16B

of this Act, be suspended for a period of twenty-four hours commencing at the time when the analysis was made or, as the case may be, the requisition was made.

The member of the Police Force who required the specimen shall sign and deliver to the person concerned (or to another person on behalf of that person at the request of that other person) a statement in writing that the driver's license of the person concerned is suspended as prescribed by this subsection for the period of twenty-four hours commencing at the time stated therein.

Notwithstanding any other provision of this Act, an appeal shall not lie in respect of the suspension of a driver's license pursuant to this subsection.

(13) Except at the instance or with the consent of the person who provided the specimen, evidence of the providing of a specimen of breath or blood provided pursuant to paragraph (a) or (b) of subsection (6) of this section and of the result of the analysis of the specimen shall not be led or admitted in any civil proceedings; and the fact of that evidence not being led or that the necessary consent to its being led was withheld shall not be a matter for comment in any such proceedings.

Inserted (as from 1 August 1968) by Act of 1968, No. 22, s. 7; as amended by Act of 1969, No. 22, s. 5 (as from 19 January 1970).

For notice given pursuant to paragraph (a) of subsection (1) of this section, see Gazette 6 July 1968, p. 1121.

For notification made under paragraph (b) of subsection (1) of this section, see Gazette 16 August 1969, p. 1705.

**16B. Cancellation of provisional license.** (1) Where—

(a) a certificate given under paragraph (a) of subsection (8) of section 16A of this Act setting out the matters specified in paragraph (b) of that subsection of the analysis by means of a breath analysing instrument of a specimen of breath of a person required by a member of the Police Force to be provided pursuant to paragraph (a) or (b) of subsection (6) of that section indicates that the concentration of alcohol in that person's blood equals or exceeds 80 milligrams of alcohol to 100 millilitres of blood; or

(b) a person so required fails to provide such specimen, then by virtue of that fact, where the driver's license of that person is a provisional license, the provisional license is cancelled as from the time when the analysis was made or, as the case may be, the requisition was made.

The member of the Police Force who required the specimen shall sign and deliver to the person concerned or to another person on behalf of that person at the request of that other person, a statement in writing that the provisional license of the person concerned is cancelled under this subsection.

(2) Where—

(a) a certificate given under subsection (9) of section 16A of this Act setting out the matters specified in paragraph (b) of that subsection of a laboratory test of a specimen of blood of a person required by a member of the Police Force to be provided pursuant to paragraph (a) or (b) of subsection (6) of that section indicates that the concentration of alcohol in that person's blood at the time when he provided the specimen equals or exceeds 80 milligrams of alcohol to 100 millilitres of blood; or

(b) a person so required fails to provide such specimen, then by virtue of that fact, where the driver's license of that person is a provisional license, the provisional license is cancelled as from the time:—

- (c) in a case to which paragraph (a) of this subsection applies, when a copy of the certificate is served on that person;
- (d) in a case to which paragraph (b) of this subsection applies, when the requisition was made.

In a case to which paragraph (a) of this subsection applies, there shall be served with the copy of the certificate a statement in writing that the provisional license of the person concerned is cancelled under this subsection.

In a case to which paragraph (b) of this subsection applies, the member of the Police Force who required the specimen shall sign and deliver to the person concerned or to another person on behalf of that person at the request of that other person, a statement in writing that the provisional license of the person concerned is cancelled under this subsection.

(3) Where a person who at the time he is convicted of an offence under section 16 of this Act is the holder of a provisional license then the provisional license of that person is cancelled by such conviction without any specific order as from the time of the conviction.

(4) No appeal lies in respect of the cancellation of a provisional license by reason of any provision of this section.

(5) This section does not prejudice or affect in any way any other provision of this Act, or the power to make regulations hereunder, with respect to suspension or cancellation of drivers' licenses, or disqualification of persons from holding or obtaining a driver's license by reason of being convicted of an offence.

Inserted by Act of 1969, No. 22, s. 6 (as from 19 January 1970).

**17. Careless driving of motor vehicles.** Any person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road shall be guilty of an offence.

**18. Dangerous driving of vehicles (other than motor vehicles), etc.** (1) Any person who drives a vehicle (other than a motor vehicle), a tram, a train or an animal on a road dangerously shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

If the offender has been previously convicted under this subsection he shall be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding twelve months, or to both such penalty and imprisonment.

If the offender has been twice previously convicted under this subsection, the Court shall, upon conviction, impose imprisonment as the whole or part of the punishment.

For the purpose of determining whether or not the provisions of this subsection require imprisonment to be imposed as the whole or part of the punishment for an offence (in this paragraph called the "latest offence") against this subsection, not more than one previous conviction



for an offence against this subsection incurred by the offender earlier than the period of ten years immediately preceding the date of his conviction for the latest offence shall be taken into account.

The term "drives a vehicle (other than a motor vehicle), a tram, a train or an animal dangerously" includes the driving of a vehicle (other than a motor vehicle), a tram, a train or an animal at a speed or in a manner dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road and the amount of traffic which is on the road at the time or which might reasonably be expected to be on the road.

(2) Any person who drives a vehicle (other than a motor vehicle), a tram, a train, or an animal on a road without due care and attention or without reasonable consideration for other persons using the road shall be guilty of an offence.

As amended by Act of 1965, No. 26, s. 16.

Decimal currency references substituted pursuant to section 7 of Decimal Currency Act of 1965.

**19. Racing and speed trials on roads.** (1) Any person who organises or promotes or takes part in—

- (a) Any race between vehicles or animals on a road; or
- (b) Any attempt to establish or break any vehicle or animal speed record on a road; or
- (c) Any trial of the speed of a vehicle or animal on a road; or
- (d) Any competitive trial designed to test the skill of any vehicle driver or the reliability or mechanical condition of any vehicle on any road where a prize or trophy or other benefit or advantage in excess of the value of one hundred dollars may be won by a competitor,

shall be guilty of an offence, unless the prior permission in writing of the Commissioner to the holding or making of the race, attempt, or trial has been obtained.

(2) (a) The Commissioner shall have power to grant or refuse permits under this section.

The Commissioner may in any such permit impose any conditions he deems necessary in the interests of public safety and/or convenience.

Any such permit or conditions may be of general or limited application.

(b) Where any person organising, promoting, or taking part in any such race, attempt, or trial contravenes or fails to comply with any condition imposed as aforesaid, that person shall be guilty of an offence.

As amended by Act of 1956, 5 Eliz. 2 No. 26, s. 6; Act of 1961, 10 Eliz. 2 No. 27, s. 11.

Decimal currency reference substituted pursuant to section 7 of Decimal Currency Act of 1965.

**20. Disqualification of drivers of motor vehicles for certain offences.** Notwithstanding anything contained in any other Act where a person is convicted upon indictment of any offence in connection with or arising out of the driving of a motor vehicle by him, or is summarily convicted of an offence against any provision of section 328A of The Criminal

Code, or is convicted of an offence in relation to a motor vehicle against section sixteen of this Act, then—

- (a) If during the period of ten years immediately preceding such conviction (whether such period commenced before or commences after the commencement of this Act) such person has not been convicted of any offence (whether of the same or of a different kind) of the classes hereinbefore in this section mentioned—he shall be disqualified by such conviction and without any specific order for a period of six months from the date of such conviction from holding or obtaining a driver's license; or
- (b) If during the period of ten years immediately preceding such conviction (whether such period commenced before or commences after the commencement of this Act) such person has been convicted of one or more offences (whether of the same or of a different kind) of the classes hereinbefore in this section mentioned—he shall be disqualified by such conviction and without any specific order for a period of twelve months from the date of such conviction from holding or obtaining a driver's license; or
- (c) If the Judge of the Supreme Court or District Court before whom such person is so convicted upon indictment, or the justices by whom such person is so convicted, orders or order (such Judge or justices being hereby empowered to make such order) that from the date of conviction such person shall be disqualified absolutely or for a longer period than the appropriate period specified in his case in paragraph (a) or paragraph (b) of this section or, in the case of a person in respect of whom justices have found the matters contained in paragraphs (a), (b), (c) and (d) of subsection (1a) of section sixteen of this Act, for such period as the justices may order from holding or obtaining a driver's license—he shall be so disqualified under and in accordance with that order.

Any such disqualification shall be in addition to any punishment to which the person convicted may be liable upon his conviction.

As amended by Act of 1959, 8 Eliz. 2 No. 55, s. 14; Act of 1961, 10 Eliz. 2 No. 27, s. 12; Act of 1965, No. 26, s. 17; Act of 1968, No. 22, s. 8.

**21. Power to disqualify person from holding or obtaining driver's license though acquitted of certain indictable offences.** Where upon the trial of any person charged upon indictment with an offence in connection with or arising out of the driving of a motor vehicle by him the Judge presiding at his trial is satisfied that upon the evidence such person should, in the interest of the public, be prohibited from driving a motor vehicle either absolutely or for a period, the Judge may, notwithstanding that such person is found not guilty by the jury, order that he shall from the date of the order be disqualified absolutely from holding or obtaining a driver's license, or be so disqualified for such period as the Judge shall specify in the order.

An order under this section may be made by the Judge before he discharges the defendant upon the conclusion of the trial, or the Judge may discharge the defendant and adjourn the matter of whether or not he will make such order to a later date when he may receive such evidence in addition to the evidence given at the trial as he considers necessary under the circumstances.

**22. Power to disqualify person from holding or obtaining driver's license though complaint dismissed.** Where upon the hearing of a complaint against any person of an offence against any provision of section 328A of The Criminal Code, or of an offence in relation to a motor vehicle against section sixteen or section seventeen or section nineteen of this Act, the justices determining the complaint are satisfied that upon the evidence such person should, in the interest of the public, be prohibited from driving a motor vehicle either absolutely or for a period, the justices may, notwithstanding that they dismiss the complaint, order that he shall from the date of the order be disqualified absolutely from holding or obtaining a driver's license, or be so disqualified for such period as the justices shall specify in the order.

An order under this section may be made by the justices when they dismiss the complaint or the justices may dismiss the complaint and adjourn the matter of whether or not they will make such order to a later date when the justices may receive such evidence in addition to the evidence given upon the hearing of the complaint as they consider necessary under the circumstances.

**23. Commissioner to be advised of persons disqualified from holding drivers' licenses, etc.** When, by or under this Act, a person is disqualified or has been ordered by a Judge of the Supreme Court or District Court or justices to be disqualified from holding or obtaining a driver's license either absolutely or for a period, then—

- (a) In the case where no order with respect to such disqualification was made by the Judge of the Supreme Court or District Court before whom he was convicted, particulars of the conviction; or
- (b) In the case where an order with respect to such disqualification was made by a Judge of the Supreme Court or District Court upon the trial or conviction of that person, a copy of such order; or
- (c) In the case where no order with respect to such disqualification was made by the justices who convicted him, a copy of the minute or memorandum of the conviction made and signed by such justices; or
- (d) In the case where the order with respect to such disqualification has been made by justices, a copy of such order,

shall be transmitted by the Registrar of the Supreme, Circuit, or District Court or the Clerk of the Petty Sessions concerned to the Commissioner for Transport.

As amended by Act of 1961, 10 Eliz. 2 No. 27, s. 13.

"Clerk of petty sessions" now clerk of the court; see Justices Acts Amendment Act of 1964, s. 2 (4).

**24. Reference to certificate of competency in s. 40 (2) of 11 Geo. 6 No. 17 and s. 328C of The Criminal Code.** In subsection two of section forty of The State Transport Facilities Acts 1946 to 1947, the words "the certificate that he is competent to operate" shall be read as "a driver's license under and within the meaning of The Traffic Act of 1949" and the words "certificate of competency" wherever such words appear shall be read as "driver's license."

In section 328C of The Criminal Code the words "a certificate of competency to operate a motor vehicle" shall be read as "a driver's license under and within the meaning of The Traffic Act of 1949," and the words "certificate of competency" wherever such words appear shall be read as "driver's license."

## PART IV—OFFENCES IN RELATION TO PUBLIC TRANSPORT

Heading substituted by State Transport Facilities, etc., Amendment Act of 1959, s. 27 and Schedule.

**25-29.** [Repealed by State Transport Facilities, etc., Amendment Act of 1959, s. 27 and Schedule.]

**30. Offences by persons using licensed vehicles, tramcars, etc.** (1) Any person hiring or using or attempting to hire or use a vehicle licensed under Part VIA of The State Transport Facilities Acts 1946 to 1959, or a vehicle permitted to be used for carrying passengers or passengers and goods or approved for use in carrying on a service for the carriage of passengers or passengers and goods under The State Transport Facilities Acts 1946 to 1959, or any other Act, or a tramcar, who—

- (a) Evades or attempts to evade payment of the lawful fare for such hiring or use, or refuses to pay such fare; or
- (b) Having failed or refused to pay such fare, fails when required to give to an authorised officer or to the driver or conductor of such vehicle or tramcar his name and address, or gives a false name and address or a false name or a false address; or
- (c) Enters upon or into such vehicle or tramcar (or into any compartment thereof) when such vehicle or tramcar (or compartment thereof) already is carrying the full complement of passengers or is hired by another person; or
- (d) Having entered upon or into such vehicle or tramcar (or into any compartment thereof) when such vehicle or tramcar (or compartment thereof) already is carrying the full complement of passengers or is hired by another person, fails to remove himself therefrom when required to do so by the driver or conductor of that vehicle or tramcar or by an authorised officer; or
- (e) Having entered upon or into such vehicle or tramcar (or into any compartment thereof) and his continued presence thereon or therein becoming unauthorised, fails to remove himself therefrom when required to do so by the driver or conductor of that vehicle or tramcar or by an authorised officer; or
- (f) Misconducts himself or causes inconvenience, annoyance, or discomfort to any person whilst using such vehicle or tramcar; or
- (g) Wilfully damages or otherwise improperly interferes with any part of such vehicle or tramcar or with any equipment therein or thereon,

shall be guilty of an offence, and may be removed from the vehicle or tramcar by the driver, conductor, or any other person employed thereon or by any authorised officer.

(2) Any person who procures or attempts to procure the use or hire of any vehicle or tramcar by fraud or misrepresentation shall be guilty of an offence.

(3) Nothing in this section shall be deemed to repeal or affect the provisions in force of any other Act or of any regulation, ordinance, or by-law made under any other Act relating to offences by persons hiring or using or attempting to hire or use a vehicle or tramcar within the meaning of this Act and where any act or omission is an offence both under a provision of this section and under a provision of any such other Act,

regulation, ordinance, or by-law, the offender may be prosecuted under this Act or under such other Act, regulation, ordinance, or by-law, but so that he shall not be twice punished for that offence.

(4) [Repealed.]

As amended by State Transport Facilities, etc., Amendment Act of 1959, s. 27 and Schedule.

#### PART V—ROAD INCIDENTS

**31. Duties and liabilities of drivers involved in road incidents.** (1) (a) The driver—

(i) Of any vehicle, tram or animal involved on any road; or  
 (ii) Of any motor vehicle involved elsewhere than on a road,  
 in an incident resulting in injury to or death of any person or damage to any property (including an animal in the charge of any person, a vehicle or a tram), shall immediately stop such vehicle, tram or animal at the scene of such incident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the incident until he has fulfilled the requirements of subsection two of this section.

Every such stop shall be made without obstructing traffic more than is necessary.

(b) A person who fails to stop or to comply with the said requirements under such circumstances or who, in purported compliance with the said requirements, furnishes any false or misleading information shall be guilty of an offence and liable—

- (i) In case of an incident whereby death or injury shall have been caused to any person, to a penalty of four hundred dollars or to imprisonment for twelve months, or to both such penalty and imprisonment; or  
 (ii) In any other case, to a penalty of two hundred dollars or to imprisonment for six months.

If, in the opinion of the Court hearing and determining the complaint for an offence against this subsection in relation to an incident whereby death or injury has resulted to any person, the offender has shown a callous disregard for the dead or injured person, the Court shall impose a sentence which shall include imprisonment for a term not less than three months, which sentence of imprisonment shall not be suspended, mitigated or varied, any Act or law to the contrary notwithstanding.

(2) The driver of any vehicle, tram or animal involved on any road, or of any motor vehicle involved elsewhere than on a road, in an incident resulting in injury to or death of any person or damage to any property (including any animal in the charge of any person, a vehicle or a tram) shall—

- (a) In the case of an incident whereby injury has been caused to any other person, render all reasonable assistance to that person;  
 (b) Give his name and address and also the name and address of the owner of the vehicle, tram or animal driven by him and the identification marks of that vehicle, tram or animal to—  
 (i) Any person injured;  
 (ii) The driver of any vehicle, tram or animal (other than the one driven by him) involved in the incident; and  
 (iii) Any person having reasonable grounds for requiring such information;

- (c) Where damage has been caused by the incident to any vehicle which has been left unattended, affix on that vehicle in a conspicuous position a notice in writing setting forth the particulars mentioned in paragraph (b) of this subsection.

(3) The driver of any vehicle, tram or animal involved on any road or of any motor vehicle involved elsewhere than on a road in an incident resulting in injury to or death of any person or damage, to an extent apparently in excess of the prescribed sum, to any property (including any animal in the charge of any person, a vehicle or a tram) shall report the incident to the Superintendent who is the Officer in Charge of the nearest Police Station or to any other member of the Police Force as soon as reasonably practicable after the occurrence thereof:

Provided that, notwithstanding the foregoing provisions of this subsection, where the driver of the vehicle, tram or animal is incapable, by reason of an injury sustained by him in the incident, of reporting the incident as required by this subsection, he shall report the incident as so prescribed as soon as practicable after the occurrence thereof.

Any member of the Police Force to whom an incident to which this section applies is reported shall supply his name, rank and number, if any, to the person reporting the incident.

(4) The Governor in Council may from time to time, by Order in Council published in the Gazette, fix a sum to be the prescribed sum for the purposes of subsection three of this section.

Until the first such Order in Council is so published, that prescribed sum shall be fifty dollars.

(5) A person shall not be punished for an offence against this section if he satisfies the Court hearing and determining the complaint of that offence that he did not know that the incident in relation to which the offence is alleged had occurred and that the circumstances of that incident were such that a competent driver using all due diligence would not have known that it had occurred.

(6) In any proceedings for an offence against this section the allegation or averment in the complaint that any incident specified therein (whether by reference to the approximate time and place thereof, or to the person or persons involved or otherwise so as to reasonably identify it) had not been reported to the Superintendent who is the Officer in Charge of the nearest Police Station or to any other member of the Police Force within or prior to any time or date specified in that allegation or averment, shall be evidence of the matter so alleged or averred.

This subsection shall apply to any matter so alleged or averred although evidence in support or rebuttal of such matter or of any other matter is given.

(7) [Repealed.]

(8) Nothing in this section shall prejudice or affect the provisions of The Criminal Code or any Act relating to traffic or transport and, notwithstanding an order of disqualification for any specified period made under section fifty-four of this Act, upon a conviction of any person for an offence against this section resulting from any road incident hereinbefore mentioned in this section, if that person is subsequently convicted upon indictment of any offence in connection with or arising out of the same road incident, the Judge of the Supreme Court or District Court before whom that person is so convicted, in addition to any sentence he may impose, may order that the offender shall, from the date of the

conviction upon indictment, be disqualified absolutely from holding or obtaining a driver's license or be so disqualified for such period longer than the period specified in the order of disqualification made under section fifty-four of this Act as the Judge shall specify in his order.

Substituted by Act of 1957 (No. 2), 6 Eliz. 2 No. 34, s. 6; as amended by Act of 1960, 9 Eliz. 2 No. 44, s. 3; Act of 1961, 10 Eliz. 2 No. 27, s. 14.

Decimal currency references substituted pursuant to section 7 of Decimal Currency Act of 1965.

Re s. 31 (4)—By Order in Council published Gazette 12 April 1969, p. 1286, the prescribed sum was set at \$100.

**32.** [Repealed by Act of 1961, 10 Eliz. 2 No. 27, s. 15.]

**33. Members of the Police Force may make inquiries, etc., into certain road incidents.** (1) Any member of the Police Force may make all such inquiries and investigations as he deems necessary or desirable for the purpose of ascertaining full particulars relating to any person, vehicle, tram, train, or animal, or other property, real or personal, involved in any incident on any road whereby death or injury was caused to any person, or damage was caused to any vehicle, tram, or train, or to any other property, real or personal, or death or injury was caused to any animal, and the cause or causes of such incident and the circumstance or circumstances attendant thereon and may make or cause to be made such inspection, examination, or test of any vehicle, tram, train, or animal as he considers necessary or desirable for that purpose.

(2) A person shall not, when required by a member of the Police Force under this section—

- (a) Without lawful excuse, fail or refuse to furnish any information within the knowledge of that person; or
- (b) Furnish any information which he knows to be false.

**34. Scheme to facilitate supply of information as to road incidents.**

(1) The Commissioner may authorise a scheme to facilitate the supply of information in the possession of a member of the Police Force as to the facts relating to any incident whereby, owing to the presence on a road of a vehicle, tram, train or animal, death or injury has been caused to any person, or damage has been caused to any property (including any animal in the charge of any person) to any person who or whose property has been involved in that incident, or to the agent, servant or other representative of that person, and to any insurer or other person having a bona fide interest in that incident.

(2) Any such scheme may provide for the payment of fees for the supply of that information on any basis or bases set out in the scheme.

(3) The supply in pursuance of any scheme under this section of any information in relation to any incident of a kind referred to in this section shall not render the Crown, the Minister, the Commissioner or any member of the Police Force liable in any way in law in respect thereof.

Substituted by Act of 1961, 10 Eliz. 2 No. 27, s. 16; as amended by Act of 1965, No. 26, s. 18; Act of 1968, No. 22, s. 9.

#### PART VI—POWERS, FUNCTIONS, AND DUTIES OF MEMBERS OF THE POLICE FORCE

**35. General powers, functions, and duties of Police.** Every member of the Police Force may, in the case of off-street regulated parking areas, and shall, in all other cases, at all times cause the provisions of this Act to be duly observed, and any such member may make or cause to be made

any inquiry, investigation, inspection, examination, or test which in the opinion of such member is necessary to establish whether or not a breach of this Act has been committed by any person or by any person in respect of any vehicle, tram, train, vessel, or animal.

In all cases not expressly provided for by this Act, any member of the Police Force may give to all drivers of and passengers upon vehicles, animals, trains, and trams on or about to enter on any road, and to all pedestrians on and to all persons about to enter on any road, such directions, signals, and orders as may, in his opinion, be necessary for the safe and effective regulation of traffic therein or thereon.

As amended by Act of 1953, 2 Eliz. 2 No. 11, s. 4; Act of 1971, No. 33, s. 10.

**36. Obstruction, etc., of members of the Police Force.** A person shall not—

- (a) Obstruct or hinder any member of the Police Force in the exercise of his powers or duties under this Act; or
- (b) Disobey any direction, signal, or order given by a member of the Police Force in the exercise of his powers or duties under this Act.

**37. Diversion of traffic.** (1) The Commissioner or a District Superintendent or the Commissioner of Main Roads may order the closure of any road, permanently or temporarily (notice whereof shall, if practicable, be given in some newspaper circulating in the locality concerned) against any class or description of traffic, provided that another road or route is available for that traffic.

(2) Whenever a Superintendent, the Commissioner of Main Roads, or, in the event of an emergency, any member of the Police Force, is of opinion that it is expedient for the proper execution of this Act, or otherwise is in the public interest, he may temporarily prohibit, divert or direct all or any part of the traffic in or from any road, and may take any measure and give or cause to be given any direction, signal or order which he considers necessary or desirable for the safe and effective regulation of traffic in the locality where that road is situated.

(3) Any person who contravenes or fails to comply with any prohibition, direction, signal or order made or given under this section shall be guilty of an offence.

(4) The Commissioner of Main Roads may carry out such construction works as are necessary to give effect to the closure of any road ordered under subsection (1) of this section. The cost of such works may be defrayed from the Traffic Engineering Trust Fund.

Substituted by Act of 1961, 10 Eliz. 2 No. 27, s. 17; as amended by Act of 1965, No. 26, s. 19.

**38.** [Repealed by Act of 1959, 8 Eliz. 2 No. 55, s. 15 (1).]

**39. Driver to stop and supply name, etc., when required.** (1) Any member of the Police Force who—

- (a) finds any person committing, or reasonably suspects that any person has committed an offence against this Act; or
- (b) is making inquiries or investigations with a view to establishing whether or not an offence against this Act, including an offence against this section, has been committed by any person; or
- (c) is of the opinion that any person was present at the scene of any incident on a road in which any vehicle, tram or animal was involved, resulting in death of or injury to any



person, or damage to any property (including an animal in the charge of any person, a vehicle, or a tram), and may be able to give information or evidence in relation to that incident; or

- (d) is of the opinion that the name and address of any person is necessary for the purpose of giving effect to any of the provisions of this Act, or for the purpose of enabling him to carry out any of his functions or duties under this Act,

may require that person—

- (i) to stop, or where that person is the driver of any vehicle, tram or animal, to stop that vehicle, tram or animal;
  - (ii) to produce any license issued to him under this Act; and
  - (iii) to state his name and address and, if that member of the Police Force has reasonable ground to suspect that the name and address or the name or the address given is false, to supply evidence of the correctness thereof.
- (2) Any person who, when required under this section so to do—
- (a) fails to stop or, being the driver of a vehicle, tram or animal, fails to stop that vehicle, tram or animal; or
  - (b) fails to produce forthwith any driver's license issued to him under this Act; or
  - (c) fails to produce forthwith any license, other than a driver's license, issued to him under this Act; or
  - (d) fails to state his name and address, or his name or his address; or
  - (e) states a false name or address; or
  - (f) fails to supply evidence, or supplies false evidence of his name and address, or of his name or his address,

shall be guilty of an offence unless, in the case of a failure referred to in paragraph (c) or (f) of this subsection, he has reasonable cause for such failure.

(3) Notwithstanding the provisions of subsection (2) of this section a licensee required by a member of the Police Force to produce any driver's license (other than a provisional license issued to him under this Act shall be deemed not guilty of an offence if not later than forty-eight hours after being required so to do he produces such license to the Officer in Charge of the Police Station specified by that member of the Police Force.

Substituted by Act of 1961, 10 Eliz. 2 No. 27, s. 18; as amended by Act of 1967, No. 44, s. 2; Act of 1969, No. 22, s. 7 (as from 19 January 1970).

**40.** [Repealed by Act of 1961, 10 Eliz. 2 No. 27, s. 19.]

**41. Power to require information respecting identity of drivers of vehicles, etc.** (1) The owner of a vehicle, tram, or animal, or a person in whose name a vehicle is registered, or a person having the possession or control of a vehicle, tram, or animal, shall give such information as he may be required by any member of the Police Force to give as to the identity of any person who was driving, or who was in charge or control of, that vehicle, tram, or animal on any occasion when an offence under this Act in relation to that vehicle, tram, or animal is alleged to have been or is suspected of having been committed.

(2) Every person shall, if required by any member of the Police Force, give any information, which it is in his power to give, which may

lead to the identification of any person who was driving or who was in charge or in control of a vehicle, tram, or animal on any occasion when an offence under this Act in relation to that vehicle, tram, or animal is alleged to have been or is suspected of having been committed.

(3) Any driver of a vehicle, tram, or animal shall give such information as he may be required by any member of the Police Force to give as to the identity of the owner of such vehicle, tram, or animal.

(4) A person who fails to give any information required by this section to be given by him shall be guilty of an offence: Provided that he shall not be punished for that offence if he satisfies the Court that he did not know, and could not by using all due diligence have known, the information required.

(5) Nothing in this section contained shall render any person compellable to answer any question tending to incriminate himself.

**42. General power of arrest without warrant.** (1) Any member of the Police Force may arrest any person found committing an offence against the provisions of any of the following sections of this Act, that is to say, of sections 12E, 12F, 12G, fifteen, sixteen, seventeen, eighteen, nineteen, thirty, thirty-one, thirty-six, thirty-seven, thirty-nine, 44I, fifty-three, sixty, or sixty-one.

(2) Any member of the Police Force may arrest any person who, in the opinion of that member of the Police Force, has committed an offence against the provisions of any of the following sections of this Act, that is to say, of sections sixteen, seventeen, eighteen, nineteen, thirty-one, or sixty.

(3) Any member of the Police Force may arrest any person if that member has reasonable ground to believe—

(a) that the person has committed an offence against this Act; and

(b) that proceedings against the person by summons would not be effective.

Substituted by Act of 1961, 10 Eliz. 2 No. 27, s. 20; as amended by Act of 1965, No. 26, s. 20.

**43. Powers of entry.** Any member of the Police Force may at any time enter any land, premises, or place for the purpose of making any seizure, inquiry, investigation, inspection, examination, or test which he is authorised or required to make under this Act whether in relation to any person, or to such land, premises, or place or to anything which may be therein or thereon, whether it be an animal, or a vehicle, tram, train, or part thereof, or any goods, equipment, or other property or thing, or which in his opinion is necessary or desirable to give proper effect to the provisions of this Act, and if such member is the Commissioner or a District Superintendent, or is acting under the instruction of the Commissioner or a District Superintendent, he may use reasonable force, if necessary, for making such entry.

**44. (1) Police may take charge of vehicles, etc., in certain cases.** Any member of the Police Force may seize and remove and detain or cause to be removed to and detained at a place for safe keeping or for any purpose deemed necessary for giving effect to any provision of this Act or for the safe and effective regulation of traffic any vehicle, tram, or animal—

(a) Where the driver of such vehicle, tram, or animal has been arrested by a member of the Police Force under this Act or any other Act; or

- (b) In respect of which there are reasonable grounds for suspecting that such vehicle, tram, or animal has been abandoned by the person who last drove or used the same or has been involved in an incident whereby death or injury was caused to any person, or damage was caused to a vehicle, tram, or train, or to any other property, real or personal, or death or injury was caused to any animal, and in the opinion of such member is required to be detained for the purpose of completing any inquiries and investigations with respect to such incident; or
- (c) In respect of which there are reasonable grounds for suspecting that such vehicle, tram, or animal has been left on a road unattended whether temporarily or otherwise for such time or in such place, condition, manner or circumstances, that its presence on the road causes or is likely to cause danger, hindrance, or obstruction to traffic or prevents, hinders or obstructs or is likely to prevent, hinder or obstruct, the use of the road or any part thereof for some lawful purpose; or
- (d) Which is found on a road in such place, condition, manner, or circumstances that its presence constitutes an offence under this Act or causes or is likely to cause danger, hindrance or obstruction to traffic or prevents, hinders or obstructs, or is likely to prevent, hinder or obstruct, the use of the road or any part thereof for some lawful purpose, and
  - (i) The driver of which cannot be readily located; or
  - (ii) Which the driver thereof fails to remove forthwith when required by a member of the Police Force so to do:

Provided that in any of the cases specified in paragraph (c) or paragraph (d) of this subsection a member of the Police Force may, without seizing and detaining at a place for safe keeping the vehicle, tram, or animal concerned, remove it or cause it to be removed to some other place but in that event the member of the Police Force shall only remove or cause the vehicle, tram, or animal to be removed to a place at which it can be located by the driver thereof.

The owner or a person possessing authority to act for or on behalf of the owner of a vehicle, tram, or animal seized under this subsection may take delivery of or obtain possession of that vehicle, tram, or animal before its removal or while it is being removed to a place for safe keeping or for any other purpose for which it was seized on obtaining the prior consent of the member of the Police Force who made the seizure.

(2) As soon as practicable after a seizure, removal and detention under subsection one of this section the member of the Police Force seizing and removing or causing to be removed the vehicle, tram, or animal, or some person on his behalf, shall give to the owner notice of the seizure and of the place to and at which the vehicle, tram, or animal was removed and detained. The notice shall wherever practicable be in writing and be served upon the owner personally, but if it is not so served within fourteen days after the seizure it may be given by public advertisement in a newspaper circulating in the locality in which the vehicle, tram, or animal was found.

(3) If the owner of the seized vehicle, tram, or animal does not within one month after the service or advertisement of the notice under

subsection two of this section, and before the vehicle, tram, or animal is released from Police custody, pay all expenses in connection with the removal and detention of the vehicle, tram, or animal, and of serving or advertising the notice, and take possession of the vehicle, tram, or animal, such vehicle, tram, or animal may be sold by public auction (after notice of such sale has been given by advertisement in a newspaper circulating in the locality where the vehicle, tram or animal was found) or, in a proper case, may be otherwise disposed of by direction of the Commissioner and the proceeds of such sale or disposal shall be applied as follows:—

- (a) Firstly, in payment of the expenses of the sale;
- (b) Secondly, in payment of the cost of removal and detention of the vehicle, tram, or animal, and of the notice served or advertised under this section;
- (c) Thirdly, in payment of the balance to the owner, or if after reasonable inquiry the owner cannot be found, into the Consolidated Revenue Fund of the State:

Provided that when a vehicle, tram, or animal is seized and detained by a member of the Police Force under this section and it is, in the opinion of a Superintendent, necessary for the Police to retain custody of the same for the purpose of producing it as an exhibit or for some other purpose, notification thereof shall be given to the owner and thereupon, unless any order for its delivery is sooner made by a Court of Petty Sessions in the district in which the seizure was made or in the district to which the vehicle, tram, or animal has been removed and detained upon an application made under the provisions of section thirty-nine of The Justices Acts 1886 to 1948, such vehicle, tram, or animal may be retained in the custody of the Police for that purpose.

When it is, in the opinion of the Superintendent under whose direction a vehicle, tram, or animal is retained in the possession of the Police, no longer necessary to retain possession of the vehicle, tram, or animal for the purpose of producing it as an exhibit (and it has not been so produced) or for any other purpose for which it was retained, the owner shall be notified accordingly.

When the owner of any such vehicle, tram, or animal has been so notified that it is no longer required to be detained in Police custody and he fails to take possession of the same within one month after being so notified, such vehicle, tram, or animal may be sold or otherwise disposed of and the proceeds of such sale or disposal shall be applied as previously specified in this subsection.

(4) The authority to deal with any vehicle, tram, or animal in any manner specified in this section shall also apply to any goods, equipment, or other property or thing whatsoever contained therein or thereon, or attached thereto at the material time, and the provisions of this section shall extend and apply to such goods, equipment, or other property or thing accordingly.

(5) Subject to any order made by a Court of Petty Sessions under the provisions of section thirty-nine of The Justices Acts 1886 to 1948, the following rules shall be observed in relation to the release from Police custody of a vehicle, tram, or animal seized and detained by a member of the Police Force under this Act, that is to say—

- (a) Application for its release from the custody of the Police shall be made by the owner of the vehicle, tram, or animal

or by a person acting for or on behalf of such owner to the Officer in Charge of the Police Station in the area where such vehicle, tram, or animal is located;

- (b) The applicant shall furnish proof of the ownership of the vehicle, tram, or animal to the satisfaction of the said Officer in Charge;
- (c) The vehicle, tram, or animal shall not be released from Police custody unless—
  - (i) Where such vehicle, tram, or animal has been retained for the purpose of producing it as an exhibit it has not been so produced, or where it has been retained for some other purpose it is no longer required for such purpose; and
  - (ii) The said Officer in Charge is satisfied that the applicant is the owner thereof or that he possesses authority to act for or on behalf of such owner; and
  - (iii) The costs of the removal and detention of such vehicle, tram, or animal, and of the service or advertisement of notice of the seizure thereof, incurred by the Police have been paid to the said Officer in Charge or evidence is produced to the satisfaction of such Officer that such costs have been paid to the person to whom the same were due and payable; and
  - (iv) The applicant has signed a receipt for the delivery of the vehicle, tram, or animal, on the prescribed form supplied to him by the said Officer in Charge.

(6) Any person who takes delivery or obtains possession of or removes or attempts to remove any vehicle, tram, or animal seized under this Act except—

- (a) Under and pursuant to an order made by a Court of Petty Sessions under the provisions of section thirty-nine of The Justices Acts 1886 to 1948; or
- (b) After complying with the rules set out in subsection five of this section; or
- (c) After obtaining the prior consent of the member of the Police Force who made the seizure,

shall be guilty of an offence.

(7) **Power to remove and dispose of abandoned vehicles vested in Local Authorities.** (a) When there is on a road within any Area any vehicle in respect of which there are reasonable grounds for suspecting that the same has been abandoned by the person who last drove or used the same the Local Authority of that Area may remove and detain, or cause to be removed and detained, at a place of safe keeping that vehicle and may deal with such vehicle or cause the same to be dealt with, in the manner provided by this subsection.

(b) (i) As soon as practicable after removal of such vehicle, the Local Authority concerned shall cause notice in writing to be given to the owner thereof, if he can be ascertained, of such removal and of the place at which such vehicle is then detained.

(ii) Such notice shall, if practicable, be served upon the owner personally, but if it is not so served within fourteen days from the date of such removal it may be given by public advertisement in a newspaper circulating in the locality in which such vehicle was found.

(c) If within one month from the date of service or advertisement of such notice the owner of such vehicle or a person acting on his behalf or a person claiming a right to the possession of such vehicle, has not obtained possession of such vehicle in accordance with the provisions of this subsection, the Local Authority may—

- (i) by notice published in a newspaper circulating in the locality in which such vehicle was found, advertise that it will offer such vehicle for sale by public auction at the place and time stated in the advertisement;
- (ii) at the time on the day stated in the advertisement (which day shall be not earlier than fourteen days after the date when the advertisement was published) and at the place stated in the advertisement, offer such vehicle for sale by public auction unless the owner thereof or a person acting on his behalf or a person claiming a right to possession thereof has sooner obtained possession of such vehicle in accordance with the provisions of this subsection;
- (iii) if no offer for such vehicle is received at such auction, dispose of the same in such manner and on such terms as the Local Authority may determine.

(d) The proceeds of the sale or disposal of such vehicle shall be applied as follows:—

- (i) firstly, in payment of the expenses of the sale or disposal;
- (ii) secondly, in payment of the cost of removal and detention of the vehicle and the service and advertisement of any notice served or advertised under this subsection;
- (iii) thirdly, in payment of the balance of such proceeds to the owner of such vehicle or, if after reasonable enquiry, he cannot be ascertained, into the general fund of the Local Authority.

(e) The Local Authority which has caused a vehicle to be removed and detained under this subsection may deal with any goods, equipment or thing contained in, on or about such vehicle at the time of its removal in the same manner as it may deal with the vehicle pursuant to this subsection: Provided that any perishable goods contained in such vehicle at the time of its removal may be disposed of in such manner as the Clerk of the Local Authority concerned shall direct and the proceeds, if any, of such disposal shall be applied in accordance with the provisions of paragraph (d) of this subsection.

(f) The Clerk of a Local Authority which has removed and detained, or caused so to be, a vehicle pursuant to the provisions of this subsection shall not deliver possession of such vehicle to the owner thereof, or to another person acting on his behalf, or to any other person claiming a right to the possession thereof unless the following provisions of this paragraph have been complied with:—

- (i) the owner, or person acting on his behalf, or other person claiming a right to possession of such vehicle shall have applied in writing signed by him to the Clerk of the Local Authority concerned for the release from such detention of such vehicle;
- (ii) the applicant shall have furnished proof to the satisfaction of the Clerk of his ownership or of his right to possession of such vehicle and, in the case of the applicant's being a

person acting on behalf of the owner, shall have furnished proof to the satisfaction of the Clerk, of his authority to act on behalf of such owner;

- (iii) the applicant shall have paid all expenses incurred by the Local Authority concerned in connection with the removal and detention of such vehicle and the service, or advertisement, of any notice served or advertised by such Local Authority in relation to such removal and detention or intended sale of such vehicle;
- (iv) the applicant has signed a receipt for the delivery of such vehicle to him.

Any person who takes delivery, or obtains possession of or removes or attempts to remove from the detention of a Local Authority a vehicle removed and detained pursuant to the provisions of this subsection except in accordance with the provisions of this paragraph shall be guilty of an offence.

(g) In this subsection the term "vehicle" includes any part of a vehicle.

As amended by Act of 1961, 10 Eliz. 2 No. 27, s. 21; Act of 1965, No. 26, s. 21.

"Court of Petty Sessions"—now Magistrates Court; see Justices Acts Amendment Act of 1964, s. 2 (4).

#### PART VIA—REGULATED PARKING

Inserted by Act of 1956, 5 Eliz. 2 No. 26, s. 8; substituted by Act of 1965, No. 26, s. 22.

**44A. Owner.** For the purposes of this Part the term "owner" means, as well as any person who is an owner within the meaning assigned to that term by this Act, any person in whose name a vehicle is registered under the regulations under The Main Roads Acts 1920 to 1965, or under any corresponding legislation, ordinance or law of any State or Territory of the Commonwealth.

Inserted by Act of 1956, 5 Eliz. 2 No. 26, s. 8; substituted by Act of 1960, 9 Eliz. 2 No. 44, s. 4; as amended by Act of 1965, No. 26, s. 23.

**44B. Parking.** (1) Except to the extent to which it is thereunto authorised by the Commissioner of Main Roads a Local Authority shall not have or exercise in respect of a declared road or part of a declared road any power or authority conferred upon it by this section or by any other provision of this Part VIA of this Act.

The Commissioner of Main Roads may by an instrument in writing authorise a Local Authority to exercise the powers conferred upon a Local Authority by this section in respect of the declared road or part of a declared road or the declared roads or parts of declared roads in the Area specified in the instrument and, during the continuance in force of such authority, the Local Authority may prohibit, regulate and control the parking of traffic in accordance with the provisions of this Act on any and every road or part of a road specified in the instrument of Authority, and shall have and may exercise accordingly in respect of any and every such road or part of a road the powers and authorities conferred upon a Local Authority by this section in respect of a road other than a declared road. An instrument of authority under this subsection or a notice of the revocation by the said Commissioner of the authority may be published in the Gazette and thereupon shall be judicially noticed.

(2) (a) The Commissioner of Main Roads may prohibit, regulate and control parking on any declared road.

(b) A Local Authority may prohibit, regulate and control parking in accordance with the provisions of this Act on any road within its Area which is not a declared road and on any off-street regulated parking area within its Area.

(c) The Commissioner of Main Roads or a Local Authority may install official traffic signs for the purpose of prohibiting, regulating and controlling parking and the provisions of Part IIA of this Act shall apply to any official traffic sign so installed.

(3) **Traffic Areas.** (a) A Local Authority from time to time may by by-law—

- (i) define any part of its Area to be a Traffic Area;
- (ii) abolish any Traffic Area;
- (iii) amalgamate two or more Traffic Areas into one Traffic Area;
- (iv) amend the boundaries of any Traffic Area so as to exclude therefrom any part thereof or to include therein any part of the Area which is not included in a Traffic Area;
- (v) exclude from any Traffic Area any part thereof and define that part to be a Traffic Area or include it in another Traffic Area;
- (vi) assign a name to any Traffic Area.

(b) The Local Authority shall install on a road at any place where the boundary of a Traffic Area crosses the road, an official traffic sign indicating such boundary, the hours during and the days upon which regulated parking shall be operative within such Traffic Area, and the maximum period of time for which a vehicle may be parked in such Traffic Area during those hours and on those days.

(c) With the exception of parking in accordance with official traffic signs installed thereon, parking on a road or part of a road or an off-street regulated parking area or part of such an area within a Traffic Area shall be permitted for no longer than the period of time specified on the official traffic signs installed in respect of that Traffic Area as prescribed by paragraph (b) of this subsection.

(4) **Regulated parking.** (a) With respect to all roads and parts of roads and off-street regulated parking areas in a Traffic Area parking shall be by regulated parking and not otherwise and in relation to and for the purposes of regulated parking the Local Authority may exercise the powers, authorities and functions prescribed by this subsection.

(b) In respect of any Traffic Area a Local Authority may by by-law:—

- (i) prescribe the hours during and days upon which (in this Part VIA called in relation to metered parking the “fixed hours”) metered parking only shall be permitted (which fixed hours may be so prescribed differently in respect of different metered spaces) and, other than metered parking, parking in a metered space shall be prohibited;
- (ii) regulate metered parking by prescribing the maximum period for which any one vehicle may be parked in a metered space, which maximum period may be so prescribed differently for different metered spaces or, by reference to the insertion in the



parking meter provided for a metered space of coins of different denominations or of different numbers of coins of the same denomination, for any one and the same metered space;

- (iii) prescribe the hours during and days upon which (in this Part VIA called in relation to parkatarea parking the "fixed hours") parkatarea parking only shall be permitted (which fixed hours may be so prescribed differently in respect of different parkatarea spaces) and, other than parkatarea parking, parking in a parkatarea space shall be prohibited;
- (iv) in respect of parkatarea parking, prescribe the maximum period for which any one vehicle may be parked or may stand in a parkatarea space, which maximum period may be so prescribed differently for different parkatarea spaces;
- (v) fix fees in respect of metered parking and parkatarea parking, respectively;
- (vi) prescribe the hours during and days upon which regulated parking other than metered parking and parkatarea parking shall be operative within a Traffic Area; and
- (vii) prescribe in respect of a loading zone periods during which a vehicle may stand whilst actually engaged in picking up or setting down passengers or in loading or unloading goods, which periods may be prescribed differently for different loading zones and for each of such purposes.

By-laws made under this paragraph (b) may differ in respect of different Traffic Areas.

A by-law made under this paragraph (b) may authorise the Local Authority to determine by resolution any matter which the Local Authority is empowered by this paragraph to prescribe or fix by by-law.

Such an authority includes power to the Local Authority by resolution to make from time to time such determination in respect of the subject-matter of the authority as it deems necessary or desirable and by any such determination to revoke, amend or substitute a fresh determination for a prior determination.

Any indication in an official traffic sign of any of the matters set out in this paragraph (b) shall, unless and until the contrary is proved, be presumed to be a determination of that matter duly made by the Local Authority by resolution and in force when so indicated.

Any reference in this Act or in The Local Government Acts 1936 to 1965 to the declaring or prescribing of any matter to which this paragraph (b) applies shall include the determination of that matter as provided by this paragraph.

(c) **Powers of Local Authority.** A Local Authority may install and maintain in each metered space or immediately adjacent thereto a parking meter as specified in the Manual of Uniform Traffic Control Devices or as approved by the Commissioner of Main Roads.

(d) A Local Authority may install and maintain in each parkatarea space or immediately adjacent thereto a parkatarea as specified in the Manual of Uniform Traffic Control Devices or as approved by the Commissioner of Main Roads.

(e) A Local Authority may install, on any road or any part of a road or any off-street regulated parking area or any part of such an area in a Traffic Area, official traffic signs—

- (i) indicating where metered parking or parkatarea parking is authorised;
- (ii) defining spaces on roads or off-street regulated parking areas to be metered spaces or parkatarea spaces;
- (iii) defining loading zones;
- (iv) defining vehicle stands;
- (v) defining roads or parts of roads or off-street regulated parking areas or parts of such areas in which parking is permitted for no longer than the period of time either specified on an official traffic sign installed on the road or part of a road or off-street regulated parking area or part of such an area in question or specified on official traffic signs installed in respect of the Traffic Area in question as prescribed by paragraph (b) of subsection (3) of this section;

(f) A Local Authority may remove any such official traffic sign;

(g) A Local Authority may, from time to time by by-law, institute a scheme for the approval, in relation to the standing of a vehicle in a loading zone, of motor vehicles (including motor cars, station sedans, station wagons and motor cycles) constructed, fitted or equipped for the carriage of persons as commercial vehicles and the issue of a form of identification of such approval which conforms in all respects (whether as to design or otherwise) with the directions in relation thereto contained in the Manual of Uniform Traffic Control Devices. A by-law made under this paragraph may authorize the Local Authority to fix, from time to time by resolution, and to demand and recover fees in respect of services performed, or the form of identification issued, in relation to the implementation of such a scheme.

(h) A Local Authority may, from time to time, by by-law define as an off-street regulated parking area any area of land, including any structure thereon, owned or held in trust or controlled by it that is provided, set aside or maintained by it for the purpose of off-street parking of vehicles in connexion with a scheme for regulated parking in its Area.

(i) A Local Authority may from time to time make by-laws in relation to off-street regulated parking areas providing for and regulating the following matters:—

- (i) the use by vehicles, or any class or description of vehicles, of such areas;
- (ii) rates of speed in such areas of vehicles or any class or description thereof;
- (iii) the parking, stopping, standing or waiting of or by persons or vehicles, or of or by any particular class or description of persons or vehicles, on such areas either generally or at or during any specified time or period and the confining of traffic or any particular class or description of traffic to a specified part of any such area;
- (iv) the prevention of loitering or obstruction of traffic on such areas.

Inserted by Act of 1956, 5 Eliz. 2 No. 26, s. 8; substituted by Act of 1965, No. 26, s. 24; and amended by Act of 1968, No. 36, s. 3; Act of 1971, No. 33, s. 11.

See also Instrument of Authority under subsection (1) published Gazette 31 July 1965, p. 1654.

**44c. When metered parking permitted.** (1) On or after a date specified by the Local Authority for the commencement of metered parking in any Traffic Area in its Area, it shall be lawful for a person to park a vehicle in a metered space in that Traffic Area during the fixed hours if, but only if—

- (a) he does not park that vehicle in that metered space for a period of time exceeding the appropriate maximum period of time ascertained as prescribed by subsection (2) of this section;
- (b) he pays, as prescribed by subsection (4) of this section, the appropriate parking fee ascertained as prescribed by subsection (3) of this section; and
- (c) (where additionally to any direction relating to the insertion in the parking meter for the metered space in question of a coin or coins, any further direction for the effective operation thereof is specified thereon) he complies in every respect with that further direction.

Metered parking in any and every metered space in any Traffic Area defined as such after the date so specified shall commence on the day next following the date upon which a parking meter shall have been installed in that metered space or immediately adjacent thereto.

This subsection applies subject to section 44M of this Act.

(2) For the purposes of subsection one of this section, the appropriate maximum period of time referred to in subparagraph (a) of the first paragraph of that subsection shall be—

- (a) That period as prescribed or determined as provided by subsection (4) of section 44B of this Act; or
- (b) If in respect of the metered space in question, that period is, prescribed or determined differently as provided by subparagraph (ii) of paragraph (b) of the said subsection (4), then the one of the different maximum periods so prescribed wherefor the appropriate parking fee ascertained as prescribed by subsection three of this section has been paid as prescribed by subsection four of this section.

(3) For the purposes of subsection one of this section the appropriate parking fee referred to in subparagraph (b) of the first paragraph of that subsection shall be—

- (a) A coin of the denomination required to pay that parking fee as specified, pursuant to section 49E of The Local Government Acts 1936 to 1965, on the parking meter provided for the metered space in question; or
- (b) If in respect of the metered space in question, the appropriate maximum period of time referred to in subparagraph (a) of the first paragraph of subsection one of this section is, pursuant to the by-laws, prescribed differently as specified therein, then, in respect of each different maximum period of time so prescribed, a coin of the denomination, or the number of coins of a denomination required to pay the parking fee therefor as specified, pursuant to section 49E of The Local Government Acts 1936 to 1965, on the parking meter provided for that metered space.

(4) For the purposes of subsection one of this section, every person thereunto required by subsection one of this section, immediately upon parking a vehicle in a metered space shall forthwith pay the appropriate

parking fee by inserting or causing to be inserted in the parking meter provided for that metered space a coin of the denomination, or the number of coins of a denomination, prescribed by subsection three of this section to be the appropriate parking fee in question.

(5) A person who, in compliance with the requirements of subsection four of this section, has inserted or caused to be inserted in the parking meter provided for a metered space a coin or coins of a denomination prescribed by subsection three of this section to be the appropriate parking fee in respect of any maximum period of time, less than the longest such period, during which a vehicle is permitted to park in that metered space, shall be deemed to comply with the requirements of subsection four of this section in respect of any longer such maximum period if, before the expiration of that lesser period, he inserts in the parking meter the additional coin or coins required to complete payment in full of the appropriate parking fee for that longer period.

This subsection applies so as not to authorise, justify or excuse the parking of a vehicle in a metered space—

- (a) While the word “expired” shows upon the parking meter provided for that metered space; or
- (b) Continuously for any period longer than that shown on the parking meter provided for that parking space as the longest maximum period during which a vehicle is permitted to park in that metered space.

(6) [Repealed.]

Inserted by Act of 1956, 5 Eliz. 2, No. 26, s. 9; as amended by Act of 1957 (No. 2), 6 Eliz. 2 No. 34, s. 8; Act of 1959, 8 Eliz. 2 No. 55, s. 17; Act of 1960, 9 Eliz. 2 No. 44, s. 6; Act of 1965, No. 26, s. 25.

**44D. Offences in metered parking.** (1) During the fixed hours, a person shall not park a vehicle in a metered space—

- (a) While the word “expired” shows upon the parking meter provided for that metered space;
- (b) Continuously for any period longer than that shown or indicated on the parking meter provided for that metered space as being the maximum period or, in respect of a metered space wherefor that period is prescribed or determined differently as provided by subparagraph (ii) of subsection (4) of section 44B of this Act the longest maximum period during which a vehicle is permitted to park in that metered space upon payment as prescribed of the appropriate parking fee, and upon compliance forthwith with any further direction specified on that parking meter;
- (c) In which any other vehicle is parked;
- (d) So that any part of the vehicle is upon or across or partly upon or across an official traffic sign or is not wholly within the metered space; or
- (e) [Repealed.]

(2) A person shall not be guilty of an offence against paragraph (a) of subsection one of this section solely by reason that he parked a vehicle in a metered space while the word “expired” showed upon the parking meter provided for that metered space and pending his forthwith inserting or causing to be inserted in that parking meter a coin or coins in payment as prescribed of the appropriate parking fee, and his compliance forthwith with any further direction specified on that parking meter for the effective operation thereof.

## (3) [Repealed.]

Inserted by Act of 1956, 5 Eliz. 2 No. 26, s. 9; as amended by Act of 1957, 6 Eliz. 2 No. 13, s. 7; Act of 1957 (No. 2), 6 Eliz. 2 No. 34, s. 9; Act of 1959, 8 Eliz. 2 No. 55, s. 18; Act of 1965, No. 26, s. 26.

**44E. Owner responsible for offence.** (1) Subject as hereinafter provided, where any offence is committed in relation to the regulated parking of any vehicle, the person who at the time of the commission of the breach was the owner of the vehicle shall be deemed to have committed that offence and may be proceeded against and shall be punishable accordingly.

(2) **Evidence of ownership.** Proof that the name and address of a person were shown upon the outside of a vehicle or upon a registration label issued pursuant to the regulations under The Main Roads Acts 1920 to 1965, and affixed to a vehicle, or that in or upon a vehicle there was otherwise shown the name and address of a person purporting to be the name and address of the owner of that vehicle, shall be evidence that at the time when such name and address were so shown, the person whose name and address were so shown was the owner of that vehicle, and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such ownership.

(3) Unless and until the contrary is proved the Court hearing and determining a complaint for an offence in relation to regulated parking shall presume that any parking meter or parkatarea in question was, at all times and in all respects relevant to the proceedings, in good and correct working order and condition.

Inserted by Act of 1956, 5 Eliz. 2 No. 26, s. 9; as amended by Act of 1957, (No. 2), 6 Eliz. 2 No. 34, s. 10; Act of 1965, No. 26, s. 27.

**44F. Notice of alleged offence.** (1) Whenever a vehicle is found parked in contravention of this Part of this Act, or is found in any other circumstances which constitute or are deemed to constitute an offence in relation to regulated parking the member of the Police Force or authorised person finding such vehicle shall affix on such vehicle in a conspicuous position or give to the owner or driver thereof a notice, in writing.

Such notice shall—

- (a) Be identified by a serial number;
- (b) Be addressed to the owner of such vehicle by name, or, if the name of the owner is not displayed on the vehicle, be addressed to the owner of such vehicle by the registration number of such vehicle;
- (c) Describe the vehicle the subject of the alleged offence;
- (d) Notify that it is alleged that an offence in respect of regulated parking has been committed in respect of the parking of that vehicle;
- (e) State in general terms the offence which it is alleged has been committed;
- (f) Inform that owner in general terms that he has the right to decline to be dealt with in the manner described in paragraph (g) hereof and to insist on his right to a Court hearing—
  - (i) If he desires to contest the question whether the offence alleged was in fact committed;
  - (ii) If he wishes to submit to the Court matters in extenuation of penalty; or

- (iii) For any other reason he may regard as sufficient, in which event there is no necessity for him to reply to or take any further action in respect of the notice and that Court process will issue against him in due course;
- (g) Inform the owner in general terms that if he does not desire the matter to be dealt with by a Court, he may complete the form annexed to or endorsed or written upon such notice and forward or deliver it to the Town Clerk (or officer nominated in that behalf and named therein) on or before the date or within the period specified in the notice (which shall not be less than ten days from the date of giving thereof), together with a prescribed sum of money by way of penalty, in which event he will not be liable to any further penalty or costs in the matter; and
- (h) Inform the owner in general terms of the provisions of subsection two of section 44G of this Act.

(2) Upon receipt by the Town Clerk of a report wherein it is alleged that a vehicle has been parked in contravention of this Part of this Act or that a vehicle has been found in any other circumstances which constitute or are deemed to constitute an offence in relation to regulated parking in any case where a notice has not been affixed to the vehicle or given to the owner or driver thereof pursuant to subsection one of this section, the Town Clerk may give to the owner or driver of that vehicle a notice, in writing, to the like effect as the notice referred to in subsection one of this section.

(3) When at any time when regulated parking is operative in a Traffic Area an authorised person, when acting in the execution of his authority, or a member of the Police Force finds a vehicle parked, stopped or standing in that Traffic Area under circumstances constituting an offence against a provision of this Act other than a provision of this Part and such offence is prescribed pursuant to section 45A of this Act to be a minor traffic offence, then such offence shall be deemed to be an offence in relation to regulated parking and a contravention of this Part of this Act.

If and when section nine of The Traffic Acts Amendment Act of 1960 is proclaimed in force the expression "minor traffic offence" shall be read as referring to offences under this Act in relation to the parking, standing or stopping of vehicles which are prescribed pursuant to section 45A of this Act as inserted by the said section nine to be traffic offences in respect of which the notice specified in paragraph (a) of subsection (1) of that section 45A may be given or affixed as prescribed by that paragraph.

(4) For the purposes of this section "authorised person" means a person who is authorised in writing by the Town Clerk to—

- (a) affix on a vehicle in a conspicuous position; or
- (b) give to the owner or driver of a vehicle,

the notice in writing prescribed by subsection (1) of this section in any and every case where the vehicle is found by him parked in contravention of this Part of this Act or the vehicle is found by him in any other circumstances which constitute or are deemed to constitute an offence in relation to regulated parking.

Inserted by Act of 1956, 5 Eliz. 2, No. 26, s. 10; as amended by Act of 1957 (No. 2), 6 Eliz. 2 No. 34, s. 11; Act of 1960, 9 Eliz. 2, No. 44, s. 7; Act of 1962, No. 23, s. 3; Act of 1965, No. 26, s. 28.

**44G. (1) Prosecution for breach.** Subject to subsection two of this section, where a notice in writing shall have been affixed on a vehicle or given to the owner or driver thereof pursuant to the provisions of section 44F of this Act and the sum of money by way of penalty shall not have been paid to the Town Clerk or officer nominated in that behalf and named in such notice on or before the date or within the period specified therein for such payment, the alleged offence may, notwithstanding any other provision of this Act, be prosecuted upon the complaint of the Town Clerk or of any other person authorised by him, and either against the owner or any other person whomsoever alleged to be guilty thereof.

For the purposes of any such prosecution the appointment and signature of the Town Clerk shall be judicially noticed.

**(2) Answer to complaint.** Notwithstanding the provisions of section 44E of this Act, an owner of a vehicle shall not, by virtue of that section, be deemed guilty of an offence not actually committed by him if not later than ten days after the day of the service of a summons for that offence—

- (a) He supplies to the Town Clerk a statement in writing, verified upon oath or by statutory declaration, stating facts which prove to the satisfaction of the Town Clerk that some other person actually committed the offence and stating the name of that other person and the address at which he may be readily located; or
- (b) He supplies to the Town Clerk a statement in writing, verified upon oath or by statutory declaration, stating facts which prove to the satisfaction of the Town Clerk that he had sold such vehicle on a date before the time when the offence was committed and stating the name of the person to whom the vehicle was so sold and the address at which such person may be readily located, the date of the sale, and the name and address of the agent, if any, who made the sale on his behalf; or
- (c) He proves to the satisfaction of the Town Clerk that, at the time of the offence, the vehicle was stolen or being used unlawfully without his consent.

**(3)** In any proceedings in respect of an offence related to the regulated parking of any vehicle against a person named in a statement referred to in paragraph (a) or paragraph (b) of subsection two of this section, a copy of such statement shall be served with the summons.

The endorsement of a copy of such statement with an oath of service shall be evidence of such service and, in the absence of evidence in rebuttal, shall be conclusive evidence of such service.

**(4)** Subject to subsection three of this section, the production by the prosecutor of a statement referred to in paragraph (a) or paragraph (b) of subsection two of this section shall be evidence of the facts stated therein and, in the absence of evidence in rebuttal, shall be conclusive evidence of those facts.

Inserted by Act of 1956, 5 Eliz. 2 No. 26, s. 10; as amended by Act of 1961, 10 Eliz. 2 No. 27, s. 22; Act of 1965, No. 26, s. 29.

**44H. Liability for offences in respect of regulated parking.** The provisions of this Part whereby an owner may be proceeded against and punished for an offence in relation to the regulated parking of a vehicle

not actually committed by him or may, pursuant to section 44F of this Act, pay a prescribed sum of money by way of penalty in respect of such an offence shall not prejudice or affect howsoever the liability of the person by whom the offence was actually committed to be proceeded against and punished therefor, save that where either of them has been punished for the offence by being convicted therefor or by paying pursuant to section 44F of this Act a prescribed sum of money by way of penalty, then the other of them shall cease to be subject to any liability under this Part in respect of the offence.

Inserted by Act of 1956, 5 Eliz. 2 No. 26, s. 11; as amended by Act of 1965, No. 26, s. 30.

**44I. Offences.** (1) A person shall not—

- (a) Insert or cause to be inserted in any parking meter or parkatarea anything whatsoever which is not a coin of a denomination specified on the parking meter or parkatarea;
- (b) Deface any parking meter or parkatarea or without the authority of the Local Authority, affix any placard, advertisement, notice, list, document or thing to or paint or write upon any parking meter or parkatarea;
- (c) Tether any animal to a parking meter or parkatarea;
- (d) Destroy or damage, or attempt to destroy or damage, or do, or attempt to do, or cause to be done any act which interferes with or is likely to interfere with the due and proper working of a parking meter or parkatarea; or
- (e) Fraudulently operate or attempt to operate any parking meter or parkatarea.

(2) A person, other than the owner or the person in charge of the vehicle, shall not remove, deface, or interfere with a notice affixed to such vehicle in pursuance of the provisions of section 44F of this Act.

(3) All offences against the provisions of this section may, notwithstanding any other provisions of this Act, be prosecuted upon the complaint of the Town Clerk or of any other person authorised by him.

For the purposes of any such prosecution the appointment and signature of the Town Clerk shall be judicially noticed.

Inserted by Act of 1956, 5 Eliz. 2 No. 26, s. 11; as amended by Act of 1957 (No. 2), 6 Eliz. 2 No. 34, s. 12; Act of 1965, No. 26, s. 31.

**44J. Agreement with Local Authority on costs of administration.** The Commissioner may, with the approval of the Minister, enter into an agreement with the Local Authority whereby the Local Authority shall pay to the Commissioner an annual or other periodic sum in respect of the costs incurred in the carrying out of duties under this Part by members of the Police Force.

If the Commissioner and the Local Authority cannot agree upon such payment, the Governor in Council may, by Order in Council, determine that the Local Authority shall pay to the Commissioner, in respect of the costs incurred in the carrying out of duties under this Part by members of the Police Force, such annual or other periodic sum as the Auditor-General certifies to be fair and reasonable.

The Governor in Council may, by Order in Council, revoke or from time to time vary any such determination, but no such variation shall be made unless the Auditor-General certifies that it is fair and reasonable.



The Local Authority shall make to the Commissioner payments in accordance with such determination (or, if such determination shall have been varied, such determination as varied for the time being).

Inserted by Act of 1956, 5 Eliz. 2 No. 26, s. 11; as amended by Act of 1960, 9 Eliz. 2 No. 44, s. 8.

**44k.** [Inserted by Act of 1956, 5 Eliz. 2 No. 26, s. 12; repealed by Act of 1965, No. 26, s. 32.]

**44L. Parkatarea parking.** (1) On and after a date specified by the Local Authority for the commencement of parkatarea parking in any Traffic Area in its Area, it shall be lawful for a person to park a vehicle in a parkatarea space in that Traffic Area during the fixed hours if, but only if,—

- (a) he does not park that vehicle in that parkatarea space for any period of time beyond the period of time indicated on the parkatarea provided in respect of that parkatarea space;
- (b) he pays, as prescribed by subsection (2) of this section, the appropriate fee ascertained as prescribed by subsection (3) of this section; and
- (c) (where additionally to any direction or indication on the parkatarea there is any other official traffic sign directing or indicating a modification, variation or limitation of the direction or indication on that parkatarea) he complies in every respect with that further direction or indication.

Parkatarea parking in any and every parkatarea space in any Traffic Area defined as such after the date so specified shall commence on the day next following the date upon which a parkatarea shall have been installed in that parkatarea space or immediately adjacent thereto.

(2) For the purposes of subsection (1) of this section, a person thereunto required by that subsection immediately upon parking a vehicle in a parkatarea space, shall forthwith pay the appropriate fee by inserting or causing to be inserted in the parkatarea provided in respect of that parkatarea space a coin of the denomination, or the number of coins of a denomination, prescribed by subsection (3) of this section.

(3) For the purposes of subsection (1) of this section the appropriate fee shall be a coin of the denomination or the number of coins of a denomination (which denomination or number the Local Authority is hereby authorised to fix by by-law or resolution) required to pay the fee as fixed by the Local Authority by the by-laws.

(4) During the fixed hours, a person shall not park a vehicle in a parkatarea space—

- (a) unless he has inserted or caused to be inserted in the parkatarea provided in respect to that parkatarea space a coin or coins in payment of the appropriate fee;
- (b) unless the parkatarea provided in respect of that parkatarea space indicates that the appropriate fee has been paid;
- (c) for any period beyond the period indicated on the parkatarea provided in respect of that parkatarea space;
- (d) in which any other vehicle is parked; or
- (e) so that any part of the vehicle is upon or across or partly upon or across an official traffic sign or is not wholly within the parkatarea space:

Provided that, in the case of a commercial vehicle actually engaged in loading or unloading goods, where such vehicle is of a greater length than the length of the parkatarea space there provided such vehicle shall be placed as nearly as practicable wholly within that parkatarea space.

Inserted by Act of 1961, 10 Eliz. 2 No. 27, s. 23; substituted by Act of 1965, No. 26, s. 33.

**44M. Emergent control of parking in Traffic Area.** Any member of the Police Force during any temporary obstruction of or danger to traffic or in any case of emergency, or the District Superintendent in his discretion in special circumstances of which public notice shall be given if practicable in some newspaper generally circulating in the locality concerned, may—

- (a) direct any person not to park or cause or permit to be parked any vehicle in any Traffic Area or in any metered space or parkatarea space;
- (b) direct the owner or driver of any vehicle parked in any Traffic Area or in any metered space or parkatarea space to remove such vehicle from such Traffic Area or metered space or parkatarea space; and
- (c) where the owner or driver of a vehicle parked in a Traffic Area or in a metered space or parkatarea space cannot be readily located, or, if located, fails to remove such vehicle from such Traffic Area or metered space or parkatarea space when directed to do so in pursuance of this section, remove or cause to be removed such vehicle from such Traffic Area or metered space or parkatarea space.

The provisions of section forty-four of this Act shall extend and apply in respect of any vehicle mentioned in paragraph (c) of this section.

Inserted by Act of 1965, No. 26, s. 33.

#### PART VII—PROCEEDINGS AND EVIDENCE

**45. (1) Offences.** Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence.

(2) **General penalty.** Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months.

Provided that any person who contravenes or fails to comply with any provision of the regulations made under this Act shall be liable, if no specific penalty is provided therefor, to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

(3) **Summary proceedings.** All offences against this Act may be prosecuted and all fees and sums payable under this Act may be recovered in a summary way under The Justices Acts 1886 to 1948, on complaint by any member of the Police Force or by any other person authorised by the Minister. Proceedings for the recovery of any fee may be brought in the Petty Sessions District in which such fee is payable.

In any proceedings for the recovery of a fee a document purporting to be under the hand of a Superintendent and stating that any sum specified therein is the amount of a prescribed fee which became due

and payable on the date set out therein and that such sum has not been paid shall be prima facie evidence of the matters set out in that document.

As amended by Act of 1953, 2 Eliz. 2 No. 11, s. 6; Act of 1961, 10 Eliz. 2 No. 27, s. 24.

Decimal currency references substituted pursuant to section 7 of Decimal Currency Act of 1965.

"Petty Sessions District"—now Magistrates Court District; see Justices Acts Amendment Act of 1964, s. 2 (1).

**45A. Traffic offences in respect of which offender may elect to pay penalty.** (1) The power of the Governor in Council to make under this Act regulations shall include power to make regulations—

- (a) Prescribing any offences under this Act to be traffic offences in respect of which a notice may be given to an offender or affixed to a vehicle advising that a prescribed penalty may be paid for any such offence without involving Court proceedings, which offences may be prescribed separately or by reference to any particular part of this Act or of the regulations made thereunder or by a general statement incorporating reference to offences against any or every provision of this Act or any or every offence except specified offences against the provisions of this Act;
- (b) Prescribing sums of money which shall be payable by way of penalties in respect of offences so prescribed which sums of moneys may be so prescribed differently in relation to different offences or differently in relation to any such offence according to previous like offences or the time, place or circumstances related to the commission of the offence;
- (c) Prescribing such other matters as shall be shown on any notice given to an offender or affixed to a vehicle.

(2) Subject to this section any person who at the time of the commission of a traffic offence in relation to the parking, stopping or standing of a vehicle, or in relation to the construction or equipment of a vehicle, is the owner within the meaning of section 44A of this Act of the vehicle in relation to which the offence is committed shall be deemed to have committed that offence and may be proceeded against and shall be punishable accordingly.

(3) Whenever a vehicle is found parked, stopped, standing, constructed or equipped under circumstances constituting a traffic offence as prescribed pursuant to this section against any provision of this Act, the provisions of subsection two of section 44E, section 44F, section 44G and section 44H of this Act shall, where applicable, apply with respect to any such offence subject to the following modifications and adaptations:—

- (a) By reading as references to offences in relation to the parking, stopping or standing of vehicles, or offences in relation to construction and equipment of vehicles as prescribed by this section, all references with respect to offences in relation to regulated parking;
- (b) (In any case where the traffic offence in respect of which the notice specified in paragraph (a) of subsection (1) of this section may be given or affixed as prescribed by that paragraph is not deemed to be an offence in relation to regulated parking and a contravention of Part VIA of this Act.) By reading as references to the Commissioner of

Police or other persons prescribed by the regulations made pursuant to this section, reference to the Town Clerk or officer nominated in that behalf;

- (c) By reading as referring to the notice which may be given to an offender or affixed to a vehicle pursuant to this section, references to the notice to be affixed to vehicles pursuant to the said section 44F; and
- (d) All such other adaptations as may be necessary for so applying those provisions.

(4) Whenever a traffic offence as prescribed pursuant to this section against any provision of this Act in relation to the driving of a vehicle is detected by a member of the Police Force, the provisions of section 44F and subsection one of section 44G of this Act shall apply, where applicable, to such offence subject to the following modifications and adaptations:—

- (a) By reading as reference to the offender, all references with respect to the owner or driver;
- (b) By reading as reference to offences in relation to the driving of a vehicle as prescribed by this section, all references with respect of offences in relation to regulated parking;
- (c) By reading as references to the Commissioner of Police or other persons prescribed by the regulations made pursuant to this section, references to the Town Clerk or officer nominated in that behalf;
- (d) By reading as referring to the form of notice which may be given to an offender pursuant to this section, references to the notice to be affixed to vehicles pursuant to the said section 44F; and
- (e) All such other adaptations as may be necessary for so applying those provisions.

Inserted by Act of 1956, 5 Eliz. 2 No. 26, s. 13; substituted as from 16 August 1965 (see Proclamation, Gazette 7 August 1965, p. 1809) by Act of 1960, 9 Eliz. 2 No. 44, s. 9; as amended by Act of 1965, No. 26, s. 34 (2).

**46.** [Repealed by Act of 1961, 10 Eliz. 2 No. 27, s. 25.]

**47. Police may prosecute in all proceedings.** In any proceedings under this Act any member of the Police Force, although not the informant or complainant, may appear and act in Court on behalf of the prosecution.

**48. Records.** The particulars of licenses, applications, appointments, determinations, notifications, demands, directions, cancellations, suspensions, surrenders, authorisations, approvals, or orders issued, made or given under or pursuant to this Act shall be recorded in books or other records kept for the purpose at the Office of the Commissioner or at the Office of a District Superintendent or Superintendent and such records or an extract from or copy of any entry of any particulars so recorded, purporting to be certified under the hand of the Officer ordinarily having the custody thereof as being the record, or an extract from or copy of such record, shall in all courts and upon all occasions whatsoever, be received as evidence and deemed sufficient proof of all particulars contained in such record, extract, or copy without requiring the production of such books or other records or document or documents upon which entry of such particulars may be founded, and the signature of the person certifying to such record, extract, or copy shall, until the contrary is proved, be taken to be the signature of the person having authority to so certify.

Provided that the Commissioner may, with the approval of the Minister and of the Minister of the Crown administering any other Department or Sub-Department of the Government of Queensland, arrange for the particulars with respect to drivers' licenses prescribed by or under this Act to be recorded in the Office of the Commissioner to be kept by and recorded in that other Department or Sub-Department. Unless and until other arrangements are made as aforesaid, such particulars with respect to drivers' licenses shall be kept by and recorded in the Department of Transport.

Any arrangement as aforesaid shall be notified in the Gazette and thereupon the Officer for the time being in charge of that Department or Sub-Department shall, for the purposes of this section, be deemed to be the Officer ordinarily having the custody of the particulars the subject of that arrangement.

Moreover in paragraphs (b) and (g) respectively of subsection one of section forty-nine of this Act such Officer is referred to as the Officer ordinarily having the custody of the particulars of drivers' licenses.

Without limiting the foregoing provisions of this section, the Officer for the time being in charge of the Department or Sub-Department hereinbefore referred to may, by notification published in the Gazette, nominate any other officer or officers of the Department or Sub-Department to be the Officer ordinarily having the custody of the particulars the subject of the arrangement hereinbefore referred to, and any such notification published in the Gazette shall be judicially noticed.

Any reference in section 49 of this Act to an Officer ordinarily having the custody of the particulars of drivers' licenses shall be deemed to include a reference to an officer or officers nominated by the Officer for the time being in charge of the Department or Sub-Department pursuant to the preceding paragraph of this section.

As amended by Act of 1952, 1 Eliz. 2 No. 14, s. 16; Act of 1953, 2 Eliz. 2 No. 11, s. 7; Act of 1961, 10 Eliz. 2 No. 27, s. 26; Act of 1971, No. 33, s. 12.

See notification publ. Gaz. 4 Oct. 1952, p. 351 for arrangement for particulars with respect to drivers' licenses to be kept by and recorded in the Department of Transport.

For notification nominating officers to be officers ordinarily having custody of records see Gazette 10 July 1971, p. 1480.

**49. Facilitation of proof.** (1) In any proceeding under or for the purpose of this Act—

- (a) It shall not be necessary to prove the appointment of the Commissioner or of a District Superintendent or of a Superintendent or of a member of the Police Force or that the person signing any certificate under this Act as the Officer ordinarily having the custody of the particulars of drivers' licenses is for the time being in charge of the Department or Sub-Department referred to in the proviso to section forty-eight of this Act;
- (b) A signature purporting to be that of the Commissioner, or of a District Superintendent, or of a Superintendent, or of the Officer ordinarily having the custody of the particulars of drivers' licenses shall be taken to be the signature it purports to be until the contrary is proved;
- (c) It shall not be necessary to prove the limits of any district or part of a district, or that any road or place is within a district or part thereof, or the authority of the Commissioner, a District Superintendent or Superintendent, or a member of

the Police Force to do any act or take any proceedings, but this shall not prejudice the right of any defendant to prove the limits of the district or part of the district or the extent of such authority;

- (d) [Repealed.]
- (e) Proof that a person applied for or obtained a license for a vehicle shall be evidence that such person was the owner of such vehicle and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such ownership;
- (f) A document purporting to be a copy of a license under this Act and to be certified as a true copy by the officer ordinarily having the custody of the records relating thereto, (including, in the case of a driver's license, the Officer ordinarily having the custody of the particulars of drivers' licenses), shall upon its production in evidence be prima facie evidence of that license, and particulars of a conviction, disqualification, suspension or cancellation set out in any endorsement on a license under this Act or on any document purporting to be a copy of a license under this Act certified as prescribed by this paragraph shall be prima facie evidence that the holder of that license, or the holder of the license in respect of which that document purports to be a copy, was so convicted or disqualified or that the license of that holder was so suspended or cancelled, or as the case may be.
- (g) A document purporting to be signed by the Commissioner, or by a District Superintendent, or by a Superintendent and stating that at any specified time there was or was not in force a license under this Act as described therein issued to a specified person, or in respect of a specified vehicle, or for a specified purpose (or a document purporting to be signed by the Officer ordinarily having the custody of the particulars of drivers' licenses and stating that at any specified time there was or was not in force a driver's license under this Act issued to a specified person), or, in the case of either document as aforesaid, stating that any such license was or was not issued subject to terms, conditions, or restrictions, or was or was not issued subject to the terms, conditions, and restrictions set out in that document shall, upon its production in evidence, be evidence of the matter or matters in that document, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters;
- (h) [Repealed.]
- (j) Against the owner of a vehicle, tram, or animal for permitting or allowing such vehicle, tram, or animal to be used or driven by a person not authorised under this Act by an appropriate driver's license or otherwise to use or drive that vehicle, tram, or animal, proof that such person used or drove that vehicle, tram, or animal shall be evidence that the owner of such vehicle, tram, or animal permitted or allowed such use or driving, and in the absence of evidence in rebuttal thereof shall be conclusive evidence that the owner of such vehicle, tram, or animal permitted or allowed such use or driving;

- (k) Any certificate purporting to be under the hand of the Commissioner, or of a District Superintendent, or of a Superintendent, or of the Commissioner of Main Roads, or of a Town Clerk, or of a clerk of petty sessions or other officer ordinarily having custody of records relating to payments of moneys payable under this Act of the receipt or non-receipt of any notice, application, or payment or of any other thing required by this Act to be given or made shall, upon its production in evidence, be evidence of the matter or matters certified to therein, and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such matter or matters;
- (l) Any certificate purporting to be under the hand of the Chief Inspector of Machinery appointed under The Inspection of Machinery Acts 1915 to 1946, or of any person thereunto authorised by the said Chief Inspector, as to any inspection made by any inspector appointed under The Inspection of Machinery Acts 1915 to 1946, of any vehicle, whether such inspection was carried out at the direction of any member of the Police Force or not, shall, upon its production (and provided that a copy thereof has been made available a reasonable time before the hearing of the proceedings to any party, if requested), be evidence of the matter or matters stated therein and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such matter or matters, appointment, or authority, and the appointment of the Chief Inspector of Machinery or the authority of the person giving such certificate to give same and the appointment of the inspector who made such inspection shall be presumed until the contrary is proved;
- (m) A certificate purporting to be under the hand of the Chief Inspector of Weights and Measures or the Deputy Chief Inspector of Weights and Measures appointed under The Weights and Measures Acts 1924 to 1931, or of any person thereunto authorised by the said Chief Inspector or Deputy Chief Inspector that any instrument used in checking weights—
- (i) Has been tested on a day named in the certificate and has been found to indicate weight correctly; or
- (ii) Has been tested on a day named in the certificate and that the greatest amount of error (expressed as a percentage of the correct weight) found in any weight indicated by such instrument is not greater than the percentage specified in such certificate;
- shall be received in evidence, and when such instrument is used for checking any weight within the three months next succeeding the said day named in the certificate shall be prima facie evidence that any weight indicated by such instrument was—
- (iii) In the case of a certificate under subparagraph (i) of this paragraph the correct weight; and
- (iv) In the case of a certificate under subparagraph (ii) of this paragraph not greater than the correct weight by a greater percentage of the correct weight than the per-

centage specified in such certificate to be the greatest amount of error (expressed as a percentage of the correct weight) found upon such test;

- (n) Any certificate or document—
- (i) Purporting to be issued pursuant to the regulations under The Main Roads Acts 1920 to 1959, or to any corresponding legislation, ordinance or law of any State or Territory of the Commonwealth; or
  - (ii) Purporting to be under the hand of the Secretary of the Commissioner of Main Roads, or any person thereunto authorised by the Commissioner of Main Roads, or to be under the hand of the person or authority charged with the registration of motor vehicles under any legislation, ordinance or law of any State or Territory of the Commonwealth corresponding to the regulations under The Main Roads Acts 1920 to 1959, or any person thereunto authorised by such person or authority,

which states that on any date or during any period the motor vehicle specified in the certificate or document was registered in the name of the person specified therein shall be received in evidence, and shall be evidence that the person specified in the certificate or document was the owner of the motor vehicle specified therein at the time or during the period specified therein, and in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such ownership.

Any certificate or document referred to in this paragraph (n) shall be presumed to have been duly issued or given until the contrary is proved;

- (o) A certificate purporting to be under the hand of the Commissioner, or of a District Superintendent, or of a Superintendent, that the records at the Office of the Commissioner, a District Superintendent or Superintendent, as the case may be, show that any person was the licensee of any vehicle licensed under this Act at any time shall be received in evidence and shall be evidence that such person was such licensee at such time, and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence that such person was such licensee at that time;
- (p) A certificate purporting to be under the hand of the Commissioner, or of a District Superintendent, or of a Superintendent certifying that any stop watch, other watch, or speedometer specified therein had been tested and found correct on any date specified therein shall be prima facie evidence that that stop watch, other watch, or speedometer was correct on each of the sixty days following that date;
- (p1) A certificate purporting to be under the hand of the Commissioner, or of a District Superintendent, or of a Superintendent, stating that a micro-wave vehicle speed indicator (commonly known as radar) specified therein is a scientific instrument of a kind likely to produce accurate results, and that the indicator has been tested and found to be producing accurate results on a date specified therein shall be prima facie evidence of the facts therein stated, unless the defendant requires that the person who tested the indicator



shall be called as a witness, in which case he shall give notice thereof to the complainant not less than three clear days before the return day of the summons or the date of hearing.

Proof of the matters hereinbefore required to be specified in the said certificate, whether by certificate or oral evidence, shall be prima facie evidence that the indicator was producing accurate results on each of the sixty days immediately following the date on which such indicator was tested.

A notice given under this paragraph shall not be effective unless it be in writing and signed by the defendant or by his solicitor.

- (q) The burden of proof that any person, vehicle, tram, train, vessel, or animal was at any time exempt from any provision of this Act or that any such provision was not at any time applicable to any person, vehicle, tram, train, vessel, or animal shall be on the defendant;
- (r) The allegation or averment in any complaint that—
  - (i) Any person is or is not or was or was not at any time or date mentioned in the complaint—
    - (a) The owner of any vehicle, tram, train, vessel, or animal; or
    - (b) The holder of a license or any particular class or description of license; or
    - (c) Of, or under, or over a specified age; or
    - (d) The holder of a driver's license authorising him to drive a motor vehicle on the road therein specified; or
  - (ii) Any thing is or was a vehicle, tram, train, vessel, or animal or of a particular class or description thereof; or
  - (iii) Any place or thing is or was a road or a part of a road or an off-street regulated parking area or a part of such an area; or
  - (iv) Any way is or was a tramway or railway; or
  - (v) Any distance referred to therein is or was a specified distance or is or was greater or less than a specified distance; or
  - (vi) Any direction or indication or prescribed direction or indication is or was given by an official traffic sign, shall be evidence of the matter or matters so averred or alleged, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters;
- (s) The allegation or averment in any complaint that any sign, signal, light, marking, or other device—
  - (i) Is or is not, or was or was not, an official traffic sign; or
  - (ii) Is or is not, or was or was not, lawfully constructed, made, marked, placed, erected, affixed, or painted in, into, or on or near any specified road or off-street regulated parking area, or that such sign, signal, light, marking, or other device is or is not, or was or was not, for any purpose specified in the complaint; or

- (iii) Does or does not contain, or has or has not contained, any specified word, figure, warning, direction, indication, or symbol,

shall be evidence of the matter or matters so alleged or averred and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters;

- (t) Any person who appears, acts, or behaves as the driver, rider, or person having the possession, custody, care, or management of any vehicle, tram, train, vessel, or animal, or who uses or drives, or attempts to use or drive the same shall be presumed to be the person in charge thereof whether he is or is not the real person in charge, and it is immaterial that by reason of circumstances not known to such person it is impossible to drive or otherwise use the same.

(2) Paragraphs (h), (r), and (s) of subsection one of this section shall apply to any matter alleged or averred thereunder although—

- (a) Evidence in support of such matter or of any other matter is given; or
- (b) Any matter so alleged or averred is a mixed question of law and fact, but in that case the allegation or averment shall be evidence of the fact only.

(3) This section shall not lessen or affect any onus of proof otherwise falling on the defendant.

As amended by Act of 1953, 2 Eliz. 2 No. 11, s. 8; State Transport Facilities, etc., Amendment Act of 1959, s. 27 and Schedule; Act of 1960, 9 Eliz. 2 No. 44, s. 10; Act of 1961, 10 Eliz. 2 No. 27, s. 27; Act of 1965, No. 26, s. 36; Act of 1971, No. 33, s. 13.

"Clerk of petty sessions"—now clerk of the court; see Justices Acts Amendment Act of 1964, s. 2 (4).

**50.** [Repealed by Act of 1961, 10 Eliz. 2 No. 27, s. 28.]

**51. When offence not to be twice punished.** Where the same act or omission is an offence both under this Act and under some other Act or law, the offender may be prosecuted under either this Act or the other Act or law in question, but so that he shall not be twice punished for that act or omission.

Where a person is charged with an act or omission which is both an offence under this Act and an indictable offence, the justices shall abstain from dealing with the case summarily if they are of opinion that the charge is a fit subject for prosecution by indictment and thereupon shall commit the alleged offender for trial.

#### PART VIII—GENERAL

**52. Avoidance of license where cheque not honoured.** If any applicant for any license pays the fee for such license by cheque and the cheque is not honoured on presentation, the license for which the cheque was tendered shall be absolutely void as from the time of issue, and the applicant shall, on demand made by the Commissioner, a District Superintendent or Superintendent, immediately deliver such purported license to the person making such demand.

If, after such demand, any applicant fails so to deliver or uses or continues to use or permits or allows any other person to use such purported license or if any person other than the applicant so uses such purported license, the applicant and/or such person shall be guilty of an offence.

**53. Fraud and unlawful possession of licenses.** (1) A person shall not—

- (a) In any written application, notice, or other document made or given to the Commissioner, a District Superintendent, or Superintendent, wilfully make any statement which is false; or
- (b) By any false statement or misrepresentation obtain or attempt to obtain a license; or
- (c) Wilfully furnish false or misleading information with regard to particulars required by this Act to be furnished in relation to an application for a license or otherwise; or
- (d) Without lawful excuse (the proof of which shall be upon him) have in his possession—
  - (i) Any license; or
  - (ii) Any article resembling a license and calculated to deceive; or
  - (iii) Any document which was formerly a license, but which is void, cancelled, suspended, or surrendered; or
- (e) Forge, or without lawful excuse (the proof of which shall be upon him) use, lend, or permit or allow to be used by any other person any license; or
- (f) Unless he is authorised by or under this Act or is a person acting under the direction of the Commissioner or a Judge of the Supreme Court or District Court or justices, make or cause or permit or allow to be made any endorsement (other than his signature) or any addition or alteration or erasure whatsoever on or from a license.

(2) Any license obtained by any false statement or misrepresentation shall be null and void.

As amended by Act of 1961, 10 Eliz. 2 No. 27, s. 29.

**54. Power of Courts to disqualify convicted persons from holding or obtaining licenses.** (1) Where any person is convicted of an offence under this Act or is convicted upon indictment or summarily of an offence against any other Act or law, then, if the Judge of the Supreme Court or District Court presiding at his trial upon indictment is, or the justices before whom he is summarily convicted are, satisfied upon the evidence (or, upon a plea of guilty, upon the facts relevant to the offence and the circumstances thereof stated by the prosecutor and not rebutted by the defendant)—

- (a) That any license or licenses under this Act held by the offender, or the powers and authorities conferred upon the offender by any such license or licenses, enabled, aided, or facilitated the commission of the offence by him; or
- (b) That, having regard to the nature of the offence, or to the circumstances in which it was committed, or to both, the offender should, in the interest of the public, be prohibited from holding or obtaining any particular license or licenses under this Act either absolutely or for a period,

the Judge or justices may order that the offender shall, from the date of the order, be disqualified absolutely from holding or obtaining such license or all or any of such licenses, or be so disqualified for such period as the Judge or justices shall specify in the order.

Such disqualification may be absolute as respects any one or more of the licenses concerned and for a period as respects another or other such licenses, and different periods of disqualification may be ordered as respects different licenses.

(2) This section shall be read so as not to limit the operation and effect of section fifteen, sections nineteen to twenty-two, both inclusive, and section thirty-one of this Act.

(3) Any disqualification under this section shall be in addition to any punishment to which the person convicted may be liable upon his conviction.

(4) A copy of any order made under this section shall, in relation to a driver's license, be transmitted to the Commissioner for Transport and, in any other case to the Commissioner, by the Registrar of the Supreme, Circuit, or District Court, or the Clerk of the Petty Sessions which recorded the conviction.

As amended by Act of 1953, 2 Eliz. 2 No. 11, s. 9; Act of 1959, 8 Eliz. 2 No. 55, s. 20; Act of 1961, 10 Eliz. 2 No. 27, s. 30.

"Clerk of petty sessions"—now clerk of the court; see Justices Acts Amendment Act of 1964, s. 2 (4).

(5)

**55. Effect of disqualification.** (1) Where under this or any other Act a Judge of the Supreme Court or District Court or justices orders or order that any person shall be disqualified absolutely from holding or obtaining a license of any kind, class or description (other than a driver's license), each subsisting such license held by that person shall, by virtue of such order, be and be deemed to be cancelled on and from the date upon which that person became so disqualified.

(2) Where under this or any other Act a Judge of the Supreme Court or District Court or justices orders or order that any person shall be disqualified for a specified period from holding or obtaining a license of any kind, class or description (other than a driver's license), each subsisting such license held by that person shall by virtue of the order, where such license—

- (a) Would expire during the period of disqualification so ordered, be and be deemed to be cancelled on and from the date upon which that person became so disqualified; or
- (b) Would not expire during the period of disqualification so ordered, be and be deemed to be suspended on and from the date upon which that person became so disqualified and thereafter until the expiration of the period of disqualification specified in the order.

(2A) Where under this or any other Act a Judge of the Supreme Court or District Court or justices orders or order that any person shall be disqualified absolutely or for a specified period from holding or obtaining a driver's license, each subsisting driver's license held by that person shall, by virtue of such order, be and be deemed to be cancelled on and from the date upon which that person became so disqualified.

(3) Where under any provision of this Act a conviction for an offence disqualifies any person from holding or obtaining a driver's license for any period therein specified and no order of disqualification has been made upon such conviction, each and every subsisting driver's license held by that person shall, by virtue of such conviction, be and be deemed to be cancelled on and from the date of such conviction.

(4) **Effect of suspension.** Suspension under this Act of any license—

- (a) Shall, whilst such license is so suspended, have the same effect as the cancellation of the license; and
- (b) Shall, whilst such license is so suspended, disqualify the person who held that license from holding or obtaining a license of the same kind, class, or description; and
- (c) (If the period of such suspension is less than the period during which that license ordinarily would have remained in force) shall not, upon the termination of that suspension, extend the period during which that license thereafter remains in force beyond the period during which that license would have remained in force if it had not been so suspended.

(5) Any cancellation or suspension of a driver's license shall apply and extend to such license and to every other driver's license authorising the person in question to drive any vehicle.

(6) **Offences by disqualified persons.** (a) A person shall not apply for or obtain a driver's license or license of any other kind, class, or description at a time when he is disqualified—

(i) By this Act; or

(ii) By an order made under this or any other Act,

from holding or obtaining a driver's license or, as the case may be, license of that other kind, class, or description.

A person who applies for or obtains a license in contravention of this paragraph shall be guilty of an offence.

(b) Any driver's license or license of any other kind, class, or description, obtained by any person or issued to him at any time when he is disqualified—

(i) By this Act; or

(ii) By an order made under this or any other Act,

from holding or obtaining a driver's license or, as the case may be, license of that other kind, class, or description shall be absolutely void and of no legal effect whatsoever.

(c) This subsection shall be read so as not to affect the liability, if any, of that person to punishment under any other provision of this Act or under any other Act in respect of anything done or omitted to be done by him in relation to the obtaining of the license in question.

As amended by Act of 1953, 2 Eliz. 2 No. 11, s. 10; Act of 1961, 10 Eliz. 2 No. 27, s. 31; Act of 1971, No. 33, s. 14.

**55A. Effect of disqualification on subsequent issue of driver's license.**

Where the driver's license of a person is cancelled or deemed to be cancelled in accordance with the provisions of section 55 of this Act and that person subsequently makes application for a driver's license, the Superintendent shall cause him to be tested as prescribed and any driver's license issued to him shall be issued as a provisional license.

Inserted by Act of 1971, No. 33, s. 15.

**56. Delivery of cancelled or suspended licenses, or licenses for endorsement.** (1) Where any license is or is deemed to be cancelled or suspended or is surrendered or is required for the purpose of making

an endorsement thereon under this Act the licensee shall forthwith deliver that license—

- (a) If any person is appointed by the regulations to whom a license of that kind, class, or description is to be delivered upon its cancellation, suspension, or surrender, or for its endorsement to that person; or
- (b) Where any person has not been so appointed by the regulations and—
  - (i) Where such license is cancelled or suspended consequent on a conviction on indictment, or by or consequent on an order made by a Judge of the Supreme Court or District Court, to the Registrar of the Supreme Court, Circuit Court, or District Court which recorded the conviction or made the order; or
  - (ii) Where such license is cancelled or suspended consequent on a conviction, or by or consequent on an order, by justices, to the Clerk of the Petty Sessions which recorded the conviction or made the order; or
  - (iii) In any other case, to the Superintendent who is the Officer in Charge of the Police Station in the Police Division in which the address of the licensee, as indicated on the license in question, is situated.

(2) Any person who fails to deliver any license as required by subsection one of this section shall be guilty of an offence.

If such default in delivering any license is continued by any person who has been convicted of the offence of failing to deliver that license as required by subsection one of this section, then that person shall be deemed to commit a continuing offence and shall be liable to a penalty of not less than four dollars or more than forty dollars for each and every day during which such offence is so continued: Provided that the continuing offence in respect of the non-delivery of such license shall not be deemed to commence until the expiration of fourteen days from the date of conviction as aforementioned.

(3) **Endorsements.** The person to whom any license is delivered pursuant to the provisions of this section shall make an endorsement containing such particulars relating to its cancellation, suspension, or surrender, or the other purpose for which the endorsement is required to be made thereon, as may be prescribed and shall transmit such license to the Commissioner unless, in the case of a license continuing in force, he is authorised by the regulations to return such license to the licensee.

(4) Subject to this Act, where any license is deemed to be cancelled under this Act by reason of the disqualification of any person from holding or obtaining a license or the suspension of a license, the Commissioner shall keep the license so deemed to be cancelled until such disqualification has expired or been removed or, as the case may be, such suspension has terminated, and the person entitled to the license has made a demand in writing for its return to him.

(5) Where any person (whether he is at the time the holder of a license or not) has been disqualified—

- (a) By this Act; or
- (b) By an order made under this or any other Act,

from holding or obtaining any license, every license of that kind, class, or description which he may then hold or may subsequently obtain shall be endorsed with such particulars relating to his disqualification as may be prescribed.

(6) On the issue of a new license to any person, the prescribed particulars endorsed or required to be endorsed on any previous license of that kind, class, or description held by him shall be copied or made on to the new license unless he has previously become entitled under the provisions of this Act to have that new license issued to him free from such endorsements.

(7) Any person who, having failed to deliver in accordance with this Act for endorsement his license required hereby to be delivered for the purpose of making an endorsement thereon hereunder and not previously becoming entitled under the provisions of this Act to have a license issued to him free from such endorsement, applies for or obtains a new license of the same kind, class, or description as that which was required to be endorsed without giving sufficient particulars to enable any and every required endorsement to be made on the new license shall be guilty of an offence.

As amended by Act of 1961, 10 Eliz. 2 No. 27, s. 32.

Decimal currency references substituted pursuant to section 7 of Decimal Currency Act of 1965.

"Clerk of petty sessions"—now clerk of the court; see Justices Acts Amendment Act of 1964, s. 2 (4).

Pursuant to regulation 134A, a Superintendent is appointed as the person to whom a license is to be delivered for endorsement.

**57. (1) Appeals with respect to issue of licenses, etc.** Any person aggrieved by the refusal of a District Superintendent or of a Superintendent to issue or renew a license, or by the suspension or cancellation of a license by a District Superintendent, or by the imposition of a condition in respect of a license by or by direction of a District Superintendent or a Superintendent may appeal against such refusal, suspension, cancellation or imposition to the Court.

Notwithstanding the provisions of The Justices Acts 1886 to 1968, the decision upon the appeal of the Court shall be final and binding and without appeal.

Upon and by virtue of the commencement of the appeal the cancellation or suspension in question shall be suspended pending the determination of the appeal but, subject to the decision of the Court upon the appeal, that cancellation or suspension shall take effect from the date of the determination of the appeal for that portion of the period for which it was made which had not expired when the appeal was commenced.

This subsection shall be read and construed so that an appeal hereunder shall not lie in respect of the cancellation or suspension of a driver's license by reason of the disqualification from holding or obtaining that license of the licensee upon his conviction or by order of a Judge of the Supreme Court or District Court or of the Court or in respect of the cancellation or suspension of any license by, or at or pursuant to, the order or direction of a Judge of the Supreme Court or District Court or of the Court under any provision of this Act or under any other Act or law.

(2) **Application for removal of disqualification.** A person in respect of whom an order has been made under this or any other Act that he

shall be disqualified absolutely or for a period in excess of two years from holding or obtaining a driver's license or license of any other kind, class, or description may, at any time after the expiration of two years from the date of the order, and subject as hereinafter provided, from time to time apply to—

- (a) (Where the order was made by a Judge of the Supreme Court or District Court), a Judge of the Supreme Court or District Court holding a sittings of the Supreme Court, Circuit Court, or District Court at the place where the order was made or, where the order was made by a Judge of the Supreme Court, at Brisbane, Rockhampton, or Townsville, according as the place where the order was made is situate within the Southern, Central, or Northern Supreme Court district; or
- (b) (Where the order was made by justices), the Court at the place where the order was made or, if the appointment of that place as a place at which Petty Sessions shall be holden has been cancelled, to the Court nearest to that place,

to remove the disqualification.

Notice of any such application shall be given to the Commissioner or to any member of the Police Force authorised by the Commissioner to receive such notices, who shall be entitled to appear and be heard and to give and produce evidence at the hearing of such application for or against the granting of the application.

Upon hearing any such application the Judge of the Supreme Court or District Court or justices constituting the Court may, as is thought proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

Where an application under this subsection is refused, a further application hereunder shall not be entertained if made within twelve months after the date of the refusal.

If an order is made under this subsection for the removal of a disqualification, the Judge or justices shall further order that particulars of the order for removal be endorsed on each and every license, if any, previously held by the applicant and cancelled as a result of the disqualification, and on every license of that kind, class, or description which the applicant may subsequently obtain (unless in the case of any license he may subsequently obtain the applicant becomes entitled under the provisions of this Act to have that license issued to him free from such endorsement), and the Judge or justices shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

Particulars of the result of any application made under this subsection shall be transmitted by the Registrar of the Supreme Court or District Court or the Clerk of the Petty Sessions concerned to the Commissioner.

**(3) Appeal from order of disqualification made by Judge or Court.**

A person who by virtue of an order of a Judge of the Supreme Court or District Court or justices made under this or any other Act is disqualified from holding or obtaining a license may appeal against the order in the same manner as against a conviction recorded against him by that Judge or the justices and the Supreme Court or District Court in determining



the appeal may, as is thought proper, having regard to the circumstances of the case, either by order remove the disqualification as from such date as may be specified in that order or dismiss the appeal.

A memorandum of the determination of the appeal shall be transmitted by the Registrar of the Supreme Court to the Commissioner. )”

(3a) Where a person has, following upon a conviction, been disqualified from holding or obtaining a driver's license and has commenced an appeal against that conviction, that disqualification shall, upon the commencement of that appeal, and without further order in that behalf, be suspended pending the determination of that appeal:

Provided that, subject to any decision of a court upon that appeal, that portion of the period of disqualification which had not expired when such suspension began to operate shall take effect from the date of determination of that appeal.

(4) **Removal of disqualification upon quashing of conviction.** Where on an appeal a conviction against any person for an offence against this or any other Act is quashed, any disqualification of that person from the holding or obtaining of a license by that conviction without any specific order of disqualification having been made by a Judge of the Supreme Court or District Court or justices shall thereupon be removed without any specific order being required for that purpose and without further or other authority than this Act.

(5) **Validity of orders of disqualification.** Where under the authority of this or any other Act an order is made by a Judge of the Supreme Court or District Court or justices disqualifying a person from holding or obtaining any license such order shall be valid and effective notwithstanding that no application was made for that purpose or that the person so disqualified was not present or was not called upon to show cause against the making thereof.

As amended by Act of 1961, 10 Eliz. 2 No. 27, s. 33; Act of 1968, No. 22, s. 10. "Clerk of petty sessions"—now clerk of the court; see Justices Acts Amendment Act of 1964, s. 2 (4).

**58. Occupiers of garages, etc., to keep register of repairs.** (1) The occupier of every garage or other premises where motor vehicles are repaired or painted for reward shall keep a register in the prescribed form, and shall enter therein in respect of every motor vehicle to which repairs are or painting is effected at such garage or premises—

- (a) The make, model, engine number, chassis number, registered number and colour of such motor vehicle; and
- (b) The name and address of the person leaving such motor vehicle and of the owner thereof; and
- (c) The date and time of receiving such motor vehicle at such garage or premises; and
- (d) The nature of the repairs or painting, including colour of painting carried out; and
- (e) Such further particulars as may be prescribed.

(2) Such register shall be kept at the premises where such repairs are or painting is carried out for the period of three years next following the date upon which such work is carried out, and shall be produced for inspection whenever demanded by any member of the Police Force.

(3) Every such occupier who—

- (a) Fails to keep such a register; or

- (b) Fails to produce such register to a member of the Police Force on demand; or
- (c) Makes or causes or permits to be made any false, incorrect, or misleading entry in such register; or
- (d) Fails to make any entry required by this Act to be made in such register,

shall be guilty of an offence.

(4) The occupier of a garage or other premises shall not be convicted of an offence against this section in relation to repairs effected to a motor vehicle at such garage or other premises if the Court is satisfied—

- (a) That, at the time when such repairs were effected, particulars as required by paragraph (a) of subsection one of this section of that motor vehicle and the name and address of the owner thereof were recorded in the aforementioned register; and
- (b) That such motor vehicle was delivered at such garage or other premises for the purpose of being so repaired by, or with the authority of, the person recorded in such register as the owner thereof; and
- (c) That such register containing particulars as specified in paragraph (a) of this subsection was available for inspection at the time when the repairs in question were effected and at all times thereafter to and including the date of the hearing of the complaint for the offence.

**59. Alteration and defacing of numbers, etc.** Any person who—

- (a) Alters, defaces, or removes any number on the engine or chassis of any motor vehicle being or purporting to be the number of such engine or chassis without the permission in writing of the Commissioner; or
- (b) Places on the engine or chassis of any motor vehicle any number purporting to be, or which is likely to be taken to be, the number of such engine or chassis, without previously—
  - (i) Delivering to the Commissioner a notice in writing signed by such person and stating that the number is to be placed on such engine or chassis and containing particulars of such number and the registration number of such motor vehicle under The Main Roads Acts 1920 to 1943; and
  - (ii) Receiving permission in writing from the Commissioner to place such number on such engine or chassis, as the case may be; or
- (c) Without lawful excuse, the proof of which shall lie upon him, has in his possession or under his control any motor vehicle upon which the engine number or chassis number has been altered, or defaced, or from which any engine number or chassis number has been removed, or upon which any number has been placed in contravention of this section,

shall be guilty of an offence.

**60. Unlawful interference with vehicles and mechanism thereof, etc.**

(1) Any person who drives or in any manner uses on any road any vehicle or tram without the consent of the owner or of the person in lawful possession thereof or who without such consent wilfully destroys, damages, removes, or otherwise interferes with any mechanism or other part of or equipment attached to a vehicle or tram which is on any road

or who without such consent wilfully destroys, damages, removes, or otherwise interferes with the harness or other equipment attached to an animal that is on any road shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment:

Provided that this subsection shall be read so as not to apply to any member of the Police Force acting in the execution of his powers and duties, or to any person acting under and in accordance with a lawful direction of any such member.

(2) The justices may, in addition to any penalty imposable by them under this section, order the defendant to pay to the owner of the vehicle, tram, harness or other equipment in relation to which an offence under this section has been committed, such a sum as the justices think proper by way of compensation for any loss, damage, or expense suffered by the owner as a result of the commission of such offence.

The compensation so awarded may be ordered to be paid either in one sum or by such instalments and at such times as the justices think fit. Moreover in such order the justices may in their discretion order that if the offender does not pay the sum assessed in accordance with such order he shall be imprisoned for any further term not exceeding six months; but if the justices do not so order then such order shall operate as a judgment for the payment of money under The Magistrates Courts Act of 1921 and be enforceable as a judgment under that Act and for such purpose a minute or memorandum of the conviction or order signed by the justices by whom the order was made may be entered in the records of the Magistrates Court exercising jurisdiction at the place for holding Courts of Petty Sessions where the order was made.

(3) Nothing in this section shall affect the provisions of any other Act or any other liability, civil or criminal, of any person guilty of an offence against this section, excepting that where an act or omission is an offence both under this section and under some other Act or law the offender shall not be twice punished for that offence.

Decimal currency reference substituted pursuant to section 7 of Decimal Currency Act of 1965.

"Courts of petty sessions"—now Magistrates Courts; see Justices Acts Amendment Act of 1964, s. 2 (4).

**61. (1) Injurious matter on roads.** Any person who deposits or drops or causes or suffers to be deposited or dropped on any road any matter, substance, or thing likely to cause injury, damage, or danger to any person, vehicle, tram, train, or animal, and being any wood, stone, sand, gravel, nail, tack, scrap iron, glass, wire, tin, bottle, thorn, clipping, oily or sticky substance, or other matter, substance or thing whatsoever, shall be guilty of an offence:

Provided that it shall be a defence to a charge under this section if the defendant proves that he had taken reasonable precautions to prevent the matter, substance or thing from being so deposited or dropped.

(2) Any person who deposits or drops or causes or suffers to be deposited or dropped upon any road any matter, substance or thing referred to in subsection one of this section shall immediately upon becoming aware thereof remove or cause to be removed from such road all of such matter, substance or thing, and if he fails to do so he shall be guilty of an offence.

(3) **Duties of drivers of vehicles, etc., causing damage to road.** If any damage or injury (other than normal wear and tear) is caused to any road in consequence of the use or passage thereon of a vehicle,

tram, or animal, or of anything carried, drawn, or propelled by a vehicle, tram, or animal, and such damage or injury is of such a nature that it may endanger any person, vehicle, tram, or animal using or being used upon such road, the driver of the vehicle, tram, or animal by the use or passage of which such damage or injury was caused or which carried, drew, or propelled the thing by the use or passage of which such damage or injury was caused shall immediately place a mark or sign on or near the place where the damage or injury has been caused of such a nature and in such a manner that it will act as a conspicuous warning of danger to any person approaching that place.

The driver as aforesaid shall also report the damage or injury to the Superintendent who is the Officer in Charge of the nearest Police Station as soon as reasonably practicable after the causing thereof.

A person who fails to comply with any provision of this subsection in any respect shall be guilty of an offence.

**(4) Saving of Local Authorities' powers with respect to interference with roads.** Except as provided by clauses 8A, nine, and 11A of the Schedule to this Act, the provisions of this Act—

(a) Shall not be deemed to repeal or prejudice or otherwise affect—

(i) The provisions of any law or of any other Act or of any regulation, ordinance, or by-law made under any other Act; or

(ii) Any power under any other Act to make ordinances or by-laws,

with respect to the digging up or undermining of, or any other interference with, any road or part thereof, or the placing or use thereon or therein of anything which may, or would be likely to cause danger, obstruction, inconvenience, annoyance, injury, or accident;

(b) Shall not be deemed to prejudice or otherwise affect the having, exercising, or performing by a Local Authority of any power, function, authority, or duty with respect to any of the matters in this subsection specified, and any liability of the Local Authority therefor.

As amended by Act of 1953, 2 Eliz. 2 No. 11, s. 11.

**62. Appropriation of fines, fees, etc.** Any fine or penalty recovered for any offence against this Act shall be paid into and form part of the Consolidated Revenue Fund unless the Court has directed that such fine or penalty or one moiety thereof shall be paid to any complainant who is not a member of the Police Force in which latter case the remainder of the fine or penalty shall be paid into and form part of such Fund.

All sums payable under this Act, including all license fees and other prescribed fees, shall upon recovery be paid into and form part of the Consolidated Revenue Fund.

As amended by Act of 1961, 10 Eliz. 2 No. 27, s. 34.

**63. Scheme to facilitate children crossing streets.** (1) The Commissioner, may—

(a) from time to time authorise any scheme to facilitate the safe crossing by children of public streets, such a scheme to be conducted by persons desirous of taking part therein, and who are referred to therein;

- (b) from time to time authorise any person or class of persons by whom any such scheme may be conducted to exercise and discharge, for the purposes of that scheme, those powers, authorities, duties and functions specified in that scheme; and
- (c) at any time and from time to time revoke, amend or substitute a fresh authority for any prior authority.

(2) Any scheme so authorised shall come into force on the date specified in such scheme.

(3) At any time and from time to time the Commissioner, may revoke, amend or substitute a fresh scheme for any prior scheme.

(4) Without limiting the generality of the power to make regulations contained in section seventy of this Act, the Governor in Council may from time to time make regulations providing for all or any matters necessary or convenient for the purpose of carrying out any scheme under this section, which regulations may be general or in relation to any particular scheme. In particular, and without prejudice to the generality of the foregoing provisions, the regulations may—

- (a) provide for "Stop" signs and the exhibition thereof;
- (b) provide for the placing of barriers across or partly across any public street near a marked footcrossing whilst a "Stop" sign is being exhibited;
- (c) prescribe conditions relating to the wearing or display of any insignia, badge, belt or other article of uniform by any person taking part in any scheme under this section; and
- (d) provide that, whilst a "Stop" sign is exhibited, as prescribed, at or near a marked footcrossing which children are about to use or are upon any portion of, the driver of a motor vehicle facing that sign shall stop the vehicle and cause it to remain stationary until all the children have completed the passage of the footcrossing.

(5) In any proceedings for an offence against any regulation made under this section, evidence that a "Stop" sign was exhibited, as prescribed, by a person, at or near a marked footcrossing which children were about to use, or were upon any portion of, shall be prima facie evidence that the exhibition of that "Stop" sign by that person was authorised under this Act and the regulations under this Act.

Original s. 63 repealed by State Transport Facilities Acts and Another Act Amendment Act of 1959, s. 27 and Schedule; present section inserted by Act of 1961, 10 Eliz. 2 No. 27, s. 35; as amended by Act of 1968, No. 22, s. 11.

**64. Service of determinations, notices, orders, and directions of the Commissioner.** (1) Every determination, notice, order, or direction made or given by the Commissioner under this Act, or notice of rescission by the Commissioner of any such determination, notice, order, or direction, may be published in the Gazette, and upon such publication shall be judicially noticed and shall be and be deemed to be sufficiently served upon or notified to all persons affected by such determination, notice, order, or direction, or rescission thereof.

(2) Every determination, notice, order, or direction made or given under this Act not published in the Gazette, affecting a person or persons individually, or notice of the rescission of such determination, notice, order, or direction, shall be sufficiently served if a copy of such determination, notice, order, or direction or notice of such rescission is delivered to such person or, if more persons than one are affected, to each such person.

(3) The foregoing provisions of this section shall not apply with respect to determinations by the Commissioner of any provision, term, or condition of a license, where such provision, term, or condition is set out in that license.

(4) The Commissioner may rescind any determination, notice, order, or direction made or given by him under this Act, or may by a further determination, notice, order, or direction modify any such determination, notice, order, or direction.

**65. Service of documents.** (1) Any determination, notice, order, direction, or other document whatsoever under the provisions of this Act required or authorised to be given or delivered to or served upon any person may be given, delivered, or served—

- (a) By delivering the same to such person personally; or
- (b) By leaving the same at the usual place of business or address of such person or at his place of business or address last known to the Commissioner or to a District Superintendent; or
- (c) By forwarding the same by registered post in a prepaid letter addressed to such person at his usual place of business or address or at his place of business or address last known to the Commissioner or to a District Superintendent.

(2) Where any such determination, notice, order, direction, or document as aforesaid is required or authorised to be given or delivered to or served upon any person whose place of business or address is unknown to the Commissioner or, as the case may be, to a District Superintendent, the same may be and shall be deemed to be given, delivered, or served by publishing it in some newspaper twice with an interval of not less than one week between the dates of such publications.

(3) (a) A declaration by any person that he has delivered, left, or posted any determination, notice, order, direction, or document in the manner hereinbefore provided shall be conclusive evidence that such determination, notice, order, direction, or document has been so delivered, left, or posted, as the case may be.

(b) A document purporting to be a declaration by the Commissioner or by a District Superintendent as to the usual place of business or address of any person or as to the place of business or address of any person last known to the Commissioner or to that District Superintendent, or that the place of business or address of any person is unknown to the Commissioner or to that District Superintendent, shall, upon production in evidence, be conclusive evidence of those facts.

(c) The publication of any determination, notice, order, direction, or document may be proved by the production of a copy of the Gazette or of a newspaper containing the same.

(4) This section shall be read so as not to limit the operation and effect of section sixty-four of this Act.

As amended by Act of 1961, 10 Eliz. 2 No. 27, s. 36.

**66. When determinations, etc., not affected by error.** No misnomer or inaccurate description or omission contained in any determination, notice, order, or direction made or given by the Commissioner, a District Superintendent, or Superintendent, as the case may be, shall in anywise prevent or abridge the operation of this Act with respect to the subject-matter of such determination, notice, order, or direction provided the same is designated so as to be understood.

As amended by Act of 1961, 10 Eliz. 2 No. 27, s. 37.

**67. Protection of Minister and members of Police Force.** (1) No matter or thing done by the Minister, the Commissioner, the Commissioner for Transport, or the Commissioner of Main Roads or a Local Authority, or a Town Clerk, or by any person acting with the authority of the Minister the Commissioner, the Commissioner for Transport, or the Commissioner of Main Roads or a Local Authority, or a Town Clerk, or done by any member of the Police Force or any other person in good faith and without negligence for the purpose of executing this Act or in the execution of his powers and duties under this Act shall subject the Crown, the Minister, the Commissioner, the Commissioner for Transport, the Commissioner of Main Roads, the Local Authority, the Town Clerk, the authorised person or the member of the Police Force or other person concerned to any liability in respect thereof.

(2) The provisions of this Act relating to offences other than offences under section sixteen of this Act shall not apply to any member of the Police Force while acting in the execution of any power or duty conferred or imposed upon him by this Act or by any other Act or law.

As amended by Act of 1961, 10 Eliz. 2 No. 27, s. 38; Act of 1965, No. 26, s. 37; Act of 1968, No. 22, s. 12.

**68. Weights of vehicles and loading.** The weight of any vehicle and/or the loading on or in any vehicle carrying goods may be ascertained by or in the presence of an authorised officer on a weighbridge under the control of the Commissioner for Transport, the Commissioner of Main Roads, the Commissioner for Railways or any Local Authority or on any weighbridge approved by the Commissioner, or on instruments approved by the Commissioner for checking weights. The loading carried on or in any vehicle carrying goods shall be deemed to be the difference between the gross weight of the loaded vehicle and the tare of the vehicle as shown on a certificate of registration issued in respect of such vehicle under the provisions of The Main Roads Acts 1920 to 1965, or in the case of a vehicle not registered, the tare of such vehicle as shown thereon or ascertained by any other means.

As amended by Act of 1961, 10 Eliz. 2 No. 27, s. 39; Act of 1965, No. 26, s. 38; Act of 1968, No. 22, s. 13.

**69. Rules of Court.** All such Rules of Court as may be deemed necessary or convenient for regulating the procedure and practice of the Supreme Court for the purpose of giving full effect to this Act may be made and the provisions of The Supreme Court Act of 1921 and The Supreme Court Acts Amendment (Rules Ratification) Act of 1928 shall apply and extend in respect of such Rules of Court.

**70. Regulations.** (1) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be necessary or convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.

(2) **Schedule.** Without limiting the generality of the provisions of subsection one of this section regulations may be made for or in respect of all or any of the purposes, matters, and things specified in the Schedule to this Act.

(3) Regulations may be made on the passing of this Act.

(4) The power to make any regulation under this Act shall include power to make that regulation so that it shall be limited in its application—

- (a) To, or to any part of, the Metropolitan Traffic District, any Police District, or any Area of a Local Authority; or
- (b) To, or to any part of, any prescribed locality, place, or road; or
- (c) To persons included in any prescribed class of persons; or
- (d) To all persons excepting persons included in any prescribed class of persons; or
- (e) To vehicles, or animals, or vehicles and animals included in any prescribed class or description thereof; or
- (f) To all vehicles, or all animals, or all vehicles and animals excepting vehicles, or animals, or vehicles and animals included in any prescribed class or description thereof; or
- (g) Otherwise as to time, place, or circumstance as is prescribed.

(5) The power to make any regulation under this Act in respect of trams, trains, or vessels shall include power to make that regulation so that it shall be limited in its application in any manner prescribed in subsection four of this section and the said subsection four shall, with all necessary modifications, apply and extend accordingly.

(6) The power to make regulations under this Act shall include power to make different regulations for or with respect to different districts, areas, localities, places, or roads, or different parts thereof.

(7) The power to make a regulation regulating or controlling any act, matter, or thing shall include power to make a regulation prohibiting that act, matter, or thing either absolutely or except under the authority of a license under this Act.

(8) The power to make regulations under this Act shall include power to repeal, amend, or otherwise modify any regulation in force at the commencement of this Act and continued in force by virtue of any provision of this Act.

**71. Proclamations, regulations, etc.** (1) All Proclamations, Orders in Council and regulations made or purporting to have been made under this Act shall be published in the Gazette, and thereupon shall be judicially noticed, and such publication shall be conclusive evidence of the matters contained therein.

(2) All such Proclamations, Orders in Council and regulations shall be laid before the Legislative Assembly within fourteen days after such publication if it is then sitting for the despatch of business; or, if not, then within fourteen days after the date when the Legislative Assembly next sits for the despatch of business.

If the Legislative Assembly passes a resolution disallowing any such Proclamation, Order in Council or regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such Proclamation, Order in Council or regulation has been laid before it, such Proclamation, Order in Council or regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

For the purpose of this section, the term "sitting days" shall mean days on which the House actually sits for the despatch of business.

As amended by Act of 1962, No. 23, s. 5.



## THE SCHEDULE

[s. 70 (2)]

## SUBJECT MATTERS FOR REGULATIONS

**1. Prescribed matters.** Prescribing all matters or things which by this Act are required or permitted to be prescribed.

**2. General.** Determining, ordering, directing, authorising, prohibiting, requiring, or regulating all or any matters or things necessary or expedient to carry out the objects and purposes of this Act, and any matters or things incidental thereto or consequent thereon, or incidental to or consequent on the direction, control, or regulation of traffic or of persons, vehicles, trams, trains, animals, or other things who or which are or have been or are likely to be on a road, or which, in the case of vehicles, trams, trains, animals, or other things, are or have been used, or are likely to be used, on a road.

**3. Prescribing licenses.** Prescribing licenses, including the kind, class, or description of licenses, under this Act, the purposes for or the circumstances under which persons shall be required to obtain and maintain in force any such license and, in particular, but without limit to the generality of the power to make regulations under this paragraph, requiring the following persons to obtain and maintain in force a license under this Act, that is to say—

- (a) Every driver or conductor of a tram used on any road;
- (b) Every person carrying on the business of a carrier, carter, fuel carter, water drawer, or other prescribed business by means of any vehicle or animal, whether plying for hire or not;
- (c) Every person setting up or using any coffee stall, stand, stall, or standing vehicle, tram or animal for the purpose of offering for sale any goods or for the pursuit of any business, calling, or employment; and
- (d) Every itinerant vendor:

Provided that this clause and the regulations made under this clause shall not apply to or with respect to a vehicle approved by the Commissioner for Transport for use in carrying on a service for the carriage of passengers or goods, or both passengers and goods, licensed under The State Transport Facilities Acts 1946 to 1947, while that vehicle is being used for the purpose of carrying on that service nor to or with respect to a vehicle permitted by the Commissioner for Transport to be used for any purpose specified in subsection one of section fifty-six of The State Transport Facilities Acts 1946 to 1947, while that vehicle is being used for that purpose.

As amended by State Transport Facilities, etc., Amendment Act of 1959, s. 27, Schedule; Act of 1961, 10 Eliz. 2 No. 27, s. 40.

**4. Limiting the maximum number of licenses.** Providing for, regulating, and controlling the maximum number of licenses of any particular kind, class, or description which may be issued under this Act, and providing for, regulating, and controlling the issue of licenses, or of a specified number or a percentage of licenses of any kind, class, or description, to persons of a particular class or description who are otherwise qualified to apply for and obtain those licenses.

**5. Licenses.** With respect to licenses under this Act, providing for, regulating, and controlling—

- (a) Applications for licenses of any particular kind, class, or description;
- (b) The information and particulars to be contained in or to accompany every such application and the verification of all such information and particulars;
- (c) The granting, issue, refusal to grant or issue, transfer, surrender, cancellation, or suspension of a license of any particular kind, class, or description;
- (d) The period for which a license of any particular kind, class, or description or any renewal thereof shall remain in force;
- (e) Applications for the renewal of licenses of any particular kind, class, or description, the information to be contained in or to accompany such applications, the verification of all such information and particulars, and the grant or refusal to grant such renewals;
- (f) Duplicates for lost or destroyed licenses of any particular kind, class, or description, applications for such duplicates, the information to be contained in or to accompany such applications, the verification of such information and particulars, and the grant, or issue, or refusal to grant or issue such duplicates and the force and effect of such duplicates;
- (g) The conditions, terms, grounds, restrictions, or circumstances under, upon, or subject to which, and the persons by whom licenses of any particular kind, class, or description may be granted, issued, refused, renewed, transferred, cancelled, suspended, or surrendered;
- (h) The delivery to prescribed persons of licenses of any kind, class, or description upon the disqualification of the holder from holding that particular kind, class, or description of license, or upon the conviction of the holder thereof, or upon the cancellation, suspension, or surrender of licenses or upon the expiration by effluxion of time of licenses or for the purposes of making endorsements thereon under this Act;
- (i) Endorsements of licenses of any particular kind, class, or description (including endorsements of convictions of licensees committing offences or any prescribed offence against this Act), defining what shall constitute and be the effect of an endorsement of a license, providing that any endorsement of a license by a person duly authorised to make that endorsement shall be deemed to be a part of that license and determining when a licensee shall be entitled to have a license issued to him free of endorsements;
- (j) Production of licenses by licensees for inspection when required or called upon by authorised officers.

**6. Qualifications and tests for licenses.** Providing for, regulating, and controlling the qualifications of, and the tests or examinations, or tests and examinations, to be passed by applicants for licenses (which qualifications, tests, and examinations, or any of them, may differ in respect of licenses of different kinds, classes, or descriptions) and providing for the submission

by any applicant for a license of any particular kind, class, or description of character references or of a medical certificate or other evidence of health, or requiring him to supply any personal particulars.

Providing for, regulating, and controlling additional tests and/or examinations to be passed by the holder of a driver's license issued to such holder outside the area of a city, if such holder desires to drive a motor vehicle inside the area of a city, and for the endorsement of such driver's license after such tests and/or examinations have been passed by the holder.

Providing for, regulating, and controlling the issue, without any prescribed test or examination, of a driver's license to any person who is the holder of a license issued to him and then in force in any other State or country, authorising him to drive in Queensland any motor vehicle of the type or class to the driving of which the said license issued to him in another State or country applies.

**Learners.** Prescribing the conditions to be observed by a person learning to drive a motor vehicle, and providing for, regulating, and controlling the issuing of a learner's permit authorising any such person to drive a motor vehicle in the course or for the purpose of learning to drive that class or description of motor vehicle with a view to passing the prescribed tests and/or examinations.

**Identification of motor vehicles driven by learners, etc.** Prescribing notices, letters, and/or symbols (including the form and dimensions thereof) to be displayed on any motor vehicle being driven by the holder of a learner's permit or provisional license and the manner of affixing such notices, letters, and/or symbols to such a vehicle, and prescribing any other matter or thing with relation to the driving of motor vehicles on any road by persons learning to drive such vehicles.

**Age of licensee.** Defining the age at which any person shall or shall not be entitled to be issued with any kind, class, and/or description of license.

As amended by Act of 1969, No. 22, s. 8 (as from 19 January 1970).

**7. Reciprocity regarding interstate licenses.** Providing for reciprocity in regard to licenses as drivers of motor vehicles and the disqualification of persons from holding or obtaining such licenses between the State of Queensland and any other State or Territory of the Commonwealth of Australia or any other Country:

Providing that, subject to any conditions and limitations which may be prescribed, a driving license issued under the law of the State or Territory of the Commonwealth of Australia or other Country in which the holder thereof usually resides, or an international Driving Permit issued in such State, Territory, or other Country, may, so long as such driving license or Driving Permit is in force, be deemed to be equivalent in Queensland and accepted in lieu of a driver's license for the purpose of authorising the holder thereof to drive in Queensland any vehicle of the class or description to the driving of which the said driving license or Driving Permit is applicable (if, but only if, such holder is not disqualified from obtaining or holding a driver's license in Queensland).

Providing for the withdrawal as may be prescribed of the privilege conferred on the holder of any such driving license or Driving Permit by any regulation to be made hereunder.

Providing that, subject to any exceptions which may be prescribed, persons disqualified from holding or obtaining licenses as drivers of motor vehicles in any other State or Territory of the Commonwealth of Australia or other Country shall be disqualified from holding or obtaining drivers' licenses in Queensland.

**8. Traffic.** Traffic in and on roads (which regulations may differ in respect of different classes or descriptions of such traffic) and in particular, but without limit to the generality of the power to make regulations under this clause, providing for, regulating, and controlling the following acts, matters, and things, that is to say—

- (a) **Vehicles.** The use of vehicles or of any class or description of vehicles in or on roads;
- (b) **Lighting.** Providing for the size, number, position, power, or means, method, or system of connection or operation of the lights to be carried and exhibited by or on vehicles or trams or by or on any class or description of vehicles or trams, the time at which such lights are to be carried and exhibited, and providing that the owner of a vehicle or tram shall provide such lights, and that the driver of such vehicle or tram shall keep such lights functioning efficiently; and providing for the proper illumination at night time of identification marks or numbers or equipment of vehicles or trams or of any particular class or description of vehicles or trams other than such illumination with respect to vehicles approved for use in carrying on any licensed service under The State Transport Facilities Acts 1946 to 1947;
- (c) **Dangerous goods.** The carriage of dangerous goods by trams and vehicles other than vehicles approved for use in carrying on any licensed service under The State Transport Facilities Acts 1946 to 1947;
- (d) **Transshipping.** The transshipment in transit of passengers, or goods, or both passengers and goods carried by trams or vehicles other than vehicles approved for use in carrying on any licensed service under The State Transport Facilities Acts 1946 to 1947, or vehicles licensed for hire under Part VIA of The State Transport Facilities Acts 1946 to 1959;
- (e) **Advertisements.** The passage on roads of persons, vehicles, or animals carrying any advertisement, placard, board, notice, or sign, and the throwing or distributing of handbills or other printed or written matter in or on roads or from any place where such handbills or other printed or written matter may fall in or on a road;
- (f) **Rule of the Road.** "The Rule of the Road" including the application of the regulations in respect thereof to the whole of the traffic in, on, or along roads or to persons using the roads or to vehicles, trams, trains, or animals thereon;
- (g) **Age limits of drivers.** The maximum and minimum age limits for persons driving vehicles, trams, or animals or any particular class or description thereof;
- (h) **Speed.** Rates of speed and pace including speed and pace limits on roads of vehicles, trams, and animals or of any particular class or description thereof and empowering justices to order the disqualification from holding or obtaining

drivers' licenses for a specified period or for a longer or shorter period than that specified of drivers of motor vehicles who are convicted of offences against such regulations or any such regulation;

- (i) **Parking.** The parking, stopping, standing, or waiting of or by persons, vehicles, trams, or animals or other traffic, or of or by any particular class or description of persons, vehicles, trams, animals, or other traffic, on roads either generally or at or during any specified time or period, and the confining of traffic or of any particular class or description of traffic to a specified part of any road;
- (j) **Processions.** Processions on roads, the routes of funeral processions, and of processions generally, or of processions of any particular class or description;
- (k) **Exceptional traffic.** Defining what shall be deemed to be exceptional traffic upon roads, the restriction on roads of exceptional traffic or of any particular class or description thereof, and the restriction where deemed necessary of the carriage upon vehicles or animals of long, large, heavy, or projecting goods;
- (l) **Road incidents, loitering and obstruction, etc.** The prevention of road incidents which may cause, or are likely to cause, death or injury to persons, or damage to vehicles, trams, or trains, or to any other property, real or personal, or death or injury to animals or danger, inconvenience, or obstruction to persons or things on roads; the prevention of such road incidents arising from the improper use upon roads of vehicles, trams, trains, or animals, or of any class or description thereof; the information and particulars to be furnished in reports of road incidents as aforementioned by drivers of vehicles, trams, trains, or animals; the prevention of loitering or obstruction of traffic on roads; the prohibition of the driving or wheeling of any hand-cart, truck, barrow, or other similar class or description of vehicle or of any velocipede on or along a footway; the prohibition of the carrying of large or bulky parcels on or along a footway; the prohibition or regulation of the playing of games on roads; the prohibition or regulation of the use on roads of any scooter or other type of vehicle normally intended for use by children, or of any vehicle, or of any vehicle belonging to a class or description of vehicles, determined by the Commissioner, or of any vehicle the use of which upon roads would constitute a danger or undue hazard to road users; the regulation of traffic on tramways on roads; the regulation and, when thought proper, the temporary prohibition of traffic at times of public interest, amusement, or excitement or in the case of an emergency; the prohibition or restriction of the breaking in or training, or exercising of horses either by leading or driving on roads; the compliance by any person walking, standing, loitering, or being on any footway with the orders, signals, or directions of any member of the Police Force; and the prohibition, formation, and regulation of queues; and
- (m) The use of hand-carts, barrows, or vehicles belonging to any other similar class or description of vehicles and velocipedes upon roads.

Prohibiting or regulating and controlling the use of air cushion vehicles on or over (including across) roads and, in the case of regulating and controlling such use, prescribing circumstances, terms and conditions under and upon which air cushion vehicles may be so used, and providing that any provisions of this Act applicable to a motor vehicle shall be applicable to an air cushion vehicle.

As amended by Act of 1953, 2 Eliz. 2 No. 11, s. 12 (i), (ii); State Transport Facilities, etc., Amendment Act of 1959, s. 27, Schedule; Act of 1971, No. 33, s. 16 (a).

**8A. Advertisements, etc.** Prohibiting or regulating and controlling the constructing, making, marking, placing, erecting, or painting, as the case may be, of advertisements, placards, boards, notices, lights, and signs on the surfaces of roads or, when danger to traffic may result therefrom, in, on, or near roads: (The provisions of subsection one and subsection two of section five of this Act shall not apply, in relation to the matters and things in this clause contained, with respect to any Local Authority, including Brisbane City Council, or with respect to any by-law or, as the case may be, ordinance (not inconsistent with any regulation made or deemed to be made under this clause) of the Local Authority (whether made before, on, or after the commencement of this Act)).

Inserted by Act of 1953, 2 Eliz. 2 No. 11, s. 12 (iii).

**9. Stalls, stands, etc.** Prohibiting or regulating, controlling, and licensing the setting up and use of coffee stalls, vehicles, stalls, or stands or other structures or contrivances for the sale of goods or for the pursuit of any business, calling, employment, or purpose, and the itinerant vending of goods, in or on roads; prohibiting any goods of any description from being placed, stacked, or stored in or on roads or from remaining in or on any road for a longer period than may be necessary for housing, removing, loading, or unloading the same, and requiring the removal of any such goods at the order or direction of any member of the Police Force:

Provided that nothing herein contained shall refer to the setting up and use of any petrol, air, or other pumps in or on roads except when danger to traffic may result therefrom and in such other circumstances, if any, as may be prescribed: (The provisions of subsection one and subsection two of section five of this Act shall not apply, in relation to the matters of setting up and use of petrol, air, and other pumps in or on roads, with respect to any Local Authority, including Brisbane City Council, or with respect to any by-law or, as the case may be, ordinance (not inconsistent with any regulation made or deemed to be made under this clause) of the Local Authority (whether made before, on, or after the commencement of this Act)).

As amended by Act of 1953, 2 Eliz. 2 No. 11, s. 12 (iv).

**10. Seizure, removal, and detention of stalls, stands, goods, etc.** Providing for, regulating, and controlling the seizure, removal and detention of any stall, stand, or other structure or contrivance or of any goods found in such place, condition, manner, or circumstances that its presence constitutes a breach of this Act, or is causing or likely to cause danger, hindrance, inconvenience, or obstruction to traffic in or upon any road; providing for, regulating, and controlling the seizure, removal, and detention of advertisements, placards, boards, notices, signs, handbills, or other things carried, thrown, distributed, or being in, on, or near

roads in contravention of this Act; and providing for the disposal of same, and for recovery of all expenses of the seizure, removal, detention, or disposal thereof.

**11. Meetings; playing musical instruments, etc.** Prohibiting or regulating the holding of meetings, or the use of musical instruments or the amplification or reproduction of any words, music, or other sounds whatsoever, by means of any electrical or other mechanical appliance, apparatus, or device whatsoever, on any road or foreshore, or in or on any other place under, as regards that other place, such circumstances that the same would cause or be likely to cause persons to gather on a road to the danger, inconvenience, hindrance, annoyance, or obstruction of persons or other traffic on such road; providing for the seizure and disposal of any appliance, apparatus, or device used for amplifying or reproducing words, music, or other sounds in contravention of any regulation made under this clause.

As amended by Act of 1953, 2 Eliz. 2 No. 11, s. 12 (v).

**11A. Vehicles, etc., on foreshores.** Prohibiting or regulating and controlling the driving of vehicles and animals on all or any foreshores and the use of all or any foreshores for any purpose which may cause danger, obstruction, inconvenience, annoyance, injury, or accident to any persons thereon: (The provisions of subsection one and subsection two of section five of this Act shall not apply, in relation to the matters and things concerning foreshores in this clause and in clause eleven of this Schedule contained, with respect to any Local Authority, including Brisbane City Council, or with respect to any by-law or, as the case may be, ordinance (not inconsistent with any regulation made under this clause or the said clause eleven) of the Local Authority (whether made before, on, or after the commencement of this Act)).

Inserted by Act of 1953, 2 Eliz. 2 No. 11, s. 12 (vi).

**12. Interference or damage to roads.** Prohibiting (except by lawful authority the proof of which shall be on the accused person) the digging up or undermining of any road or part thereof or other interference with any road or part thereof, or the placing or use thereon or therein of anything which may, or would be likely to, cause danger, obstruction, inconvenience, annoyance, or injury or an accident.

**13. Construction, equipment and condition of vehicle.** Prescribing conditions or specifications to which vehicles generally or any particular class or description of vehicles must conform, including amongst any other matters or things deemed desirable or convenient the construction of the vehicle, its form, equipment, weight, maximum load or carrying capacity, height, length, width, and overhang, the description of its wheels, its motor or animal power, and its steering.

Providing for, regulating, and controlling the construction and maintenance of vehicles in accordance with the conditions or specifications prescribed therefor.

Prohibiting the use of any vehicle which is not constructed or maintained in accordance with the conditions or specifications prescribed therefor.

Providing for, regulating, and controlling the equipment of vehicles with bells, alarms, or other instruments of warning, windscreen wipers, reflectors, rear vision mirrors, automatic or mechanical signalling devices,

and other equipment designed to ensure safety, and standards for, and the installation and maintenance of all or any such equipment; prohibiting the use on any other vehicle of any bell, alarm, or other instrument of warning prescribed for use on a particular class of vehicle.

**Maintenance of motor vehicles in good mechanical order and safe condition.** Providing for, regulating, and controlling the maintenance of all motor vehicles or of any class or description of motor vehicles driven on roads in good mechanical order and safe condition and to ensure that the brakes thereof are in a safe condition at all times and to secure the safety of other road users and in this regard—

- (i) Providing for, regulating, and controlling the issuing of certificates of road worthiness with respect to such motor vehicles, or class or description of such motor vehicles, and providing for, regulating, and controlling the persons who may issue such certificates;
- (ii) Specifying the qualifications of persons who may issue certificates of road worthiness;
- (iii) Providing for the registration of garages and service stations;
- (iv) Requiring production of certificates of road worthiness—
  - (a) Prior to the registration of those motor vehicles required to be registered under The Main Roads Acts 1920 to 1943;
  - (b) Upon the renewal and transfer of such registration; and/or
  - (c) When required by a Superintendent;
- (v) Prohibiting the using of all motor vehicles or of any class or description of motor vehicles on roads unless certificates of road worthiness in respect thereof have been issued and are in force; and/or
- (vi) Providing for, regulating, and controlling all or any matters or things necessary to carry out these objects.

Prohibiting the sale and the offering for sale of equipment for vehicles used or for use on a road which does not comply with the standards prescribed for such equipment at the time of sale or offering for sale, as the case may be.

As amended by State Transport Facilities, etc., Amendment Act of 1959, s. 27, Schedule; Act of 1971, No. 33, s. 16 (b).

**14. Brakes.** Regulating or restricting and if necessary prohibiting the use on any vehicle or on any class or description of vehicle of any particular class or description of brake, or prescribing the kind and number of brakes which shall be provided on any vehicle, or vehicle of any class or description.

Prohibiting the use of any such vehicle not equipped with the prescribed brakes; providing for the examination and testing of vehicles or of brakes and other equipment or mechanism of vehicles.

Requiring production of a certificate by a competent person or authority of the state of efficiency or otherwise of the vehicle or of the brakes or other mechanism or equipment of a vehicle; defining what persons or authorities shall be competent persons or authorities as aforesaid.

Notwithstanding anything contained in The Tramways Acts 1882-1890, or any other Act, or any regulation, ordinance, or by-law under any such Act, prescribing on the written recommendation of the



Chief Inspector of Machinery the kind of brakes that shall be used on tramcars and other vehicles used on tramways, and the brake power of such vehicles.

**15. Misconduct, etc.** Defining what shall be deemed to be misconduct or obnoxious or disorderly conduct by drivers and conductors of or passengers upon vehicles and tramcars; the prevention of or punishment for any such misconduct or obnoxious or disorderly conduct; providing for, regulating, and controlling the conduct of such drivers, conductors, and passengers to ensure the safety of those persons and other road users.

As amended by State Transport Facilities, etc., Amendment Act of 1959, s. 27, Schedule.

**16. Permits for vehicles.** Providing for, regulating, and controlling the permitting by the Commissioner, a District Superintendent, or a Superintendent of the use of—

(a) Any vehicle for a purpose for which that vehicle is not constructed, fitted, or equipped in accordance with the requirements of this Act; or

(b) [Repealed.]

and with respect to such permits providing for, regulating, and controlling—

(c) The period or maximum period and the terms and conditions of any such permit, and subject as prescribed, the power and authority of the Commissioner, District Superintendent, or Superintendent to fix such period, terms, and conditions; and

(d) The power and authority of the Commissioner, a District Superintendent, or a Superintendent to fix the fee for any such permit, the fee for which is not prescribed; and

(e) The power and authority of the Commissioner to direct a District Superintendent to issue or to refuse to issue permits as aforesaid, or any class or description of such permits, or any particular permit as aforesaid, and obedience by a District Superintendent or Superintendent to any such direction.

As amended by State Transport Facilities, etc., Amendment Act of 1959, s. 27, Schedule.

**17, 18.** [Repealed by State Transport Facilities, etc., Act of 1959, s. 27, Schedule.]

**19. Lost property.** Providing for, regulating, and controlling—

(a) The safe custody of property left in or upon any vehicle, with respect to which a license has been issued under Part VIA of The State Transport Facilities Acts 1946 to 1959, or at any stand or stopping-place for any such vehicle;

(b) The rewarding of the finder of any such lost property;

(c) The sale or, where a sale cannot be effected, the disposal after reasonable notice and upon reasonable conditions of any such property which is unclaimed; and

(d) The payment of one-half of the net amount realised from any such sale to the driver or conductor or other person who found the property in question: Provided that such payment shall not exceed one hundred dollars;

- (e) The payment or appropriation of any moneys remaining on hand after the sale or disposal of such unclaimed property.

As amended by State Transport Facilities, etc., Amendment Act of 1959, s. 27, Schedule.

Decimal currency reference substituted pursuant to section 7 of Decimal Currency Act of 1965.

**20. Routes and timetables.** (Except as respects vehicles for which routes or timetables or both are or may be fixed under some other Act or law) providing for, prescribing, regulating, and controlling all or any of the following, that is to say—

- (a) The routes to be followed by,
- (b) The time to be taken (being either a fixed time or a maximum or minimum time) by, and
- (c) Timetables for

vehicles, or by any particular class or description of vehicles, for the whole or a particular part of their journey.

**21. Stands and stopping places.** Providing for, regulating and controlling public stands and stopping places for vehicles licensed under Part VIA of The State Transport Facilities Acts 1946 to 1959, or licensed or approved under that Act or any other Act (but without prejudice to any provision made with respect to any of these matters under or pursuant to The State Transport Facilities Acts 1946 to 1959, or the other Act in question) and trams being used on any road, either generally or as respects vehicles, or a particular class or description of vehicle, or trams; the mode or method of appointment and the persons authorised to appoint such public stands and stopping places.

Substituted by State Transport Facilities, etc., Amendment Act of 1959, s. 27, Schedule.

**22.** [Repealed by Act of 1961, 10 Eliz. 2 No. 27, s. 41.]

**23. Checking of vehicles loading and weights.** Without prejudice to the provisions of any regulation under The State Transport Facilities Acts 1946 to 1947—

Authorising checking of the weights of vehicles and of the load or number of passengers carried in or upon any vehicle.

Providing for, prescribing, regulating, and controlling the use of instruments for the purpose of such check weighing.

Requiring owners and persons in charge of any vehicle to permit and aid in the inspection, weighing, and measuring of such vehicle, the inspection, weighing, and measuring of any goods therein or thereon, the checking of the number of passengers therein or thereon, the inspection and checking of books, documents, and records therein or thereon or relating thereto or to any passengers or goods therein or thereon.

Requiring owners and persons in charge of any vehicle to answer questions put by authorised officers acting in the execution of any regulations made under the foregoing provisions of this clause, and to furnish to such authorised officers such information and particulars with respect to any vehicle or any goods or passengers therein or thereon as may be required by such officers in the course of and for the purposes of the execution of any duty or function conferred or imposed upon authorised officers by the regulations made under the provisions of this clause.

Requiring owners and persons in charge as aforesaid to state, when thereunto required by an authorised officer, their respective names and addresses, and on demand by an authorised officer to produce to him any license under this Act held either in person or in respect of the vehicle concerned.

Providing for, prescribing, regulating, and controlling the inspection of vehicles, horses, and other animals, and the equipment or harness thereof.

As amended by State Transport Facilities, etc., Amendment Act of 1959, s. 27, Schedule.

**24. Authorised officers.** Providing for, regulating, and controlling the appointment by the Commissioner of persons other than members of the Police Force as authorised officers.

Defining the functions, powers, authorities, duties, obligations, and responsibilities of authorised officers but so that such regulations shall, as respects members of the Police Force, be read so as not to prejudice or limit any provision of any section of this Act.

**25. Exempting.** Exempting persons, vehicles, or animals, or any class or description of persons, vehicles, or animals, from any provision of any regulation; providing for, regulating, and controlling exemptions as aforesaid, the issue by the Commissioner, a District Superintendent, or a Superintendent of a certificate of any such exemption, and defining the effect of any such exemption.

**26. Commissioner.** Providing for, regulating, and controlling the determination, application, prohibition, or regulation of or dispensing with any matter or thing by the Commissioner either generally or in any prescribed kind, class, or description of cases or in any prescribed particular case.

Providing for, regulating, and controlling the execution or signing by a District Superintendent or Superintendent for or on behalf of the Commissioner of any document or other writing whatsoever required or authorised under this Act to be executed or signed by him.

**27.** [Repealed by State Transport Facilities, etc., Amendment Act of 1959, s. 27, Schedule.]

**28. Official traffic signs, signs, signals, and directions.** Providing for, prescribing, regulating, and controlling official traffic signs, and signs, signals, indications, and directions for the control or regulation of traffic; defining official traffic signs and other signs, signals, indications, and directions as aforesaid, by diagrams, illustrations, or otherwise; prescribing directions and indications for official traffic signs.

**29. Parties to offences.** Prescribing the persons deemed to have taken part in the commission of any offence against this Act and to be guilty of that offence and who may be charged with actually committing it.

**30. Noises, etc.** Providing for the minimizing of noise and the issue of smoke or fumes from the using of motor vehicles.

**31. Declarations.** Requiring the making of declarations under the Oaths Acts 1867 to 1924, for the purposes of this Act, prescribing the matters or things under this Act with respect to which such declarations are required to be made, and specifying any information required to be contained in such declarations.

**32. Police reports concerning drivers.** Authorising or requiring the making and furnishing of reports or copies of reports by members of the Police Force of Queensland to Police Departments and other Departments of the Commonwealth and of any State or Territory of the Commonwealth, concerning or in relation to the qualifications or fitness of any person who is or has been or is likely to be in Queensland to hold any license, permit, certificate, or other document or authority of a like nature, issued in any State or Territory of the Commonwealth, in relation to vehicles or traffic, and concerning or in relation to the antecedents, character, and conduct of any such person, and indemnifying members of the Police Force against liability at law in respect of reports made or furnished as aforesaid.

**33. Forms.** Forms under this Act and the respective purposes for which such forms shall be used.

**34. Fees.** Prescribing fees payable for any license or for the renewal, or a duplicate copy thereof, or for or upon the doing of any act or thing prescribed or carried out or required to be carried out under or pursuant to this Act; prescribing the manner, time, place, and the person by and to whom fees or payments due and payable under this Act shall be paid; and exempting persons belonging to any specified class of persons from liability to pay wholly or in part any prescribed fee.

Provided that a fee shall not be prescribed to be payable in respect of the issue of any driver's license, issued on or after the coming into operation of Part III of The Main Roads Acts and Another Act Amendment Act of 1952, or any renewal of such a driver's license.

As amended by Act of 1952, 1 Eliz. 2 No. 14, s. 17.

**35. Facilitation of proof.** The mode and onus of proof of matters required to be proved under and for the purposes of this Act and for facilitating such proof; for the purpose of any proceedings under this Act dispensing with proof of any formal matters as to handwriting or documents or of authority.

**36. Penalty.** The amount of any pecuniary or other penalty for any offence against any regulation, provided that any such pecuniary penalty shall not exceed two hundred dollars or in the case of a daily penalty twenty dollars per day.

Decimal currency references substituted pursuant to section 7 of Decimal Currency Act of 1965.

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**THE  
MAIN ROADS ACTS AND ANOTHER ACT AMENDMENT ACT  
of 1952**

**1 Eliz. 2 No. 14**

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PART III—AMENDMENTS OF THE TRAFFIC ACT OF 1949

**13. Construction of Part III and collective title.** This Part of this Act shall be read as one with The Traffic Act of 1949, and that Act and this Part of this Act may be collectively cited as The Traffic Acts 1949 to 1952.

**14. Commencement of Part III.** This Part of this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the Gazette:

**Saving.** Provided that the coming into operation of this Part of this Act shall not prejudice or affect the continuation in force for the period for which it was issued or renewed of any driver's license or any renewal of a driver's license issued before the coming into operation of this Part of this Act and which, when this Part of this Act comes into operation, shall not have expired by effluxion of time; and that every such driver's license or renewal of a driver's license shall (subject to any cancellation or suspension thereof under The Traffic Act of 1949 or any other Act or law in force at the coming into operation of this Part of this Act or incurred at any time thereafter) continue in force under, subject to, and in accordance with the provisions of The Traffic Act of 1949, and the regulations thereunder as in force immediately prior to the coming into operation of this Part of this Act until it expires by effluxion of time or is sooner surrendered but such a driver's license or renewal shall not, on or after the coming into operation of this part of this Act, be renewed or further renewed.

Part III commenced 1 October 1952 (Proclamation, Gazette 23 August 1952, p. 2786).

**15-17.** [Amended Principal Act.]

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**THE  
TRAFFIC ACTS AMENDMENT ACT of 1953**

**2 Eliz. 2 No. 11**

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An Act to Amend The Traffic Acts 1949 to 1952, in certain particulars

[Assented to 19 November 1953]

**1. Short title and construction.** This Act may be cited as The Traffic Acts Amendment Act of 1953, and shall be read as one with The Traffic Acts 1949 to 1952, herein referred to as the Principal Act.

**Collective title.** The Principal Act and this Act may be cited collectively as The Traffic Acts 1949 to 1953.

**2-12.** [Amended Principal Act.]

**13. Savings, etc.** (1) The provisions of this Act shall not prejudice or otherwise affect any regulations made under the Principal Act and subsisting at the passing of this Act and, where necessary, any such regulation shall be deemed to have originated under the provisions of the Principal Act as amended by this Act.

(2) For removing doubts, it is hereby declared that a Local Authority (including Brisbane City Council), subject to the provisions applicable to that Local Authority of The Local Government Acts 1936 to 1951, The City of Brisbane Acts 1924 to 1951, and any other Act other than the Principal Act and this Act, shall have and shall be deemed at all times since the commencement of the Principal Act to have had power and authority to regulate and control (including power to make by-laws or, as the case may be, ordinances regulating and controlling)—

- (a) The digging up or undermining of, or any other interference with, any road or part thereof, or the placing or use thereon or therein of anything which may, or would be likely to cause danger, obstruction, inconvenience, annoyance, injury, or accident;
- (b) Advertisements on roads and on land adjacent to roads; and
- (c) Petrol, air, and other pumps in or on roads:

Provided that when any by-law or ordinance regulating and controlling any matter specified in subparagraph (b) or subparagraph (c) aforesaid is inconsistent with a provision of any regulation made under the Principal Act or the Principal Act as amended by this Act and, if further amended, by any enactment after the passing of this Act the former shall, to the extent of the inconsistency, be invalid.

**THE  
TRAFFIC ACTS AND ANOTHER ACT AMENDMENT ACT of 1959  
8 Eliz. 2 No. 55**

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An Act to Amend The Traffic Acts 1949 to 1959, and The Local Government Acts 1936 to 1958, each in certain particulars

[Assented to 21 December 1959]

PART I—PRELIMINARY

**1. Short title.** This Act may be cited as The Traffic Acts and Another Act Amendment Act of 1959.

**2. Parts of Act.** This Act is divided into Parts, as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENTS OF THE TRAFFIC ACTS 1949 TO 1959;

PART III—AMENDMENTS OF THE LOCAL GOVERNMENT ACTS  
1936 TO 1958.

PART II—AMENDMENTS OF THE TRAFFIC ACTS 1949 TO 1959

**3. (1) Construction of Part II.** This Part of this Act shall be read as one with The Traffic Acts 1949 to 1959, herein in this Part referred to as the Principal Act.

(2) **Collective title.** The Principal Act and this Part of this Act may be collectively cited as The Traffic Acts 1949 to 1959.

**4–14.** [Amended Principal Act.]

**15. (1)** [Repealed s. 38 of Principal Act.]

**15. (2) Saving of existing official traffic signs.** Every official traffic sign originating under the repealed section thirty-eight of the Principal Act and in existence under the authority of the said section immediately prior to the passing of this Act shall be deemed to have originated under section 12H of The Traffic Acts 1949 to 1959, and shall continue in force subject to the said section 12H until it is revoked, discontinued, cancelled, removed, demolished or, as the case may be, erased thereunder.

**16. (1)** [Amended Principal Act, s. 44B.]

**16. (2) Saving of regulations and determinations under repealed subsection.** Every regulation and every determination thereunder originating under section 44B of the Principal Act and in force immediately prior to the passing of this Act shall be deemed to have originated under section 44B of The Traffic Acts 1949 to 1959, and shall continue in force until it expires by effluxion of time, or is repealed, revoked or rescinded by a regulation or, as the case may be, determination under the said section 44B.

The continuance in force of any such regulation or determination shall not prejudice, limit or otherwise affect howsoever the exercise of any powers conferred by section 44B of The Traffic Acts 1949 to 1959, with respect to the making of regulations and of determinations thereunder.

**17–20.** [Amended Principal Act.]

**PART III (ss. 21, 22)** [Amended Local Government Acts, 1936 to 1958.]

**THE  
TRAFFIC ACTS AMENDMENT ACT of 1960  
9 Eliz. 2 No. 44**

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An Act to Amend The Traffic Acts 1949 to 1959, in certain particulars

[Assented to 16 December 1960]

**1. (1) Short Title.** This Act may be cited as The Traffic Acts Amendment Act of 1960.

(2) **Principal Act.** The Traffic Acts 1949 to 1959 are in this Act referred to as the Principal Act.

(3) **Collective title.** The Principal Act and this Act may be collectively cited as The Traffic Acts 1949 to 1960.

2-8. [Amended Principal Act.]

**9. Repeal of and new s. 45A.** (1) This section shall come into force on a date to be fixed by the Governor in Council by Proclamation published in the Gazette.

Regulations for the purposes of section 45A of The Traffic Acts 1949 to 1960, as inserted by this section, may be made at any time after the passing of this Act.

Notwithstanding the repeal by this section of section 45A of the Principal Act, that section and all regulations made for the purposes thereof shall be deemed to continue in force with respect to all offences under the Principal Act prescribed by such regulations to be minor traffic offences committed prior to the date of the coming into force of this section.

(2) The Principal Act is amended by repealing section 45A and inserting, in lieu of that repealed section, the following section:—

Section operated from 16 August 1965 (Proclamation, Gazette 7 August 1965, p. 1809).

10. [Amended Principal Act.]

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**THE  
TRAFFIC ACTS AND OTHER ACTS AMENDMENT ACT of 1965  
No. 26**

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An Act to Amend The Traffic Acts 1949 to 1962, The Main Roads Acts 1920 to 1964, and The Local Government Acts 1936 to 1964, each in certain particulars

[Assented to 29 April 1965]

PART I—PRELIMINARY

**1. (1) Short title.** This Act may be cited as The Traffic Acts and Other Acts Amendment Act of 1965.

**(2) Commencement of Act.** This Act shall come into force on a date to be fixed by the Governor in Council by Proclamation published in the Gazette.

Commenced 19 July 1965 (Proclamation, Gazette 12 June 1965, p. 971).

**2. Parts of Act.** This Act is divided into Parts as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENTS TO THE TRAFFIC ACTS 1949 TO 1962;

PART III—AMENDMENTS TO THE MAIN ROADS ACTS 1920 TO 1964;

PART IV—AMENDMENTS TO THE LOCAL GOVERNMENT ACTS 1936 TO 1964.

**3. Transitional.** (1) On and after the date of the commencement of this Act—

(a) any part of the Area of a Local Authority, or any road or part of a road in the Area of a Local Authority, within or to which the provisions of Part VIA of The Traffic Acts 1949 to 1962 applied immediately prior to the date of commencement of this Act shall be deemed to be a Traffic Area defined as such by the Local Authority in question by by-law pursuant to its powers in that behalf under the provisions of Part VIA of The Traffic Acts 1949 to 1965;

(b) any part of the Area of a Local Authority within which the provisions of Part VIB of The Traffic Acts 1949 to 1962 applied immediately prior to the date of commencement of this Act shall be deemed to be a Traffic Area defined as such by the Local Authority in question by by-law pursuant to its powers in that behalf under the provisions of Part VIA of The Traffic Acts 1949 to 1965;

(c) all official traffic signs, parking meters and parkatareas which, at the date of the commencement of this Act are in any part of the Area of a Local Authority deemed by paragraph (a) or paragraph (b) of this subsection to be a Traffic Area or, in the case of any official traffic sign, is on a road, other than a declared road, in the Area of a Local Authority, shall be

deemed to be official traffic signs, parking meters and parkatareas placed, erected or installed by the Local Authority in question under the authority of The Traffic Acts 1949 to 1965;

- (d) any Order in Council or regulation made under Part VIA or Part VIB of The Traffic Acts 1949 to 1962, and in force at the commencement of this Act and any determination made by the Traffic Engineer under the authority of any provision of the said Part VIA or Part VIB or of any regulation made pursuant to a provision of either such part and in force at the commencement of this Act which, in respect of any part of the Area of a Local Authority deemed by paragraphs (a) or (b) of this subsection to be a Traffic Area, prescribes, provides for, regulates, controls or prohibits any matter or thing which, in respect of a Traffic Area, a Local Authority is empowered by The Traffic Acts 1949 to 1965, to prescribe, provide for, regulate, control or prohibit by by-law or by determination by resolution, shall be deemed to be a by-law or as the case may be a determination by resolution made by the Local Authority in question and, subject to this Act, shall continue in force accordingly until it is revoked by the Governor in Council or superseded by a by-law or, according to its powers under this Act, by a determination by resolution made by the Local Authority.

Any reference in any such Order in Council or regulation to the Traffic Engineer shall be read as a reference to the Local Authority concerned.

(2) Any balance existing in The Trust Fund—Traffic Engineer established under subsection (9) of the repealed section 44L of The Traffic Acts 1949 to 1962, on the date of the commencement of this Act shall be transferred to the Traffic Engineering Trust Fund created under section 14A of The Traffic Acts 1949 to 1965, and may be applied for any of the purposes for which moneys in that fund may be applied.

(3) All fees, penalties, charges or other sums of money payable or due pursuant to The Traffic Acts 1949 to 1962, in respect of parkatarea parking or the parking or standing of any vehicle, or horse, or vehicle and horse within any part of a Traffic Area and received after the commencement of this Act which under those Acts would have been payable to the Trust Fund—Traffic Engineer shall be paid into the Traffic Engineering Trust Fund.

(4) The Commissioner of Main Roads may apply any moneys in the Traffic Engineering Trust Fund to pay interest on and redemption of loans borrowed by the Traffic Engineer.

(5) **Assets and property of Traffic Engineer.** On and after the date of the commencement of this Act—

- (a) all property and assets of the Traffic Engineer shall be vested in the Commissioner of Main Roads and the Commissioner of Main Roads shall be empowered to dispose of any or all of those assets and property by negotiation with Brisbane City Council or a Local Authority or by any other means he considers appropriate. The proceeds of such disposal shall be credited to the Traffic Engineering Trust Fund established under section 14A of The Traffic Acts 1949 to 1965;

- (b) the persons who immediately prior to that date, held the offices of Traffic Engineer and Secretary of the Traffic Commission and any officers who, being appointed under The Public Service Acts 1922 to 1963, were employed in the office of the Traffic Engineer shall, without further or other appointment become and be officers of the Department of Main Roads.

(6) **Disposal of moneys in Metered Parking Account.** All moneys standing to the credit of the Metered Parking Account established by a Local Authority pursuant to subsection (5) of section 49E of The Local Government Acts 1936 to 1964, shall be paid by the Local Authority into the Regulated Parking Account established pursuant to subsection (5) of section 49E of The Local Government Acts 1936 to 1965.

(7) Nothing in this section shall be construed so as to limit the operation and effect of The Acts Interpretation Acts 1954 to 1962.

See Order in Council published Gazette 25 November 1961, p. 959, as amended (as from 1 June 1962) by Order in Council published Gazette 2 June 1962, p. 525, re creation of Traffic Area under Part VI<sup>B</sup> as repealed.

#### PART II—AMENDMENTS TO THE TRAFFIC ACTS 1949 TO 1962

4. (1) **Interpretation of Part II.** This Part II of this Act shall be read as one with The Traffic Acts 1949 to 1962.

(2) **Collective title.** The Traffic Acts 1949 to 1962, and this Part II of this Act may be collectively cited as The Traffic Acts 1949 to 1965.

ss. 5–38. [Amended Principal Act.]

PART III (ss. 39–41) [Amended Main Roads Acts, 1920 to 1964.]

PART IV (ss. 42–46) [Amended Local Government Acts, 1936 to 1964.]

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**THE TRAFFIC REGULATIONS, 1962**

[Inserted by regulations published Gazette 8 September 1962, pp. 61-136; and amended by regulations published Gazette 17 November 1962, p. 909; 22 December 1962, p. 1603; 13 April 1963, p. 1620; 25 May 1963, p. 482; 3 August 1963, p. 1338; 18 January 1964, pp. 162-63; 25 April 1964, p. 1633; 17 October 1964, p. 547; 26 December 1964, p. 1810; 3 July 1965, p. 1318; 10 July 1965, p. 1406; 7 August 1965, p. 1825; 28 August 1965, p. 2041; 25 September 1965, p. 392; 11 December 1965, p. 1413; 22 January 1966, p. 688; 30 April 1966, p. 2188; 5 November 1966, p. 931; 11 February 1967, p. 527; 11 March 1967, p. 945; 22 July 1967, p. 1351; 6 November 1967, p. 903; 3 February 1968, p. 556; 2 March 1968, p. 903; 6 July 1968, p. 1121; 21 September 1968, p. 209; 23 November 1968, p. 1107; 26 April 1969, p. 1517; 17 May 1969, p. 309; 15 November 1969, p. 1175; 20 December 1969, p. 1775; 11 April 1970, p. 1400; 24 October 1970, pp. 735-6; 19 December 1970, p. 1557; 4 September 1971, p. 52; 27 November 1971, pp. 1475-7, 1477-8; 16 June 1972, pp. 869-872; 9 September 1972, p. 176.]

Department of Labour and Industry,  
Brisbane, 6th September, 1962.

THE Deputy Governor, for and on behalf of His Excellency the Governor, acting by and with the advice of the Executive Council, has, in pursuance of the provisions of The Traffic Acts 1949 to 1961, been pleased to make the following Regulations, such Regulations to come into force on the First day of October, 1962.

KEN. J. MORRIS.

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**PART 1****PRELIMINARY****CITATION**

1. These Regulations may be cited as "The Traffic Regulations, 1962."
2. Parts of Regulations.
  1. Preliminary.
  2. Scope, Effect and Administration of Regulations.
  3. Erection, Operation and Effect of Official Traffic Signs.
  4. Obedience to Traffic Control Signals, Signs, Orders and Directions.
  5. Driving on Left and Overtaking.
  6. Right of Way.
  7. Pedestrians.
  8. Turning and Drivers' Signals for Stopping and Turning.
  9. Railway Level Crossings.
  10. Speed Restrictions.
  11. Stopping, Parking and Standing Vehicles.
  12. Regulated Parking.
  13. Construction of Vehicles and Equipment, Loading, Use and Inspection of Vehicles.
  14. Bicycles and Animals.
  15. Passing Stationary Trams and Safety Zones.
  16. Licenses for Drivers, Stalls, Itinerant Vendors, &c., Permits for Itinerant Musicians, Amplifiers, Meetings and Processions, and Advertising, Handbills, &c.
  17. Minor Traffic Offences.
  18. Miscellaneous.

(As amended (as from 19 July 1965) by reg. publ. Gazette 10 July 1965, pp. 1406-7.)

## REPEAL—SAVINGS

3. (1) "The Traffic Regulations, 1949," as amended from time to time and hitherto in force, are hereby repealed.

(2) Such repeal shall not affect the previous operation of any Regulation so repealed or anything duly done thereunder, or any rights, obligations, or liabilities already acquired, accrued, or incurred, or any remedy or proceeding commenced or pending thereunder or in respect thereof.

(3) Any official traffic sign placed or erected in pursuance of the Regulations repealed by these Regulations and in force at the commencement of these Regulations shall continue in force subject to and under the Act and these Regulations until it expires by effluxion of time, or is revoked, discontinued, cancelled, removed, demolished or erased by proper authority.

## INTERPRETATION

4. (1) In the construction of these Regulations, unless the context otherwise indicates or requires—

(a) the words "drive" or "driving" when used in relation to a vehicle, tram or animal upon any road shall be taken to include "stand" or "standing" or when used in relation to an animal upon any road shall be taken to include "lead" or "leading";

(b) references to "the Superintendent" or "the District Superintendent" shall respectively be read as referring to any Superintendent of Traffic or District Superintendent of Traffic having authority to exercise his powers, functions and duties in relation to the matter in respect of which such reference is made;

(c) reference to a vehicle shall be deemed to include—

- (i) any part or equipment of the vehicle;
- (ii) any machinery or any agricultural implement designed for movement upon wheels;

(d)—

- (i) any reference to a "road" shall be read as also being a reference to any part of such road;
- (ii) any reference to a particular side of a road or to a particular side of a part of a road shall be read as a reference to the boundary of such road or part at that particular side; and

(e) the following terms shall have the meanings respectively assigned to them—

"Abreast"—A vehicle shall be deemed to be abreast of any other vehicle if any part of the firstmentioned vehicle is by the side of any part of the other vehicle;

"Alternative headlamp"—A lamp which is lighted in the place of a headlamp by a dipping device;

"Angle parking"—Parking of a vehicle upon the carriageway of a road close to the footway at or substantially at an angle of forty-five degrees thereto or in accordance with the direction or indication of the relevant official traffic sign;

"Appointed"—Appointed under the Act or these Regulations;

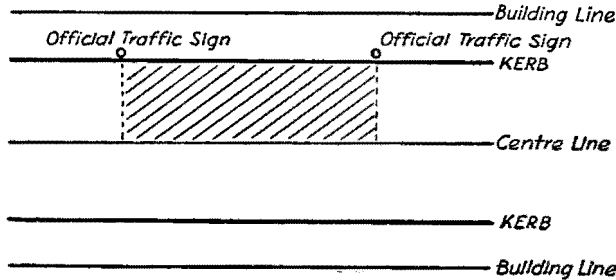
"Australian Design Rule"—An Australian Design Rule for Motor Vehicle Safety as endorsed by the Australian Transport Advisory Council and issued by the Commonwealth Department of Shipping and Transport;

"Between"—When used for the purpose of an indication given by an official traffic sign upon any road, includes that portion of the carriageway of such road as is located within imaginary lines taken from—

- (a) the places specified upon any such official traffic sign; or

- (b) the places where such official traffic signs are located (in any case where places are not specified as provided in paragraph (a.) hereof), to the centre-line of the carriageway as shown hachured on plan hereunder.

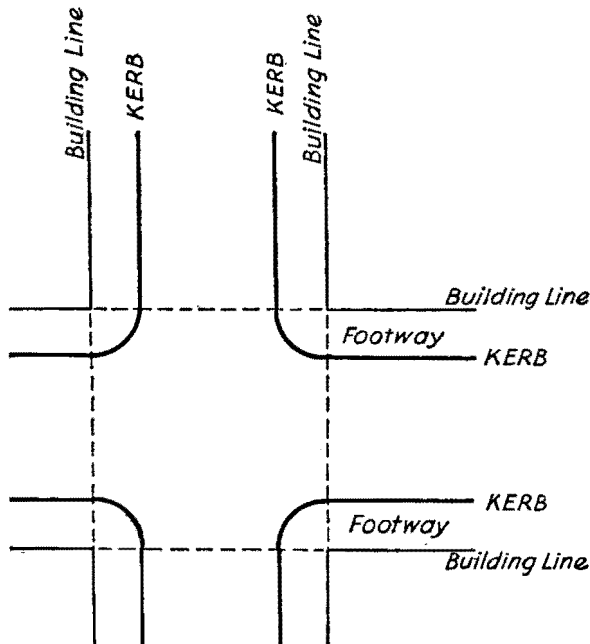
PLAN ILLUSTRATING MEANING OF "BETWEEN"



- "Brake"—A device for retarding or controlling the rotation of the wheels of a vehicle and for bringing the vehicle to a stop;
- "Braking system"—All the mechanism by which a brake on a vehicle is operated, including the brake;
- "Bridge"—Includes a viaduct or culvert and any artificial or partly artificial and partly natural road made over or upon or across any river, creek, watercourse, swamp, or lagoon;
- "Building line"—The boundary line between any land and any road, and, at an intersection means an imaginary line being a continuation of such boundary line across any road.

The outer edge of a building, fence, or other structure adjacent to a road, apparently forming the boundary line between any land and such road, shall be taken to be the building line unless it is proved that the outer edge of such building, fence, or other structure is not at or substantially at the boundary line between such building, fence, or other structure and such road.

PLAN SHOWING "BUILDING LINE"



- "Cab"—Any motor vehicle (not being an omnibus) kept or let for hire, or used for the carriage of passengers for hire, or plied or stood for hire for the carriage of passengers or intended to be so kept, let, used, plied or stood;
- "Cab stand"—A group of positions or a single position appointed by or under the Act or these Regulations where licensed cabs may stand upon any road;
- "Carrying vehicle"—Any vehicle constructed, fitted, equipped or used principally for the carriage of goods, and for the use of which any payment or remuneration is made, given, or received, or which is kept or let for hire for the carriage of goods, or used for the carriage of goods for hire, or plied or stood for hire for the carriage of goods, or intended to be so kept, let, used, plied or stood;
- "Carrying vehicle stand"—A group of positions or a single position appointed by or under the Act or these Regulations where licensed carrying vehicles may stand upon any road;
- "Centre-line"—A separation line, or, where there is no separation line, the unmarked centre-line of the carriageway;
- "Centre parking"—Parking of a vehicle upon the carriageway of any road at or substantially at the centre of such carriageway, and, except where otherwise indicated or required by signs or road markings, approximately at right angles to the centre of the carriageway;
- "Clearance lamp"—A lamp which, when lighted, provides an indication of the width of a vehicle together with any loading or equipment thereon either from the front or from the rear of the vehicle, as the case may be;
- "Compliance plate"—An identification plate, as approved by the Australian Motor Vehicle Certification Board for affixing to the motor vehicle to which it is attached;
- "Dipping device"—A device by which the driver of a vehicle whilst retaining the correct driving position—
- (a) can cause the main beam of light projected by each of the headlamps of a vehicle which has two headlamps or by the headlamp of a vehicle which has one headlamp as the case may be to be dipped; or
  - (b) can extinguish each of the headlamps of a vehicle which has two headlamps or the headlamps of a vehicle which has one headlamp, and simultaneously light two alternative headlamps or one alternative headlamp as the case may be; or
  - (c) can extinguish each set of headlamps where a vehicle has four headlamps, in sets of two, and simultaneously light one lamp in each set;
- "During hours of darkness"—
- (a) Any time during the period between sunset on one day and sunrise on the next succeeding day; or
  - (b) Any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of three hundred feet;
- "Effective range"—The distance at which a lamp, when lighted, will illuminate and render easily discernible under normal atmospheric conditions during hours of darkness any person dressed in dark clothing, or any substantial dark object, in front of the vehicle to which the lamp is affixed;
- "Emergency brake"—The hand brake or other brake which is used in an emergency or as an auxiliary to the service brake;
- "Emergency vehicle"—Any Ambulance, Fire Brigade or Police vehicle, or any other vehicle upon which the use of a siren is authorised by the Commissioner;
- "Endorsement"—Any entry made under and in accordance with or for the purposes of the Act or these Regulations, by or with the authority of the Commissioner, the District Superintendent or Superintendent, or the officer of the Department of Transport ordinarily having the custody of the relevant document, or by any person acting under the direction of a Judge or justices, upon any license:

The term shall also include any document attached or directed by the Commissioner, the District Superintendent or Superintendent to be attached to a license.

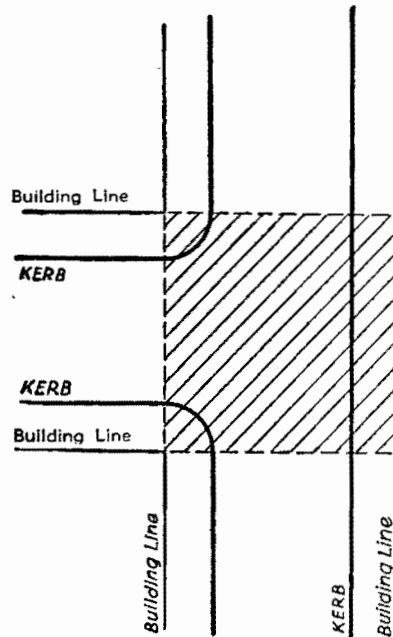
Any such entry shall be deemed to be part of the license upon which such entry was made and any such document shall be deemed to be part of the license to which such document was so attached or directed to be attached;

“Gross Vehicle Weight”, in respect of a motor vehicle means—

- (a) The weight stated or indicated in or which may be calculated from the particulars set out in any certificate of registration of the motor vehicle purporting to have been issued under The Main Roads Acts 1920 to 1968, or Regulations thereunder (whether current or not) or in any document purporting to have been issued under any corresponding legislation, ordinance or law of another State or Territory of the Commonwealth of Australia (whether current or not) as being the maximum permissible weight (however described) for the motor vehicle together with any load to be carried thereon; or
- (b) Where the motor vehicle is unregistered or there is no weight stated or indicated or which may be calculated as aforesaid, the weight painted or otherwise marked on the motor vehicle as the gross vehicle weight therefore (however expressed) or (if no gross vehicle weight is so painted or marked but the tare and the load capacity of the motor vehicle, however, expressed, are also painted or marked) the sum of the said tare and load capacity of the motor vehicle as so painted or marked; or
- (c) Where the motor vehicle is unregistered or there is no weight so stated or indicated or which may be calculated or which is painted or marked as aforesaid, the weight set out in a certificate purporting to be signed by the Secretary to the Commissioner of Main Roads or any person thereunto authorised by the Commissioner of Main Roads as being the gross vehicle weight for a motor vehicle of the make and model in question according to records kept by the Commissioner of Main Roads with respect to motor vehicles of that make and model.

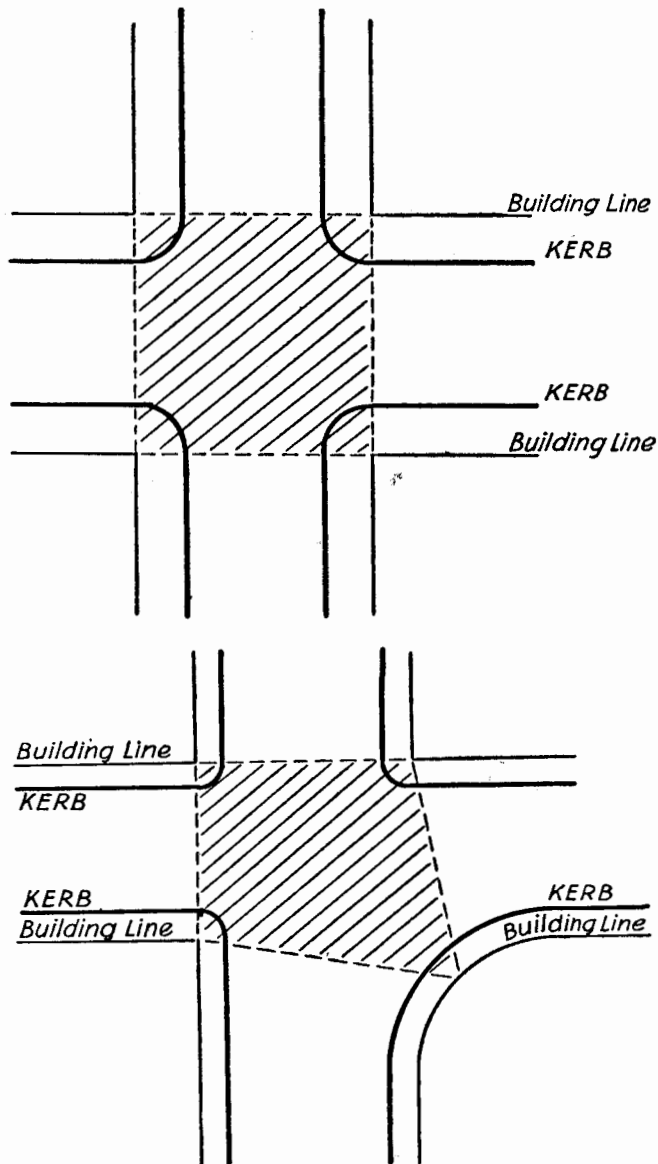
“Intersection”—A place where two or more roads intersect or join:

PLANS SHOWING EXAMPLES OF “INTERSECTION”



[OVER





“Level crossing”—A place at which a road and a railway cross each other at or substantially at the same level;

“Licensed vehicle”—A vehicle licensed under Part III of The State Transport Act of 1960;

“Multipurpose Passenger Car”—A motor vehicle designed principally for the conveyance of not more than eight persons and which is constructed either on a truck chassis or with special features for off-road operation;

“Omnibus stand”—A group of positions or a single position appointed by or under the Act or these Regulations where omnibuses may stand upon any road;

“One-way carriageway”—A carriageway on which vehicles are permitted to travel in one direction only;

“Overhang”—That part of a vehicle measured from centre of the back axle to the rearmost part of the vehicle;

- “Parallel parking”—Parking of a vehicle upon the carriageway of any road with the left side of such vehicle as near as practicable to and parallel with the left side of such carriageway, or, in the case of a one-way carriageway, not being a section of a divided road, the parking may be with the right side of the vehicle as near as practicable to and parallel with the right side of such carriageway;
- “Passenger Car”—A motor vehicle, other than a motor cycle, an omnibus or a multipurpose passenger car, constructed principally for the conveyance of persons;
- “Passenger Car Derivative”—A motor vehicle of the kind known as a coupe utility or panel van of the same make as a factory produced passenger car, and in which the forward part of the body form and the greater part of the mechanical equipment are the same as those in such passenger car;
- “Passenger Cars and Derivatives thereof”—Any and/or all of the classes of vehicles as defined in the terms “Passenger Car” and “Passenger Car Derivative” in these Regulations;
- “Pedestrian crossing”—That portion of the carriageway of any road between two parallel traffic lines at no greater distance from each other than twenty feet, marked across or partly across such carriageway, and where such lines are so marked partly across the carriageway, includes the portion of the carriageway between the prolongation of such lines:
- The term also includes that portion of the carriageway of a road comprising alternative parallel stripes or bars of a contrasting colour not more than twenty-eight inches in width and not less than eight feet in length marked longitudinally upon such carriageway or that portion of the carriageway of a road comprising parallel stripes or bars not more than twenty-eight inches in width and not less than eight feet in length marked longitudinally upon such carriageway with a colour in contrast with the colour of such carriageway as well as that portion of such carriageway between any such parallel stripes or bars;
- “Pole-type trailer”—A trailer which is attached to the towing vehicle by means of a pole or by an attachment fitted to such pole and which is ordinarily used for transporting loads such as logs, pipes, or structural members capable generally of supporting themselves as beams between supporting connections;
- “Police Officer”—Any member of the Police Force;
- “Public stand”—A group of positions or a single position appointed by or under the Act or these Regulations where public vehicles may stand or stop upon any road;
- “Public vehicle”—Any tram or licensed vehicle or any omnibus approved or permitted under The State Transport Act of 1960.
- “Regulations”—“The Traffic Regulations, 1962”;
- “Reservation”—Any physical provision on a road to divide it longitudinally other than lines marked on the carriageway surface and includes a nature strip adjoining a footway;
- “Road in a built-up area”—Any road upon which there is a system of road lighting;
- “Safety zone”—An area of the carriageway of any road alongside or adjacent to any tramline and indicated by an official traffic sign as a place where pedestrians may stand or wait upon such carriageway;
- “Schedule”—A Schedule to any Part of these Regulations;
- “Semi-trailer”—The rear portion of an articulated vehicle;
- “Separation line”—A traffic line marked on a carriageway to separate traffic moving in opposite directions;
- “Service brake”—The footbrake or other brake which is normally used to decelerate and stop a motor vehicle;
- “Side marker lamp”—A lamp which, when lighted, is visible from the side of the vehicle upon which it is affixed;

“Sign”—Includes any poster, placard, notice, sign board, or sign of any kind whatsoever, and which is or is not illuminated or has affixed thereto any material designed to reflect light:

The term also includes any device, design, structure or erection in the nature of an advertisement or advertising device, and any framework, board, or other structure whatsoever which is used or intended to be used, or is adapted to be used, for the purpose of affixing thereto or supporting any device, design, poster, placard, notice, sign board, or other sign which is a “sign” within the meaning of this definition;

“Specially constructed vehicle”—Any motor vehicle being a tractor, agricultural equipment, earth moving, road making or road maintenance plant, mobile crane, fork lift truck, straddle truck or any other vehicle of a like nature provided that any equipment is not mounted on or any such vehicle has a conventional truck chassis;

“Stop line”—A line marked across or partly across the surface of a carriageway near a traffic control light signal, stop sign, pedestrian crossing, or intersection;

“Stop sign”—An octagonal sign inscribed with the word “Stop” across the face thereof;

“Stop”, “Stopping”, “Stand”, or “Standing”—When prohibited (including when prohibited by the indication or direction given by an official traffic sign) means any stopping or standing of a vehicle or animal whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with any indication or direction given by a Police Officer or by an official traffic sign or signal;

“The Act”—The Traffic Acts 1949 to 1961;

“Traffic line”—Any continuous, broken or dotted line, notice or demarcation in or by means of studs, plates, paint, lacquer, or other substance or material used upon the surface of any road as an official traffic sign for the purpose of separating, directing, regulating or defining traffic or any class or description of traffic;

“Traffic Office”—The Office of the Superintendent of Traffic;

“Turn left”—Includes any substantial degree of divergence in the direction of the left from the forward line of travel;

“Turn right”—Includes any substantial degree of divergence in the direction of the right from the forward line of travel;

“Two-way carriageway”—Any carriageway other than a one-way carriageway;

“Upon”—Used in relation to a vehicle or road, includes “in”, “on”, or “over”;

“U turn”—A turn which causes a vehicle on a carriageway facing or travelling in one direction to face or travel in the opposite direction;

“Vehicle”—Any conveyance designed to be propelled or drawn by any means and where the context permits, includes a tram, or an animal driven or ridden but does not include a train;

“Warning device”—A horn, bell, alarm or signal capable of giving audible or visible warning of the approach or position of a vehicle or train;

“Wheel base”—The distance between a line drawn at right angles to the length of the vehicle through the centres of the front wheels and a line similarly drawn through the centres of the rearmost wheels;

“Windscreen”—The main front windscreen but does not include any wind deflector or other subsidiary windscreen;

(2) Any derivative of and any word from which is derived any term to which a meaning is assigned by this Regulation shall, in these Regulations, unless the context otherwise indicates or requires, have a corresponding meaning.

(As amended by reg. pubd. Gazette 22 December 1962, p. 1603; 23 November 1968, p. 1107; 11 April 1970, p. 1400; 24 October 1970, pp. 735-6; 27 November 1971, pp. 1475-7.)

**PART 2****SCOPE, EFFECT, AND ADMINISTRATION OF REGULATIONS**

5. Unless otherwise stated these Regulations in so far as they apply to drivers and pedestrians and the use of vehicles shall apply to drivers and pedestrians and the use of vehicles upon roads.

**APPLICATION OF REGULATIONS TO ANIMALS**

6. A rider or driver of an animal shall have the duties, rights and privileges imposed or conferred on the rider or driver of a vehicle by the provisions of these Regulations, other than provisions which by their nature cannot apply in relation to animals.

**OBEDIENCE TO POLICE OFFICERS**

7. Every pedestrian and driver shall at all times obey the signal by hand of a Police Officer in uniform, or the reasonable verbal direction or order of any Police Officer irrespective of any provision contained in any of these Regulations.

**EXEMPTIONS FOR CONSTRUCTION TRAFFIC**

8. The provisions of Parts 5, 8, and 11 of these Regulations shall not apply to a driver operating a vehicle on the site of road construction and maintenance works while actually engaged in work upon the road surface:

Provided that every such driver shall comply with these Regulations so far as may be consistent with the efficient performance of his duty.

**EXEMPTION OF AMBULANCE AND FIRE BRIGADE DRIVER**

9. These Regulations shall not apply to the driving of a vehicle of a Fire Brigade or Ambulance Transport Brigade by any member of a Fire Brigade or Ambulance Transport Brigade, as the case may be, while acting in the execution of his duty:

Provided that every such member shall comply with these Regulations so far as may be consistent with the efficient performance of his duty.

**EXEMPTION OF DRIVER OF DEFENCE FORCE VEHICLE**

10. Any person who—

- (a) is a member of the Defence Forces of the Commonwealth of Australia or of the armed forces of any Government which is allied or associated with Her Majesty in any war in which Her Majesty is engaged; and
- (b) is driving a motor vehicle owned by or appropriated to the use of such defence or armed forces; and
- (c) is so driving in the performance of his duty and in pursuance of a license, permit or authority issued to him by the authorities of such defence or armed forces;

shall be deemed to be the holder of a driver's license for the purposes of the Act and these Regulations:

Provided that this Regulation shall not apply unless such person, while driving any such motor vehicle, carries such license, permit or authority and, when required by a Police Officer, produces such license, permit or authority for inspection.

**OFFENCES**

11. (1) Any person who—

- (a) contravenes or fails, neglects, delays or refuses to comply with any order, notice, signal, direction, requirement, request or condition made, or given under or in pursuance of these Regulations; or

- (b) wilfully makes any false or misleading statement or wilfully furnishes any false or misleading information in or with respect to any notification, declaration, statement, application or other matter required or authorised by these Regulations;

shall be guilty of an offence.

(2) A person shall not be convicted of an offence against these Regulations for or arising from an act or omission if the doing of such act or the making of such omission was necessary to comply with—

- (a) a direction of a Police Officer;
- (b) the direction or indication given by an official traffic sign; or
- (c) any Regulation or other law.

#### PARTIES TO OFFENCES

**12.** When an offence against the Act or these Regulations is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence and may be charged with actually committing it, that is to say—

- (a) Every person who actually does the act or makes the omission which constitutes the offence;
- (b) Every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;
- (c) Every person who aids another person in committing the offence;
- (d) Any person who counsels or procures any other person to commit the offence;
- (e) In the case of an offence relating to a vehicle or train—every owner, driver or conductor who permits or allows the doing of the act or the making of the omission which constitutes the offence.

Any person who counsels or procures or any owner, driver or conductor who permits or allows any other person to commit an offence against the Act or these Regulations may be charged either with himself committing the offence or with counselling, procuring or permitting or allowing its commission as the case may be.

A conviction of counselling, procuring, permitting or allowing the commission of an offence against the Act or these Regulations entails the same consequences in all respects as a conviction of committing the offence against the Act or these Regulations.

Any person who procures another to do or omit to do any act of such a nature, that, if he had himself done the act or made the omission, the act or omission would have constituted an offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had himself done the act or made the omission; and he may be charged with himself doing the act or making the omission.

#### POWERS OF COMMISSIONER

**13.** (1) Any matter or thing dealt with in these Regulations may be determined, applied, dispensed with, prohibited or regulated by the Commissioner from time to time either generally or in any classes of cases or in any particular case having regard to the requirements of the public and the safety of the public generally and the Commissioner may issue a certificate exempting any person or vehicle from any provision of any Regulation hereof.

(2) The Commissioner shall have and may exercise any power or authority vested in a District Superintendent by the Act or these Regulations.

(3) The Commissioner may fix the fee or the scale or rate of fees chargeable for any permit, the fee for which is not prescribed by these Regulations.

## ISSUE OF PERMITS GENERALLY

14. The District Superintendent or Superintendent may exempt any person or vehicle from any provision of these Regulations when in his opinion such exemption is justified in the existing circumstances and due regard has been given to the safety of the public generally and such District Superintendent or Superintendent may thereupon issue a permit authorising the doing of any act or the use of any vehicle on any occasion or for any purpose or under any circumstance which would otherwise be an offence against these Regulations.

Any such permit shall be subject to any conditions endorsed thereon:

Provided that nothing in this Regulation shall be deemed to authorise the District Superintendent or Superintendent to exempt any person from payment of any fee or fare payable under these Regulations.

## SCHEDULE—PART OF REGULATIONS

15. A Schedule to any Part of these Regulations shall form part of these Regulations.

## PART 3

## ERECTION, OPERATION AND EFFECT OF OFFICIAL TRAFFIC SIGNS

## OFFICIAL TRAFFIC SIGNS

16. (1) Any official traffic sign constructed, made, marked, placed, erected, fixed or painted in, into, or on or near a road for the purpose of guidance or direction or regulation of traffic shall be in accordance with the methods, standards and procedures prescribed in relation to such signs in the Manual of Uniform Traffic Control Devices or in so far as not so prescribed, as approved by the Commissioner of Main Roads.

(2) A document purporting to be a Manual of Uniform Traffic Control Devices and to have been issued by the Commissioner of Main Roads shall upon its production be prima facie evidence of the matters contained therein and of such document having been issued by the said Commissioner under the Act.

(As amended (as from 19 July 1965) by reg. pubd. Gazette 10 July 1965, pp. 1406-7.)

17. (1) When appearing on any official traffic sign—

- (a) Words, figures or symbols, indicating two specified hours, times or days (e.g. 9 a.m. to 6 p.m.) shall mean that the direction or indication given by such sign applies at any time during the period between the hours, times or days indicated by such words, figures or symbols;
- (b) Words, figures or symbols indicating a specified day or part thereof shall mean that the direction given by such sign applies during the whole of such day or part thereof as the case may be.

(2) Any matter forming part of an indication or direction given by an official traffic sign may be stated thereon in an abbreviated form.

## REMOVAL OF LIGHT OR SIGN CREATING DANGER TO TRAFFIC

18. If any light or any sign is in, on, or near any road or is affixed to any building upon any place and the District Superintendent or the Commissioner of Main Roads, as the case may be, is satisfied that danger to traffic may result from such light or sign, the District Superintendent or the Commissioner of Main Roads, as the case may be, may give notice in writing to the owner of such light or sign or to the owner of the premises or place to which such light or sign is affixed requiring him to either remove the light or sign or modify it to the satisfaction of the District Superintendent or the Commissioner of Main Roads as the case may be, within a time specified in such notice.

If within the time specified in such notice such owner does not either—

- (a) Remove such light or sign; or
- (b) Modify such light or sign, so that, in the opinion of the District Superintendent or the Commissioner of Main Roads, as the case may be, danger to traffic will not result therefrom,

he shall be guilty of an offence, and whether such owner is or is not convicted of an offence against this Regulation, the District Superintendent or the Commissioner of Main Roads, as the case may be, may remove such light or sign or cause such light or sign to be removed and recover the costs of so doing from such owner as for a debt in any Court of competent jurisdiction.

(As amended (as from 19 July 1965) by reg. pubd. Gazette 10 July 1965, pp. 1406-7.)

#### PART 4

### OBEDIENCE TO TRAFFIC CONTROL SIGNALS, SIGNS, ORDERS AND DIRECTIONS

#### OBEDIENCE TO TRAFFIC CONTROL LIGHT SIGNALS

19. (1) The display by a traffic control light signal of—

(a)—

- (i) a green circle is a direction to a driver of a vehicle facing the traffic control light signal and about to be driven across the appropriate stop line in relation to such signal that he shall subject to the Act and these Regulations proceed forthwith:

Provided that subject to these Regulations a right or left turn may be made even though a traffic control light signal is displaying a red circle in respect of the carriageway the driver is about to enter, provided that a driver making or after making any such turn shall not cross a stop line associated with such lastmentioned traffic control light signal until it displays a green circle;

- (ii) the word "WALK" in green or, in the absence of the words "DON'T WALK" in red, a green circle shall be an indication that a pedestrian facing the traffic control light signal may proceed across the carriageway;

(b) an amber circle alone is a direction that—

- (i) a driver facing the traffic control light signal shall not proceed beyond the stop line associated with the traffic control light signal or in the absence of a stop line the traffic control light signal itself unless the vehicle is so close to the stop line or traffic control light signal when the colour amber first appears that he cannot safely stop his vehicle before passing the stop line or traffic control light signal;
- (ii) a pedestrian facing the traffic control light signal shall not enter upon the carriageway;
- (iii) if the traffic control light signal is erected at or near an intersection every person upon such intersection shall clear it with all reasonable speed;

(c)—

- (i) a red circle alone or red and amber circles together shall be a direction that a driver facing the traffic control light signal shall not proceed beyond the stop line associated with the traffic control light signal or in the absence of a stop line the traffic control light signal itself;

- (ii) the words "DON'T WALK" in red or, in the absence of the word "WALK" in green a red circle alone or red and amber circles together shall be a direction that a pedestrian facing the traffic control light signal shall not enter upon the carriageway;
  - (d) a green arrow in conjunction with a red circle is a direction that a driver facing the traffic control light signal may proceed but shall only make a movement in the direction indicated by the arrow;
  - (e) intermittent single amber flashes at an intersection is a direction that a driver facing the traffic control light signal shall approach and cross the intersection with caution.
- (2) Where separate traffic control light signals are erected over each lane of a laned carriageway, a driver—
- (a) shall not drive in any lane over which a traffic control light signal displays a red signal to face him;
  - (b) may drive in any lane over which a traffic control light signal displays a green light to face him, regardless of the location of the centre of the carriageway with respect to the lane markings.

#### OBEDIENCE TO SIGNS

20. (1) A driver shall not cause his vehicle to turn at any intersection or other place contrary to the direction given by a sign erected at or near that intersection or place displaying the words "NO TURNS", "NO LEFT TURN", "NO RIGHT TURN", or "NO U TURN".

(2) Upon a road upon which a sign inscribed with an arrow and the words "ONE WAY" is erected, a driver shall drive along the carriageway of that road only in the direction indicated by the arrow on that sign.

(3) Where a sign inscribed with the words "NO ENTRY" is erected over or adjacent to a carriageway to face an approaching driver the driver shall not proceed upon that carriageway beyond that sign.

(4) Where a marked lane at an approach to an intersection—

- (a) has the words "RIGHT TURN ONLY" or "LEFT TURN ONLY" marked on a sign by the side of or over the lane; or
- (b) has those words or an arrow or arrows marked on the surface of the lane,

a driver entering the intersection from that lane shall drive only in a direction indicated by such word, arrow or arrows.

(5) Where a sign inscribed with the words "NO OVERTAKING OR PASSING" is erected a driver shall not—

- (a) pass such a sign facing him while any vehicle proceeding in the opposite direction is between that sign and a similar sign facing in the opposite direction;
  - (b) while between a sign so inscribed and a similar sign facing in the opposite direction overtake or pass a vehicle proceeding in the same direction.
- (6)—
- (a) Where a sign inscribed with the words "NO OVERTAKING ON BRIDGE" is erected near a bridge to face an approaching driver the driver shall not overtake a vehicle while between the sign and the far end of the bridge.



- (b) Where a sign inscribed with the words "BRIDGE LOAD LIMIT . . . TONS GROSS" together with numerals before the word "TONS" is erected near a bridge to face an approaching driver, the driver shall not drive a vehicle upon the bridge the weight of which vehicle and its load together with the weight of any trailer attached and its load exceeds the weight indicated on the sign.
- (c) Where a sign inscribed with the words "SPEED LIMIT ON BRIDGE" followed by numerals and the letters "M.P.H." is erected near a bridge to face an approaching driver, the driver shall not exceed the speed in miles per hour indicated by the sign while between it and the far end of the bridge.

(7)—

- (a) Where a sign inscribed with the words "KEEP LEFT" is erected to face an approaching driver, the driver shall pass to the left of the sign.
- (b) Where a sign inscribed with the words "KEEP RIGHT" is erected to face an approaching driver, the driver shall pass to the right of the sign.

(8)—

- (a) Where a "STOP" sign is erected to face a driver approaching an intersection, the driver shall stop his vehicle before reaching and as near as practicable to the stop line associated with the sign or, if no stop line exists, at the point nearest to and before entering upon the intersection where he has a clear view of traffic approaching the intersection.
- (b) After compliance with paragraph (a) of this subregulation a driver may proceed in accordance with these Regulations.
- (c) The duty of a driver to give way to vehicles on his right shall not be affected by the presence of a stop sign.

(9) Where a sign inscribed with the words "GIVE WAY" is erected to face a driver approaching an intersection the driver shall give way to all other traffic which has entered or is approaching that intersection.

(10) Where a sign inscribed with the words "GIVE WAY" is erected to face a driver approaching a one lane bridge, the driver shall give way to all other traffic upon that bridge or approaching that bridge from the opposite direction.

(As amended by reg. pubd. Gazette 22 January 1966, p. 688; 30 April 1966, p. 2188.)

#### COMPLIANCE WITH POLICE SIGNALS, ORDERS OR DIRECTIONS

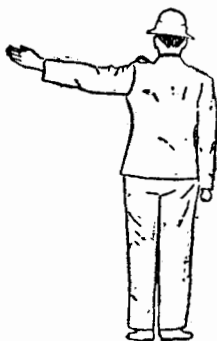
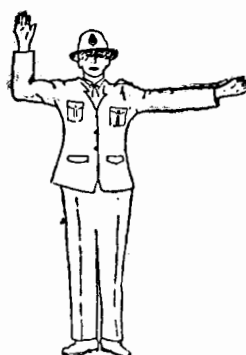
21. (1) The driver of any vehicle or any pedestrian upon any road shall—
- (a) upon any Police Officer giving any prescribed signal, or other clear signal, order, or direction, comply with the direction, indication or order given by such prescribed signal, or other signal, order or direction, and stop as long or proceed in such a manner or direction as such Police Officer shall deem necessary for the effective regulation of traffic or for any other necessary purpose;
  - (b) comply with any reasonable direction of any Police Officer as to the manner of approaching or departing from any place or as to the manner of taking up or setting down passengers, or loading or unloading goods at any place, or as to the regulation of traffic, or as to the removal of a vehicle from one place to any other place.

## PRESCRIBED POLICE SIGNALS

(2) The signals illustrated in this subregulation or as near thereto as existing circumstances may permit or require, are the prescribed signals to be given by a Police Officer to pedestrians and drivers of vehicles upon any road.

(a) "STOP" signal—for persons facing signal—

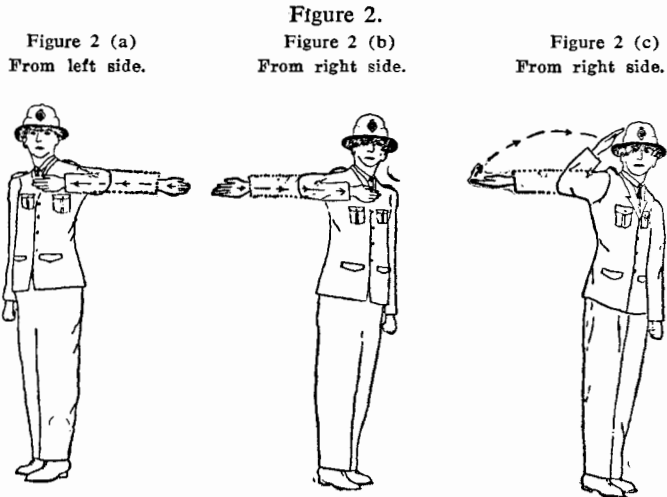
Figure 1.

Figure 1 (a)  
From the front.Figure 1 (b)  
From the rear.Figure 1 (c)  
From left side.Figure 1 (d)  
From right side.Figure 1 (e)  
Combination from  
front and rear.

Any signal illustrated in Figure 1 of this Regulation given by a Police Officer regulating traffic upon a road at an intersection or marked crossing, shall be a direction to—

- (i) the driver of any vehicle facing such signal to—
  - (A) not drive such vehicle on to such intersection or marked crossing;
  - (B) stop such vehicle as near as practicable to such intersection or marked crossing;
  - (C) keep such vehicle stopped until given the "PROCEED" signal;
- (ii) any pedestrian facing such signal not to enter upon the carriageway of the road.

(b) "PROCEED" signal—for persons facing signal—



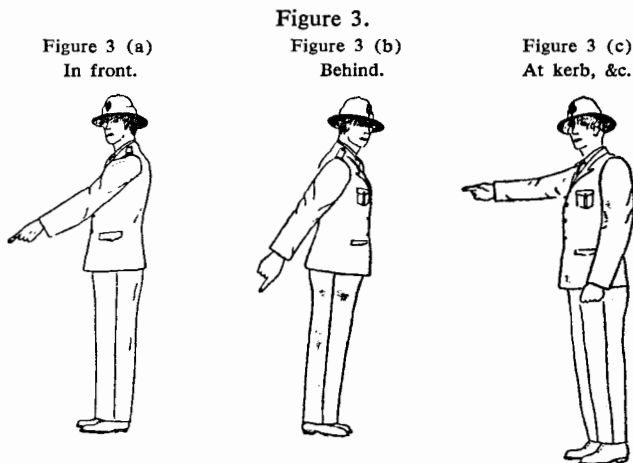
Any signal illustrated in Figure 2 of this Regulation given by a Police Officer regulating traffic upon a road at an intersection or marked crossing, shall be a direction to—

- (i) the driver of any vehicle facing such signal to proceed, subject to the Act and these Regulations, across such intersection or marked crossing;
- (ii) any pedestrian facing such signal to proceed, subject to the Act and Regulations, across the carriageway of the road;

and in the case of—

- (A) the signal illustrated in Figures 2 (a) and 2 (b)—that such proceeding shall be in front of the Police Officer giving such signal; or
- (B) the signal illustrated in Figure 2 (c)—that such proceeding shall be behind the Police Officer giving such signal.

(c) Signal to stop at place indicated—



Any signal illustrated in Figure 3 of this Regulation given by a Police Officer regulating traffic upon any road, shall be a direction to the driver of any vehicle upon such road to proceed in accordance with the Act and these Regulations to or substantially to the place indicated and stop at or substantially at that place until given a direction to proceed.

**PART 5****DRIVING ON LEFT AND OVERTAKING****KEEPING AS FAR LEFT AS PRACTICABLE**

22. Subject to these Regulations a driver upon a two-way carriageway shall keep his vehicle as close as practicable to the left boundary of the carriageway except where there are two or more lanes marked on the carriageway available for traffic moving in the direction in which he is proceeding.

**OVERTAKING**

23. (1) When overtaking a moving vehicle (other than a tram) upon a two-way carriageway a driver shall except as provided in subregulation (3) of this Regulation pass to the right of that vehicle at a safe distance:

Provided that where a carriageway has two or more marked lanes for vehicles travelling in the same direction a driver travelling in one of those lanes may overtake and pass to the left of a vehicle travelling in another of those lanes if conditions permit him to do so with safety.

(2) A driver overtaking a tram heading in the same direction upon a two-way carriageway shall pass to the left thereof.

(3) A driver overtaking a vehicle making or apparently about to make a right turn may pass to the left thereof, and shall not pass to the right thereof.

(4) After overtaking a vehicle a driver shall not drive in front of it until his vehicle is safely clear.

(5) When overtaking a vehicle on a two-way carriageway—

(a) if the carriageway is not divided into three lanes, a driver shall not drive to the right of the centre-line of the carriageway unless the right side of the carriageway is free of oncoming traffic for a sufficient distance ahead to permit the overtaking movement to be completed in safety;

(b) if the carriageway is divided into three lanes a driver shall not drive in the centre lane unless the centre lane is free of oncoming traffic for a sufficient distance ahead to permit the overtaking movement to be completed in safety.

**USE OF CENTRE AND RIGHT LANES OF THREE LANE CARRIAGEWAYS**

24. On a two-way carriageway which is divided into three lanes a driver shall not drive his vehicle in—

(a) the centre lane except to overtake another vehicle or in preparation for a right turn or where the centre lane is at the time allocated exclusively to traffic travelling in the direction in which he is proceeding; or

(b) the extreme right hand lane.

**RESTRICTIONS ON DRIVING RIGHT OF CENTRE LINE**

25. The driver of a vehicle upon a two-way carriageway shall not drive his vehicle on the right side of the centre-line of the carriageway—

(a) when approaching the crest of a grade where the driver's view is obstructed within such distance as to create a hazard in the event of another vehicle approaching from an opposing direction; or

(b) when approaching within 100 feet of or traversing any intersection or level crossing.

**PASSING AN OPPOSING VEHICLE**

26. A driver passing a vehicle travelling in the opposite direction shall keep left of that vehicle.

**GIVING WAY TO OVERTAKING VEHICLES**

27. Except where overtaking on the left is permitted the driver of a vehicle being overtaken shall move to the left in favour of the overtaking vehicle upon the driver of the overtaking vehicle sounding a warning device and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

**DRIVING IN LANES ON CARRIAGEWAYS**

28. (1) A driver shall drive his vehicle as nearly as practicable entirely within a single marked lane or line of traffic and shall not move laterally from such lane or line of traffic until he can do so safely.

(2) A driver travelling along a marked lane any boundary of which is a single unbroken line (not being a separation line) shall not permit any part of his vehicle to cross that line.

**DRIVING THROUGH ROTARY INTERSECTIONS**

29. A driver passing through a traffic roundabout shall drive to the left of the centre traffic island.

**KEEPING LEFT OF DOUBLE LINES**

30. Where a carriageway is marked with a double longitudinal line comprising—

(a) two continuous lines; or

(b) a continuous line on the left of a broken or dotted line—

a driver shall not permit any portion of his vehicle to travel on or over or to the right of such double longitudinal line.

**FOLLOWING TOO CLOSELY**

31. (1) In this Regulation "long vehicle" means a vehicle more than 25 feet in length inclusive of any projection and of its load or a vehicle with dual wheels on any axle or a vehicle towing another vehicle.

(2) Except when overtaking and passing, the driver of a long vehicle when following another long vehicle shall whenever conditions permit keep his vehicle not less than 200 feet behind the other vehicle.

(3) This Regulation shall not apply to a long vehicle in a built-up area or to a long vehicle on a carriageway provided with two or more marked lanes for vehicles proceeding in the same direction as the long vehicle.

**DRIVING ON DIVIDED ROAD**

32. Where a road is divided into carriageways by a reservation or reservations a driver (other than the driver of a tram) shall not drive along the extreme right hand carriageway unless a sign inscribed with the words "TWO WAY TRAFFIC" is erected to face drivers entering that carriageway.

**PART 6****RIGHT OF WAY****MEANING OF "GIVE WAY"**

33. Where these Regulations require a driver to give way to a vehicle or person, the driver shall, in circumstances where if he proceeded there would be a reasonable possibility of his colliding with that vehicle or person or otherwise creating a dangerous situation, slow down to such an extent, or stop and remain stationary for such time as is necessary to allow that vehicle or person to continue on its or his course without risk of collision or as is necessary to avoid creating a dangerous situation.

## RIGHT OF WAY AT INTERSECTIONS

34. When a vehicle has entered or is approaching an intersection from a carriageway and there is danger of collision with a vehicle which has entered or is approaching the intersection from another carriageway, the driver who has the other vehicle on his right shall give way:

Provided that this Regulation shall be subject to the exceptions as provided in Regulation 20 (9) and Regulation 35 of these Regulations.

## RIGHT OF WAY DURING TURNS

35. (1) A driver who intends to turn, is turning or has turned to the right at an intersection shall give way to any other vehicle which has entered or is approaching the intersection in the opposite direction;

(2) A driver turning to the right or the left at an intersection shall give way to pedestrians during the execution of the turn.

(3) A driver making a U turn shall give way to all other vehicles and to any pedestrian.

Provided that subregulations (1) and (3) of this Regulation shall be subject to the exception as provided in Regulation 20 (9) of these Regulations.

(As amended by reg. pubd. Gazette 22 January 1966, p. 688.)

## MOVEMENTS TO OR FROM PARKED POSITION

36. (1) A driver who is about to drive or is driving a vehicle into or out from a parking area or the boundary of a carriageway shall give way to all other vehicles.

(2) A driver shall not drive a vehicle in reverse out of any parking area established across the centre of a carriageway.

## ACTION ON APPROACH OF EMERGENCY VEHICLES

37. A driver shall give way wherever practicable and make every reasonable effort to give a clear and uninterrupted passage to every emergency vehicle which is sounding a siren or bell.

## ENTERING OR LEAVING A ROAD

38. (1) A driver—

(a) entering a road from land abutting on that road except pursuant to an instruction of a traffic control light signal; or

(b) leaving a road to enter land abutting on that road—

shall give way to all vehicles and pedestrians proceeding in either direction along such road.

## NO ENTRY TO CHOKED INTERSECTION

(2) A driver shall not enter upon or attempt to cross an intersection if the intersection or the carriageway that the driver wishes to enter is blocked by vehicles.

(3) This Regulation applies to all intersections including an intersection at which a traffic control signal displays an instruction to the driver that he may proceed.

(As amended by reg. pubd. Gazette 11 February 1967, p. 527.)

## PART 7

## PEDESTRIANS

## PEDESTRIAN CROSSINGS

39. (1) A driver shall give way to any pedestrian who is on a pedestrian crossing.

(2)—

(a) A driver shall stop his vehicle before it reaches a pedestrian crossing if a red sign bearing a legend including the word "STOP" or the words "CHILDREN CROSSING" in white lettering is displayed at or substantially at that crossing to face an approaching driver, and shall not permit any portion of his vehicle to enter upon that crossing while such a sign is displayed.

(b) When there is a stop line on the approach side of a pedestrian crossing any stop made pursuant to this subregulation (2) shall be made before reaching and as near as practicable to the stop line.

(3) A driver shall not permit any portion of his vehicle to enter upon a pedestrian crossing if any vehicle headed in the same direction is stopped on the approach side of or upon such pedestrian crossing apparently for the purpose of complying with this Regulation.

#### DUTIES OF PEDESTRIANS

##### 40. A pedestrian—

- (a) when on a footway or pedestrian crossing shall keep to the left side of such footway or crossing;
- (b) when crossing a carriageway at an intersection shall keep left of pedestrians crossing in the opposite direction;
- (c) when crossing a carriageway or portion thereof shall do so as nearly as practicable by the shortest and most direct route to the carriageway boundary;
- (d) after alighting from a vehicle on to a carriageway and not being on a safety zone shall proceed as soon as practicable to the nearest footway by the shortest and most direct route.

Paragraphs (b) and (c) of this Regulation shall not apply at an intersection or other area controlled by traffic control signals which provide a period of time during which pedestrians only may use the carriageway. Paragraph (d) of this Regulation shall not apply to a tramway employee in uniform engaged in the discharge of his duties.

#### RESTRICTIONS ON PEDESTRIANS

##### 41. A person shall not—

- (a) while awaiting to board a vehicle stand on any portion of a carriageway other than a safety zone;
- (b) proceed from a footway towards a vehicle for the purpose of boarding it until it has stopped;
- (c) alight from or board a moving vehicle;
- (d) remain on a pedestrian crossing longer than is necessary for the purpose of passing over the carriageway with reasonable despatch;
- (e) stand upon a footway or carriageway so as to inconvenience, obstruct, hinder or prevent the free passage of any other pedestrian or any vehicle;

Paragraphs (a), (b) and (c) of this Regulation shall not apply to a tramway employee in uniform engaged in the discharge of his duties.

#### WALKING ON CARRIAGEWAYS

42. (1) A pedestrian shall not proceed along a carriageway of a road if a footway exists on the road and is in a fit condition for use.

(2) A pedestrian proceeding along a carriageway shall when practicable face traffic which may approach him from the opposite direction and keep as close as he can to the right boundary of the carriageway.

(3) A pedestrian shall not proceed along a carriageway abreast of more than one other pedestrian except in a procession or parade authorised by the District Superintendent.

(4) A pedestrian shall not enter upon any portion of a carriageway outside of and within sixty feet of a pedestrian crossing.

(5) Nothing in the foregoing provisions of this Regulation shall apply in respect of a carriageway from which vehicles are for the time being excluded.

#### AVOID COLLISION

(6) A pedestrian upon any road shall take due care and precaution to avoid a collision with any other pedestrian or any vehicle upon such road.

**PART 8****TURNING, AND DRIVER'S SIGNALS FOR STOPPING AND TURNING****LEFT TURNS**

43. (1) A driver (other than a driver of a tram) who is about to make a left turn at an intersection shall so drive his vehicle that when it reaches the intersection it shall be to the left of any vehicle abreast of his vehicle and proceeding in the same direction.

(2) This Regulation shall not apply to a driver whose vehicle is in a marked lane immediately to the right of a marked lane allocated exclusively to left turning vehicles by means of a sign erected alongside or over it or by means of markings on its surface.

**RIGHT TURNS**

44. (1) A driver (other than a driver of a tram) who is about to make a right turn at an intersection shall—

- (a) where he is travelling on a two-way carriageway approach and enter the intersection so that his vehicle is to the left of, parallel to and as near as practicable to the centre of that carriageway;
- (b) where he is travelling on a one-way carriageway approach and enter the intersection so that his vehicle is parallel to and as near as practicable to the right boundary of that carriageway—

unless his vehicle is in a marked lane which has a sign alongside or over it or markings on its surface indicating that a right turn must or may be made.

(2) A driver (other than a driver of a tram) making a right turn at an intersection shall make the right turn so that—

- (a) if the carriageway being entered is a two-way carriageway his vehicle enters it to the left of the centre of that carriageway;
- (b) if the carriageway being entered is a one-way carriageway, his vehicle enters it as near as practicable to the right boundary of that carriageway;
- (c) wherever practicable his vehicle passes to the right of the centre of the intersection.

For the purposes of this subregulation a vehicle shall be deemed to enter a carriageway at the point where the vehicle leaves the intersection.

(3) Notwithstanding the foregoing provisions of this Regulation a driver who is about to make or is making a right turn at an intersection where markers, marks or signs are so placed as to indicate that a different course from that specified in this Regulation should be travelled shall not turn his vehicle at the intersection otherwise than as indicated by the markers, marks or signs.

**TURN RIGHT AND STOP SIGNALS**

45. (1) A driver (other than a driver of a tram) shall not turn right or diverge right or stop or suddenly decrease speed or make a U turn without giving a signal as prescribed in this Regulation.

(2) A driver who is about to turn right or diverge right or stop or suddenly decrease speed or make a U turn shall signal his intention of doing so for such time as is necessary to give reasonable warning to other persons upon a road including drivers approaching from behind.

(3) For the purposes of and without limiting the generality of subregulations (2) and (6) of this Regulation a signal shall be deemed to give reasonable warning if it is given continuously—

- (a) while a vehicle is travelling 100 feet immediately before it commences to turn and during any period when it is stationary before it commences to turn;
- (b) while a vehicle is travelling 100 feet immediately before it commences to diverge right or diverge left; or
- (c) while the brakes of a vehicle are applied before it stops or while it is slowing down.



(4) Any signal required by this Regulation shall be given—

(a) by means of the hand and arm; or

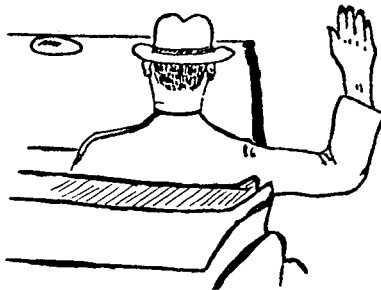
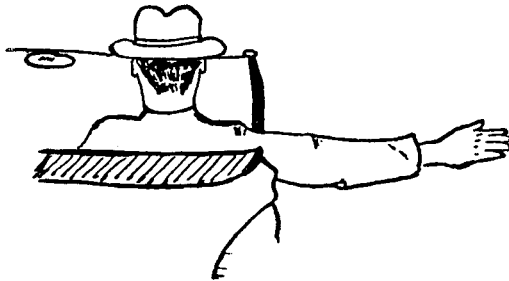
(b)—

- (i) in the case of a signal of intention to turn or diverge right or make a U turn, by means of a hand shaped signalling device, semaphore signalling device or flashing lamp signalling device; or
- (ii) in the case of a signal of intention to stop or reduce speed suddenly, by means of a brake lamp or lamps or a hand shaped signalling device:

Provided that such hand shaped signalling device, semaphore signalling device, flashing lamp signalling device or brake lamp shall comply with the specifications for that device or brake lamp prescribed by the Schedule to Part 13 of these Regulations.

(5) Where a driver gives a signal by hand and arm he shall with the palm of his hand facing forward—

- (a) signal his intention to turn right or diverge right or make a U turn by fully extending his right arm and hand horizontally beyond the right side of his vehicle approximately at right angles to the centre line of his vehicle;
- (b) signal his intention to stop or reduce speed suddenly by extending his right arm beyond the right side of his vehicle with the upper arm horizontal and the forearm and fingers pointing upwards.



(6) Where a vehicle is equipped with signalling devices as prescribed in paragraphs (c), (e) and (f) of subclause (3) of clause 72 of the Schedule to Part 13, a driver who is about to turn left or diverge left shall signal his intention of doing so for such time as is necessary to give reasonable warning to other persons upon a road including drivers approaching from behind.

(As amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7.)

#### USE OF SIGNALLING DEVICES

**46.** A driver of a motor vehicle upon a road shall not permit a signalling device—

- (a) to remain in operation after the completion of the turn or divergence or stop or sudden reduction of speed in respect of which the device was put into operation;

- (b) to operate or remain in operation at any time for any purpose other than to indicate the driver's intention at that time to turn right, diverge right, turn left, make a U turn, stop or reduce speed suddenly.

#### U TURNS

47. A driver shall not cause his vehicle to make a U turn—
- (a) unless he has a clear view of traffic in both directions for a distance of at least 500 feet; or
  - (b) at any intersection at which a traffic control light signal is operating.

### PART 9

#### RAILWAY LEVEL CROSSINGS

##### STOPPING AT LEVEL CROSSINGS

48. (1) A driver approaching a railway level crossing shall stop his vehicle so that the leading portion thereof is on the approach side of and safely clear of the nearest rail of the railway—

- (a) if he is directed or instructed to stop by a railway employee and shall not proceed except in accordance with the railway employee's direction;
- (b) if an approaching train is visible or emits an audible signal and there is danger of collision between his vehicle and the train and shall not proceed until it is safe to do so;
- (c) if a stop sign facing the driver is erected at or near the level crossing and shall proceed only if it is safe to do so;
- (d) if twin alternating red lights are flashing or a wigwag signal is moving or a warning bell is ringing at or near the level crossing and shall not proceed until the lights, signal or bell have ceased to flash, move or ring unless otherwise directed or instructed by a railway employee.

(2) A person shall not drive a vehicle through, around or under any gate, boom or barrier at a railway level crossing or enter upon the crossing while such gate, boom or barrier is closed or is being opened or closed to road traffic.

(3) A driver of a vehicle shall not enter upon or attempt to cross a level crossing if the carriageway beyond such level crossing is blocked by traffic, notwithstanding a traffic control light signal to proceed.

(As amended by reg. pubd. Gazette 11 April 1970, p. 1400.)

### PART 10

#### SPEED RESTRICTIONS

##### HAVING REGARD TO SPEED—KEEP SAFE DISTANCE APART

49. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the road.

##### SPEED LIMITS

50. A person shall not drive a motor vehicle upon a road—
- (a) in a built-up area at a rate of speed greater than 35 miles per hour where no other speed limit is indicated by an official traffic sign upon that road;
  - (b) not being a road in a built-up area at a rate of speed greater than 60 miles per hour where no other speed limit is indicated by an official traffic sign upon that road;
  - (c) at a rate of speed greater than the speed limit indicated by an official traffic sign upon such road.

##### SPEED WHEN LIGHTS CANNOT BE DIPPED

51. A person shall not during hours of darkness drive upon a road at a rate of speed exceeding thirty miles per hour any motor vehicle which is not equipped with a dipping device.

## SPEED OF MOTOR CYCLE WITH SMALL ENGINE

52. A person shall not during hours of darkness drive upon a road—

- (a) any motor cycle the engine capacity of which does not exceed 100 c.c. at a rate of speed exceeding 25 miles per hour; or
- (b) any motor cycle the engine capacity of which exceeds 100 c.c. but does not exceed 200 c.c. at a rate of speed exceeding 30 miles per hour:

Provided that this Regulation shall not apply to any motor cycle which is fitted with a headlamp having an effective range of at least 160 feet.

## APPLICATION OF REGULATIONS RELATING TO SPEED

53. (1) Where under or in pursuance of any provision of the Act or these Regulations the speed at which a vehicle may be driven upon a road is limited by reference to the time, place or circumstances of the driving thereof, or otherwise howsoever, every other provision of these Regulations shall apply so that nothing in such other provision shall authorise or be deemed to authorise any person to drive a vehicle on a road at a speed which contravenes the limitations imposed by such firstmentioned provision.

(2) Every provision of this Part of these Regulations shall apply so as not to authorise, justify or excuse the driving of any vehicle upon any road—

- (a) negligently;
- (b) recklessly;
- (c) at a speed or in a manner which is dangerous to the public;
- (d) without due care and attention;
- (e) without reasonable consideration for other persons using the road;
- (f) without using reasonable care and taking reasonable precautions to avoid endangering the life, safety or health of any person; or
- (g) otherwise in a manner which is an offence against the Act or these Regulations.

## PART 11

## STOPPING, STANDING AND PARKING VEHICLES

## METHOD OF PARKING VEHICLES

54. (1) The driver of a vehicle upon any road—

- (a) where no method of parking is indicated by an official traffic sign shall not park a vehicle, other than a motor cycle without a side-car attached, otherwise than by parallel parking;
- (b) where any method of parking is indicated by an official traffic sign, shall not park such vehicle otherwise than by the method of parking indicated on that sign;
- (c) notwithstanding any other provision of this Regulation shall not park a vehicle exceeding 25 feet in length or a vehicle and trailer with a combined length exceeding 25 feet where angle parking or centre parking is required;
- (d) in the case of a motor cycle without a side-car attached being parked in an area where other motor vehicles are required to be parked by parallel parking, shall park such motor cycle so that at least one wheel of it is as close as practicable to the boundary of the carriageway against which parking is required;
- (e) shall not park such vehicle in a loading zone.

(2) The driver of a vehicle upon any road shall not park or stand such vehicle—

- (a) in the case of a motor vehicle other than a motor cycle without a side-car, at a nearer distance than four feet from any other vehicle except where angle parking or centre parking is required;

- (b) so that less than ten feet of the width of the carriageway between the vehicle and the far boundary of the carriageway or between the vehicle and a marked centre line is available for the movement of traffic;
- (c) so that it will cause undue obstruction on the carriageway or undue delay to other vehicles;
- (d) where parking bays are marked on the carriageway surface, otherwise than entirely within the confines of a single bay;
- (e) partly within and partly outside an area set apart for the parking or standing of a vehicle or vehicles.

#### PROHIBITED STANDING PLACES

55. A person shall not upon a road park stop or leave stand a vehicle—
- (a) between the centre of the carriageway of such road and a vehicle or stall standing or parked upon the carriageway of such road. Proof that a vehicle was found parked stopped or standing upon a road between the centre of the carriageway of such road and another vehicle or stall standing or parked upon the carriageway of such road shall be prima facie evidence of the fact that the first-mentioned vehicle was parked stopped or left standing between the centre of the carriageway of such road and the other vehicle or stall:

Provided that this paragraph (a) shall not apply so as to prevent a vehicle from being properly parked by centre parking;

- (b) upon or so that any part thereof encroaches upon any intersection, footway, pedestrian crossing, level crossing, bridge or other elevated structure or public stand or within a tunnel or underpass or so as to obstruct or hinder the passage of any vehicle to or from any road, ferry or wharf or from the carriageway of any road to any driveway between such carriageway and any adjacent premises, loading dock or other place provided for access of vehicles, or from any such driveway to the carriageway of any road;
- (c) at a nearer distance than ten feet from any postal pillar or postal letter box;
- (d) where there is a double centre-line, unless there is a distance of at least twelve feet between such vehicle and the nearer of the lines forming such double centre-line;
- (e) at a nearer distance than twenty feet from any intersection, or from the approach side of a sign on a tram route inscribed with the words "TRAM STOP HERE" or "HAIL TRAMS HERE";
- (f) at a nearer distance than sixty feet from the approach side or twenty feet on the departure side of a sign inscribed with the words "BUS STOP" unless the vehicle is an omnibus:

Provided that in lieu of the foregoing provisions of this paragraph (f) where upon a road an appointed stopping place for omnibuses is indicated by two or more official traffic signs a person other than the driver of an omnibus shall not park, stop or stand such vehicle so that any part of such vehicle is between one of such signs and the next sign of the same type displayed upon such road in the direction indicated by an arrow upon such firstmentioned sign;

- (g) at a nearer distance than sixty feet from the nearest rail of a railway level crossing;
- (h) upon or so that any part of it encroaches upon the carriageway in a position where by reason of a grade or curve in such road, the driver of any other vehicle approaching it from the rear will not have a clear view of it for a distance of at least one hundred and fifty feet:

Provided that the provisions of this Regulation prohibiting a person from parking stopping or leaving stand a vehicle on an intersection shall not apply to the parking stopping or leaving stand of a vehicle adjacent to the boundary of a carriageway which is not broken by a road entering the intersection, nor shall any paragraph of this Regulation apply to the person parking stopping or leaving stand a vehicle in compliance with the indication or direction given by an official traffic sign.

(As amended by reg. pubd. Gazette 22 December 1962, p. 1603.)

## RESTRICTIONS ON STANDING OF TRAMS

56. A driver of a tram shall not leave it standing so that any portion of the tram is upon an intersection or pedestrian crossing.

## RESTRICTION ON PARKING OF LONG VEHICLES

57. A person shall not park a vehicle which has a measurement greater than 25 feet from its most forward projection to its rearmost projection including any load thereon on any carriageway except—

- (a) for a maximum period of one hour on a carriageway in a built-up area;
- (b) on such part of a carriageway and at such times and under such conditions as are permitted by the District Superintendent; or
- (c) outside a built-up area on the shoulders of a carriageway or the lateral parts of a carriageway not used by the main body of moving traffic.

In this Regulation "vehicle" includes a combination of a vehicle and a trailer.

## PART 12

## REGULATED PARKING

## PENALTIES, &amp;C.

58. (1) Any person who contravenes or fails to comply with any provision of the Act or these Regulations relating to a regulated parking offence shall, upon being prosecuted in a summary way under The Justices Acts 1886 to 1964, in respect of that matter, be liable to a penalty as provided in subsection (2) of section 45 of the Act.

(2) Any sum of money which may be paid as provided for under section 44F of the Act by way of penalty for any regulated parking offence shall be as follows:—

For each offence—\$2.

(3) Any person who, consequent upon the issue pursuant to section 44F of the Act of a notice, tenders to the Town Clerk (or officer nominated in that behalf and named in that notice) a sum of money by way of penalty shall forward or deliver, with the tender of such sum of money, to the Town Clerk or, as the case may be, that officer, the form annexed to or endorsed or written upon that notice, completed by him.

(Part 12 Heading Substituted (as from 19 July 1965) by reg. pubd. Gazette 10 July 1965, pp. 1406-7.)

(Regulation 58 and heading thereto substituted (as from 19 July 1965) by reg. pubd. Gazette 10 July 1965, pp. 1406-7.)

(Decimal currency reference substituted pursuant to section 7 of Decimal Currency Act of 1965.)

## FACILITATION OF PROOF

59. (1) In any proceedings under or for the purpose of the Act or these Regulations the allegation or averment in any complaint—

- (a) That at any time or date mentioned in the complaint any place is or is not or was or was not a metered space, parkatarea space, or loading zone, as the case may be, or a part thereof, or is or is not or was or was not within a Traffic Area;
- (b) That any specified time is or is not or was or was not within the fixed hours in relation to a metered space or spaces, or a parkatarea space or spaces, or is or is not or was or was not within the hours and upon a day during which regulated parking other than metered parking and parkatarea parking is or was operative within a Traffic Area;
- (c) That any specified period is or was the prescribed maximum period for which a vehicle may be parked in a metered space or in a parkatarea space, or within a Traffic Area other than in a metered space or parkatarea space;

(d) That a device installed in, on or adjacent to a metered space or parkatarea space is a parking meter or parkatarea, as the case may be, duly installed and maintained in relation to, or provided for, that space, shall be prima facie evidence of the matter or matters so alleged or averred.

(2) This Regulation shall apply to any matter alleged or averred hereunder although evidence in support of such matter or of any other matter is given and shall not lessen or affect any onus of proof otherwise falling on the defendant.

(Regulation 59 and heading thereto substituted (as from 19 July 1965) by reg. pubd. Gazette 10 July 1965, pp. 1406-7.)

**60.-67.** [Repealed.]

(Repealed (as from 19 July 1965) by reg. pubd. Gazette 10 July 1965, pp. 1406-7.)

### PART 13

#### CONSTRUCTION OF VEHICLES, AND EQUIPMENT, LOADING, USE AND INSPECTION OF VEHICLES

##### VEHICLES TO COMPLY WITH SCHEDULE

**68.** (1) A person shall not drive or stand or permit to stand a vehicle upon any road unless—

- (a) such vehicle is equipped with the items of equipment appropriate thereto specified in and required by the Schedule to this Part of these Regulations;
- (b) such items of equipment conform with the requirements specified in such Schedule;
- (c) it is so constructed, equipped and loaded that it complies with all other provisions appropriate thereto specified in such Schedule;
- (d) the vehicle and its parts and equipment are in a good and thoroughly serviceable condition:

Provided that in respect of the items of lighting equipment set out in Divisions 4 and 5 of the Schedule of this Part of these Regulations in the case of vehicles described in those Divisions it shall be sufficient compliance with this subregulation if such vehicles are so equipped during hours of darkness only.

##### DRIVER TO REPORT DEFECT TO OWNER

(2) Where any person employed by the owner of a motor vehicle to drive that vehicle becomes aware that such vehicle is not in good mechanical order and in a safe and thoroughly serviceable condition to be used upon any road, he shall, as soon as practicable, prepare in duplicate a report on a form supplied to him for that purpose by the owner, showing the date thereof and the registered number of the vehicle and specifying what parts or equipment of the vehicle need, in his opinion, to be repaired, replaced or adjusted to put it in good mechanical order and in a safe and thoroughly serviceable condition. One copy of the report shall be retained by such person and the other, as soon as practicable, shall be left by him with the owner or where it is not practicable for the owner personally to take delivery of it, for the owner with a person or at a place appointed by the owner for that purpose.

##### OWNER'S LIABILITY

(3) Without limiting the liability of any other person where a motor vehicle is driven upon a road in contravention of subregulation (1) hereof the owner of such vehicle shall be guilty of an offence.

##### OWNER'S DUTY TO PROVIDE AND RETAIN REPORT FORM

(4) The owner of a motor vehicle who employs any person to drive such vehicle shall—

- (a) provide such person with forms for the purpose of subregulation (2) hereof and appoint a person with whom or a place at which any report referred to in such subregulation may be left for him when it is not practicable for him personally to take delivery of it;

- (b) retain for a period of six months from the date thereof, the copy of the report left with or for him and forthwith upon demand by any Police Officer produce it or cause it to be produced for inspection.

(5) The provisions of subregulations (2) and (4) hereof shall not impair the liability of any person under subregulations (1) and (3) hereof.

#### NOT PERMIT PERSON TO DRIVE WITHOUT OWNER'S CONSENT

(6) The driver of a motor vehicle upon any road shall not permit any other person to drive such motor vehicle without the consent of the owner thereof.

#### ALTERATION OF CHASSIS, &c.

- (7) A person shall not—
  - (a) extend or otherwise alter the chassis of any motor vehicle unless approval for such extension or alteration is first obtained from the Chief Inspector of Machinery;
  - (b) change or alter the body or any of the equipment of any motor vehicle in such a way as to affect adversely the safety of such vehicle.

#### LIGHTING OF VEHICLES

69. (1) A person shall not during hours of darkness drive upon a road—
- (a) any motor vehicle unless the lamps required by Part I of Division 2 of the Schedule to this Part of these Regulations to be fitted to the vehicle are alight:
 

Provided that this requirement shall not apply in respect of any lamp at any time when such lamp is required or permitted under these Regulations to be extinguished by the operation of a dipping device or otherwise;
  - (b) any vehicle drawn by animal power unless the lamps prescribed in Division 4 of the Schedule to this Part of these Regulations are fitted to the vehicle and are alight;
  - (c) any bicycle, tricycle, handcart, barrow or other similar vehicle propelled or designed for propulsion by human power unless the lamps prescribed in Division 5 of the Schedule to this Part of these Regulations are fitted to such vehicle and are alight.

#### DIPPING OF HEADLIGHTS

- (2) The driver of any motor vehicle, the headlamps of which are equipped with a dipping device, shall, during hours of darkness while his vehicle is upon any road—
- (a) in a built-up area, cause the main beam of light projected by any headlamp of such motor vehicle to be dipped and remain dipped while such vehicle is upon any such road;
  - (b) other than a road in a built-up area and is being approached by any other vehicle proceeding in an opposing direction, cause the main beam of light projected by any headlamp of his vehicle to be dipped—
    - (i) when such other vehicle has reached a point approximately two hundred yards from his vehicle; or
    - (ii) immediately the beam of light from the headlamps of such other vehicle is dipped,

whichever is the sooner, and shall cause such beam to remain dipped until such other vehicle has passed.

#### LIGHTS ON STATIONARY MOTOR VEHICLES

70. (1) A person shall not stand a motor vehicle upon a road with a lamp of a power exceeding 7 watts lighted showing a white light to the front except while the vehicle is taking up or setting down passengers or is compelled to remain stationary by the exigencies of traffic.

(2) A person shall not stand a motor vehicle or trailer upon any carriageway between sunset and sunrise unless there are affixed thereto—

- (a) two lamps showing a clear white light to the front one on each side thereof and clearly visible under normal atmospheric conditions at a distance of at least 200 yards or, where the motor vehicle or trailer is standing adjacent to the boundary of the carriageway, one such lamp which shall be on the side of the motor vehicle or trailer nearer the centre of the carriageway; and
- (b) the rear lamp and any clearance lamps required by the Schedule to this Part of these Regulations to be fitted to the vehicle or trailer and such lamp or lamps is or are alight.

(3) Subregulation (2) of this Regulation shall not apply—

- (a) where the street lighting in the vicinity renders the motor vehicle or trailer clearly visible at a distance of at least two hundred yards; or
- (b) to motor cycles not connected to a side-car, fore-car or trailer standing parallel to and as near as practicable to the edge of the carriageway.

(4) Whilst a motor vehicle is standing upon a road at any time during hours of darkness any optional lamp permitted to be affixed to the vehicle by clauses 35, 36 and 37 of the Schedule to this Part of these Regulations may be alight.

(As amended by reg. pubd. Gazette 22 December 1962, p. 1603.)

#### MOTOR VEHICLE LAMPS—GENERAL PROVISIONS

71. A person shall not cause or permit—

##### FOG LAMP

- (a) any fog lamp affixed to a motor vehicle upon a road to be lighted except in fog or mist, or under other atmospheric conditions which restrict visibility;
- (b) a single fog lamp attached to a motor vehicle other than a motor cycle, upon a road, to be lighted unless the two additional lamps required under clause 40 (1) (b) of the Schedule to this Part of these Regulations are also lighted;
- (c) a lamp or lamps of a power exceeding seven (7) watts and capable of showing white light to the front of the vehicle to be alight when any fog lamp or lamps, as the case may be, are alight;

##### SPOT OR SEARCH LAMP

- (d) any spot or search lamp affixed to a motor vehicle upon a road to be lighted unless—
  - (i) the vehicle is stationary and the lamp is lighted and used for the purpose of examining or making adjustments or repairs to a vehicle, and the light from the lamp is not projected more than twenty feet;
  - (ii) the lamp is lighted for the temporary purpose of reading any finger or notice board or house number; or
  - (iii) the vehicle is being used by a governmental or municipal shire or other authority concerned with any public utility undertaking in connection with its functions;

##### ADDITIONAL HEADLAMP

- (e) any additional headlamp permitted by clause 42 of the Schedule to this Part of these Regulations to be fitted to a motor vehicle to be lighted when the vehicle—
  - (i) is upon a road in a built-up area; or
  - (ii) is being driven upon a road when any approaching vehicle is visible to its driver.

(As amended by reg. pubd. Gazette 16 June 1972, p. 869.)



## TRAM LIGHTS

72. A person shall not during hours of darkness drive any tram upon any road unless it is equipped with a lighted headlamp affixed in a prominent position on the front thereof showing a white light to the front of such tram, visible under normal atmospheric conditions at a distance of at least two hundred yards from such tram and another lighted lamp affixed in a prominent position on the rear thereof showing a light to the rear of such tram visible under normal atmospheric conditions at a distance of at least two hundred yards from such tram.

(As amended by reg. pubd. Gazette 22 December 1962, p. 1603.)

## ONLY ONE VEHICLE TO BE DRAWN

73. A person shall not upon any road drive any vehicle drawing—

- (a) more than one other vehicle;
- (b) in the case of an articulated vehicle—any other vehicle;
- (c) any bicycle or tricycle:

Provided that where a prime mover drawing a trailer has mechanical failure, it shall not be an offence under this Regulation for a towing vehicle to tow such prime mover and trailer to a place of safety or to a suitable place for repairs if the brakes of the vehicles being towed are in a fit condition to stop such vehicles and hold them stationary and there is a qualified driver in control of such prime mover.

73A. A person shall not, upon any road, drive any vehicle when a bumper bar of such vehicle or any attachment or attachments affixed to such bumper bar is or are used for the purpose of towing a trailer, caravan or vehicle.

(Inserted by reg. pubd. Gazette 11 April 1970, p. 1400.)

## TOWING

74. A person shall not upon any road drive any vehicle having attached thereto for the purpose of being towed any other vehicle not being a trailer unless—

- (a) the space between the two vehicles does not exceed twelve feet, or, where either of the vehicles is a motor cycle, eight feet;
- (b) where the vehicle being towed is a motor vehicle, a competent person is in charge of such vehicle to control it so far as the condition of its brakes or mechanism or the method of towing will permit;
- (c) where the two vehicles are joined by means of a rope, chain, wire, or other similar means, there is displayed between the vehicles a red flag or other object so as to be clearly visible as a warning of danger;
- (d) where the vehicle being towed is not designed for propulsion by mechanical power, it is fastened with the shafts or pole thereof in actual contact with the towing vehicle;
- (e) during hours of darkness, in addition to the requirements of these Regulations being complied with in respect of the towing vehicle, a lighted lamp or, when in the case of an emergency where a light cannot be so provided, a reflector is affixed to that part of the vehicle being towed which faces any following vehicle, in the centre of such part or to the right hand or offside of such centre, and which shows a red light or in the case where the use of a reflector is so authorised and provided a red reflection of light of the headlamp or headlamps of any following motor vehicle to the rear of the vehicle being towed, visible under normal atmospheric conditions at a distance of at least 200 yards from such vehicle, and where the two vehicles are joined by means of a rope, chain, wire or other similar means a white light is projected by a lamp or lamps affixed to the vehicle being towed or the towing vehicle, so that it will render clearly visible any flag or other object displayed in accordance with paragraph (c) of this Regulation.

Notwithstanding any other provision of these Regulations, where a vehicle is being towed no light shall be displayed thereon so as to be visible to the driver of any following vehicle, except as provided in paragraph (e) of this Regulation, or except light from any clearance, side marker or rear lamp required or permitted by the Schedule to this Part of these Regulations to be fitted to the vehicle.

(As amended by reg. pubd. Gazette 22 December 1962, p. 1603.)

## MAXIMUM LENGTH, WIDTH, HEIGHT, &amp;c.

75. (1) A person shall not drive or cause or permit to stand upon a road—
- (a) any motor vehicle (not being a motor cycle or a mobile crane which is 31 feet or less in length) where the loading or equipment upon such vehicle or any trailer drawn thereby—
    - (i) projects more than four feet in front of the headlamps of the motor vehicle;
    - (ii) projects more than four feet to the rear of the motor vehicle or trailer, as the case may be; or
    - (iii) projects more than six inches beyond the extreme outer portion of either side of the motor vehicle or trailer as the case may be;
  - (b) any motor cycle without a side-car attached if any loading or equipment upon such motor cycle projects more than six inches in front of the outer extremity of the front wheel or more than one foot behind the outer extremity of the rear wheel or such loading projects beyond the extreme outer portion of the cycle on either side;
  - (c) any motor cycle with a side-car attached if—
    - (i) any part of the vehicle or its loading or equipment projects more than two feet in front of the front wheel or more than three feet behind the outer extremity of the rear wheel of the motor cycle; or
    - (ii) such loading projects beyond the extreme outer portion of the vehicle on either side;
  - (d) any articulated vehicle first registered on or after the 1st January, 1962, not being a vehicle to which a pole trailer is attached, if any part of the semi-trailer or its loading or equipment projects more than six feet radially forward of the axis of the pivot pin;
  - (e) any vehicle or vehicle and trailer drawn by animal power where the loading or equipment upon such vehicle or trailer—
    - (i) projects past the head of any animal harnessed to such vehicle;
    - (ii) projects more than four feet behind the body of the vehicle if such vehicle is a two-wheeled vehicle or four feet behind the body or behind the rear wheels if such vehicle is a four-wheeled vehicle;
    - (iii) in the case of any pole-type jinker, projects beyond the rear end of the pole thereof;
    - (iv) projects more than one foot upon the outer side of the wheels or body of such vehicle:

Provided that the requirements of paragraphs (a) and (e) of subregulation (1) of this Regulation shall not apply in respect of any loading or equipment projecting more than four feet to the rear of any motor vehicle or of any trailer drawn thereby or of any vehicle drawn by animal power if—

- (a) the overall length of the vehicle or of the combination of vehicle and trailer, as the case may be, together with the loading or equipment thereon, is within the relevant limit fixed by the Schedule to this Part of these Regulations;
- (b) there is carried at the extreme rear of such loading or equipment a red flag or other suitable object, in either case not less than 12 inches square, and such flag or object is kept clearly visible as a warning to persons on the roadway in the near vicinity of such vehicle or trailer; and
- (c) during hours of darkness there is affixed at the extreme rear of such loading or equipment—
  - (i) a lighted lamp showing a clear red light to the rear, visible under normal atmospheric conditions at a distance of at least 200 yards; or
  - (ii) not less than two reflectors capable of projecting a red reflection of light from the headlamp of any following vehicle.

## WHERE LOADING OR EQUIPMENT IS NOT READILY VISIBLE

(2) Where any portion of the loading or equipment of a motor vehicle or of any trailer drawn thereby projects in such a manner that it would not be readily visible to any person following immediately behind such vehicle, the driver of the vehicle shall, by means of a red flag or other suitable object, in either case not less

than 12 inches square, mark the end of the loading or equipment so that it may be clearly visible to persons in its vicinity. During hours of darkness such driver shall cause to be affixed to the extreme rear of such loading or equipment a lighted lamp or reflectors as prescribed in paragraph (c) of the proviso to subregulation (1) of this Regulation.

(3) For the purpose of this Regulation "equipment" shall include the pole of any pole-type trailer or jinker.

(As amended by reg. pubd. Gazette 22 December 1962, p. 1603.)

**75A.** (1) In this Regulation "heavy motor vehicle" means any motor vehicle or combination or motor vehicle and trailer the laden or unladen weight of which exceeds 4 tons.

(2) On and after 1st June, 1964, a person shall not upon a road not being a road in a built-up area—

- (a) drive or use or cause or permit to be driven or used any heavy motor vehicle unless there are carried on such vehicle three portable warning signs conforming with the requirements specified in this Regulation;
- (b) during hours of darkness stand or cause or permit to stand any disabled heavy motor vehicle unless the three portable warning signs required to be carried on such vehicle are displayed, one in front of and one to the rear of such vehicle in a position not less than 50 yards nor more than 150 yards from such vehicle, and one beside such vehicle on the side nearer the centre of the carriageway, and are placed so as to give reasonable warning to the driver of any approaching vehicle and wherever practicable so that at least one sign is visible to any such driver at a distance of at least 200 yards.

(3) In the case of a heavy motor vehicle registered in any other State or Territory of the Commonwealth of Australia or other country it shall be sufficient compliance with this Regulation if the signs carried or displayed, as the case may be, conform with the requirements of the law for the time being in force in such State, Territory or other country and for this purpose the term "signs" shall mean and include the term "lamps".

(4) The portable warning signs required by this Regulation to be carried by a heavy motor vehicle or displayed near a disabled heavy motor vehicle, as the case may be, shall—

- (a) Be in the form of an equilateral triangle and may have an open centre;
- (b) Have a minimum height of 11½ inches;
- (c) Have arranged as a triangle on the front and on the back on a white background—
  - (i) Red reflecting sheeting or material not less than one and three-sixteenths inches or more than one and five-sixteenths inches in width; or
  - (ii) Nine red reflectors, each with a minimum diameter of 1½ inches and equally spaced to show four reflectors on each side of the triangle, and so that no part of the sign projects less than three-eighths of an inch or more than five-eighths of an inch from the outer extremity of any such reflecting sheeting or material or any one such reflector;
- (d) Be of robust and durable construction, capable of being readily erected to stand in an upright position and to remain unaffected to any material degree by any reasonable force of wind or variation in weather conditions; and
- (e) Be clean and in good order and condition.

(5) Any reflecting sheeting or material or reflectors referred to in subregulation (4) hereof shall be such that at any time during hours of darkness when the upper beam of light from any headlamp complying with the provisions of these Regulations and placed at a distance of 200 yards, is projected directly on to the sign, there will be clearly visible to the driver of the vehicle to which such lamp is affixed, a red reflection of the sign.

(Inserted by reg. pubd. Gazette 18 January 1964, pp. 162-3; as amended by reg. pubd. Gazette 25 April 1964, p. 1633.)

## LOADING EXCEEDING NORMAL CARRYING CAPACITY OF VEHICLE

76. A person shall not upon any road drive any vehicle if the number of persons or the weight of loading upon such vehicle exceeds the maximum number of persons or the maximum weight, as the case may be, which the vehicle is—

- (a) capable of carrying as stated in the Certificate of Registration for such vehicle issued under the Regulations made in pursuance of The Main Roads Acts 1920 to 1962, or as stated in the application for such Certificate of Registration;
- (b) licensed, authorised or permitted to carry by or under any law; or
- (c) reasonably capable of carrying with safety having regard to the designed carrying capacity of the vehicle.

## LOADING TO BE SECURELY FASTENED AND PARALLEL TO SIDES

77. A person shall not upon any road drive any vehicle the loading upon which is not—

- (a) safely and securely fastened;
- (b) where such loading consists of or includes iron, timber, piping or other similar material or goods, so fastened as to prevent flapping or swaying;
- (c) where such loading extends beyond or overhangs any part of such vehicle, so loaded that the loading is, as far as practicable, parallel with the sides of such vehicle.
- (d) so arranged, contained, fastened or covered that neither the load nor any part of it will fall or otherwise escape from such vehicle.

(As amended by reg. pubd. Gazette 11 February 1967, p. 527.)

## DRIVER TO HAVE SUFFICIENT VIEW AND CONTROL

78. (1) Notwithstanding any other provision of these Regulations a person shall not upon any road drive any motor vehicle—

- (a) if such vehicle is so constructed, equipped or loaded or if anything is affixed thereto in such a manner as to prevent such person from having a sufficient view of traffic on either side of the vehicle and in all directions in front of the vehicle to enable him to drive the vehicle with safety;
- (b) if he is prevented from safely driving or controlling such vehicle or any trailer attached thereto by reason of the weight or dimensions of the loading or equipment of such vehicle or trailer or the manner in which the loading or equipment is placed upon or attached to such vehicle or trailer;
- (c) unless, at all times while such vehicle is in motion, he is in such a position that he—
  - (i) has a sufficient view of traffic on either side, in front and by means of the rear vision mirror to the rear, of such vehicle; and
  - (ii) can exercise effective control over such vehicle.
- (d) if there is any object placed in or upon the vehicle in such a manner as to obstruct or be likely to obstruct the driver's clear view through the windscreen.

(2) A person shall not upon any road ride upon a vehicle in such a position as to interfere with the driver's view to either side or in front of such vehicle or to interfere with the driver's control over such vehicle.

## NOT SPLASH MUD ON OTHER ROAD USERS

79. The driver of a motor vehicle upon any road shall exercise due care and attention by reducing the speed of or stopping such vehicle to prevent mud or water being splashed by such vehicle upon any person—

- (a) upon any other vehicle upon such road; or
- (b) otherwise using such road.

## CLEAN WINDSCREENS

80. A person shall not upon any road drive a motor vehicle fitted with a windscreen unless such windscreen is, at all times, kept clean and clear so that the driver's view to the front of such vehicle will not be impeded or obstructed

## SILENCER

**81.** (1) A person shall not upon any road drive a motor vehicle—

- (a) having affixed thereto a silencer to which any alteration has been made so as to reduce or be likely to reduce the effectiveness of such silencer;
- (b) on which there is any device capable of reducing the effectiveness of any silencer affixed thereto.

(2) Any person who makes any alteration to a silencer of a motor vehicle which reduces or is likely to reduce the effectiveness of such silencer shall be guilty of an offence.

(3) Any person who affixes to a motor vehicle any device capable of reducing the effectiveness of any silencer affixed to such motor vehicle shall be guilty of an offence.

## WARNING DEVICE

**82.** (1) When a vehicle required by these Regulations to have a warning device affixed thereto is approaching any person or vehicle upon any road under such circumstances as to constitute a source of danger to such person or vehicle, the driver of the firstmentioned vehicle shall give audible and sufficient warning of the approach of his vehicle by sounding the warning device affixed thereto.

(2) A person shall not upon any road—

- (a) make any unnecessary noise with the warning device affixed to any vehicle; or
- (b) use any warning device affixed to any vehicle except as a warning of danger.

## RESTRICTING CERTAIN WARNING DEVICES

**83.** A person shall not upon any road drive—

- (a) any motor vehicle equipped with—
  - (i) a bell as a warning device;
  - (ii) a warning device comprising a means of creating, reproducing or amplifying words or a variety of musical sounds;
- (b) any bicycle equipped with a warning device other than a bell.

## NOISE FROM CONDITION, OPERATION OR LOADING OF VEHICLE

**84.** A person shall not upon any road drive any vehicle which causes any undue noise by reason of—

- (a) the state of disrepair of such vehicle;
- (b) the manner in which such vehicle is loaded;
- (c) the construction or condition or adjustment of the engine or motor or other equipment of such vehicle or the manner in which such engine or motor or other equipment of the vehicle is operated.

## STOP ENGINE WHERE NECESSARY

**85.** (1) So far as may be necessary for the prevention of noise the driver of a motor vehicle upon any road shall, whenever such vehicle is stopped, stop the engine or motor or reduce the action thereof.

(2) This Regulation shall not apply to an enforced stoppage owing to the exigencies of traffic or so as to prevent the examination or testing of any engine or motor of such motor vehicle where such examination or test is necessary by any failure or derangement of any such engine or motor.

## NOISY INSTRUMENTS

**86.** (1) A person shall not upon any road drive any vehicle to which any noisy instrument is affixed or upon which any noisy instrument is used.

(2) The driver of a vehicle or any passenger riding upon such vehicle, upon any road, shall not ring a bell or sound a horn or play upon or use any noisy instrument:

Provided that this clause shall not apply to the sounding of a warning device in accordance with these Regulations.

## WASTE OIL AND GREASE

87. A person shall not upon any road drive any vehicle without taking adequate precautions to prevent waste oil or grease from the engine or motor or other part of such vehicle dropping upon the carriageway.

## EXHAUST

88. A person shall not upon any road drive a motor vehicle—

- (a) with the outlet of the exhaust from the engine of such vehicle so affixed as to project the exhaust directly on to such road or as to be likely to alarm any animal in the immediate vicinity of such motor vehicle; or
- (b) from the exhaust or any other part of which smoke is projected.

(As amended by reg. pubd. Gazette 24 October 1970, pp. 735-6.)

88A. (1) Every motor vehicle powered with a petrol engine and first registered on or after the First day of January, 1972, under The Main Roads Acts 1920 to 1968, and Regulations thereunder or under any corresponding legislation, ordinance or law of another State or Territory of the Commonwealth of Australia and at all subsequent times thereafter, shall be so constructed or so fitted that crankcase gases shall not be permitted to escape into the atmosphere.

(2) Vehicles referred to in Australian Design Rules numbered 26 and 27 in the Table to Clause 99 of Division 6 of the Schedule to Part 13 of these Regulations shall comply with the requirements of The Clean Air Regulations, 1968.

(Inserted by reg. pubd. Gazette 27 November 1971, pp. 1475-7; as amended by reg. pubd. Gazette 16 June 1972, p. 869.)

## MOTOR CYCLE—PILLION RIDING

89. (1) A motor cycle shall not be used upon any road for the carriage of—

- (a) more than one person in addition to the driver;
- (b) any person in addition to the driver unless—
  - (i) the motor cycle is provided with footrests and seat as prescribed in clause 84 of the Schedule to this Part of these Regulations for use by such person;
  - (ii) such person is seated astride the motor cycle on the proper seat and is facing forward and has his feet upon the proper footrests; and
  - (iii)—
    - (A) the driver of the motor cycle has held, for a period of twelve months, a driver's license authorising him to drive a motor cycle; or
    - (B) the driver of such motor cycle is the holder of a learner's permit and the person carried in addition to the driver holds and has held for a period of at least two years a driver's license in respect of a motor cycle and is safely seated in the side-car or on the pillion seat thereof.

(2) A person, other than the driver, carried upon a motor cycle upon any road shall not do any act likely to interfere with the effective control of such motor cycle by the driver thereof.

## SIDE-CAR NOT TO BE OVERLOADED

(3) A motor cycle to which a side-car is affixed shall not be used upon any road—

- (a) for the carriage upon the motor cycle of—
  - (i) more than one person in addition to the driver;
  - (ii) any person other than the driver unless the provisions of paragraph (b) of subregulation (1) hereof are complied with in respect of such motor cycle;
- (b) for the carriage upon the side-car of more than two persons over the age of twelve years:

Provided that for the purposes of this paragraph (b) any two children each of whom is under the age of twelve years shall be deemed to be equivalent to one person over the age of twelve years;

- (c) unless each and every person carried upon the side-car is safely seated therein.

**DRIVER TO KEEP FEET ON FOOTRESTS**

(4) The driver of a motor cycle upon any road shall, while such motor cycle is in motion, keep his feet upon the footrests of such motor cycle unless it shall be necessary to remove one foot for the purpose of operating the brake or clutch pedal or other mechanism designed for operation by foot.

(5) Any person who, in contravention of this Regulation—

- (a) drives or uses a motor cycle or motor cycle with side-car affixed; or
- (b) is carried upon any motor cycle or upon any side-car affixed thereto,

shall be guilty of an offence.

**HAND TO BE KEPT ON STEERING GEAR**

**90.** A person shall not upon any road drive any motor vehicle or vehicle which is steered by means of handle-bars without keeping at least one hand upon steering gear or handle-bar of such vehicle.

**COMPULSORY WEARING OF SAFETY HELMETS**

**90A.** (1) The driver of a motor cycle shall wear a safety helmet at all times whilst such motor cycle is in motion;

(2) The driver of a motor cycle shall not carry a person on such motor cycle unless such person is wearing a safety helmet at all times whilst such motor cycle is in motion;

(3) A safety helmet as required by subregulations (1) and (2) of this Regulation shall comply with the Australian Standard for Safety Helmets for the time being as issued by the Standards Association of Australia.

(4) For the purpose of this Regulation, the terms "wear" and "wearing" shall include the secure fastening under the chin of the wearer of the chin strap attached to a safety helmet.

(Inserted by reg. pubd. Gazette 24 October 1970, pp. 735-6; as amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7.)

**COMPULSORY WEARING OF SEAT BELTS**

**90B.** (1) A person when occupying in a motor vehicle a seat position to which a seat belt has been fitted, shall not drive or travel, upon a road, in such motor vehicle unless he is wearing such seat belt properly adjusted and securely fastened.

(2) A person when travelling upon a road as a passenger in a motor vehicle which has seat positions for which seat belts are fitted, shall not occupy a seat position for which a seat belt is not fitted unless—

- (a) All seat positions for which seat belts are fitted are occupied by other persons, or
- (b) Where there are no seat positions for which seat belts are fitted in the rear compartment of such motor vehicle, he is seated in such rear compartment.

(3) The provisions of this Regulation shall not apply to a person who is—

- (a) Driving a motor vehicle in reverse;
- (b) The holder of a certificate signed by a medical practitioner certifying that such person is for the period stated in such certificate unable for medical reasons to wear a seat belt;
- (c) Driving a motor vehicle and who is the holder of a certificate signed by a medical practitioner certifying that, because of such person's size, build or other physical characteristic, he is unable to drive a motor vehicle with safety while wearing a seat belt;
- (d) Travelling as a passenger in a motor vehicle and who is in possession of a current certificate signed by a medical practitioner certifying that, because of such person's size, build or other physical characteristic, it would be unreasonable to require him to wear a seat belt while so travelling;

- (e) Actually engaged on work which requires him to alight from and re-enter a motor vehicle at frequent intervals and who, while so engaged, does not drive or is not travelling in that vehicle at the speed of, or at a speed exceeding, fifteen (15) miles per hour;
- (f) Under the age of eight (8) years;
- (g) Subject to any conditions referred to in subregulation (4) of this Regulation, in possession of a written authority from the Commissioner for Transport exercising the powers conferred upon him as a Superintendent of Traffic by Section 11 of the Act, exempting such person from the provisions of this Regulation.

(4) A written authority given by the Commissioner for Transport under the provisions of paragraph (g) of subregulation (3) of this Regulation may be issued unconditionally or subject to such conditions as the Commissioner for Transport may determine.

(5) A seat belt fitted in a motor vehicle manufactured on or after 1st January, 1969, shall comply in all respects with the requirements of Australian Design Rule No. 4 for Seat Belts at the time of manufacture of the vehicle and shall be attached to a seat belt anchorage point which shall comply with the requirements of Australian Design Rule No. 5A for Seat Belt Anchorage Points of the Australian Design Rules for Motor Vehicle Safety at the time of manufacture of the vehicle.

(6) A person shall not—

- (a) Sell nor offer for sale a seat belt which does not comply with Australian Design Rule No. 4 for Seat Belts;
- (b) Fit nor otherwise attach a seat belt to a motor vehicle manufactured on or after 1st January, 1969, except in compliance with Australian Design Rule No. 5A for Seat Belt Anchorage Points.

(Inserted (as from 1 January 1972) by reg. publ. Gazette 27 November 1971, pp. 1477-8.)

#### INSPECTION OF VEHICLES—VEHICLE MAY BE INSPECTED

91. (1) The owner or driver of any vehicle shall, upon request by any Police Officer, permit such Police Officer to inspect, examine and test such vehicle for any purpose pursuant to the Act or these Regulations and upon being requested by such Police Officer deliver to him any key or other means of locking or unlocking such vehicle or any part thereof.

#### PRODUCTION MAY BE REQUIRED

(2) Any—

- (a) Superintendent, who is of the opinion that any vehicle; or
- (b) Police Officer, who is of the opinion that any vehicle found by him upon a road,

does not or may not comply with the conditions applicable thereto prescribed by or under the Schedule to this Part of these Regulations, may, by written or oral direction, require the owner or driver of such vehicle to produce such vehicle to a specified person or authority, at a specified place and on or before a specified time, date or event, for inspection, examination or test for the purpose of ascertaining whether or not the vehicle complies with such conditions.

#### DIRECTION TO REPAIR, RECONDITION OR DISCONTINUE USE, &C.

(3) Any direction given in pursuance of this Regulation may—

- (a) direct the owner and/or driver of any vehicle to repair and/or recondition such vehicle; or
- (b) direct that any vehicle be not used upon any road until—
  - (i) any specified repairs or reconditioning have been carried out; or
  - (ii) any specified equipment has been supplied and fitted upon such vehicle; or
  - (iii) the Superintendent has issued a permit authorising the use of such vehicle;



- (c) be subject to a condition that the vehicle may continue to be used to reach any specified place for repair or reconditioning or may continue to be used for a given time or under limitations as to speed or route or otherwise.

**KNOWN DEFECTS TO BE NOTIFIED**

(4) The Superintendent or Police Officer requiring the owner or driver to produce a vehicle pursuant to this Regulation shall advise such owner or driver of any defect or deficiency which, in the opinion of such Superintendent or Police Officer, exists in respect of such vehicle.

**REMOVAL FOR INSPECTION, EXAMINATION AND TEST, &C.**

(5) Where in pursuance of this Regulation the Superintendent or a Police Officer has required a vehicle to be inspected, examined and tested for the purpose of ascertaining whether or not such vehicle complies with the conditions applicable thereto prescribed by or under the Schedule to this Part of these Regulations, he may—

- (a) remove the vehicle to the nearest convenient place where it can be inspected, examined and tested; and
- (b) detain the vehicle for such time as is necessary for inspecting, examining and testing such vehicle.

**POWER TO INSPECT, EXAMINE, &C.**

**92.** For the purposes of the Act and these Regulations, every authorised officer shall have power—

- (a) to inspect, examine, measure or weigh any loading upon any vehicle;
- (b) to measure or weigh any vehicle;
- (c) to require the driver of any vehicle to move such vehicle from any place to any other place;
- (d) to unlock, unfasten or open or require the driver of any vehicle to unlock, unfasten, or open any closed door on any vehicle or remove or require the driver thereof to remove any removable cover upon any such vehicle;
- (e) to enter upon any vehicle and move or remove or direct the driver to move or remove in whole or in part any loading upon such vehicle as is in excess of the maximum weight, height or width prescribed by or under any Regulation or other law, to be carried upon such vehicle, at the relevant time or place or under the relevant conditions, manner or circumstances;
- (f) to require the driver of any vehicle to give full information as to the nature, origin and/or destination of the loading upon such vehicle, so far as the same is known to him.

**92A.** (1) The allegation or averment in any complaint that the gross vehicle weight of a motor vehicle did not exceed 10,000 pounds at any time or date mentioned in the complaint shall be evidence of the matters so averred or alleged, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matters.

(2) Any certificate or document purporting to be under the hand of the Secretary to the Commissioner of Main Roads or any person thereunto authorised by the Commissioner of Main Roads or to be under the hand of the person or authority charged with the registration of motor vehicles under any legislation, ordinance or law of another State or Territory of the Commonwealth of Australia corresponding to The Main Roads Acts 1920 to 1968, or regulations thereunder, or any person thereunto authorised by such person or authority which states that at any time or date the gross vehicle weight of a motor vehicle did not exceed 10,000 pounds shall be evidence of the matters stated therein and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matters and shall be received in evidence in any proceedings under the Act or Regulations.

(Inserted by reg. publ. Gazette 23 November 1968, p. 1107.)

**92b.** (1) The allegation or averment in any complaint that a motor vehicle was manufactured on or after a specified time or during any specified period of time shall be evidence of the matters so alleged or averred and in the absence of evidence in rebuttal thereof shall be conclusive evidence of those matters.

(2) The allegation or averment in any complaint that any parts or items of equipment of or fitted to a motor vehicle do not at any time or during any stipulated period of time comply at the time of their manufacture with any Australian Design Rule of the Australian Design Rules for Motor Vehicle Safety in relation to such parts or items of equipment shall be evidence of the matters so alleged or averred and in the absence of evidence in rebuttal thereof shall be conclusive evidence of these matters.

(Inserted by reg. pubd. Gazette 15 November 1969, p. 1175; as amended (as from 1 January 1972) by reg. pubd. Gazette 27 November 1971, pp. 1477-8.)

**92c.** A certificate under the hand of the Commissioner for Transport certifying that a copy of the Australian Design Rules for Motor Vehicle Safety or of any one or more of such Rules is a true copy of those Rules or any one or more of them which were or was in force at any specified time or period of time shall be evidence of those rules or one or more of them as the occasion may require and that those rules or any one or more of them were in force at the time or period of time so specified and in the absence of evidence to the contrary shall be conclusive evidence of those matters.

(Inserted by reg. pubd. Gazette 15 November 1969, p. 1175.)

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### SCHEDULE TO PART 13

#### CONSTRUCTION, EQUIPMENT AND LOADING OF VEHICLES

##### DIVISION 1

##### GENERAL

1. Except where otherwise approved by the District Superintendent or Superintendent, or where the context of this Schedule otherwise indicates or requires, every vehicle which is, or is to be, driven or used upon a road shall be provided with the items of equipment appropriate thereto set forth in, and conforming with the provisions of, this Schedule; and every such vehicle shall be so constructed, equipped and loaded that it will comply with all other provisions appropriate thereto specified in such Schedule.

2. Where in this Schedule it is provided or indicated that any item of equipment is optional and such item is used upon a vehicle it shall conform with the requirements of this Schedule.

3. No lamp or device capable of projecting or reflecting light shall be attached to any motor vehicle unless it is a lamp or device required or permitted to be attached to such vehicle by this Schedule.

4. In addition to complying with the above requirements, the weight of any vehicle and everything in its construction, form, equipment, working and general condition must be such that it will not contravene any provision of any Act, Regulation or Ordinance and will not cause danger or unreasonable annoyance to any person.

5. The District Superintendent may require that any vehicle shall be specially constructed, equipped or adapted, in a manner not provided for in this Schedule where it is to be used by a person who is suffering from a physical disability or in such other circumstances as may be necessary in the interests of public safety.

5A. A person shall not remove from a vehicle registered under the provisions of The Main Roads Acts 1920 to 1968, any parts or items of equipment of or fitted to such vehicle in accordance with the requirements of the Australian Design Rules, except for the purpose of repairing or replacing such parts or items of equipment.

(Inserted by reg. pubd. Gazette 27 November 1971, pp. 1475-7.)

## DIVISION 2

## MOTOR VEHICLES GENERALLY, INCLUDING TRAILERS

## LAMPS AND REFLECTORS

## Part I

## COMPULSORY LIGHTING EQUIPMENT

*Table A—Headlamps and Parking Lamps*

6. All motor vehicles (except trailers, motor cycles with or without a sidecar and three-wheeled motor vehicles which do not exceed five feet in width)—

- (1) Two headlamps, one on each side having their centres equidistant from the centre lines of the vehicle, but not less than two feet apart, at equal heights from the ground, of approximately equal candle power, and, subject to clause 20 of this Schedule, capable of an effective range of at least 160 feet; or
- (2) Four headlamps, in sets of two, one set on each side, having their centres equidistant from the centre line of the vehicle, but not less than two feet apart, at equal heights from the ground, each set of approximately equal candle power, and, subject to clause 20 of this Schedule, capable of an effective range of at least 160 feet; and
- (3) In the case of a vehicle first registered on or after 1st January, 1966, two parking lamps, one on each side, having their centres equidistant from the centre line of the vehicle, but not less than two feet apart, at equal heights from the ground, of approximately equal candle power, and so affixed that no part of the vehicle or any loading or equipment thereon on the side to which any such lamp is affixed projects more than 20 inches laterally from the centre of such lamp.

(Substituted by reg. pubd. Gazette 18 January 1964, pp. 162-3.)

7. (1) Motor cycles generally—

One headlamp capable, subject to clause 20 of this Schedule, of an effective range of at least 160 feet.

(2) Motor cycle with engine not exceeding 200 c.c. capacity and with lighting system so designed and constructed that it has not an effective range of at least 160 feet—

- (a) Where the engine capacity does not exceed 100 c.c.—  
One headlamp capable of an effective range of at least 40 feet.
- (b) Where the engine capacity exceeds 100 c.c. but does not exceed 200 c.c.—  
One headlamp capable of an effective range of at least 80 feet.

(3) Motor cycle with sidecar—

(a) One headlamp as described in subclause (1) or (2) of this clause, whichever is appropriate; and

(b)—

(i) a lamp of a power not exceeding 7 watts which when lighted will show a clear white light visible in darkness at a distance of at least 200 yards from the front of the vehicle, and so affixed to the sidecar that no part of the vehicle or its loading extends outwards for more than 12 inches from its centre; or

(ii) in the case of a vehicle first registered on or after 1st January, 1966, two parking lamps of approximately equal candle power—

(A) one affixed to the motor cycle; and

(B) one affixed to the sidecar so that no part of the vehicle or any loading or equipment thereon extends outwards for more than 12 inches from its centre.

(Substituted by reg. pubd. Gazette 18 January 1964, pp. 162-3.)

8. Three-wheeled vehicles, other than motor cycles, not more than 5 feet wide—
- (1) Where the width of the vehicle does not exceed 3 feet 6 inches—  
One headlamp as described in subclause (1) or (2) of clause 7 of this Schedule, whichever is appropriate.
  - (2) Where the width of the vehicle exceeds 3 feet 6 inches but does not exceed 5 feet—
    - (a)—
      - (i) One headlamp as described in subclause (1) or (2) of clause 7 of this Schedule, whichever is appropriate; and
      - (ii)—
        - (A) affixed to each side of the vehicle a lamp of a power not exceeding seven watts which when lighted will show a clear white light visible in darkness at a distance of at least 200 yards from the front of the vehicle and which is so affixed that no part of the vehicle or its equipment on that side of the vehicle projects more than six inches laterally from its centre; or
        - (B) in the case of a vehicle first registered on or after 1st January, 1966, two parking lamps, one on each side, having their centres equidistant from the centre line of the vehicle, at equal heights from the ground of approximately equal candle power, and so affixed that no part of the vehicle, or any loading or equipment thereon the side to which any such lamp is affixed projects more than six inches laterally from the centre of such lamp; or
    - (b)—
      - (i) two headlamps as described in clause 6 of this Schedule or, if the vehicle has an engine and lighting system as described in subclause (2) of clause 7 of this Schedule, two headlamps, having such effective range described in such subclause as is appropriate; and
      - (ii) in the case of a vehicle first registered on or after 1st January, 1966, two parking lamps, one on each side, having their centres equidistant from the centre line of the vehicle, at equal heights from the ground, of approximately equal candle power, and so affixed that no part of the vehicle, or any loading or equipment thereon on the side to which any such lamp is affixed projects more than six inches laterally from the centre of such lamp.

(Substituted by reg. pubd. Gazette 18 January 1964, pp. 162-3.)

*Table B—Rear Lamps*

9. All motor vehicles—

A lamp of a power not exceeding seven watts affixed to the rear of the vehicle in the centre thereof, or to the right-hand or off-side of such centre so that the centre of the lamp is not more than 3 feet 6 inches from the ground, and which is capable of showing a clear red light to the rear visible in darkness at a distance of at least 200 yards.

(As amended by reg. pubd. Gazette 22 December 1962, p. 1603.)

10. All motor vehicles—

One or more lamps capable of projecting white light so that it will illuminate and render easily visible at a distance of at least 60 feet each letter, symbol or figure upon the number plate carried upon the rear of the vehicle. Such lamp may comprise part of the rear lamp described in clause 9 of this Schedule, or may be a separate lamp.

(As amended by reg. pubd. Gazette 22 December 1962, p. 1603.)

*Table C—Clearance and Side Marker Lamps: Reflectors, other than Rear Reflectors*

11. All motor vehicles which with any loading or equipment thereon but exclusive of any rear vision mirror or signalling device are seven feet or more in width except articulated vehicles—

- (1) On the forepart, two clearance lamps, one on each side;
- (2) On the rear, two clearance lamps, one on each side;

- (3) In the case of a vehicle which exceeds 24 feet in length, two side marker lamps, one on each side at the rear: Provided that it shall be sufficient compliance with this requirement if the rear clearance lamps are so constructed and affixed that the light from each of them is visible at right angles to the side of the vehicle to which it is affixed.

12. All articulated vehicles, irrespective of width—

(1) Hauling unit—

Two clearance lamps, one on each side facing to, and visible from, the front;

(2) Semi-trailer—

- (a) On the front, two clearance lamps, one on each side;
- (b) On the rear, two clearance lamps, one on each side; and where the semi-trailer exceeds 24 feet in length, at least one clearance lamp on each side spaced approximately evenly between the front and rear clearance lamps;
- (c) On each side, two side marker lamps, one at or near the front and one at or near the rear; and where the semi-trailer exceeds 24 feet in length, at least one side marker lamp on each side spaced approximately evenly between the front and rear side marker lamps.

13. (1) Trailers other than pole-type trailers, which with any loading thereon are seven feet or more in width or which project more than six inches laterally on either side beyond the motor vehicles by which they are drawn—

- (a) On the front, two clearance lamps, one on each side;
- (b) On the rear, two clearance lamps, one on each side; and where the trailer exceeds 24 feet in length, at least one clearance lamp on each side spaced approximately evenly between the front and rear clearance lamps;
- (c) On each side, two side marker lamps, one at or near the front, and one at or near the rear; and where the trailer exceeds 24 feet in length, at least one side marker lamp on each side spaced approximately evenly between the front and rear side marker lamps:

Provided also that in the case of a trailer constructed principally for the carriage of boats and which is seven feet or more in width or projects more than six inches laterally on either side beyond the motor vehicle by which it is drawn, it shall be sufficient compliance with this requirement if there are affixed near the centre of the trailer two clearance lamps, one on each side, and two side marker lamps, one on each side.

(2) Trailers drawn by motor cycles, such trailers being three feet six inches or more in width—

On each side of the front of any such trailer—one clearance lamp.

14. Pole-type trailers—

(1)—

- (a) At or near each end of the forward facing section of the bolster, or, where there is more than one bolster, of the foremost bolster, a clearance lamp showing amber light to the front; and
- (b) At or near each end of the bolster, or where there is more than one bolster, the rearmost bolster, a clearance lamp showing red light to the rear:

Provided that where a trailer is fitted with two bolsters the illumination required to the front and rear may be provided by clearance lamps affixed to each side of the rearmost bolster.

(2)—

- (a) At or near each end of the bolster, or, where there is more than one bolster, of any one of them, one side marker lamp;
- (b) Along the entire length of the right-hand and left-hand faces of the pole, red reflectors spaced at intervals of not more than four feet;
- (c) Two reflectors on each side of the forward facing section of the foremost bolster.

15. Motor vehicles fitted with one or more bolsters and designed to draw pole-type trailers—

- (1) At or near the front of the vehicle, one clearance lamp on each side;
- (2)—
  - (a) At or near each end of the forward facing section of the bolster, or, where there is more than one bolster, of the foremost bolster, a clearance lamp showing amber light to the front; and
  - (b) At or near each end of the bolster, or, where there is more than one bolster, of the rearmost bolster, a clearance lamp showing red light to the rear:

Provided that where a vehicle is fitted with two bolsters the illumination required on such bolsters to the front and rear may be provided by clearance lamps affixed to each side of the rearmost bolster.

- (3)—
  - (a) At or near each end of the bolster, or, where there is more than one bolster, of any one of them, one side marker lamp;
  - (b) One reflector on each side of the forward facing section of the foremost bolster.

*Table D—Brake Lamps*

16. Every motor vehicle as set out in clause 17 of this Schedule—at least one brake lamp.

17. The requirements of this Table shall apply to vehicles of the following classes:—

- (a) Any omnibus;
- (b) Any motor vehicle (other than a motor cycle) registered for the first time on or after 1st January, 1934;
- (c) Any motor cycle the engine of which exceeds 200 c.c. capacity and which is first registered on or after 1st January, 1962:

Provided that in the case of a motor vehicle to which is attached a general purpose load-carrying trailer having an unladen weight of not more than 5 cwt., or a trailer which comprises a concrete mixer or air compressor, or a plant or equipment trailer, it shall be a sufficient compliance with the requirements of this Table if a brake lamp is affixed at the rear of the towing vehicle on the right-hand or off-side thereof and the dimensions or construction of the trailer with any loading or equipment thereon are such as not to obscure such lamp.

*Table E—Rear Reflectors*

18. (1) All motor vehicles, except motor cycles without a sidecar—  
At the rear, two red reflectors, symmetrically affixed one to each side.
- (2) All motor cycles without a sidecar—  
At the rear, one red reflector.

*Table F—Flashing Warning Lights*

18A. Public utility service trucks, tow trucks and all special purpose vehicles except those specified in Clause 42A of Part III, of Division 2 of this Schedule, required to stop in hazardous positions on the roadway, shall have mounted on top of the vehicle a flashing amber lamp or lamps. When lit, the lamp or lamps shall emit an amber light visible in normal sunlight at all distances up to six hundred feet to vehicles approaching from any direction.

(Inserted by reg. pubd. Gazette 11 April 1970, p. 1400.)

**Part II**

**GENERAL REQUIREMENTS WITH REGARD TO COMPULSORY LIGHTING EQUIPMENT  
PRESCRIBED IN PART I OF THIS DIVISION**

*Table A—Headlamps other than Alternative Headlamps*

19. (1) Each headlamp shall—
  - (a) Be so fitted that its centre is not higher than four feet six inches from the ground nor in the case of a motor vehicle first registered on or after the 1st January, 1962, less than two feet from the ground;

- (b) Be capable of showing white light only and of projecting its main beam of light in front of the vehicle;
- (c) In the case of any motor vehicle (not being a motor vehicle which has an engine with a capacity of 200 c.c. or less) first registered on or after the 1st January, 1934, be equipped with a dipping device by means of which—
  - (i) In the case of a motor vehicle, other than a motor vehicle fitted with four headlamps in sets of two, or a motor vehicle fitted with an alternative headlamp or headlamps, the beam of light projected from the lamp can be deflected downwards, or both downwards and to the left, to such an extent that the top of the high-intensity portion of the light at a distance of 75 feet in front of the vehicle is not more than three feet six inches above the level on which the vehicle stands;
  - (ii) In the case of a motor vehicle fitted with four headlamps, in sets of two, one set on each side, the light from each set can be extinguished and, at the same time, the light from one lamp in each set can be brought into operation, so that the beam of light projected from such lamp is deflected downwards, or both downwards and to the left, as specified in item (i) of this paragraph;
  - (iii) In the case of a motor vehicle fitted with an alternative headlamp or headlamps, the light from the headlamp can be extinguished and, at the same time, the light from the alternative headlamp or headlamps brought into operation, so that the beam of light projected from such lamp or lamps is deflected downwards, or both downwards and to the left, as specified in item (i) of this paragraph:

(2) The headlamps shall be such that when the beam of light therefrom is in the dip position they will have an effective range of at least 80 feet.

20. In any case where the lamp is not required to be equipped with a dipping device, it shall be such that the beam of light projected therefrom shall—

- (a) Be deflected downwards to such an extent that the top of the high-intensity portion of the light at a distance of 25 feet in front of the vehicle is not higher than the level of the centre of the lamp, and, at a distance of 75 feet in front of the vehicle, is not more than three feet six inches above the level on which the vehicle stands;
- (b) In conjunction with any other headlamp required to be alight at the time have an effective range of at least 80 feet.

*Table B—Alternative Headlamps*

21. Every lamp shall comply with the requirements set out in paragraphs (a) and (b) of subclause (1) of clause 19 of this Schedule and shall be such that the beam of light projected therefrom conforms to the requirements of paragraphs (a) and (b) of clause 20 of this Schedule.

22. Where a motor vehicle is equipped with two such lamps they shall be of approximately equal candle power and shall be affixed one on each side of the vehicle equidistant from its centre line, at equal heights from the ground, and so that the centres of the lamps are not less than two feet apart.

*Table B1—Parking Lamps*

22A. (1) Every motor vehicle, other than a motor cycle first registered on or after the First day of January, 1973, under The Main Roads Acts 1920 to 1968, and at all subsequent times thereafter, shall be equipped with two lamps—

- (a) Each of a power not exceeding seven (7) watts;
- (b) Affixed to the front of such vehicle and which when lighted shall show a white light visible under normal atmospheric conditions at all distances up to six hundred feet (600') from the front of the vehicle;
- (c) So positioned that—
  - (i) Their centres are equidistant from the centre line of such vehicle;
  - (ii) A part of such vehicle or of any loading or equipment thereon does not extend laterally on the same side as the lamp more than twenty inches (20") beyond the centre line of the lamp; and
  - (iii) The distance between their centres is not less than two feet (2').

(2) Every motor cycle with sidecar attached, first registered on or after the First day of January, 1973, under The Main Roads Acts 1920 to 1968, and at all subsequent times thereafter, shall be equipped with a parking lamp or lamps affixed on the forward part of such motor cycle.

(3) Every parking lamp prescribed in subclauses (1) and (2) of this clause shall be so wired that if already alight it will remain lighted or if not already alight will become lighted when any headlamp or alternative headlamp with which the motor vehicle is equipped is lighted.

(Inserted by reg. publ. Gazette 18 January 1964, pp. 162-3; substituted by reg. publ. Gazette 11 December 1965, p. 1413; and further substituted by reg. publ. Gazette 27 November 1971, pp. 1475-7.)

*Table C—Rear Lamps*

23. Every lamp shall be so wired that if already alight it will remain lighted or if not already alight it will become lighted whenever any headlamp or alternative headlamp, but not additional headlamp, with which the motor vehicle is equipped is lighted:

Provided that this clause shall not apply if the lamp is so wired, and the switch controlling the lighting of such lamp is in such a position or so constructed that the lamp cannot be extinguished by any person on or within such motor vehicle.

*Table D—Clearance and Side Marker Lamps, Reflectors other than Rear Reflectors, and Reflectors generally*

24. Colour:

(1) Clearance lamps—

- (a) Mounted at or near the front of the motor vehicle as required by subclause (1) of clause 11, subclause (1) of clause 12 and subclause (1) of clause 15 of this Schedule shall be capable of displaying an amber light to the front of the vehicle;
- (b) Mounted at or near the rear of the motor vehicle, not being an articulated motor vehicle, as required by subclause (2) of clause 11 of this Schedule, shall be capable of displaying a red light to the rear of the vehicle;
- (c) Other than those referred to in paragraphs (a) and (b) of this subclause, shall be capable of showing both an amber light to the front and a red light to the rear of the motor vehicle.

(2) Side marker lamps—

Side marker lamps shall be capable of showing light as follows:—

- (a) Mounted near the front of a vehicle—amber;
- (b) Mounted near the rear of a vehicle—red;
- (c) Other than those referred to in paragraphs (a) and (b) of this subclause—amber:

Provided that where side marker lamps and clearance lamps are mounted in combination it shall be a sufficient compliance with this subclause if the combination of such lamps is capable of displaying an amber and red light to the side of the vehicle.

(3) Reflectors—colour: Any reflector facing to the front of a vehicle shall be capable of reflecting an amber colour and if facing to the rear or to the side of a vehicle, a red colour.

25. Mounting—

(1) Clearance lamps and side marker lamps shall be so affixed that—

- (a) No part of the vehicle or any loading or equipment thereon excluding any rear vision mirror or signalling device on the side to which any such lamp is affixed projects more than six inches laterally from the centre of such lamp;
- (b) In the case of any semi-trailer, all such lamps are as far as practicable of the same height above the level of the ground on which the vehicle stands;
- (c) In the case of any motor vehicle, other than a pole-type trailer, or trailer constructed principally for the carriage of boats, the rear clearance lamps and rear side marker lamps are not more than twelve inches forward of the rearmost point of the side of the vehicle to which



any such lamp is affixed and in the case of a semi-trailer or trailer, the front clearance lamps and front side marker lamps are not more than twelve inches rearward of the foremost point of the side of the vehicle to which any such lamp is affixed;

- (d) The centre of any such lamp affixed at or near the rear of a motor vehicle is not less than two feet nor more than five feet above the level of the ground on which the vehicle stands.
- (2) In the case of any motor vehicle first registered on or after the 1st January, 1962, having two or more headlamps, clearance lamps, where required at or near the front of the vehicle, shall be so affixed that the centres thereof are not less than two feet six inches above the centres of the headlamps.
- (3) Reflectors generally—Any reflector shall be so affixed that—
  - (a) The centre thereof where practicable is not higher than three feet six inches from the ground and in any case is not higher than five feet from the ground; and
  - (b) Except in the case of reflectors required to face to the side, no part of the vehicle on the side to which such reflector is affixed projects more than nine inches laterally from the outside extremity of such reflector where the vehicle or trailer is seven feet or more in width, or more than 16 inches laterally from the outside extremity of such reflector where the vehicle or trailer is less than seven feet in width.

26. Where in this Schedule it is provided that a clearance lamp shall be capable of displaying an amber light to the front and a red light to the rear, two separate lamps may be affixed to the vehicle provided such lamps comply with the requirements of this Schedule with regard to the colour of the light to be displayed and the position of the clearance lamp for which they are substituted.

27. Every clearance lamp and side marker lamp shall be of a power not exceeding seven watts and shall be capable of showing a clear light visible in darkness at a distance of at least 200 yards.

(As amended by reg. pubd. Gazette 22 December 1962, p. 1603.)

28. A clearance lamp and a side marker lamp may be combined as one lamp provided the combined lamp is capable of giving illumination as required in this Schedule in relation to both a clearance lamp and a side marker lamp.

29. Any reflector—

- (1) Shall be such that, at any time during hours of darkness when the upper beam of light from any headlamp complying with the provisions of these Regulations and placed at any distance not exceeding 100 yards is projected directly on to the reflector it will give a reflection of light which is clearly visible to the driver of the motor vehicle to which such lamp is affixed;
- (2) Shall be affixed in a vertical position facing squarely in the required direction;
- (3) Shall be unobscured and clean;
- (4) May be in the form of reflecting sheeting or tape or other efficient reflecting material.

30. Reflectors required on a bolster fitted to a motor vehicle shall be so affixed that the centres thereof are not more than five feet above the ground and so that no part of the vehicle or any loading or equipment thereon on the side to which such reflectors are affixed projects more than nine inches laterally from the outside extremity of any such reflector.

#### *Table E—Brake Lamps*

31. Any brake lamp shall—

- (1) Be affixed at the rear of the motor vehicle;
- (2) When lighted display a clear red light to the rear of the vehicle so that it will be visible at a distance of at least 100 feet by day or night;
- (3) Be so affixed that the centre of the lamp is not higher than five feet from the level of the ground on which the vehicle stands and so that it, or where there are two or more such lamps, one of them, is in the centre, or to the right-hand or off-side of such vehicle;

- (4) Be such that it will light when any service brake on the vehicle or combination of vehicles is applied.

(As amended by reg. pubd. Gazette 22 December 1962, p. 1603.)

*Table F—Rear Reflectors*

32. Any rear reflector—
- (1) Shall be red;
  - (2) Shall comply where appropriate with the requirements for reflectors generally in clauses 24, 25 and 29 of this Schedule;
  - (3) Shall be affixed in a vertical position facing squarely to the rear;
  - (4) May be in the form of a reflecting lens fitted to any rear lamp required or permitted by this Schedule.

*Table G—Wiring of Lamps and Prevention of Glare*

33. The wiring of any clearance lamp, side marker lamp or rear lamp prescribed by these Regulations in respect of any motor vehicle shall—

- (1) Consist of stranded wire with a conductor size of not less than 14 strands of 0.012 inch diameter copper or other suitable wire;
- (2) Be effectively supported at intervals of not more than two feet except in the case of any pole-type trailer so constructed that the length of the pole forward of the trailer frame can be altered;
- (3) Be soldered and effectively insulated at all joints, except where a joint is made by a connector which provides effective insulation and electrical contact;
- (4) Be located in such a position that it cannot become overheated, cannot contact moving parts, nor constitute a fire hazard due to its proximity to the fuel system;
- (5) Be protected from chafing; and the edges of all holes in metal, through which the wiring passes, shall be rolled, or bushed with a grommet of suitable insulating material.

34. Any lamp attached to a motor vehicle shall be so constructed and adjusted that it will prevent, as far as possible, any glare from the light shown by it affecting adversely the vision of any person.

**Part III**

**OPTIONAL LAMPS AND REFLECTORS**

35. In addition to the compulsory lighting equipment required under Part I of this Division, motor vehicles may be equipped with lamps and reflectors as provided in this Part or with such additional lamps and reflectors as may be approved by the District Superintendent.

*Optional Rearward Facing Lamps and Reflectors*

36. (1) All motor vehicles—
- (a) Not more than two rear lamps which are capable of displaying to the rear of the vehicle a red light and which have no connection with the brakes;
  - (b) Reflectors which are capable of projecting to the rear of the vehicle a red reflection of light from the lamp of any following vehicle;
  - (c) Not more than two reversing lamps capable of showing white or amber light to the rear and so arranged that they will where practicable light only when the vehicle is proceeding backwards. Where two lamps are used they must be of the same colour and symmetrically placed.
- (2) The centre of any such rear lamp or reflector shall be not higher than five feet from the ground and of any such reversing lamp not higher than three feet six inches from the ground.

*Reversing Signal Lamps*

36A. [Repealed.]

(Inserted by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

*Optional Forward Facing Lamps and Reflectors*

37. All motor vehicles—

- (1) Two lamps of a power not exceeding seven watts which will show a white light to the front of the vehicle. Such lamps shall be affixed symmetrically to the vehicle.
- (2) Reflectors symmetrically placed on each side of the vehicle or fitted to the right-hand or off-side of the vehicle. Any such reflector shall be capable of projecting to the front of the vehicle a white reflection of light.

*Interior Lamps*

38. All motor vehicles—Any lamp to illuminate the interior of the vehicle for the convenience of the driver and any other person in it and which will not project any light other than necessary for such purpose.

39. All motor vehicles—A lamp or lamps complying with the requirements of clause 72 of this Schedule for the purpose of indicating an intention of turning to the right or to the left.

*Fog Lamps*

40. (1) All motor vehicles except motor cycles—

- (a) Two fog lamps affixed to the front of the vehicle, one on each side of and equidistant from the centre line of the vehicle, at equal height from the ground and so that the centres of such lamps are not less than two feet apart; or
- (b) One fog lamp, if there are also affixed symmetrically to the front of the vehicle and at equal height from the ground two lamps of a power not exceeding seven watts each, the centres of which are not less than three feet six inches apart.

(2) Motor cycles—One fog lamp.

(3) Any fog lamp referred to in this clause shall conform to the following requirements:—

- (a) It shall be capable of showing white or amber light only;
- (b) The axis of the beam of light from it shall be deflected downwards or both downwards and to the left;
- (c) Its centre shall be not higher than the centre of any compulsory headlamp or of any alternative headlamp affixed to the vehicle.

*Spot or Search Lamp*

41. All motor vehicles—A spot or search lamp.

*Additional Headlamps*

42. All motor vehicles—At the front one or two additional headlamps for use in conjunction with or in substitution for the compulsory or alternative headlamps and with an effective range of at least 160 feet. The centre of any such lamp shall be no higher than four feet six inches from the ground and any such lamp shall be capable of showing white light only and of projecting its main beam in front of the vehicle.

The provisions of clauses 19 and 20 of this Schedule shall not apply to such lamps.

*Flashing Warning Lights*

42A. (1) Vehicles operated by ambulance, fire and police authorities or organisations having the approval of the Commissioner and providing community emergency services which may require priority travel when engaged on emergency work may have mounted on top of the vehicle a flashing lamp or lamps.

When lit, the lamp or lamps shall emit light of the colour prescribed below and visible in normal sunlight at all distances up to six hundred feet to vehicles approaching from any direction.

The colour shall be—

- (a) blue in the case of police vehicles;
- (b) red in the case of ambulances, fire-fighting vehicles and vehicles of other approved authorities and organisations.

(2) Vehicles permitted to display red or blue flashing warning lights may be permitted to fit an additional single flashing light on the front centre of the vehicle not less than eighteen inches above the surface of the road upon which the vehicle stands and not above the level of the headlights. The colour of the additional light shall be the same as that displayed on the roof of the vehicle.

(3) Provided that the flashing lamp turn signal devices at the front of the vehicle show amber light, motor vehicles may be fitted with equipment which will cause the flashing lamp turn signal devices prescribed in Clause 72 (3) (f) of Part VI of Division 3 of this Schedule, both front and rear and on both sides of the vehicles, to flash simultaneously and regularly at a rate of not less than sixty and not more than one hundred and twenty flashes per minute at any time the switch controlling the said manner of flashing is placed in the "on" position. The operation of the flashing lamp turn signal devices must be indicated by a visible and audible tell-tale.

(Inserted by reg. pubd. Gazette 11 April 1970, p. 1400.)

### DIVISION 3

#### MOTOR VEHICLES GENERALLY, INCLUDING TRAILERS

##### Part I

##### DIMENSIONS OF VEHICLES

##### *Maximum length, width and height*

43. The limits prescribed in this Part may be exceeded only with the prior written permission of the District Superintendent or Superintendent and subject to compliance with any conditions of such permission. Except where otherwise provided, such limits refer to the motor vehicle together with any loading or equipment thereon.

##### 44. Length—

- (1) Motor omnibus or service omnibus—35 feet, and 37 feet in the case of a motor omnibus or service omnibus approved by the District Superintendent and operating over prescribed routes, provided in this latter instance that the vehicle complies with all provisions of this Schedule and has a minimum overhang from the rear axle of eight feet;
- (2) Any other vehicle except an articulated vehicle—31 feet;
- (3) Articulated vehicle other than a vehicle referred to in subclause (6) of this clause—
  - (a) Where the distance between the foremost portion of the semi-trailer and the centre of the rear axle or where there is more than one rear axle, a point equidistant from the centre of the rearmost axle thereof and the centre of the foremost of such rear axles thereof exceeds 31 feet—45 feet;
  - (b) Where the distance between the foremost portion of the semi-trailer and the centre of the rear axle or where there is more than one rear axle, a point equidistant from the centre of the rearmost axle thereof and the centre of the foremost of such rear axles thereof does not exceed 31 feet—47 feet.
- (4) Semi-trailer or forward portion of an articulated vehicle and any projecting parts—35 feet;
- (5) Combination of motor vehicle, not being an articulated vehicle, and trailer—50 feet;
 

Provided that where the length of the trailer drawbar does not exceed sixteen feet (16'), the maximum length of such a combination may exceed fifty feet (50') but shall not exceed fifty-five feet (55').
- (6) Articulated vehicle comprising a low loader float with five or more axles—50 feet.

(As amended by reg. pubd. Gazette 25 September 1965, p. 392; 27 November 1971, pp. 1475-7.)

##### 45. Width—

- (1) Motor omnibus or service omnibus—8 feet 2½ inches (excluding any rear vision mirror, signalling device, or both);

- (2) Any other motor vehicle, together with its loading and any fastening thereon (excluding any rear vision mirror, signalling device or both)—8 feet 2½ inches.

(Substituted by reg. pubd. Gazette 28 August 1965, p. 2041; as amended by reg. pubd. Gazette 26 April 1969, p. 1517.)

46. Height—Double-deck omnibus—14 feet 6 inches. Any other motor vehicle—14 feet.

## Part II

### TRAILER COUPLINGS

#### *Weight and Dimensions of Trailer—Affixing of Semi-trailers*

47. Any coupling for use between a motor vehicle and any trailer, caravan or other vehicle to be towed by it and to control the movement of such trailer, caravan or other vehicle shall comply with the following requirements:—

- (1) It shall be so constructed that—
  - (a) It will permit sufficient angular movement between the two vehicles;
  - (b) It can be disconnected regardless of the angle of the towed vehicle to the towing vehicle;
  - (c) Any vehicle being towed cannot become accidentally disconnected from the towing vehicle.
- (2) It shall be such that it will prevent, as far as possible, lateral swing of the vehicle being towed.
- (3) The brackets or other means of securing its forward and rearward portions to the towing vehicle and the vehicle to be towed shall be of sufficient strength and rigidity.
- (4) It shall be of sufficient strength to be capable of drawing with safety the vehicle to be towed and any loading or equipment thereon.

47A. A coupling used as a connection between passenger cars and derivatives thereof and a trailer which trailer is first registered on or after the First day of January, 1971, and which is of a laden weight not exceeding five thousand pounds (5,000 lb.) shall be a ball coupling conforming with Australian Standard D18-1968 for Ball Couplings for Automotive Purposes.

Such ball coupling shall have a loading capacity equal to the static weight of the trailer loaded to its maximum load.

(Former c. 47A now c. 47B. Present c. 47A inserted by reg. pubd. Gazette 24 October 1970, pp. 735-6.)

#### *Safety connections on Trailers*

47B. (1) On and after 1st June, 1964, in addition to the requirements of clause 47 of this Schedule, there shall be affixed to a substantial portion of the towing vehicle and to the frame, tow bar or other substantial portion of the trailer, caravan or other towed vehicle, a safety connection consisting of a chain or chains, cable or cables, or other non-rigid connection or connections.

- (2) Such safety connection shall—
  - (a) be of sufficient strength to be capable of holding in tow the trailer, caravan or other towed vehicle in the event of failure or accidental detachment of the trailer coupling;
  - (b) be as short as practicable;
  - (c) be so connected and affixed that—
    - (i) it is not liable to accidental disconnection but is readily detachable from the towing vehicle;
    - (ii) it permits all normal angular movements of the coupling without more slack than is necessary; and
    - (iii) it will prevent the forward end of the drawbar from striking the ground in the event of failure or accidental detachment of the coupling.

(3) The equipment used in affixing any safety connection to the towing vehicle and to the trailer, caravan or other towed vehicle shall be of sufficient strength to ensure the holding in tow by the safety connection of the trailer, caravan or other towed vehicle in the event of failure or accidental detachment of the coupling.

(4) This clause shall not apply to any trailer, caravan or other towed vehicle if such trailer, caravan or other vehicle is fitted with a braking system as described in subparagraph (b) of paragraph (2) of clause 58 of this Schedule, or to any semi-trailer or pole-type trailer.

(5) In the case of a trailer, caravan or other vehicle to be towed registered in any other State or Territory of the Commonwealth of Australia or other country it shall be sufficient compliance with this clause if the safety connection used conforms with the requirements of the law for the time being in force in such State, Territory or other country.

(Inserted as c. 47A by reg. pubd. Gazette 18 January 1964, pp. 162-3; Re-numbered c. 47B by reg. pubd. Gazette 24 October 1970, pp. 735-6.)

48. (1) A trailer shall not be of such weight or dimensions that it will be likely to prevent the driver of a vehicle drawing it from safely controlling it and such vehicle.

(2) A semi-trailer shall be securely joined to the forward portion of an articulated vehicle.

### Part III

#### GROUND CLEARANCE

49. All vehicles first registered on or after the 1st January, 1962—

Distance Between any Two Consecutive Axles							Ground Clearance	
Exceeding—				Not exceeding—				Inches
(a)	12 feet	..	..	22 feet	..	..	8	
(b)	22 feet	..	..	24 feet	..	..	9	
(c)	24 feet	..	..	26 feet	..	..	10	
(d)	26 feet	..	..	28 feet	..	..	11	
(e)	28 feet	..	..	30 feet	..	..	11½	
(f)	30 feet	..	..	32 feet	..	..	12½	

50. In this Part "ground clearance" means the minimum vertical distance measured not closer than three feet to any axle from the lowest point of the underside of the vehicle to the surface of the roadway when such motor vehicle is standing on a flat level section of roadway under any conditions of loading.

51. In the case of a trailer or semi-trailer the ground clearance specified in this Part shall be increased by three inches unless the lowest point within the limits defined in clause 50 is the under-surface of a longitudinal member or members constituting the frame or chassis of such trailer or semi-trailer and such under-surface is free from any projections, steps or irregularities.

### Part IV

#### MUDGUARDS AND REAR MARKINGS

52. The requirements of this Part shall apply to all motor vehicles on or after the 1st January, 1962.

53. All motor vehicles except those referred to in clause 54—A mudguard for each wheel on the foremost axle and for each wheel on the rearmost axle; and in the case of a motor cycle and sidecar, a mudguard for the wheel of the sidecar.

54. Vehicles excepted—

- (1) Any motor vehicle used solely or principally to haul a trailer, semi-trailer or pole-type trailer—in respect of the rearmost wheels only;
- (2) Any pole-type trailer used solely or principally for work in a forest;
- (3) Any fork lift truck;
- (4) Any other vehicle where the body of the vehicle is such that mudguards are unnecessary or impracticable.

55. Any mudguard required for a vehicle under this Part shall comply with the following requirements:—

- (1) It shall be so constructed and affixed that—
  - (a) It will, as far as practicable, catch or deflect downwards any stones, mud, water or other substance thrown upwards by the rotation of the wheels;
  - (b) In the case of a motor vehicle, other than a motor cycle, it will itself, or in conjunction with other components of the vehicle or its body or chassis, prevent direct contact with the upper half of the wheel in a forward collision.
- (2) Its width shall be not less than the overall width of the wheel or wheels for which it is provided: Provided that if the motor vehicle has a body of the tray type, the width of which, with any loading or equipment thereon, is seven feet or exceeds seven feet, the width of the mudguard shall be not less than 15 inches.
- (3) It shall be in good order and condition, and free from any cracks and tears and any sharp or jagged edges.

56. In the case of any motor vehicle which with any loading or equipment thereon is seven feet, or exceeds seven feet, in width, and which has a body of the tray type, that portion of the external surface of any mudguard affixed thereto which is visible to the rear of the vehicle shall be white or silver in colour and, in addition, there shall be displayed by painting or other process across the full width of the rearmost portion of the tray, a horizontal band of a uniform depth of at least three inches and white or silver in colour.

#### Part V BRAKES

57. All motor vehicles, including the forward portion of an articulated vehicle, except motor cycles, trailers and semi-trailers—

- (1)—
  - (a) One efficient braking system comprising brakes capable of acting directly on all road wheels, with two separate methods of actuation, such brakes being so arranged that, in the event of failure of either method of actuation, there will remain effective braking on not less than two wheels; or
  - (b) Two independent and efficient braking systems, one capable of acting directly on not less than half the number of road wheels or where the vehicle has less than four wheels, on two wheels.
- (2) In the case of a motor vehicle registered for the first time on or after the 1st January, 1934, the service brakes shall not act through the differential.
- (3) The emergency brake of any braking system shall be operated by a separate lever fitted with a ratchet or locking device capable of holding such lever in any desired position and such brake shall be applied by direct mechanical action without the intervention of any hydraulic, electrical or pneumatic device.

Provided, however, that notwithstanding the foregoing provisions of this present subclause (3), emergency brakes applied by spring action following upon the release of air pressure or vacuum preventing such brakes from operating (such emergency brake being hereinafter in this proviso called "spring actuated emergency brakes") may be fitted to a motor vehicle. In such case, the following requirements shall apply:—

- (a) Spring actuated emergency brakes shall be so fitted and arranged that they will act directly on and be applied equally to every wheel of each axle of the motor vehicle to which they are fitted;
- (b) The lever or control by which spring actuated emergency brakes are caused to be applied shall be fitted with a device which will lock such lever or control against inadvertent operation causing such spring actuated emergency brakes to be released and shall be so located as to enable the driver of the motor vehicle to apply or release such spring actuated emergency brakes from the normal driving position;

- (c) The spring actuated emergency brakes when not deliberately brought into use shall be prevented from operating by the normal air or vacuum supply of the motor vehicle. They shall be applied by the near instantaneous discharge of the air or vacuum by which they are prevented from operating through the operation of the lever or control specified in paragraph (b) of this proviso;
  - (d) A separate air or vacuum reservoir complying with the provisions of paragraphs (d) and (e) of subclause (5) of this clause to provide at least two releases of the spring actuated emergency brakes when the normal air or vacuum supply is not available shall be provided in the motor vehicle together with a lever or control so located as to enable the driver to release and apply the spring actuated emergency brakes from the normal driving position;
  - (e) The spring actuated emergency brakes shall not be so constructed as to operate automatically on loss of stored air or vacuum supply before the pressure or vacuum in the spring actuated emergency braking system has fallen below the level at which the low level warning signal of such spring actuated emergency braking system operates;
  - (f) Where spring actuated emergency brakes are fitted to a motor vehicle used to tow a trailer, semi-trailer or pole trailer they shall not operate automatically before the brakes referred to in paragraph (b) of subclause (2) of clause 58, being brakes in the event of a breakaway, nor shall their application cause the application of any other brakes of the trailer, semi-trailer, or pole trailer;
  - (g) Spring actuated emergency brakes shall be capable of stopping the motor vehicle to which they are fitted in the distances specified in subclause (2) of clause 63 of this Schedule.
- (4) When braking is applied to any wheel it shall be applied with equal force to all wheels on the same transverse axis of the vehicle.
- (5)—
- (a) Every omnibus which is fitted with an air assisted or vacuum assisted braking system and every motor vehicle first registered on and after the 1st January, 1963, the aggregate weight of which is six tons or more, which is fitted with such a braking system, shall have a reservoir or reserve capacity for air or vacuum, as the case may be, incorporated in such braking system.
  - (b) Every motor vehicle which is fitted with an air operated or vacuum operated braking system shall have a reservoir or reserve capacity for air or vacuum, as the case may be, incorporated in such braking system.
  - (c) The reservoir or reserve capacity required by this subclause (5) shall be of adequate volume to ensure that, if the engine stops, or the source of air or vacuum fails, an application of the service brakes can be made which is capable of stopping the vehicle in accordance with the requirements specified in clauses 62 and 63 of this Schedule.
  - (d) Reservoirs required under this subclause (5) shall be of adequate strength, and air reservoirs shall be provided with a drain plug or other means to permit removal of water or other foreign matter which may accumulate at the lowest point of the reservoir.
  - (e) Any reservoir or reserve capacity required under this subclause (5) shall be so safeguarded by a check valve or equivalent device that, in the event of failure or leakage in its connection to the source of air or vacuum, the air or vacuum reserve shall not be depleted by the failure or leakage.
- (6) Every motor vehicle used to tow a trailer, semi-trailer or pole-trailer required to be equipped with brakes shall be equipped with means whereby in the event of breakaway of the trailer, semi-trailer or pole-trailer, the service brakes of such motor vehicle will remain fully operative and capable of stopping the motor vehicle in accordance with the requirements specified in clauses 62 and 63 of this Schedule.



- (7) In the case of a motor vehicle which is a tractor or implement which is not mounted on a conventional motor vehicle chassis, it shall be sufficient for the purposes of this clause if the vehicle is equipped with at least one effective braking system capable of stopping and holding the vehicle.

(As amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7.)

58. Trailers, pole-trailers and semi-trailers, the weight of which in any case, together with the weight of any equipment or loading thereon, exceeds 10 cwt.—

- (1) An efficient brake which operates on not less than two wheels and, except in the case of a trailer which is equipped with over-run brakes, so constructed that it can be applied from the driver's seat of the hauling vehicle. Over-run brakes shall not be fitted to any trailer the unladen weight of which together with the weight of any equipment and/or loading thereon exceeds one ton, and no trailer fitted with over-run brakes shall be attached to or drawn by any vehicle having an unladen weight which is less than the total weight of such trailer and the equipment and/or loading on such trailer.
- (2) Trailers exceeding an aggregate weight of two tons first registered on and after the 1st January, 1962, and semi-trailers and pole-trailers first registered on and after the 1st January, 1962—
  - (a) If fitted with an air or vacuum operated braking system—a storage reservoir for air or vacuum as the case may be which meets the requirements of subclause (5) of clause 57 of this Schedule;
  - (b) A braking system of such a character that it will be applied automatically and promptly upon breakaway from the towing vehicle. Means shall be provided to maintain application of the brakes in the event of breakaway for at least fifteen minutes.

59. Motor cycles—Two independent and efficient service braking systems, one capable of acting directly on the front wheel and the other on the rear wheel.

60. Any braking system required by clauses 57, 58, or 59 of this Schedule shall be fitted with a device or devices which will enable the adjustment or taking up of the normal wear of the brakes. Such device or devices shall be capable of being secured or locked over the whole of its or their effective range.

61. The brake tubing and brake hose and the brake cables, rods and other linkage used in any brake system shall be so constructed as to ensure adequate, reliable and continued functioning and be so fitted to the vehicle as to prevent chafing, kinking or other mechanical damage under normal motion of any part of the vehicle.

#### *Performance Ability of Brakes*

62. Every brake with which a motor vehicle is equipped shall be capable of stopping the vehicle within a reasonable distance under the conditions prevailing at the time of its application.

63. Without limiting the generality of clause 62, the following provisions shall apply to the brakes specified:—

#### (1) Service brakes—

- (a) The service brake of a motor vehicle, other than an omnibus, shall be such that the motor vehicle or, where there is a trailer or other vehicle attached to it, the motor vehicle and such trailer or other vehicle, when travelling at a speed of 20 miles an hour on a dry, smooth, level road, free from loose material, can at all times, when fully loaded—
  - (i) Be stopped by one sustained application of the brake within the distance specified in respect of the class of vehicle or vehicles concerned in column (2) of Table A of this subclause (1); and
  - (ii) Be decelerated to a stop from any higher speed at which the vehicle operates by one sustained application of the brake at the average deceleration rate specified in column (3) of Table A of this subclause (1) and applicable to the class of vehicle or vehicles concerned.

TABLE A

Class of Vehicle (1)	Feet to Stop when Brake Applied at 20 Miles an Hour (2)	Average Deceleration in Feet Per Second Per Second (3)
Car .. .. .	30	14
Car and trailer combination .. .. .		
Motor cycle (front and rear brakes together)		
Motor truck or motor utility truck having aggregate weight less than 50 cwt. ..		
Motor truck or motor utility truck and trailer combination having combined aggregate weight less than 50 cwt. ..	45	9.5
Motor truck or motor utility truck having aggregate weight 50 cwt. or more ..		
Motor truck or motor utility truck and trailer combination having combined aggregate weight 50 cwt. or more ..		
Vehicle not equipped with brakes on all wheels when manufactured .. .. .		

(b) The service brake of a motor omnibus shall be such that the vehicle when unladen and travelling at a speed of 20 miles an hour on a dry, smooth, level road, free from loose material, can, at all times, be stopped by one sustained application of the brake within a distance of 30 feet and can be decelerated to a stop from any higher speed at which the vehicle operates at an average rate of not less than 14 feet per second per second.

(2) Emergency brake—

- (a) The emergency brake affixed to any vehicle shall be capable of holding the vehicle and any trailer or semi-trailer attached thereto stationary on any grade.
- (b) The emergency brake of a motor vehicle shall be such that the vehicle, when travelling at a speed of 20 miles an hour on a dry, smooth, level road, free from loose material, can, at all times, when fully loaded—
  - (i) Be stopped by application of the brake within the distance specified in respect of the class of vehicle or vehicles concerned in column (2) of Table B of this subclause (2); and
  - (ii) Be decelerated by one sustained application of the brake at the average deceleration rate specified in column (3) of Table B of this subclause (2) and applicable to the class of vehicle or vehicles concerned.

TABLE B

Class of Vehicle (1)	Feet to Stop when Brake Applied at 20 Miles an Hour (2)	Average Deceleration in Feet Per Second Per Second (3)
Car .. .. .	75	5.6
Motor truck or motor utility truck having aggregate weight less than 50 cwt. ..		
Car and trailer combination .. .. .	112.5	3.8
Motor truck or motor utility truck having aggregate weight 50 cwt. or more ..		
Motor truck or motor utility truck and trailer combination .. .. .		
Motor omnibus of any weight .. .. .	60	7

63A. [Repealed.]

(Inserted by reg. pubd. Gazette 15 November 1969, p. 1175; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

## Part VI

## MISCELLANEOUS

Except where otherwise specified or indicated, this Part shall apply to all motor vehicles.

## 64. Steering—

- (1) The vehicle shall be capable of being readily steered and shall have steering arms and connections which will eliminate danger of any accidental detachment or over-locking. All steering connections are to be secured with bolts fitted with nuts and such nuts are to be locked or pinned.
- (2) Except in the case of a motor cycle or other motor vehicle which is steered by means of handle bars, the steering wheel or control must be arranged upon the right-hand or off-side of the vehicle.
- (3) In the case of a motor cycle or other motor vehicle which is steered by means of handle bars, the steering control may be central but must not be arranged on the left-hand or near-side of the vehicle.
- (4) Where the steering mechanism or any part thereof is in an exposed position it shall be suitably protected.

## 64A. [Repealed.]

(Inserted by reg. pubd. Gazette 11 April 1970, p. 1400; Substituted by reg. pubd. Gazette 24 October 1970, pp. 735-6; Amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7; and Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

65. Turning circle—The vehicle shall be capable of continuously turning either to the left or to the right in a circle not exceeding 80 feet in diameter as determined by reference to the extreme outer edge of the tyre track at ground level.

## 66. Front and rear projection—

- (1) Vehicles other than motor cycles or mobile cranes which are 31 feet or less in length—

No part of the vehicle if it has two or more axles, shall project to the rear beyond the centre line of the rear axle for a distance greater than 50 per centum of the wheel base of such motor vehicle or than nine feet six inches, whichever is the lesser:

Provided that in the case of any motor vehicle any part of which projects to the front beyond the centre line of the front axle of such vehicle for a distance of not less than 30 per centum of the wheel base of such vehicle part of such vehicle may project to the rear beyond the centre line of the rear axle of such vehicle for a distance not greater than 60 per centum of the wheel base of such vehicle or than 10 feet 6 inches whichever is the lesser.

## (2) Motor cycles—

- (a) No part of a motor cycle (being a motor cycle to which a sidecar is attached) shall project more than two feet ahead of the outer extremity of the front wheel or more than three feet behind the outer extremity of the rear wheel;
- (b) No part of a motor cycle (not being a motor cycle to which a sidecar is attached) shall project more than six inches ahead of the outer extremity of the front wheel or more than one foot behind the outer extremity of the rear wheel.

67. Drip tray—The vehicle shall be so equipped that no inflammable material can drop on any exhaust pipe, starter motor, generator or other electrical equipment. Where a drip tray is fixed underneath the carburettor it shall be so constructed that any overflow of petrol will not remain in the tray.

## 68. Safety glass—

- (1) Vehicles first registered on or after the 1st January, 1942, shall be equipped with safety glass in the windscreen.
- (2) Vehicles first registered on or after the 1st January, 1962, shall be equipped with safety glass or non-shatterable transparent material wherever transparent material is used in windows and interior partitions.

- (3) Vehicles irrespective of date of first registration shall have any replacement after 1st January, 1962, of material in any windscreen, window or interior partition made with non-shatterable transparent material.

68A. [Repealed.]

(Inserted by reg. pubd. Gazette 24 October 1970, pp. 735-6; Amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

69. Every window shall be sound and properly fitted and each movable window shall be fitted with a suitable device to enable it to be opened and closed. At least half the number of windows shall be capable of being opened.

70. Warning device—The vehicle other than a trailer, pole-trailer or semi-trailer, shall be fitted in a convenient position with a horn or other alarm in good working order and capable of giving sufficient warning of the presence of the vehicle. A siren, repeater horn, bell, exhaust whistle or compression whistle or other device capable of producing a sound resembling that produced by such horn or other alarm shall not be attached to a motor vehicle unless such motor vehicle is the property of an Ambulance Transport Brigade, a Fire Brigade or of the Commissioner of Police or is a motor vehicle to which such siren, repeater horn, bell, exhaust whistle or compression whistle or other device is attached with the written approval of the Commissioner.

For the purpose of this clause, the term "repeater horn" shall mean a device which generates and emits an audible sound alternating between different tones or frequencies on a regular time cycle.

(As amended by reg. pubd. Gazette 24 October 1970, pp. 735-6.)

71. Windscreen wiper—

- (1) Every motor vehicle fitted with a windscreen shall except as provided in subclause (2) of this clause be equipped with a device which is capable of effectively removing rain, snow or other moisture from the portion of the windscreen immediately in front of the driver of the vehicle and such device shall—
  - (a) Be so constructed and positioned that it can be operated or controlled by the driver while retaining his correct driving position; and
  - (b) In the case of a motor vehicle first registered on or after 1st January, 1934, be operated by electrical, pneumatic or other continuous mechanical means.
- (2) Every motor vehicle fitted with a windscreen and first registered on or after 1st January, 1962, shall except as provided in this subclause be equipped with a device or devices operated by electrical, pneumatic or other continuous mechanical means capable of effectively removing rain, snow or other moisture from the portion of the windscreen immediately in front of the driver and from a corresponding area of windscreen to the left of the vertical centre line of the windscreen and the device or devices as the case may be shall—
  - (a) Be so constructed and positioned as to be controlled by the driver while retaining his correct driving position; and
  - (b) If operated by engine manifold vacuum be provided with a vacuum reservoir and pump to maintain their efficient operation while the vehicle is in motion:

Provided that the requirements of this clause 71 shall not apply to a motor cycle, special purpose or other motor vehicle equipped with a windscreen so constructed as to permit the driver while retaining his correct driving position to obtain over the top, below or to the side of the windscreen, adequate vision of the roadway ahead of the vehicle in the event of vision through the windscreen being obscured. The requirements of subclause (2) shall not apply to a motor vehicle equipped with a windscreen so constructed that the windscreen does not extend to the left beyond the longitudinal centre line of the vehicle.

71A. [Repealed.]

(Inserted by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

## 72. Signalling devices—

(1)—

- (a) Where the distance from the centre of the steering wheel to the outer extremity on the right-hand side of a motor vehicle or any load thereon exceeds 24 inches, or the construction, equipment or loading of a motor vehicle or of any trailer drawn by it is such that it would prevent a driver of the vehicle, while remaining in a proper driving position, from giving by use of his arm and hand a clear signal of his intention to turn right or to stop or reduce speed suddenly—
  - (i) There shall be affixed to any such vehicle first registered before 1st January, 1962, a signalling device for signalling "TURN RIGHT", such device to conform with the requirements of subclause (2) of this clause and of paragraphs (b) or (f) of subclause (3) of this clause; and
  - (ii) There shall be affixed to any such vehicle first registered before 1st January, 1934, a signalling device for signalling "STOP", such device to conform with the requirements of subclause (2) of this clause and of paragraph (a) of subclause (3) of this clause, or at least one brake lamp conforming with the requirements specified in clauses 31 and 34 of this Schedule.
- (b) Devices affixed to any motor vehicle for the purpose of signalling "STOP", "TURN RIGHT", or "TURN LEFT", must comply with the requirements of this clause.
- (c) Flashing turn signals in accordance with subclause (2) and paragraph (f) of subclause (3) of this clause shall be affixed to every motor vehicle which is first registered on or after 1st January, 1962, with the exception of—
  - (i) Any motor cycle;
  - (ii) Any pole-type trailer used solely or principally for work in a forest;
  - (iii) Any fork-lift truck;
  - (iv) Any motor vehicle equipped with a semaphore type of "TURN RIGHT" signalling device in accordance with subclause (2) and paragraph (d) of subclause (3) of this clause and which device is of a type supplied as original equipment on that particular motor vehicle when it was manufactured:

Provided that in the case of a motor vehicle to which is attached a general purpose load carrying trailer having an unladen weight of not more than 5 cwt., or a trailer which comprises a concrete mixer or air compressor, or a plant or equipment trailer, it shall be a sufficient compliance with the requirements of this paragraph (c) in respect of any such trailer if the flashing turn signals specified herein are affixed to the towing vehicle, and the dimensions or construction of the trailer with any loading or equipment thereon are not such as to obscure such signals.

*General Specifications Applying to all Signalling Devices*

(2)—

- (a) All signals are to be clearly visible under normal atmospheric conditions by day and night at a distance of at least 100 feet.
- (b) Illuminated devices must not be glaring or dazzling to other road users or impair the driver's vision.
- (c) The device when not in operation shall not be likely to mislead the driver of any vehicle or any person controlling traffic.
- (d) The device shall be readily operable by the driver from a proper driving position.
- (e) The device shall be mounted so that the signal can be observed by the driver directly by means of a fixed mirror or the operation of the device must be indicated by means of a visible and/or audible telltale.

*Specifications of Individual Devices*

(3)—

- (a) Hand shaped "STOP" signalling device—A "stop" signal may be given on the right side of a vehicle by means of a replica of a human hand. The hand shall be not less than six inches long and the width not less than half the length with the palm of the hand turned to the front, the thumb adjacent to the vehicle and with the fingers extended and pointing upwards. The hand may be white or amber in colour and if illuminated shall be lit by a steady white or amber light.
- (b) Hand shaped "TURN RIGHT" signalling device—A "turn right" signal may be given on the right side of a vehicle by means of a replica of a human hand with the palm turned to the front and the thumb uppermost with the fingers extended and pointing to the right. The hand shall be not less than six inches long and the width not less than half the length. The colour shall be amber or white and if illuminated shall be lit by a steady white or amber light.
- (c) Hand shaped "TURN LEFT" signalling device—A device affixed to the left side of the vehicle and with the fingers pointing to the left but otherwise identical with that described in paragraph (b) of this subclause may be used for indicating a left turn.
- (d) Semaphore "TURN RIGHT" signalling device—A "turn right" signal may be given on the right side of a vehicle by means of an illuminated sign of amber colour not less than six inches long, and of a width being not less than one inch and not exceeding one quarter of the length. At least six inches of the length of the sign must be visible both to the front and rear of the vehicle while a signal is being given. The height shall not exceed six feet six inches, and shall not be less than one foot eight inches.
- (e) Semaphore "TURN LEFT" signalling device—A device affixed to the left side of the vehicle but otherwise identical with that described in paragraph (d) of this subclause may be used for indicating a left turn.
- (f) Flashing lamp "TURN RIGHT" and "TURN LEFT" signalling devices—

Each flashing lamp signalling device on the right side of a vehicle shall be paired by a similar lamp symmetrically positioned on the left side of the vehicle. The lamps of each pair shall be not less than 30 inches apart or more than 20 inches from the extreme width of the vehicle, and they shall not be higher than six feet or lower than 16 inches. The switching on of a flashing light must be followed by the appearance of the light within a maximum period of one second and the light shall flash regularly at a rate of not less than 60 per minute and not more than 120 per minute.

All flashing signalling lamps on the same side of a vehicle must flash in phase and must be operated by the same control switch.

The lamps may be fitted as follows:—

- (i) On rigid vehicles not exceeding 24 feet in length, two lamps capable of showing a white or amber light clearly visible from the front of the vehicle and an amber light clearly visible to the rear of the vehicle.
- (ii) On rigid vehicles not exceeding 24 feet in length, four or more lamps of which two shall face forward and be mounted on or towards the front of the vehicle and two shall face rearward and be mounted on or towards the rear of the vehicle. The forward facing lamps shall be either amber or white and the rearward facing lamps shall be amber:

Provided that the rearward facing lamps of vehicles first registered before 1st January, 1962, may be red.

- (iii) On articulated vehicles and on rigid vehicles exceeding 24 feet in length four or more lamps capable of showing an amber light of which two shall be mounted on or towards the rear of the vehicle and two on the forepart of the vehicle. The rearmost lamps shall have an illuminated area facing to the rear. The foremost lamps shall have an illuminated area facing forward. One pair of lamps on or towards the front of the vehicle, or in the case of an articulated vehicle on the forepart of the vehicle, shall have an illuminated area facing rearwards and clearly visible from the rear.

(As amended by reg. pubd. Gazette 22 December 1962, p. 1603; 5 November 1966, p. 931.)

72A. [Repealed.]

(Inserted by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

73. Rear vision mirror—

- (1) There shall be affixed to any motor vehicle a mirror or mirrors so designed and fitted as to enable the driver of the vehicle, whilst retaining the correct driving position, to obtain a clear reflected view of any overtaking vehicle.
- (2) Such mirror or mirrors shall be affixed to the outside of the vehicle—
  - (a) If it is constructed for the carriage of goods;
  - (b) If it is licensed pursuant to any Act, Regulation or Ordinance to carry eight or more passengers for hire or reward;
  - (c) If, because of the manner in which it is constructed, equipped or loaded, or because of the fact that it is drawing a trailer or other vehicle, or for any other reason, the driver of such vehicle cannot, by means of a mirror affixed to the inside of it, obtain a clear reflected view of any overtaking vehicle.

73A. [Repealed.]

(Inserted by reg. pubd. Gazette 24 October 1970, pp. 735-6; Amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

74. Number plates—Position and fittings—

- (1) There shall, where necessary, be securely fastened to a motor vehicle suitable fittings for the front and rear number plates.
- (2) The front number plate shall be located in front of and parallel to the front axle and so that it is in the centre or to the right-hand or off-side of the centre of the vehicle and no higher than four feet from the ground. The rear number plate shall be located at the rear of the vehicle in a position corresponding to that required for the front number plate.

75. Avoidance of danger and nuisances—All parts and fittings of a motor vehicle shall be such that—

- (1) They will not be likely to render unsafe the use of the vehicle, or to cause injury or annoyance to any person;
- (2) An undue amount of smoke will not be projected from the exhaust or elsewhere. The outlet of the exhaust shall be so affixed that the exhaust will not be projected directly on to the roadway;
- (3) An undue amount of oil or grease will not be dropped on to the roadway;
- (4) Undue or avoidable noise or vibration will not be caused.

76. Silencer—There shall be securely affixed to the vehicle an efficient silencing device so constructed that all exhaust from the engine is projected through such device in such a manner that it will prevent the creation of undue noise.

77. Driver's view—The vehicle shall be so constructed or equipped that the driver will have a view of traffic on each side of it and in all directions in front of it, sufficient to enable him to drive it with safety.

78. Engine number—An identification number must be clearly and legibly stamped directly upon the main component of the engine of the motor vehicle.

79. Vehicle to travel backwards or forwards—Any motor vehicle which, when unladen, weighs more than six hundredweight, shall be capable of being driven backwards and forwards.

80. Holder for Registration label—

(1)—

- (a) All motor vehicles not having a windscreen, except motor cycles and trailers—A holder for the registration label shall be affixed to the left side of the vehicle as near as practicable to the position in which the label is required in accordance with the regulations made under The Main Roads Acts 1920 to 1962, to be displayed in the case of a vehicle with a windscreen.
- (b) Motor cycles—A holder for the registration label shall be affixed to the handlebar or front fork in the centre or on the left side of the motor cycle so that the label is clearly visible.
- (c) Trailers—A holder for the registration label shall be affixed to the left side of the body so that the label will face outward or forward from the trailer.

(2) Any label in a holder shall be clearly displayed through transparent colourless glass or other suitable material.

81. Ventilation—Motor vehicles constructed principally for the carriage of goods—Effective means of ventilation shall be provided for the driver otherwise than by means of windows and door openings: Provided that it shall be a sufficient compliance with this requirement if the vehicle is equipped with suitably placed pivoted or hinged windows.

82. (1) Tyres—All motor vehicles—Every tyre fitted to a motor vehicle shall be free from any apparent defect likely to render unsafe the use of the vehicle or likely to cause or result in injury to any person or damage to any goods in or upon the vehicle, and shall have a tread pattern of a depth of not less than one-sixteenth of an inch ( $\frac{1}{16}$ " ) on all parts of it which normally come in contact with the road surface; such tyres and their rims shall be of a size and capacity sufficient to carry the total weight of the vehicle and its loading. The tyres shall not be fitted with cleats or any other gripping device of a type likely to cause damage, other than normal wear and tear, to any road.

(2) There shall not be fitted to any motor car or motor utility truck any tyre which has been treated by regrooving.

(As amended (as from 1 January 1968) by reg. pubd. Gazette 11 March 1967, p. 945; and by reg. pubd. Gazette 24 October 1970, pp. 735-6.)

83. Motor cycle with sidecar—

(1) A sidecar shall not be so attached to a motor cycle nor shall it be of such weight or dimensions that it will prevent the driver from safely driving the vehicle or from having a sufficient view to the front, rear and either side of the vehicle to enable him to drive the vehicle with safety.

(2) A sidecar shall not be affixed to the right side of a motor cycle.

84. Pillion riding—If a motor cycle is to be used for pillion riding there shall be securely affixed to the cycle for use by the pillion rider, a suitably constructed and located foot-rest on each side and a suitable seat in a serviceable condition.



*Omnibus and Motor Truck—Information to be painted*

85. (1) Every omnibus, motor truck and motor utility truck shall have—
- (a) the word "TARE" or the letter "T" followed by the unladen weight of the vehicle;
  - (b) the word "AGGREGATE" or the letter "A" followed by the maximum permissible laden weight of the vehicle; and
  - (c) except in the case of a motor utility truck, the owner's name and address,

painted in block letters and figures on the right side thereof at least two inches high and kept in such a condition as to be clearly legible at a distance of fifteen feet: Provided that within a period of one year from the date of commencement of these Regulations the display on a vehicle of the words "MAXIMUM LOAD" or "MAX. LOAD" as the case may be shall for the purposes of subclause (b) of this clause be deemed to be the equivalent of the word "AGGREGATE" or the letter "A".

- (2) For the purposes of this clause "name" means—
- (a) In the case of a vehicle owned by an individual, the Christian names or the initials of the Christian names and the full surname of that individual; and
  - (b) In the case of a vehicle owned by a firm, the registered name of the firm; and
  - (c) In the case of a vehicle owned by a body corporate, the full name of the body corporate.

86. Television sets—Any television set shall be installed so that the screen or any part of it is not directly or indirectly visible to the driver from the driving position; so that such screen or any part of it will not distract the attention of the driver of any other motor vehicle; and so that its controls, other than the sound volume control and the main switch, are not within the driver's reach.

86A. Doors—Any motor vehicle or trailer equipped with fuel burning facilities or living or sleeping accommodation shall have outward opening doors only. Such doors shall not be located on the right hand side.

(Inserted (as from 1 July 1967) by reg. pubd. Gazette 11 February 1967, p. 527.)

86B. Every motor vehicle powered with a compression ignition engine and manufactured on or after the First day of January, 1971, shall at the time of first registration thereof under The Main Roads Acts 1920 to 1968 and at all subsequent times thereafter, be equipped with a locking device which shall prevent such compression ignition engine from being started by any accidental or inadvertent means.

(Original c. 86B inserted by reg. pubd. Gazette 23 November 1968, p. 1107; Substituted by reg. pubd. Gazette 24 October 1970, pp. 735-6; Amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

(Present clause inserted as c. 86L by reg. pubd. Gazette 24 October 1970, pp. 735-6; As amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Renumbered c. 86B by reg. pubd. Gazette 16 June 1972, p. 869.)

*Rear End Protection*

86c. (1) Every semi-trailer manufactured on or after the First day of January, 1971, shall at the time of first registration thereof under The Main Roads Acts 1920 to 1968 and at all subsequent times thereafter, be provided with an approved continuous rear bumper which shall be so constructed and located that—

- (a) With the vehicle unladen, the contact surface of such bumper is not more than twenty-four inches (24") from the level of the ground upon which such vehicle stands;
- (b) The bumper contact surface is located not more than twenty-four inches (24") from the rear of the vehicle and is painted white;

- (c) The ends of such bumper extend to within twelve inches (12") of each side of the vehicle, unless the rearmost point of the tyres is within twenty-four inches (24") of the rear of the vehicle, in which case, the ends of such bumper shall extend to within twelve inches (12") of such tyres on each side of the vehicle;
- (d) The member which is, or directly supports, the bumper contact surface is of material having no less strength than steel tubing of four inches (4") outside diameter and five-sixteenths of an inch ( $\frac{5}{16}$ " wall thickness;
- (e) The structure supporting the member prescribed in paragraph (d) hereof can transmit no less force than that member can sustain, and provides a continuous force path to vehicle members of a strength consistent with the forces to be sustained.

(2) The provisions of subclause (1) of this clause shall not apply to semi-trailers so constructed that cargo access doors, tailgates or other such like structures thereon when closed, afford protection comparable to that prescribed by such provisions; and a vertical plane tangential to the rearmost surface of the rear wheels is six inches (6") or less from a parallel vertical plane containing the rearmost point of the semi-trailer.

(Original c. 86C inserted by reg. pubd. Gazette 15 November 1969, p. 1175; Substituted by reg. pubd. Gazette 24 October 1970, pp. 735-6; Amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

(Present clause inserted as c. 86M by reg. pubd. Gazette 24 October 1970, pp. 735-6; As amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Renumbered c. 86c by reg. pubd. Gazette 16 June 1972, p. 869.)

86D. Every motor vehicle manufactured on or after the First day of January, 1972, shall have fitted a compliance plate approved by the Australian Motor Vehicle Certification Board. Such plate shall be affixed in a conspicuous position on the vehicle and shall not be removed or modified without the approval of the Commissioner of Main Roads, nor shall such plate be defaced in any way.

(Original c. 86D inserted by reg. pubd. Gazette 11 April 1970, p. 1400; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

(Present clause inserted as c. 86P by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Renumbered c. 86D by reg. pubd. Gazette 16 June 1972, p. 869.)

86E. Every motor vehicle manufactured on or after the First day of January, 1972, and capable of being driven at a speed in excess of twenty-five miles per hour (25 m.p.h.) on a level road shall be fitted with a speedometer which shall indicate the vehicle speed in miles per hour so that the indicated speed shall not be below the actual speed by more than ten per centum (10%) when the vehicle is driven at a speed in excess of thirty miles per hour (30 m.p.h.). Such speedometer shall be so fitted that it is readily visible to the driver.

(Original c. 86E inserted by reg. pubd. Gazette 11 April 1970, p. 1400; Amended by reg. pubd. Gazette 24 October 1970, pp. 735-6; Substituted by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

(Present clause inserted as c. 86Q by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Renumbered c. 86E by reg. pubd. Gazette 16 June 1972, p. 869.)

86F. [Repealed.]

(Inserted by reg. pubd. Gazette 11 April 1970, p. 1400; Substituted by reg. pubd. Gazette 24 October 1970, pp. 735-6; Amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

86G. [Repealed.]

(Inserted by reg. pubd. Gazette 11 April 1970, p. 1400; Substituted by reg. pubd. Gazette 24 October 1970, pp. 735-6; Amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

86H. [Repealed.]

(Inserted by reg. pubd. Gazette 24 October 1970, pp. 735-6; Amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

86i. [Repealed.]

(Inserted by reg. pubd. Gazette 24 October 1970, pp. 735-6; Substituted by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

86j. [Repealed.]

(Inserted by reg. pubd. Gazette 24 October 1970, pp. 735-6; Substituted by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

86k. [Repealed.]

(Inserted by reg. pubd. Gazette 24 October 1970, pp. 735-6; Amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

86L. [Renumbered c. 86b.]

86M. [Renumbered c. 86c.]

86N. [Repealed.]

(Inserted by reg. pubd. Gazette 27 November 1971, pp. 1475-7; Repealed by reg. pubd. Gazette 16 June 1972, p. 869.)

86P. [Renumbered c. 86d.]

86Q. [Renumbered c. 86E.]

#### DIVISION 4

#### VEHICLES DRAWN BY ANIMAL POWER—SPECIAL PROVISIONS

##### *Front and Rear Lights*

87. Every two-wheeled vehicle—Two lamps on opposite sides, each showing when lighted a bright white light to the front and a red light to the rear of such vehicle.

88. (1) Every four-wheeled vehicle or any vehicle having more than four wheels, other than a pole-type jinker—

- (a) Two lamps on opposite sides at the front at a height of not more than six feet from the ground, each showing when lighted a bright white light to the front; and
- (b) One lamp at the rear of the vehicle in the centre thereof or to the right-hand or off-side of such centre at a height not more than five feet from the ground, showing when lighted a bright red light to the rear.

(2) Every pole-type jinker—

- (a) Two lamps on opposite sides at the front at a height of not more than six feet from the ground, each showing when lighted a bright white light to the front;
- (b) One lamp upon the rear end of the pole of such jinker showing when lighted a bright red light to the rear.

##### *Rear Reflectors*

89. Every vehicle or trailer—At the rear, two red reflectors, symmetrically affixed one to each side and not higher than five feet from the ground:

Provided that this clause shall not apply in respect of any vehicle or trailer to which are affixed rear clearance lamps or rear reflectors as prescribed by clauses 90 and 91 of this Schedule.

##### *Clearance Lamps*

90. Every vehicle not being a trailer which, together with any loading or equipment thereon is seven feet or more in width—

- (1) On the forepart, two clearance lamps, one on each side:

Provided that this subclause shall not apply in respect of any vehicle where no part of such vehicle or any loading or equipment thereon on either side of such vehicle on which lighted lamps as prescribed by clauses 87 and 88 of this Schedule are affixed, projects more than six inches laterally from the centre of such lamp;

- (2) On the rear, two clearance lamps, one on each side, or alternatively two red reflectors, one on each side.

91. Any trailer which together with any loading or equipment thereon is seven feet or more in width or which projects six inches or more laterally on either side beyond the vehicle by which it is drawn—

- (1) On the front, two clearance lamps, one on each side;  
(2) On the rear, two clearance lamps, one on each side, or alternatively two red reflectors, one on each side.

#### *Reflector Requirements*

92. Any reflector affixed in accordance with the provisions of this Division to a vehicle drawn by animal power shall comply with the relevant provisions for reflectors set out in clauses 24, 25 and 29 of Part II of Division 2 of this Schedule relating to motor vehicles.

#### *Maximum Dimensions*

93. Any vehicle drawn by animal power, including a vehicle and trailer, together with any loading and equipment thereon—

- (1) Length—40 feet;  
(2) Width—8 feet;  
(3) Height—12 feet 6 inches.

#### *Brakes*

94. Any vehicle or vehicle and trailer drawn by animal power—An efficient brake capable of stopping and holding the vehicle:

Provided that a vehicle having two wheels and drawn by an animal attached to such vehicle by means of harness suitable and sufficient to enable the vehicle to be stopped thereby shall be deemed to be equipped with an efficient brake:

Provided further that the use of the nave brake is prohibited on any van, lorry, wagon, or other description of heavy animal-drawn vehicle.

### DIVISION 5

#### BICYCLES, ETC.—SPECIAL PROVISIONS

95. (1) Every bicycle, tricycle, handcart, barrow or other similar vehicle propelled or designed for propulsion by human power—

- (a) Upon a central part of the front thereof, a lamp which when lighted shows a bright white light to the front;  
(b) Upon the rear thereof, a lamp which when lighted shows a clear red light to the rear, and a reflector, in respect of which lamp and reflector the conditions applicable thereto prescribed hereunder are complied with.

(2)—

- (a) In the case of a bicycle, the rear lamp shall be affixed upon the rear stay which is on the right-hand or off-side of the bicycle, or upon the rear of any rear mudguard or upon the right-hand or off-side of any rear axle, and the reflector shall be affixed in any one of the aforesaid positions.  
(b) Neither the lamp nor the reflector shall be affixed in a position which is higher than the rim of the rear wheel where it passes between the stays.  
(c) The lamp and reflector shall be so affixed that no part of the bicycle projects more than 20 inches to the rear of such lamp and reflector.  
(d) The reflectors shall comply with the relevant provisions for reflectors contained in clauses 29 and 32 of Part II of Division 2 of this Schedule relating to motor vehicles.

#### *Brake Requirement*

96. Every bicycle and tricycle—An efficient brake capable of stopping and holding the vehicle.

*Warning Device*

97. Every bicycle and tricycle—A bell capable of giving audible and sufficient warning of the approach and location of such bicycle or tricycle, and so positioned as to enable it to be operated by the driver from his normal driving position.

*Rear Mudguard to be White*

98. Every bicycle and tricycle—A rear mudguard the rear half of which is coloured white.

(Division 6—Motor Vehicle Design Conditions and Specifications 99 & 100. Repealed by reg. publ. Gazette 24 October 1970, pp. 735-6.)

## DIVISION 6

## AUSTRALIAN DESIGN RULES FOR MOTOR VEHICLE SAFETY

(Heading inserted by reg. publ. Gazette 16 June 1972, p. 869.)

99. A motor vehicle of such class of motor vehicle as described in the Table hereafter shall, at the time of first registration thereof under The Main Roads Acts 1920 to 1968, and at all subsequent times thereafter, comply with Australian Design Rules for Motor Vehicle Safety in respect of such class of motor vehicle at the respective time of manufacture of such motor vehicle as hereinafter provided.

TABLE

Title	Australian Design Rule No.	Class of Motor Vehicle	Time of Manufacture <i>manufactured on or after</i>
Reversing Signal Lamps	1	All passenger cars and derivatives	1st January, 1972
		All multi-purpose passenger cars	1st January, 1973
		All motor vehicles except motor cycles, specially constructed vehicles and vehicles exceeding 10,000 lb. gross vehicle weight	1st July, 1973
		All motor vehicles except motor cycles and specially constructed vehicles	1st July, 1975
Door Latches and Hinges	2	All passenger cars and derivatives	1st January, 1971
		All multi-purpose passenger cars . .	1st January, 1973
		All motor vehicles up to 10,000 lb. gross vehicle weight except motor cycles, omnibuses and motor vehicles equipped to seat more than eight (8) adult persons (including the driver) used for the carriage of passengers	1st July, 1974
		All motor vehicles except motor cycles, omnibuses and motor vehicles equipped to seat more than eight (8) adult persons (including the driver) used for the carriage of passengers	1st July, 1975

The provisions of this Design Rule shall not apply to folding doors, roll up doors and doors that are designed to be easily attached to or removed from motor vehicles manufactured for operation without doors.

TABLE—*continued*

Title	Australian Design Rule No.	Class of Motor Vehicle	Time of Manufacture <i>manufactured on or after</i>
Seat Anchorages for Motor Vehicles	3	All passenger cars . . . . .	1st January, 1971
		All passenger car derivatives . .	1st January, 1972
		All multi-purpose passenger cars . .	1st January, 1973
		All motor vehicles except motor cycles, omnibuses, motor vehicles equipped to seat more than eight (8) adult persons (including the driver) used for the carriage of passengers, specially constructed vehicles and vehicles exceeding 10,000 lb. gross vehicle weight	1st July, 1974
Seat Belts . .	4	FRONT SEATS— All passenger cars and derivatives	1st January, 1969
		All motor vehicles except motor cycles, omnibuses, motor vehicles equipped to seat more than eight (8) adult persons (including the driver) used for the carriage of passengers, specially constructed vehicles and vehicles exceeding 10,000 lb. gross vehicle weight	1st January, 1970
		REAR SEATS— All motor vehicles except motor cycles, omnibuses, motor vehicles equipped to seat more than eight (8) adult persons (including the driver) used for the carriage of passengers, specially constructed vehicles and vehicles exceeding 10,000 lb. gross vehicle weight	1st January, 1971
Seat Belt Anchorage Points	5A	FRONT SEATS— All passenger cars and derivatives	1st January, 1969
		All motor vehicles except motor cycles, omnibuses, motor vehicles equipped to seat more than eight (8) adult persons (including the driver) used for the carriage of passengers, specially constructed vehicles and vehicles exceeding 10,000 lb. gross vehicle weight	1st January, 1971
		REAR SEATS— All motor vehicles except motor cycles, omnibuses, motor vehicles equipped to seat more than eight (8) adult persons (including the driver) used for the carriage of passengers, specially constructed vehicles and vehicles exceeding 10,000 lb. gross vehicle weight	1st January, 1971

TABLE—*continued*

Title	Australian Design Rule No.	Class of Motor Vehicle	Time of Manufacture <i>manufactured on or after</i>
Direction Turn Signal Lamps	6	All passenger cars, passenger car derivatives and multi-purpose passenger cars	1st January, 1973
		All motor vehicles except motor cycles and specially constructed vehicles	1st July, 1973
Hydraulic Brake Hoses	7	All motor vehicles . . . . .	1st January, 1970
Safety Glass . .	8	All motor vehicles except motor cycles wherever in such vehicles glass is used in windscreens, windows or interior partitions	1st July, 1971
Standard Controls for Automatic Transmissions	9	All motor vehicles, except motor cycles, equipped with automatic transmissions	1st January, 1972
Steering Columns	10A	All passenger cars and derivatives	1st January, 1971
Steering Columns	10B	All passenger cars and derivatives	1st January, 1973
Internal Sun Visors	11	All passenger cars and derivatives	1st January, 1972
		Multi-purpose passenger cars . .	1st January, 1973
		All motor vehicles except motor cycles and specially constructed vehicles	1st July, 1973
Glare Reduction in Field of View	12	All passenger cars, passenger car derivatives and multi-purpose passenger cars	1st January, 1973
		All motor vehicles except motor cycles and specially constructed vehicles	1st July, 1973
Rear Vision Mirrors	14	All passenger cars and derivatives	1st January, 1972
		All multi-purpose passenger cars . .	1st January, 1973
Demisting of Windscreens	15	All passenger cars . . . . .	1st January, 1971
		All passenger car derivatives and multi-purpose passenger cars	1st January, 1973
		All motor vehicles except motor cycles, omnibuses, motor vehicles equipped to seat more than eight (8) adult persons (including the driver) used for the carriage of passengers, specially constructed vehicles and vehicles exceeding 10,000 lb. gross vehicle weight	1st July, 1973

TABLE—*continued*

Title	Australian Design Rule No.	Class of Motor Vehicle	Time of Manufacture <i>manufactured on or after</i>
		All motor vehicles except motor cycles, omnibuses, motor vehicles equipped to seat more than eight (8) adult persons (including the driver) used for the carriage of passengers and specially constructed vehicles	1st July, 1976
Windscreen Wipers and Washers	16	All passenger cars and derivatives	1st January, 1973
		All multi-purpose passenger cars	1st January, 1974
Location and Visibility of Instruments	18	All passenger cars and derivatives	1st January, 1973
Safety Rims . .	20	All passenger cars and derivatives	1st July, 1970
		All multi-purpose passenger cars . .	1st January, 1973
Instrument Panels	21	All passenger cars and derivatives	1st January, 1973
Head Restraints	22	All passenger cars and derivatives	1st January, 1972
		All multi-purpose passenger cars . .	1st January, 1974
New Pneumatic Passenger Car Tyres	23	All passenger cars and derivatives	1st January, 1974
		The provisions of this Design Rule shall apply to the above-mentioned classes of vehicles if passenger car type tyres are fitted thereto.	
Tyre Selection . .	24	All passenger cars, passenger car derivatives and multi-purpose passenger cars	1st January, 1973
		The provisions of this Design Rule shall apply to the above-mentioned classes of vehicles using passenger car tyres.	
Anti-Theft Locks	25	All passenger cars and derivatives	1st January, 1972
		All multi-purpose passenger cars . .	1st January, 1973
Vehicle Engine Emission Control	26	All passenger cars . . . . .	1st January, 1972
Vehicle Engine Emission Control	27	All passenger cars . . . . .	1st January, 1974

(Inserted by reg. pubd. Gazette 16 June 1972, p. 869.)



## PART 14

## BICYCLES AND ANIMALS

## RIDING BICYCLES

93. (1) A person riding a bicycle shall not ride otherwise than astride a permanent and regular seat attached thereto.

(2) A person shall not use a bicycle to carry more persons at one time than the number for which it is designed and equipped.

(3) A person shall not ride a bicycle without having at least one hand on the handle-bars.

(4) Wherever a separate carriageway or portion of a carriageway is provided exclusively for bicycles and is in a reasonable condition for use, a rider of a bicycle shall use that carriageway or portion.

(5) A person shall not ride a bicycle within six feet from the rear of a motor vehicle over a distance of more than two hundred yards.

(6) A person shall not ride a bicycle while carrying any article, the carriage of which is likely to interfere with his control of such bicycle.

## TOWING OF BICYCLES, &amp;C.

94. (1) A person riding a bicycle shall not attach himself to or permit himself to be drawn by any other vehicle.

(2) The driver of a vehicle shall not permit a person riding a bicycle to attach himself to or be drawn by the vehicle of such driver.

## RIDING ABREAST

95. [Repealed.]

(Repealed by reg. pubd. Gazette 13 April 1963, p. 1620.)

## LEADING ANIMALS

96. (1) A person riding an animal shall not lead more than one other animal.

(2) A person driving or riding in a vehicle shall not lead more than two animals.

(3) A person driving a motor vehicle shall not lead any animal.

## HARNESS OF ANIMAL DRAWING A VEHICLE

97. A person shall not upon any road drive a vehicle drawn by animal power, unless—

(a) Any and every animal drawing such vehicle is harnessed with safe and suitable blinkers or bridle, bit, reins, and other harness sufficient to enable the driver to guide and have full control of such animal and to regulate its speed;

(b) Such person holds the reins so as to enable him to properly guide and control any and every animal drawing such vehicle:

Provided that this Regulation shall not apply when a team of horses or other animals trained to be guided and controlled without reins is so guided and completely controlled by the driver.

## USE OF UNBROKEN OR UNDOMESTICATED ANIMALS

98. (1) A person shall not, upon any road in a built-up area, unless he is the holder of a permit issued by the Superintendent authorising him so to do—

(a) ride any horse not thoroughly broken to saddle;

(b) drive in any vehicle any horse not thoroughly broken to harness;

(c) break-in or attempt to break-in any horse;

(d) drive any loose or unbroken horses, cattle, or other animals after the hour of 7 a.m. on any day;

(2) A person shall not, upon the carriageway of any road in a built-up area—

## FEEDING ANIMAL IN ROAD—

(a) feed any horse or other animal otherwise than with food contained in a nose-bag suspended from the head of such horse or other animal or in a box or other container suitable for the purpose;

## REMOVING WINKERS, BRIDLE, &amp;C.—

- (b) remove the winkers, bridle, or bit from any horse or other animal:

Provided that it shall not be an offence against this paragraph (b) to remove the bit—

- (i) from any horse or other animal harnessed to any vehicle while such horse or other animal is feeding, if one of the wheels of such vehicle is securely locked, and the driver or some competent person is sufficiently near to such vehicle and horse or other animal as to have full control over the same, or
- (ii) from any saddle horse while such horse is feeding, if such horse is securely fastened to a post or other secure object by means of a leather headstall or strong neck strap.

## DRIVE ANIMAL OFF CARRIAGEWAY WHERE PRACTICABLE

99. A person shall not drive any animal (other than an animal drawing a vehicle) upon the carriageway of a road if any other part of the road (any footway excepted) not formed for vehicular traffic adjoins the carriageway and it is practicable to drive such animal upon such part of the road.

## PART 15

## PASSING STATIONARY TRAMS AND SAFETY ZONES

## PASSING TRAMS AT A TRAM TERMINUS

100. A driver passing a tram standing at a tram terminus shall cause his vehicle to pass between the tram and the left boundary of the carriageway.

## PASSING STATIONARY TRAMS

101. (1) A driver approaching the rear of a tram which is stationary other than at a terminus shall not permit any part of his vehicle to proceed beyond the rear of the tram unless the space between the tram and the nearer kerb is clear of pedestrians and—

- (a) he is directed to do so by a tramway employee in uniform; or
- (b) he does so in compliance with a direction of a traffic control light signal which is operating at an intersection; or
- (c) he does so in accordance with a signal, order or direction of a Police Officer.

(2) A driver shall not drive a vehicle into the part of a carriageway between a tram standing at a tram terminus and the boundary of the carriageway while any person is upon that part of the carriageway.

(3) A driver shall not drive a vehicle at a speed exceeding five miles per hour—

- (a) when passing a tram in accordance with subregulation (1) of this Regulation; or
- (b) when passing a tram standing at a tram terminus except when leaving an intersection pursuant to the direction of a traffic control light signal or the signal, order or direction of a Police Officer.

(4) This Regulation shall not apply where the portion of the road upon which the vehicle is proceeding is separated from the tram-track by a reservation or safety zone.

## DRIVING PAST SAFETY ZONES

102. (1) A driver (other than the driver of a tram) shall not cause his vehicle to pass to the right of any safety zone.

(2) A driver shall not cause any portion of his vehicle to pass within or through a safety zone.

(3) A driver shall not permit his vehicle to pass any safety zone at a speed greater than is reasonable and proper having regard to the safety of pedestrians on or crossing to or from the safety zone.

## PART 16

## LICENSES FOR DRIVERS, STALLS, ITINERANT VENDORS, ETC.: PERMITS FOR ITINERANT MUSICIANS, AMPLIFIERS, MEETINGS, PROCESSIONS, ETC., AND ADVERTISING, HANDBILLS, ETC.

## APPLICATION FOR LICENSE TO BE MADE TO SUPERINTENDENT

103. (1) Every application for a license shall be in such form as may be provided, and every applicant for a license shall furnish true and correct information and particulars in regard to the matters required by such form to be furnished in respect of such application and the Superintendent may require an applicant for a license to produce satisfactory evidence in verification of statements made by such applicant for the purposes of such application.

(2) Unless otherwise directed by the Commissioner—

- (a) where an applicant usually resides or carries on business in a city he shall obtain such form from and lodge such application with the Superintendent at the principal Traffic Office in such city;
- (b) where an applicant usually resides or carries on business in any place other than a city, he shall obtain such form from and lodge such application with the Superintendent in the Police Division in which the applicant usually resides or carries on business:

Provided that an applicant for a license may, in lieu of obtaining such form from and lodging such application with the Superintendent as aforesaid, obtain such form from and lodge such application with any other Superintendent, and such other Superintendent may in his discretion, but only if he considers such action warranted, issue such license in accordance with these Regulations.

## FITNESS OF APPLICANT TO BE DETERMINED

104. The Superintendent may upon receiving an application for any license make or cause to be made any inquiry, test or examination required by the Act or these Regulations to be made or require an applicant to produce any medical certificate as to his fitness to hold such license or which in the opinion of such Superintendent is necessary or desirable, to determine whether the applicant is a fit and proper person to be issued with such license and to determine whether any circumstances exist which would make it undesirable that such license should be issued.

## CLASSES OF DRIVER'S LICENSES

105. (1) A driver's license shall state clearly the class or classes of motor vehicles which the holder thereof is thereby authorised to drive, and a driver's license shall not authorise or be deemed to authorise the holder thereof to drive a motor vehicle of any class not so stated.

(2) The Superintendent may, by endorsement on a driver's license, extend the operation thereof so as to thereby authorise the holder thereof to drive any class of motor vehicle not already stated therein.

(3) A driver's license may be subject to a condition whereby the holder thereof is thereby authorised to drive a motor vehicle upon certain specified roads only or is thereby prohibited from driving a motor vehicle upon certain specified roads.

That condition shall be set out in the license and may describe the roads in question by reference to any area, place, locality or otherwise so that they are designated so as to be understood.

For the purposes of the Act and these Regulations every such condition shall be deemed to be included in and form part of the license which shall have effect subject thereto accordingly.

(4) A driver's license shall authorise the holder thereof to drive any and every motor vehicle of any class stated in that license upon any and every road in Queensland if, but only if, that license is not subject to a condition prohibiting the holder thereof from driving, or not authorising the holder thereof to drive, a motor vehicle of the class in question upon the road in question.

## AGE OF DRIVER

106. (1) This Regulation and Regulations 107, 108 and 109 hereof shall apply so that no provision hereof or of any of the said Regulations shall authorise or be deemed to authorise the issue of a driver's license to any person at any time when that person is disqualified by the Act or by an order made under the Act or under any other Act or law from holding or obtaining a driver's license.

(2) A driver's license shall not be issued to any person who is under the age of seventeen years:

Provided that the District Superintendent may, at his discretion, direct the issue of a driver's license to a person who is under the age of seventeen years, where the District Superintendent is satisfied that special circumstances exist which justify the issue of a driver's license to that person.

(3) Notwithstanding the issue of a driver's license to any person under the age of twenty-one years licensing him to drive any omnibus, a person under the age of twenty-one years shall not drive any omnibus conveying any passenger.

#### DRIVER'S LICENSE NOT TO BE ISSUED TO CERTAIN PERSONS

(4) A driver's license shall not be issued to any person—

- (a) whose next previous driver's license other than a provisional license has been cancelled, unless such person has obtained permission from the District Superintendent to apply for a new driver's license;
- (b) who is otherwise disqualified from holding or obtaining a driver's license;
- (c) in respect of a traction engine or tractor propelled by steam power, unless such person is the holder of a valid certificate issued under The Inspection of Machinery Acts 1951 to 1960, relating to the driving by him of a traction engine or tractor propelled by steam power.

(5) Nothing in this regulation shall limit or otherwise affect any liability, obligation or requirement for any person to be the holder of a valid certificate issued under any other Act or law.

(As amended (as from 19 January 1970) by reg. pubd. Gazette 20 December 1969, pp. 1775-6.)

#### TESTING APPLICANT'S FITNESS TO HOLD DRIVER'S LICENSE

107. (1) Upon receipt by the Superintendent of an application for a driver's license, the Superintendent may cause the applicant to be tested as to his ability to drive a motor vehicle of the class for which that license is required by the applicant. Such tests shall include the following—

- (a) sight and hearing tests;
- (b) tests in knowledge of traffic law;
- (c) practical driving tests which shall be carried out upon the particular class of vehicle in respect of which the applicant has applied for a driver's license and shall, if practicable, include amongst other things—
  - (i) the driving of the motor vehicle in a forward and reverse direction;
  - (ii) the driving of the motor vehicle into or through a restricted space in a forward and reverse direction;
  - (iii) the stopping of the motor vehicle (with the engine running and the gears disengaged) during the ascent of a steep hill and the re-starting of the motor vehicle in a forward direction;
  - (iv) the stopping of the motor vehicle in a reasonable distance by the application of the foot and hand brakes and each of them separately, and, if necessary, the driving of the motor vehicle while such vehicle is carrying loading as directed by the Superintendent.

#### TRACTOR DRIVER TO HOLD CERTIFICATE AS TO COMPETENCY

(2) A driver's license issued in respect of a traction engine or tractor propelled by steam power shall automatically become and be cancelled if at any time the holder thereof ceases to be the holder of an effective certificate issued to him under The Inspection of Machinery Acts 1951 to 1960, whether by reason of the cancellation or suspension of such lastmentioned certificate or otherwise howsoever.

(3) Nothing in this Regulation shall limit or otherwise affect any liability, obligation or requirement for any person to be the holder of a valid certificate issued under any other Act or law.

## REFUSAL OF ISSUE OF LICENSE BY SUPERINTENDENT

108. (1) The Superintendent shall refuse to issue a driver's license to any person who, in the opinion of such Superintendent—

- (a) has failed to pass any test prescribed in Regulation 107 (1) hereof; or
- (b) has any—
  - (i) mental disability; or
  - (ii) physical disability, likely to affect his efficiency in driving a motor vehicle having regard to the safety of the public generally.

(2) The Superintendent may, at his discretion, refuse to issue a driver's license to any person who—

- (a) is, in the opinion of such Superintendent, unfit to drive a motor vehicle; or
- (b) does not prove to such Superintendent that such person's address is in the Police Division or such other area in respect of which such Superintendent may issue a driver's license.

108A. (1) Every driver's license (other than a learner's permit) that is issued to a person who—

- (a) Has not been the holder of a valid driver's license (other than a learner's permit or a provisional license or a driver's license issued on probation issued under the law of this State or of any other State or Territory of the Commonwealth or Country) issued to him under the law of this State or of any other State or Territory of the Commonwealth or Country during a continuous period of one year or more immediately preceding the date on which the application for the driver's license is received by the Superintendent; or
- (b) Being or having been the holder of a provisional license or a driver's license issued on probation under the law of this State or of any other State or Territory of the Commonwealth or Country has not been the holder of such license or licenses for a period of or for periods amounting in the aggregate to one year,

shall be issued as a provisional license.

(2) For the purposes of subregulations 1 and 3 of this Regulation a driver's license is not valid during any period of cancellation or suspension.

(3) Notwithstanding the provisions of subregulation 1 of this Regulation a driver's license may be issued otherwise than as a provisional license if the applicant for such driver's license has previously held for a continuous period of one year or more a valid driver's license (other than a learner's permit, provisional license or a driver's license issued on probation issued under the law of this State or of any other State or Territory of the Commonwealth or Country) issued under the law of this State or of any other State or Territory of the Commonwealth or Country and

- (a) The application for such driver's license is made within twelve months from the date of expiry of the previous driver's license; or
- (b) The applicant by reason of absence from the State or Territory of the Commonwealth or Country where the driver's license was issued has been unable to renew the said driver's license.

(4) The onus of satisfying the Superintendent that an applicant for a driver's license is not a person to whom the provisions of subregulation 1 of this Regulation apply or is a person to whom the provisions of subregulation 3 may apply shall be upon the applicant.

(5) A provisional license shall be issued for a period not exceeding one year.

(Inserted (as from 19 January 1970) by reg. publ. Gazette 20 December 1969, pp. 1775-6.)

108B. (1)—

- (a) A holder of a provisional license shall not drive a motor vehicle upon a road unless there is displayed and attached in a conspicuous position at the front and at the rear of such motor vehicle and facing directly to the

front and rear respectively a metal or plastic plate measuring not less than 6 inches by 6 inches and bearing thereon a red letter "P" on a white background of reflecting sheeting or material. The red letter "P" shall be not less than 4½ inches in height and at its widest part not less than 3½ inches in width. The width of the red material shall not be less than seven-eighths of an inch.

- (b) The metal or plastic plates shall be attached to both the front and rear of the motor vehicle by means of bolts or screws or inserted in brackets so attached at both the front and rear of the motor vehicle.

(2) A holder of a provisional license shall not drive a motor vehicle upon a road unless the "P" plates are in a clean and legible condition.

(Inserted (as from 19 January 1970) by reg. pubd. Gazette 20 December 1969, pp. 1775-6.)

**108c.** (1) When a person, who is the holder of a provisional license is convicted or pays a penalty pursuant to Part 17 of these Regulations in respect of any offence shortly described in Schedule B to these Regulations and which was committed or alleged to have been committed by him at a time when he was the holder of that provisional license that person shall by virtue of such conviction or payment be deemed to have marked against his provisional license the points set forth next to that offence in the said Schedule.

(2) Where by virtue of subregulation 1 of this Regulation a person is deemed to have marked against his provisional license certain points and those points total four or more any provisional license held by that person is cancelled forthwith.

(Inserted (as from 19 January 1970) by reg. pubd. Gazette 20 December 1969, pp. 1775-6; As amended by reg. pubd. Gazette 27 November 1971, pp. 1475-7.)

**108d.** Subject to the Act and these Regulations, if a provisional license is cancelled—

- (a) A Superintendent shall not issue a further provisional license to the person who had been the holder of such provisional license until such person has again been tested as prescribed and has satisfied such Superintendent as to his qualification to hold such further provisional license, provided that such person shall not be so tested until the period of three months has elapsed since the date of cancellation of such provisional license;
- (b) A Superintendent shall not issue a driver's license to the person who had been the holder of such provisional license until such person has been the holder of a further provisional license as provided in paragraph (a) of this Regulation for a continuous period of not less than one year.

(Inserted (as from 19 January 1970) by reg. pubd. Gazette 20 December 1969, pp. 1775-6; Substituted by reg. pubd. Gazette 4 September 1971, p. 52.)

#### LEARNER'S PERMIT

**109.** (1) A permit to learn to drive a motor vehicle may be issued by the Superintendent to any person of or above the age of seventeen years.

The District Superintendent may, at his discretion, direct the issue of a learner's permit to any person who is under the age of seventeen years, where the District Superintendent is satisfied that special circumstances exist which justify the issue of such learner's permit.

(2) A learner's permit—

- (a) may be issued for any period not exceeding three months;
- (b) may limit the class of vehicle to which such permit shall apply;
- (c) may limit the hours and locality in which such learner may drive such vehicle;
- (d) shall not be issued to a learner unless such learner, when applying for the permit, satisfies the Superintendent that the person who—
- (i) will occupy the seat next to such learner when he is learning to drive a motor vehicle (other than a motor cycle); or

- (ii) will direct such learner when he is learning to drive a motor cycle, has, for a period of at least twelve months, been licensed to drive the class of motor vehicle which the learner will drive under the authority of the permit;
  - (e) may be subject to a condition that the holder of such permit shall not drive a motor vehicle unless there is displayed in a conspicuous position at the front and at the rear of such vehicle and facing directly to the front and rear of such vehicle, respectively, a plate measuring not less than  $5\frac{1}{2}$  inches by  $5\frac{1}{2}$  inches bearing a black letter "L" clearly marked on a yellow background;
  - (f) may be subject to such other conditions and stipulations as may be endorsed thereon by the Superintendent.
- (3) A person shall not upon any road drive any motor vehicle upon which is displayed a distinguishing mark in the form of or similar to or which is likely to be mistaken for a distinguishing mark in the form of the design specified in paragraph (e) of subregulation (2) of this Regulation—
- (a) if the distinguishing mark so displayed has a colour scheme other than a black letter "L" on a yellow background;
  - (b) unless, at all times when such mark is so displayed, the holder of a learner's permit is driving or being taught to drive such motor vehicle.
- (4) The holder of a learner's permit shall not upon any road drive any motor vehicle (other than a motor cycle) unless—
- (a) a person who holds and has, for a period of twelve months, held a driver's license for that class of vehicle; or
  - (b) a Police Officer who is submitting such holder to a driving test for any purpose pursuant to the Act or these Regulations,
- is occupying the seat next to such holder.
- (5) The holder of a learner's permit shall not upon any road drive any motor cycle unless he is driving under the direction of a person who holds and who has held, for a period of twelve months, a driver's license in respect of a motor cycle.
- (6) The holder of a learner's permit shall not upon any road drive any motor cycle whilst there is being carried upon such motor cycle or upon anything attached to it any other person except a person who is safely seated in a side-car or on a pillion seat and who holds and has held for a period of at least two years a driver's license in respect of a motor cycle.

#### DRIVERS' LICENSES ISSUED OUTSIDE QUEENSLAND

110. (1) For the purposes of section 15 of the Act and these Regulations relating to drivers' licenses, a driving license issued under the law of the State or Territory of the Commonwealth of Australia or other country in which the holder thereof usually resides, or an international driving permit issued in such State, Territory or other country, shall, so long as such driving license or driving permit is in force, be deemed to be equivalent in Queensland to and accepted in lieu of a driver's license for the purpose of authorising the holder thereof to drive in Queensland any vehicle of the type or class to the driving of which the said driving license or driving permit is applicable, if, but only if, such holder—

- (a) usually resides outside Queensland and is temporarily in Queensland;
- (b) has not been given notice by the District Superintendent in pursuance of subregulation (2) of this Regulation of the withdrawal of the privilege conferred by this subregulation (1);
- (c) is not otherwise disqualified from obtaining or holding a driver's license in Queensland; and
- (d) while driving a motor vehicle upon any road, carries such driving license or driving permit and produces it for inspection upon request by any Police Officer.
- (e) If required under the law of any State or Territory of the Commonwealth or Country in which his driving license was issued, to display upon any motor vehicle driven by him a "P" plate or plates so displays such "P" plate or plates whilst driving a motor vehicle upon a road in Queensland.

(2) The District Superintendent may at any time by notice in writing, served upon the holder of any such driving license or driving permit as aforesaid, withdraw the privilege conferred on such holder by subregulation (1) of this Regulation if such holder—

- (a) has, in the opinion of such District Superintendent, any mental or physical disability likely to affect his efficiency in driving a motor vehicle, having regard to the safety of the public generally;
- (b) is, in the opinion of such District Superintendent, otherwise not fit to drive a motor vehicle, or if, in the opinion of such District Superintendent, having regard to the safety of the public generally, it is not desirable that such person should be allowed to drive a motor vehicle; or
- (c) has in Queensland or elsewhere been convicted of an offence in connection with the driving of a motor vehicle.

(3) Where—

- (a) An analysis by means of a breath analysing instrument of a specimen of breath of a person required by a member of the Police Force to be provided pursuant to paragraph (a) or (b) of subsection (6) of section 16A of the Acts indicates that the concentration of alcohol in that person's blood equals or exceeds 80 milligrams of alcohol to 100 millilitres of blood; or

- (b) A person so required fails to provide such specimen,

and that person is the holder of any such driving license or driving permit as aforesaid the privilege conferred on such holder by subregulation (1) of this Regulation shall be suspended for a period of twenty-four hours commencing at the time when the analysis was made or as the case may be the requisition was made.

The member of the Police Force who required the specimen shall sign and deliver to the person concerned (or to another person on behalf of that person at the request of that other person) a statement in writing that the privilege conferred on such holder by subregulation (1) of this Regulation is suspended by this subregulation for the period of twenty-four hours commencing at the time stated therein.

(As amended by reg. pubd. Gazette 21 September 1968, p. 209; and (as from 19 January 1970) by reg. pubd. Gazette 20 December 1969, pp. 1775-6.)

#### ISSUE OF LICENSE WITHOUT PRESCRIBED TEST

111. Notwithstanding anything contained in these Regulations (other than Regulation 108D hereof), a driver's license may be issued by the Superintendent to any person without requiring such person to be tested as prescribed in Regulation 107 (1) hereof, if such person is or has within a period of one year been the holder of a driver's license or driving permit issued to him under the law of this State or of any other State, Territory or Country, and the Superintendent is satisfied that such person has been tested as to his ability to drive a motor vehicle of the class in respect of which he has applied for a driver's license.

(As amended (as from 19 January 1970) by reg. pubd. Gazette 20 December 1969, pp. 1775-6.)

#### RETESTING DRIVER

112. A person who is the holder of a driver's license shall, when so required by written notice by the Superintendent, present himself to such Superintendent at the time and place specified in such notice, for further testing as to his ability to drive a motor vehicle of the class stated in his driver's license and shall at the same time and place deliver to such Superintendent such license. Such person shall thereupon be tested in the same manner as if he were making an application for the issue to him of a driver's license. If such person—

- (a) fails to present himself for such further testing in accordance with such notice;
- (b) refuses or neglects to be further tested as aforesaid;
- (c) in the opinion of the Superintendent fails to pass the tests prescribed in Regulation 107 (1) hereof or any of those tests; or
- (d) has, in the opinion of such Superintendent, any mental or physical disability likely to affect his efficiency in driving a motor vehicle having regard to the safety of the public generally,

the provisions of Regulation 134 of these Regulations may be invoked and applied.



## MOTORMAN AND CONDUCTOR TO OBTAIN LICENSE

113. [Repealed.]

(Repealed by reg. pubd. Gazette 13 April 1963, p. 1620.)

## MOTORMAN'S AND CONDUCTOR'S LICENSES NOT TO BE ISSUED IN CERTAIN CASES

114. [Repealed.]

(Repealed by reg. pubd. Gazette 13 April 1963, p. 1620.)

## SIGNATURE BY LICENSEE ON LICENSE

115. (1) Every licensee shall, forthwith upon receipt by him of a license, write, in ink, on the license, his usual signature in the space provided for that purpose.

(2) Any licensee who produces to any Authorised Officer a license issued to such licensee which does not bear the usual signature of the licensee in ink in the space provided for that purpose shall be guilty of an offence.

## CONDITIONS OF LICENSE

116. A license may be issued by the District Superintendent or Superintendent subject to such conditions as may be determined by such District Superintendent or Superintendent, as the case may be, and stated in such license and such conditions shall be deemed to be included in and form part of the license which shall have effect subject thereto accordingly.

## AIDS TO EYESIGHT AND HEARING

117. (1) If any aids to vision or hearing were used by any applicant for a driver's license during any test prescribed in Regulation 107 (1) hereof any license issued to such applicant shall be endorsed with or bear on the front thereof the word "Spectacles" or the words "Hearing Aid", as the case may be.

(2) Any person who holds a license endorsed with or bearing the word "Spectacles" or the words "Hearing Aid" shall, at all times, while driving a motor vehicle wear spectacles or a hearing aid, as the case may be.

## LICENSE REQUIRED FOR STALL, STAND, OR STANDING VEHICLE

118. A person shall not set up or use upon any road any stall, stand or standing vehicle for the purpose of offering for sale any goods, or for the pursuit of any business, calling or employment, unless he is the holder of a license issued by the District Superintendent authorising him so to do.

## ITINERANT VENDOR TO OBTAIN LICENSE

119. (1) A person shall not upon any road engage in the itinerant vending of goods upon any vehicle or in any basket or other receptacle, unless he is the holder of a license issued by the District Superintendent authorising him so to do.

## ITINERANT VENDOR NOT TO STAND EXCEPT WHILE EXECUTING SALE

(2) A licensed itinerant vendor shall not stand upon any road with any vehicle, basket or other receptacle, except while actually executing a sale.

120. The District Superintendent may, at his discretion, refuse to issue a license under either Regulation 118 or 119 hereof, to any person—

- (a) who is under sixteen years of age;
- (b) who has been convicted of any crime or of any misdemeanour or of being under the influence of liquor or a drug whilst driving or in charge of a vehicle;
- (c) who is of known dishonesty or intemperance, or in the opinion of the District Superintendent is otherwise unfit to hold that license;
- (d) who, having held such a license, has had such license cancelled; or
- (e) unless that person produces to the District Superintendent a written notification from the Local Authority to the effect that such Local Authority has no objection to the issue of such license, or unless he produces evidence that he has without success endeavoured to obtain a decision from the Local Authority regarding the subject.

## PERMIT REQUIRED TO ACT AS AN ITINERANT MUSICIAN

121. A person shall not use any musical instrument upon any road unless he is the holder of a permit issued by the District Superintendent authorising him to act as an itinerant musician:

Provided that it shall be a condition of every such permit that such person shall not use such musical instrument upon any road within a traffic area.

## AMPLIFICATION OR REPRODUCTION OF WORDS, MUSIC, &amp;C.

122. A person shall not, unless he is the holder of a permit issued by the District Superintendent or Superintendent authorising him so to do, amplify or reproduce any words, music, or other sound whatsoever by means of any electrical or other mechanical appliance, apparatus, or device—

- (a) upon any road; or
- (b) in or on any place (other than a road) under such circumstances that such amplification or reproduction would cause or be likely to cause persons to gather upon a road to the danger, inconvenience, hindrance, annoyance or obstruction of persons or other traffic upon such road.

## MEETINGS

123. (1) A political, religious or other meeting shall not be convened, held or addressed upon any road unless and until a permit for such meeting has been obtained from the District Superintendent.

(2) A person desirous of convening, holding or addressing a political, religious or other meeting upon any road shall at least seven days prior to the date fixed for such meeting, unless the District Superintendent shall in his discretion agree to abridge such time, apply to the District Superintendent for a permit to hold, convene or address such meeting.

The District Superintendent may issue or refuse to issue a permit for such a meeting.

When the District Superintendent issues a permit for such a meeting he may define in such permit the time, date and part of the road to which such permit shall apply and any other conditions to be observed by the holder of such permit or by the persons attending or taking part in such meeting.

(3) The Superintendent may at any time prohibit the convening, holding or addressing of any meeting upon any road, whether a permit as hereinbefore provided has or has not been obtained in respect of such meeting, if, in his opinion, such meeting is likely to occasion a breach of the peace in or cause obstruction to the traffic upon such road.

- (4) A person shall not upon any road convene, hold or address a meeting—
  - (a) without first obtaining a permit from the District Superintendent authorising him so to do;
  - (b) for which a permit has been issued by the District Superintendent, if such meeting is conducted other than under and in accordance with the terms and conditions of such permit;
  - (c) the convening, holding or addressing of which has been prohibited by the Superintendent.

(As amended by reg. pubd. Gazette 6 November 1967, p. 903.)

## PERMIT REQUIRED FOR PROCESSION

124. (1) A procession (whether comprised of pedestrians or persons driving vehicles or animals or both pedestrians and such persons) for other than funeral purposes, shall not parade or pass along any road unless and until a permit to hold such procession has been obtained from the District Superintendent.

(2) A person desirous of holding a procession for other than funeral purposes upon the carriageway of any road shall at least fourteen days prior to the date fixed for such procession apply to the District Superintendent for a permit to hold such a procession.

A person desirous of holding a procession for other than funeral purposes upon a portion of a road other than the carriageway shall at least seven days prior to the date fixed for such procession apply to the District Superintendent for a permit to hold such procession.

The District Superintendent may issue or refuse to issue a permit to hold such a procession.

When the District Superintendent issues a permit to hold a procession he may define in such permit the time, date and the route to which such permit shall apply and any other conditions to be observed by the holder of such permit or by the persons taking part in such procession.

## PROCESSION MAY BE PROHIBITED

(3) The District Superintendent or Superintendent may at any time prohibit the holding of a procession upon any road, whether a permit as hereinbefore provided has or has not been obtained in respect of such procession, if, in his opinion, such procession will occasion a breach of the peace in or cause obstruction to the traffic upon such road, or if for any other reason whatsoever it is, in the opinion of the District Superintendent or Superintendent, desirable that such procession should not be held.

(4) A person shall not upon any road—

- (a) hold a procession for other than funeral purposes unless he is the holder of a permit issued by the District Superintendent authorising him so to do;
- (b) take part in a procession for other than funeral purposes unless a permit has been issued by the District Superintendent to hold such procession;
- (c) hold or take part in a procession for other than funeral purposes for the holding of which a permit has been issued by the District Superintendent if such procession is conducted other than under and in accordance with the terms and conditions of such permit;
- (d) hold or take part in a procession the holding of which has been prohibited by the District Superintendent or Superintendent.

## DRIVING THROUGH PROCESSION

(5) A person shall not drive or attempt to drive any vehicle through or otherwise interfere with or interrupt the progress of any authorised procession upon any road unless with the consent of and under the direction of a Police Officer.

(6)—

- (a) Where in pursuance of a permit issued under the provisions of sub-regulation (2) of this Regulation a procession is being assembled or is being or is about to be held it shall be lawful for any Police Officer to remove from the assembly or procession—
  - (i) any person if it appears to such Police Officer that the presence in the procession of that person is or would be offensive to or inconsistent with the objects of the procession or any of such objects or is not desired by the holder of the said permit or by any person apparently acting under the authority of the holder of such permit;
  - (ii) any person if such Police Officer has been informed by the holder of such permit or by any person apparently acting under the authority of such holder that the presence of the person first mentioned in this subparagraph (ii) is or would be offensive to or inconsistent with the objects of such procession or any of such objects or is not desired by the holder of the said permit or by the person apparently acting under the authority of the holder of such permit.
- (b) Any person who, having been removed from an assembly or a procession under the provisions of paragraph (a) hereof, thereafter takes part or attempts to take part in such assembly or procession shall be guilty of an offence.

Without limiting the generality of this subregulation a person shall be deemed to take part in an assembly or a procession within the meaning of this subregulation if such person is found on the carriageway of the road on which such procession is then being held or about to be held at a nearer distance than fifty yards from such assembly or procession.

(As amended by reg. pubd. Gazette 6 November 1967, p. 903.)

## FUNERAL PROCESSIONS

125. (1) The Superintendent may at any time direct the diversion of funeral processions from any road.

Notice of intention to direct such diversion shall, if practicable, be published in one or more newspapers circulating within the locality to which such directions shall apply.

(2) A person shall not drive any hearse, mourning coach, carriage or other vehicle used for any purpose in connection with any funeral procession, upon any road in contravention of a direction given by the Superintendent under sub-regulation (1) of this Regulation.

(3) The driver of any vehicle upon any road shall not knowingly drive or attempt to drive such vehicle into or through or otherwise interfere with or interrupt the progress of any funeral procession.

ADVERTISING, PLACARDS, HANDBILLS, &C.

**126.** A person shall not upon any road for the purpose of business advertising—

- (a) drive or cause or permit to stand any vehicle which is apparently used only for the purpose of exhibiting an advertisement;
  - (b) carry any advertisement, placard, board, notice or sign;
  - (c) throw or distribute any handbill or other printed or written matter;
- unless he is the holder of a permit issued by the District Superintendent authorising him so to do and unless he complies in every respect with the terms and conditions of such permit.

Provided that this Regulation shall not apply to any person taking part in a procession for other than funeral purposes for the holding of which a permit has been issued by the District Superintendent.

(As amended by reg. pubd. Gazette 6 November 1967, p. 903.)

**126A.** A person shall not upon any road for any purpose (not being the purpose of business advertising) throw or distribute any handbill or other printed or written matter unless he is the holder of a permit issued by the District Superintendent authorising him so to do and unless he complies in every respect with the terms and conditions of such permit:

Provided that this Regulation shall not apply to any person taking part in a procession for other than funeral purposes or attending any political, religious or other meeting for the holding of which a permit has been issued by the District Superintendent.

(Inserted by reg. pubd. Gazette 6 November 1967, p. 903.)

**126B.** A person shall not upon any road for any purpose other than business advertising carry any placard, board, notice or sign—

- (a) of a size exceeding twenty-four inches in width and twenty-four inches in length;
- (b) which is constructed, framed or supported by any rigid material other than cardboard.

unless he is the holder of a permit issued by the District Superintendent authorising him so to do and unless he complies in every respect with the terms and conditions of such permit.

Provided that this Regulation shall not apply to any person taking part in a procession for other than funeral purposes for the holding of which a permit has been issued by the District Superintendent.

(Inserted by reg. pubd. Gazette 6 November 1967, p. 903; as amended by reg. pubd. Gazette 17 May 1969, p. 309.)

RECONSIDERATION OF DECISION BY DISTRICT SUPERINTENDENT OF TRAFFIC

**127.** Any person who, being the holder of or an applicant for a license, feels aggrieved by the refusal or failure of the District Superintendent or Superintendent to issue or renew that license or by any condition or limitation imposed therein, may request such District Superintendent or Superintendent, as the case may be, to reconsider the matter.

Upon such a reconsideration the aggrieved person or his representative shall be entitled to be heard and the District Superintendent or Superintendent, as the case may be, having regard to the whole facts of the case, including further information supplied by or on behalf of the aggrieved person, may either affirm or alter the previous decision made in the matter and may take such action as is necessary to give effect to the decision which is made upon such reconsideration.

Any person who, being the holder of or an applicant for a license, is aggrieved by the failure of a District Superintendent or Superintendent to issue or renew a license or by any condition or limitation imposed therein and who is still aggrieved after having sought reconsideration of the matter by the District Superintendent as hereinbefore in this Regulation provided, may appeal against such failure, condition or limitation to justices whose decision, notwithstanding the provisions of The Justices Acts 1886 to 1960, shall be final and binding and without appeal.

## DURATION AND RENEWAL OF LICENSE

128. (1) Subject to the Act and these Regulations, unless otherwise expressly stated in the license every license (other than a driver's license) and every renewal thereof shall, unless it is sooner suspended, cancelled or surrendered under the Act or these Regulations or under any other Act or law, be in force for twelve months from and including the date of issue or renewal, as the case may be:

Provided that in the case of a license being suspended for a period less than that portion of such period of twelve months remaining at the date of the commencement of such period of suspension, such license, upon the termination of that period of suspension, shall only be in force until the date when it would have expired if it had not been so suspended.

(2) For the purpose of this Regulation the day immediately following the date on which the license or next previous renewal thereof, as the case may be, expired, shall, subject to the next succeeding subregulation be deemed to be the date of the renewal of any license renewed under the Act and these Regulations.

(3) Where a license (other than a driver's license) is renewed subsequent to the date of expiry of the license or next previous renewal thereof, as the case may be, the renewal of the license shall come into force on the date of such subsequent renewal but shall expire on the date on which it would have expired had it been renewed prior to the date of expiry of the license or next previous renewal thereof, as the case may be.

(4) A license shall not be renewed if a period of twelve months has elapsed from the date of expiry of such license.

(5) The renewal of a license shall be in the form provided for a new license and shall be clearly marked with the words "Renewal of License No. ...." or "Renewal of Permit No. ....", as the case may be.

## LICENSE TO BE CARRIED AND/OR PRODUCED

129. [Repealed.]

(Repealed by reg. pubd. Gazette 3 February 1968, p. 556.)

## DESTRUCTION OR MUTILATION OF LICENSE

130. A person shall not wilfully deface, mutilate or destroy a license.

## LICENSE LOST, STOLEN, &amp;C.

131. (1) Whenever a license is lost, stolen, destroyed, mutilated, defaced, or mislaid, or cannot be found, or whenever the particulars upon a license become illegible, the licensee shall forthwith forward written notification thereof to the Superintendent.

## DUPLICATE LICENSE

(2) A licensee whose license is lost, stolen, destroyed, mislaid, defaced, or mutilated, or cannot be found, or upon which the particulars have become illegible may apply in writing to the Superintendent for the issue of a duplicate license and the Superintendent may upon proof of the facts to his satisfaction by a statutory declaration or otherwise and except in the case of a duplicate of a driver's license, upon payment of the prescribed fee cause to be issued in lieu of such license a duplicate license which, upon issue, shall become for all the purposes of the Act and these Regulations the license of the person named therein.

(3) A duplicate license shall be in accordance with the form prescribed for a new license and shall be clearly marked with the words "Duplicate issued in lieu of License No. ...." or "Duplicate issued in lieu of Permit No. ....", as the case may be. Upon the issue of a duplicate license to any person the prescribed particulars endorsed or required to be endorsed on any previous license of that kind, class or description held by him shall be made on the duplicate license. Upon the issue of a duplicate license the previous license as aforesaid shall become null and void and the duplicate license shall be valid for all purposes and uses for which the original license would have been valid.

## DELIVERY OF EXPIRED LICENSE

132. When any license has expired or has become null and void any Police Officer may seize and take possession thereof.

## VOLUNTARY SURRENDER OR CANCELLATION OF LICENSE

133. A licensee may by written notification addressed and delivered to the Superintendent, surrender any license, or request the cancellation of such license. Such license shall, if in the possession of such licensee, be forwarded to the Superintendent with such written notification.

## SUSPENSION OR CANCELLATION OF LICENSE

134. (1) The Superintendent may at any time, by notice in writing, call upon any person who is the holder of a license to attend at the place and time set out in such notice and to produce such license and to show cause why such license should not be suspended or cancelled if such Superintendent is of the opinion that such license should for any reason be suspended or cancelled.

(2) Without limiting the generality of the authority given by subregulation (1) of this Regulation to call upon a licensee to show cause why a license should not be suspended or cancelled, in the case of a driver's license the Superintendent may so call upon the licensee if such licensee—

- (a) has, in the opinion of such Superintendent, any mental or physical disability likely to affect his efficiency in driving upon any road any motor vehicle which he is authorised by that license to drive upon that road, having regard to the safety of the public generally;
- (b) is, in the opinion of such Superintendent, otherwise not fit to drive upon any road a motor vehicle which he is authorised by that license to drive upon that road, or if, in the opinion of such Superintendent, having regard to the safety of the public generally, it is not desirable that such person should be authorised to drive that motor vehicle upon that road;
- (c) has in Queensland or elsewhere been convicted of an offence in connection with the driving of a motor vehicle;
- (d) gave a false name or address or other information or particulars which were false or misleading, when applying for the issue of such driver's license.

(3) At the time and place specified in any such notice as aforesaid, a Superintendent shall make full inquiry into the matter whether such licensee shall have attended or not, and shall report thereon to the District Superintendent.

(4) The District Superintendent upon receipt of such report from such Superintendent may by order suspend or cancel such license or direct that such license be modified by imposing any condition he may determine and thereupon an endorsement of the restricted effect of such license shall be made thereon by the District Superintendent or Superintendent and such license shall have effect subject to any and every such restriction.

(5) The District Superintendent may, by endorsement upon a license, revoke or modify any suspension or condition imposed by him in respect of such license.

(6) Every suspension or cancellation of a license shall be endorsed upon such license.

(7) When a license has been cancelled or suspended by order of the District Superintendent, notice of such cancellation or suspension shall be served on the person to whom such license was issued.

(As amended by reg. pubd. Gazette 2 March 1968, p. 903.)

## DELIVERY OF CANCELLED OR SUSPENDED LICENSES, OR LICENSES FOR ENDORSEMENT

134A. Where any license is or is deemed to be cancelled or suspended or is required for the purpose of making an endorsement under the Act or these Regulations the licensee shall forthwith deliver that license to the Superintendent who is the officer in charge of the Police Station in the Police Division in which the address of the licensee, as indicated on the license in question, is situated.

(Heading (preceding reg. 134A) Inserted by reg. pubd. Gazette 22 July 1967, p. 1351. Reg. 134A Inserted by reg. pubd. Gazette 22 July 1967, p. 1351; and as substituted by reg. pubd. Gazette 27 November 1971, pp. 1475-7.)

## EFFECT OF CANCELLATION OR SUSPENSION OF LICENSE

135. Unless otherwise provided under the Act—

- (a) cancellation or suspension of a license shall take effect—
  - (i) subject to subsection (3a) of section 57 of the Act, in the case of automatic cancellation—forthwith upon the happening of the event which causes such cancellation;
  - (ii) in any other case—upon the service of the notice referred to in Regulation 134 (7) hereof.
- (b) a license shall cease to have any force or effect—
  - (i) in the case of cancellation—from the time that cancellation thereof takes effect;
  - (ii) in the case of suspension—from the time that suspension thereof takes effect for so long as such suspension remains in force;
  - (iii) in respect of a written notification specified in Regulation 133—from the time of receipt of that notification by the Superintendent.

## PRODUCTION AND SEIZURE OF LICENSE

136. (1) The Superintendent may by written notice to a licensee, demand that the license of such licensee be delivered to a specified person or officer at a specified place and on or before a specified time, date or event and such licensee shall on or before the time, date or event so specified, deliver the said license to the person or officer and at the place so specified. Any such demand may be contained in a notice served in pursuance of Regulation 134 (7) hereof.

## SEIZURE OF LICENSE

(2) If any Police Officer suspects that an offence has been committed in respect of any license produced to him or that such license is required for the purpose of having an endorsement made thereon such Police Officer may seize and retain such license until—

- (a) any investigation involving such license has been completed;
- (b) any required endorsement has been made on such license; or
- (c) such license has been produced in any proceedings in which its production may be required.

## ENDORSEMENTS UPON A LICENSE

137. When the Superintendent is satisfied that any person who has applied to him for a driver's license or any licensee has been disqualified from obtaining or holding a driver's license or convicted of any offence in connection with or arising out of the driving of a motor vehicle, such Superintendent may endorse upon a driver's license which he issues to such person or which is held by or issued to such licensee, as the case may be, particulars of any such disqualification or conviction.

## CHANGE OF NAME OR ADDRESS

138. (1) Every licensee shall within twenty-eight days after change of his name or address give written notice thereof to the Superintendent and shall produce his license to the Superintendent who shall, on being satisfied with the correctness of the information supplied by the licensee concerning such change of name or address endorse upon such license—

- (a) the licensee's correct name or address;
- (b) the date upon which such endorsement is made;
- (c) the name of the city or other locality where such endorsement is made.

(2) Every endorsement made upon a license pursuant to this Regulation shall carry the usual signature and designation of the Superintendent making such endorsement.

## LICENSEE TO ATTEND WHEN NOTIFIED

139. The Superintendent may by notice in writing call upon any licensee to attend at the Office of such Superintendent and such licensee shall at all reasonable times upon receiving such notice in all respects comply with the terms of the notice.

PART 17

TRAFFIC OFFENCES

140. For the purposes of the Act and this Part of these Regulations, the offences referred to hereunder shall be traffic offences in respect of which a notice may be given to an offender or affixed to a vehicle advising that a prescribed penalty may be paid for any such offence without involving court proceedings, and the sums of money which shall be so payable by way of penalties in respect of such offences shall be as indicated herein—

OFFENCE	PENALTY
<i>Parking, stopping or standing of vehicles</i>	
(a) Any offence of parking, stopping or standing a vehicle in contravention of any provision in section 12F of the Act or of Regulations 54, 55, 56 or 57 of these Regulations . . . . .	2
<i>Construction and equipment of vehicles</i>	
(b) Any offence committed by the owner of a vehicle in contravention of any provision in Regulation 68 (1) of these Regulations—	
Divisions 1 to 3 of the Schedule to Part 13 of these Regulations . . . . .	6
Divisions 4 and 5 of the Schedule to Part 13 of these Regulations . . . . .	2
(c) Any offence committed by the driver of a vehicle in contravention of any provision in Regulation 68 (1) of these Regulations—	
Divisions 1 to 3 of the Schedule to Part 13 of these Regulations . . . . .	6
Divisions 4 and 5 of the Schedule to Part 13 of these Regulations . . . . .	2
<i>Other Offences</i>	
(d) Any offence in contravention of any provision of section 39 (2) (b) of the Act . . . . .	2
(e) Any offence in contravention of any provision of the following Regulations:—	
11 (1) (a)—Offence committed by owner or driver of a vehicle . . . . .	10
—Offence committed by other than owner or driver of a vehicle . . . . .	2
11 (1) (b) . . . . .	10
18, 20, 21, 22, 23, 24, 25, 26, 27, 28 . . . . .	10
29 . . . . .	6
30, 31, 32, 34, 35, 36, 37, 38 (1) . . . . .	10
38 (2) . . . . .	2
39 . . . . .	10
40, 41, 42 . . . . .	2
43, 44, 45 . . . . .	10
46 . . . . .	6
47, 48, 49 . . . . .	10
50, 51, 52—where maximum speed limit is exceeded by less than 15 m.p.h. . . . .	10
—where maximum speed limit is exceeded by 15 m.p.h. or more . . . . .	30
68 (2), 68 (4), 68 (6) . . . . .	6
68 (7), 69 . . . . .	10
70 . . . . .	2
71 . . . . .	10
72 . . . . .	6
73, 74, 75, 75A, 76, 77, 78 . . . . .	10
79 . . . . .	2
80 . . . . .	6



OFFENCE		PENALTY
<i>Other Offences—continued</i>		\$
81, 82, 83, 84	.. .. .	10
85	.. .. .	2
86	.. .. .	10
87, 88	.. .. .	6
89	.. .. .	10
90—motor vehicle	.. .. .	10
—other vehicle	.. .. .	2
90A	.. .. .	2
90B	.. .. .	20
93, 94, 96, 97	.. .. .	2
98 (1)	.. .. .	6
98 (2), 99	.. .. .	2
100, 101, 102	.. .. .	10
109 (3)	.. .. .	2
109 (4), 109 (5), 109 (6)	.. .. .	10
115	.. .. .	2
117 (2), 118, 119	.. .. .	6
121	.. .. .	2
122	.. .. .	10
123	.. .. .	6
124, 125	.. .. .	10
126	.. .. .	6
129	.. .. .	2
130	.. .. .	6
131 (1), 138 (1), 139	.. .. .	2
143	.. .. .	6
144, 145, 146	.. .. .	10
147 (1)	.. .. .	6
147 (2)	.. .. .	2
148, 149, 150, 151 (1)	.. .. .	10
151 (2)	.. .. .	6
152 (1)	.. .. .	10
152 (2)	.. .. .	6
153, 154	.. .. .	2
155 (a)	.. .. .	6
155 (b)	.. .. .	2
156 (1), 156 (2), 156 (3)	.. .. .	6
156 (5)	.. .. .	2
157 (1)	.. .. .	10
157 (2), 158	.. .. .	6
159	.. .. .	10
160	.. .. .	6
163	.. .. .	10
164 (10)	.. .. .	6
108B (1) (a)	.. .. .	20

(Part 17 Heading substituted (as from 16 August 1965) by reg. pubd. Gazette 7 August 1965, pp. 1825-6. Reg. 140 substituted (as from 16 August 1965) by reg. pubd. Gazette 7 August 1965, pp. 1825-6; amended (as from 19 January 1970) by reg. pubd. Gazette 20 December 1969, pp. 1775-6; (as from 1 January 1971) by reg. pubd. Gazette 19 December 1970, p. 1557; (as from 1 January 1972) by reg. pubd. Gazette 27 November 1971, pp. 1477-8.)

(Decimal currency references substituted pursuant to section 7 of Decimal Currency Act of 1965.)

#### NOTICE OF ALLEGED OFFENCE

141. A person, other than the owner or person in charge of a vehicle shall not remove, deface, or interfere with a notice issued in pursuance of the provisions of section 44F of the Act as applied by section 45A thereof and affixed to a vehicle.

(Substituted (as from 16 August 1965) by reg. pubd. Gazette 7 August 1965, pp. 1825-6.)

**142.** (1) For the purpose of applying subsection (1) of section 44F of the Act to offences prescribed under Regulation 140, reference in that subsection (1) to the Town Clerk or officer nominated in that behalf shall be read as reference to—

- (a) Where the offence is detected in the Magistrates Courts District of Brisbane—The Officer in Charge, Traffic Paying Office, Main Roads Department, Brisbane; or
- (b) Where the offence is detected in a Magistrates Courts District other than the Magistrates Courts District of Brisbane—the Clerk of the Court of the District in which the offence is detected, or if there is more than one Court in such District, the Clerk of the Court in that District nearest to the place where the Police Officer detecting the offence is stationed, or if the Police Officer detecting the offence is stationed in some other Magistrates Courts District, the Clerk of the Court of the District in which the offence is detected and nearest to where the offence is detected.

(2) For the purpose of applying subsection (2) of section 44F of the Act to offences prescribed under Regulation 140, reference in that subsection (2) to the Town Clerk shall be read as reference to a District Superintendent or Superintendent.

(3) For the purpose of applying subsection (1) of section 44G of the Act to offences prescribed under Regulation 140—

- (a) Reference in that subsection (1) to the Town Clerk or officer nominated in that behalf shall be read as reference to—
  - (i) Where the offence is detected in the Magistrates Courts District of Brisbane—The Officer in Charge, Traffic Paying Office, Main Roads Department, Brisbane; or
  - (ii) Where the offence is detected in a Magistrates Courts District other than the Magistrates Courts District of Brisbane—the Clerk of the Court of the District in which the offence is detected, or if there is more than one Court in such District, the Clerk of the Court in that District nearest to the place where the Police Officer detecting the offence is stationed, or if the Police Officer detecting the offence is stationed in some other Magistrates Courts District, the Clerk of the Court of the District in which the offence is detected and nearest to where the offence is detected.
- (b) Reference in that subsection (1) to the Town Clerk or of any other person authorised by him shall be read as reference to a District Superintendent or Superintendent.

(4) For the purpose of applying subsection (2) of section 44G to offences prescribed under Regulation 140, reference in that subsection (2) to the Town Clerk shall be read as reference to—

- (a) Where the offence is detected in the Magistrates Courts District of Brisbane—The Officer in Charge, Traffic Paying Office, Main Roads Department, Brisbane; or
- (b) Where the offence is detected in a Magistrates Courts District other than the Magistrates Courts District of Brisbane—the Clerk of the Court of the District in which the offence is detected, or if there is more than one Court in such District, the Clerk of the Court in that District nearest to the place where the Police Officer detecting the offence is stationed, or if the Police Officer detecting the offence is stationed in some other Magistrates Courts District, the Clerk of the Court of the District in which the offence is detected and nearest to where the offence is detected.

(Substituted (as from 16 August 1965) by reg. publ. Gazette 7 August, 1965, pp. 1825-6.)

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## PART 18

### MISCELLANEOUS

#### LEAVING MOTOR VEHICLES UNATTENDED

**143.** A driver of a motor vehicle shall not permit it to stand unattended without first stopping the engine, locking the ignition, removing the ignition key, effectively applying the brake and, when the motor vehicle is standing upon any grade, turning the front wheels to the kerb or side of the carriageway nearer to the motor vehicle.

## OBSTRUCTION

144. The driver of a vehicle upon any road shall not—

- (a) wilfully obstruct, hinder, or prevent the free passage of any person, vehicle or train;
- (b) move into or get out of any—
  - (i) line of vehicles proceeding upon such road;
  - (ii) line or position occupied by vehicles waiting to proceed upon such road;
  - (iii) line or position fixed for vehicles by or pursuant to any Regulation or by any Police Officer,
    - in such a manner as to be likely to cause injury or danger to any person or to any vehicle upon such road.

## ATTRACTING CROWD

145. A person shall not by speaking, shouting, singing, playing upon or sounding any musical or noisy instrument, or doing or displaying anything whatsoever, without a permit from the District Superintendent, attract together a number of persons upon a road to the inconvenience, annoyance or obstruction of any person or of traffic:

Provided that a person who displays goods in a window in the ordinary course of business shall not be liable to a penalty under this Regulation if such display is immediately discontinued upon the request of the Superintendent or of a Police Officer at the direction of the Superintendent.

## OPENING DOORS AND ALIGHTING FROM VEHICLES

146. A person shall not—

- (a) open or leave open a door of a vehicle on a road; or
  - (b) alight from a vehicle on to the carriageway of a road—
- so as to cause danger to other persons using the road or so as to impede the passage of traffic.

## OBSTRUCTING ROADS

147. (1) A person shall not without the written permission of the District Superintendent drive or stand any vehicle on a road for the purpose of soliciting employment or business from the vehicle.

(2) A person shall not stand or place himself upon the carriageway of a road for the purpose of soliciting contributions, employment, business or a ride from an occupant of any vehicle.

## CASTING OR THROWING THINGS UPON ROADS

148. A person shall not upon any road cast or drop anything from a moving vehicle so as to injure or be likely to injure any person or animal or damage or be likely to damage any property.

## INTERFERENCE OR DAMAGE TO ROADS

149. A person shall not, without lawful authority, dig up, undermine or otherwise interfere with any road or use upon any road anything which may or would be likely to cause danger, obstruction, inconvenience, annoyance or injury to any person or animal upon such road.

## REMOVAL OF GLASS OR LOADING FALLING UPON ROAD

150. If, from any collision or other incident, any piercing substance such as broken glass, or any loading falls from any vehicle upon any road it shall be the duty of the driver of the vehicle, or, if there be more than one vehicle involved, the drivers of such vehicles, to remove or cause to be removed immediately such substance or loading from such road provided that the driver or drivers aforesaid is or are not physically incapacitated from such task by reason of such collision or other incident and, in the event of such driver or drivers being so physically incapacitated, the duty shall then devolve upon any person removing the vehicle or vehicles from the scene of the collision or other incident.

## GOODS AND OTHER OBSTRUCTIONS UPON ROAD

151. (1) A person shall not—

- (a) stack or store any goods or permit any goods to remain upon any road for a longer period than is necessary for housing or removing such goods and not in any case before sunrise or after sunset on any day;
- (b) place or cause to be placed any rope, wire, or other apparatus across a road in such a manner as to cause or be likely to cause danger to any person using such road;
- (c) place or cause to be placed upon any road anything whatsoever to the obstruction or danger of any person or of traffic.

(2) A person shall not upon any road—

## OBSTRUCTION BY PERSON SELLING GOODS

- (a) sell or offer for sale or solicit in any manner the purchase of any goods so as to cause obstruction to any person or to traffic upon such road;

## PLAYING GAMES

- (b) play or take part in any game;

## CARRYING OFFENSIVE, &amp;C., ARTICLES

- (c) carry any article or substance of an offensive or indecent character or of such length or dimensions as to be an inconvenience, obstruction or danger to any person or to traffic upon such road;

## CARRY WHIP

- (d) carry a whip or other object or article in such a manner as to be likely to strike any person;

## CRACK OR USE WHIP

- (e) crack or use a whip so as to annoy, interfere with or endanger any person, or so as to frighten or interfere with any animal other than any animal which he is using;

## DISCHARGING FIREARM, FIREWORKS, OR THROWING MISSILE, &amp;C.

- (f) discharge any firearm or throw or discharge any stone or other missile or make any bonfire or throw or set fire to any firework.

## DANGEROUS OBJECTS ON ROADS

152. (1) A person shall not upon any road roll, carry or transport any matter, substance or thing in such a manner as to be a danger to traffic or property.

(2) A person shall not place any blind, shade, covering, awning, or other projection over or along any footway unless such blind, shade, covering, awning or other projection is at least eight feet in height in every part from the surface of the road.

## BOARDING AND ALIGHTING FROM VEHICLES

153. (1) A person, other than a Police Officer or a tramway employee on duty, shall not upon a road board or alight from a tramcar while it is in motion, and a person shall not upon a road alight from or board any other vehicle which is in motion.

(2) A person shall not board or alight from a tramcar elsewhere than from the left side thereof.

## PASSENGERS UPON OMNIBUSES

154. A person shall not ride upon any part of an omnibus which is not designed or intended for the carriage of passengers:

Provided that this Regulation shall not apply to any Police Officer or to any person employed upon or in connection with such omnibus.

## PASSENGERS UPON TRAMCARS

155. A passenger upon a tramcar shall not—

- (a) carry or place any loaded firearm or explosive substance or inflammable matter in or upon such tramcar;
- (b) stand upon the platform used by the motorman of such tramcar:

Provided that sub-paragraph (b) of this Regulation shall not apply to a Police Officer or to a tramway employee when on duty.

## PASSENGER NOT TO BE CARRIED OUTSIDE VEHICLE

156. (1) A person shall not be upon the outside of any vehicle being driven upon any road.

(2) A person shall not occupy any portion of the driver's seat on the right side of the driver of any vehicle upon any road.

(3) A person shall not upon any road drive any vehicle while any person is upon the outside of such vehicle, or while any person occupies any portion of the driver's seat on the right side of such firstmentioned person.

(4) Without limiting the generality of the foregoing provisions of this Regulation a person shall be deemed to be upon the outside of a vehicle if he is upon the hood, bonnet, mudguard, running board, bumper-bar, or luggage carrier of such vehicle.

(5) A person shall not ride or travel in or upon a motor vehicle in such a position that any part of his body or limbs—

- (a) is upon or in contact with any external step or footboard of the vehicle;
- (b) extends or protrudes beyond or through any external door, window or other opening of the vehicle; or
- (c) extends or protrudes beyond or hangs over any side, or the front, rear or any other external portion of the vehicle:

Provided that this subregulation shall not affect the giving of any signals authorised or prescribed by these Regulations.

## DRIVING ABREAST

157. (1) A person shall not upon a road drive a vehicle abreast of any other vehicle being driven in the same direction as the firstmentioned vehicle upon that road: Provided that this subregulation shall not apply—

- (a) Upon a one-way carriageway;
- (b) Where a vehicle is driven for a reasonable distance abreast of another vehicle for the purpose of passing;
- (c) Where a vehicle in one traffic lane is driven abreast of another vehicle in another traffic lane;
- (d) To the riding of a bicycle abreast of not more than one other bicycle;
- (e) To the riding of bicycles upon a carriageway set aside exclusively for bicycles.

(2) A person shall not upon the carriageway of any road ride a horse abreast of more than one other horse being ridden in the same direction as the firstmentioned horse upon that carriageway.

(Substituted by reg. pubd. Gazette 13 April 1963, p. 1620.)

## DRIVING BACKWARDS

158. A person shall not drive a motor vehicle in reverse on a carriageway—

- (a) unless he can do so with safety;
- (b) for a greater distance than is reasonable having regard to the circumstances.

## DRIVING ON FOOTWAY OR RESERVATION

159. (1) A person shall not drive a vehicle upon a footway except when driving directly across such footway for the purpose of entering or leaving a private driveway, loading dock, or other place provided for access of vehicles between a road and any adjacent premises or place.

(2) If a road includes two or more separate carriageways divided by a reservation or reservations, a driver shall not cross from one carriageway to another except at a place improved, designed or ordinarily used for vehicular traffic.

#### RIDING IN CARAVANS

160. (1) A person shall not drive a vehicle towing a caravan trailer while any person is in the caravan trailer.

(2) A person shall not ride in a caravan trailer while it is being towed.

#### REGISTER OF MOTOR VEHICLES REPAIRED OR PAINTED

161. For the purposes of section 58 of the Act—

- (a) the register required to be kept shall be deemed to be in the prescribed form and to contain the prescribed information if there are inserted therein particulars as to name and address of occupier of garage or premises where repairs or painting are carried out; name and address of owner of motor vehicle and person leaving motor vehicle repaired or repainted; date and time such motor vehicle received; particulars of such motor vehicle, including registered number, make and model, colour, engine number (old and new numbers if engine changed), and chassis number (if readily available), and nature of repairs or painting, including colour of painting.
- (b) the term “repairs” shall mean the repairing, renovating, or replacing of any part of a motor vehicle which has or may have been damaged as a result of a collision between such vehicle and any other vehicle or any person, or any train or other property;
- (c) the term “painting” shall mean the painting of any part of a motor vehicle which has or may have been damaged as a result of a collision between such vehicle and any other vehicle or any person, or any train or other property. The term shall also include any other painting which alters the description of a vehicle.

#### CAR MINDERS

162. (1) The Superintendent may by notice in writing under his hand addressed to and served upon any person, prohibit such person from parking, minding, caring for, or taking charge of any motor vehicle (other than a motor vehicle of which such person is the driver) upon any road, or from offering his services for any such purpose.

(2) A person upon whom any such notice has been served shall not upon any road, park, mind, care for, or take charge of a motor vehicle, other than a motor vehicle of which he is the driver, or offer his services for any such purpose.

(3) Nothing in this Regulation shall authorise the Superintendent to prohibit the proprietor of a parking station or parking area from parking, minding, caring for, or taking charge of a motor vehicle in or upon any parking station or parking area or from offering his services for any such purpose, whether by the display or publication of any advertisement in relation to such parking station or parking area, or otherwise, and whether the services are performed or offered to be performed by such proprietor or by an employee of the proprietor.

#### QUEUES

163. Any queue on any road may be prohibited or controlled by any Police Officer, and any person who disobeys or causes any person to disobey the direction of any Police Officer in relation to any such prohibition or control shall be guilty of an offence.

#### SCHOOL PATROLS

164. (1) The District Superintendent may, by permission in writing given to the head teacher of any school, authorise the head teacher for the time being of that school from time to time to appoint pupils of such school or some other person to act as school patrols for the purpose of these Regulations at such pedestrian crossings as may be specified in the permission.

(2) Such permission shall not authorise any person to establish or act as a school patrol at any pedestrian crossing or place not specified in the permission, and such permission may at any time be withdrawn by the District Superintendent by written notice given to the head teacher for the time being.

(3) For the purpose of assisting, directing and supervising on their way to or from school the children attending any school in respect of which such permission is in force the head teacher of any such school may from time to time appoint two or more pupils of the school or some other person to act as school patrols in charge of a pedestrian crossing specified in the permission:

Provided that any pupil or other person so appointed shall not be deemed to be in the employment of the Commissioner, District Superintendent or other Police Officer.

(4) It shall be the duty of the patrol not to direct persons to enter the pedestrian crossing except when the patrol sign hereinafter mentioned is displayed upon the carriageway of any road so that its wording is clearly visible to the driver of any vehicle approaching such crossing and not so to display such sign except at a pause in the flow of traffic having regard to the number of vehicles approaching such crossing:

Provided that failure by a patrol to comply with the injunctions of this subregulation shall not be treated as an offence.

(5) The head teacher shall take all proper steps for the responsible and effective custody of every patrol sign at all times when it is not in use for the purposes of these Regulations.

(6) A patrol sign shall be as specified in the Manual of Uniform Traffic Control Devices.

(7) A patrol when on duty at a pedestrian crossing may wear a uniform, insignia or badge of office, and if so, the uniform, insignia and badge shall be of a type approved by the Commissioner.

(8) The District Superintendent shall cause patrols when on duty at a pedestrian crossing to be inspected at least once during each six months.

(9) Nothing in these Regulations shall be deemed to limit or affect the jurisdiction of a teacher over his pupils or to require a pupil or other person to assume or retain the functions of a school patrol.

(10) Except when authorised by the head teacher of a school acting by permission given under subregulation (1) of this Regulation, a person shall not use any patrol sign or so conduct himself as to appear to be exercising the functions of a school patrol under these Regulations.

(11) In this Regulation the term "School" shall be read and construed as including any place used for the purpose of religious instruction, whether on a Sunday or any other day, and the term "head teacher" shall be read and construed as including the person for the time being in charge of any such place so used for that purpose.

(As amended by reg. pubd. Gazette 25 May 1963, p. 482; and (as from 19 July 1965) by reg. pubd. Gazette 10 July 1965, pp. 1406-7.)

#### PUBLIC STANDS AND STOPPING PLACES

165. (1) Stands or stopping places for tramcars or any vehicle or classes of vehicles licensed under The State Transport Act of 1960, may be appointed, altered or abolished by the Commissioner of Main Roads.

(2) Stands or stopping places for tramcars or other vehicles as aforesaid appointed under the Regulations repealed by these Regulations and existing at the commencement of these Regulations shall be deemed to have been appointed under and in pursuance of these Regulations.

(As amended (as from 19 July 1965) by reg. pubd. Gazette 10 July 1965, pp. 1406-7.)

#### TEMPORARY STANDS

166. A temporary stand may be appointed upon a road by a Police Officer for all or any description of vehicles and any Police Officer may give such directions as such Police Officer considers necessary for regulating the use of such stand by drivers of any such vehicles.

## SEIZURE, REMOVAL, &amp;C., OF STALLS, GOODS, &amp;C., UPON ROADS

**167.** (1) Any Police Officer may seize and remove and detain or cause to be removed and detained at a place for safekeeping or for any purpose deemed necessary for giving effect to any provision of these Regulations, any stall, stand, appliance, apparatus, device or other structure or contrivance or any goods found upon any road, in such place, condition, manner or circumstances that its presence or use constitutes a breach or evidence of a breach of these Regulations or is causing or likely to cause danger, hindrance, inconvenience or obstruction to traffic upon such road.

(2) Upon seizure being effected under subregulation (1) hereof the provisions of subsections two to six inclusive of section 44 of the Act shall, subject to any necessary adaptations, apply to and in respect of any stall, stand, appliance, apparatus, device or other structure or contrivance or any goods so seized:

Provided that if the owner of anything so seized cannot be readily located it may be dealt with under the provisions of section 67 of The Police Acts 1937 to 1962.

## SEIZURE, DETENTION, &amp;C., OF THINGS UNLAWFULLY CARRIED, &amp;C.

**168.** (1) Any Police Officer may seize and detain any advertisement, placard, board, notice, sign, handbill or other thing carried, thrown, displayed, deposited or distributed or being upon or near a road or being carried for the purpose of being thrown or distributed in contravention of these Regulations.

(2) Anything seized under subregulation (1) of this Regulation shall, upon the conviction of any person for an offence in relation to such thing or for an offence involving the use, carrying, throwing, displaying, depositing or distributing of such thing, unless the Court otherwise orders, be forfeited to Her Majesty and thereafter disposed of as the Minister shall order. Any such forfeiture shall be in addition to any penalty or imprisonment which may be imposed on any person convicted of any such offence.

(3) Subject to the provisions of subregulation (2) of this Regulation, anything seized under subregulation (1) hereof may, notwithstanding that proceedings are not taken or a conviction is not recorded against any person for an offence against these Regulations in relation thereto, if the Minister so directs be forfeited to Her Majesty and thereafter shall be disposed of as the Minister shall order.

## AUTHORITY TO SIGN DOCUMENTS

**169.** Any document under or for the purposes of the Act or these Regulations requiring to be signed—

- (a) by the Commissioner—may be signed on his behalf by the District Superintendent;
- (b) by the District Superintendent—may be signed on his behalf by the Superintendent;
- (c) by the Commissioner of Main Roads—may be signed on his behalf by the Deputy Commissioner of Main Roads, the Secretary of the Commissioner of Main Roads, an Assistant Commissioner of Main Roads or any other officer of the Commissioner of Main Roads authorised by the Commissioner of Main Roads in writing in that behalf.

(As amended (as from 19 July 1965) by reg. publ. Gazette 10 July 1965, pp. 1406-7.)

## POLICE REPORTS

**170.** A report made by a Police Officer or a copy of such report may be furnished by the Commissioner to a police department or other department of the Commonwealth or any State or Territory of the Commonwealth concerning or in relation to the qualifications or fitness of any person who is or has been or is likely to be in Queensland to hold any license, permit, certificate or other document or authority of a like nature, issued in any State or Territory of the Commonwealth, in relation to vehicles or traffic, and concerning or in relation to the antecedents, character and conduct of any such person.

A Police Officer shall not incur any civil or criminal liability in respect of any report made or furnished to a police department or other department as aforesaid.

## CAUTION NOTICE

**171.** [Repealed.]

(Repealed (as from 16 August 1965) by reg. publ. Gazette 7 August 1965, pp. 1825-6.)



## FEES

172. (1) A fee, at the rate prescribed by or under these Regulations, shall be paid before any license is issued or before the doing of any act or thing in respect of which a fee is so prescribed.

(2) The fees set forth hereunder shall be payable in respect of the following matters:—

	\$
For a license for a stall, stand, or standing vehicle—	
In the Area of the City of Brisbane—	
Annual .. .. .	100.00
Quarterly .. .. .	30.00
Monthly .. .. .	12.00
In the Area of any City other than the City of Brisbane—	
Annual .. .. .	50.00
Quarterly .. .. .	16.00
Monthly .. .. .	6.00
Elsewhere than in the Area of a City—	
Annual .. .. .	10.00
Quarterly .. .. .	3.00
Monthly .. .. .	1.25
For an itinerant vendor's license—	
Annual .. .. .	10.00
Quarterly .. .. .	3.00
For a permit to carry advertisement, placard, board, notice or sign for the purpose of business advertising for any period not exceeding one month .. .. .	1.00
For use of vehicle from which any electrical or mechanical appliance, apparatus or device amplifies or reproduces words, music or other sounds for advertising purposes ..	1.00
For an itinerant musician's permit for any period not exceeding one month .. .. .	0.25

(As amended by reg. pubd. Gazette 13 April 1963, p. 1620; 6 November 1967, p. 903.)

(Decimal currency references substituted pursuant to section 7 of Decimal Currency Act of 1965.)

## PART 19

## BREATH ANALYSING INSTRUMENTS AND SPECIMENS OF BLOOD FOR LABORATORY TESTS

173. For the purposes of this Part of these Regulations the following terms shall have the meanings respectively assigned to them:—

“Reagent ampoule”—An ampoule containing 3.0 millilitres of 0.025 per cent. potassium dichromate in 50 per cent. sulphuric acid by volume;

“Standard alcohol solution”—Means a solution of ethyl alcohol and distilled water in the proportion of 4.26 millilitres of ethyl alcohol in 1,000 millilitres of solution.

(Part 19 Heading Inserted (as from 1 August 1968) by reg. pubd. Gazette 6 July 1968, pp. 1121-2. Regulation 173 inserted (as from 1 August 1968) by reg. pubd. Gazette 6 July 1968, pp. 1121-2.)

174. A breath analysing instrument shall—

- (a) When used to make a breath analysis at all times be operated at a temperature of between 45 and 50 degrees centigrade as indicated on the sample chamber thermometer;
- (b) Before every analysis be flushed with air;
- (c) Be kept stable whilst in operation.

(Inserted (as from 1 August 1968) by reg. pubd. Gazette 6 July 1968, pp. 1121-2.)

175. A legally qualified medical practitioner shall—

- (a) Before a person's breath is analysed and after completing such analysis ascertain that the breath analysing instrument used is in proper working order by testing such instrument with standard alcohol solution;
- (b) Before commencing an analysis set the scale pointer on the starting line;
- (c) When testing a breath analysing instrument to determine that it is in proper working order use only standard alcohol solution as prepared by the Government Chemical Laboratory Queensland and as produced to him duly identified by a control number and in a sealed container;
- (d) At all times when operating a breath analysing instrument use only reagent ampoules endorsed with a manufacturer's control number, which have previously been unopened and which prior to use by him are tested in an ampoule testing gauge the smaller end of which is .625" in diameter and the larger end of which is .650" in diameter;
- (e) At all times when obtaining a specimen of breath for analysis by a breath analysing instrument provide an unused mouthpiece for use by the person supplying such specimen of breath, and any such mouthpiece shall be used for one breath analysis only.

(Inserted (as from 1 August 1968) by reg. pubd. Gazette 6 July 1968, pp. 1121-2.)

175A. Where pursuant to or purporting to be pursuant to the provisions of subparagraph (d) of Regulation 175 a legally qualified medical practitioner uses a gauge for testing reagent ampoules it shall be presumed, unless the contrary is proved, that the gauge so used by the legally qualified medical practitioner was an ampoule testing gauge and that the diameter of the smaller end of that gauge was .625" and the diameter of the larger end of that gauge was .650".

(Inserted by reg. pubd. Gazette 15 November 1969, p. 1175.)

176. A certificate purporting to be under the hand of an analyst that he prepared a quantity of standard alcohol solution, that he sealed 100 millilitres of such solution in each of a number of containers and that he endorsed on each such container a control number shall, upon its production in evidence and in the absence of evidence in rebuttal thereof, be conclusive evidence that any such container bearing that control number contained 100 millilitres of standard alcohol solution.

(Inserted (as from 1 August 1968) by reg. pubd. Gazette 6 July 1968, pp. 1121-2.)

177. A certificate purporting to be under the hand of an analyst that he test-checked a number of reagent ampoules from a batch of ampoules bearing the same manufacturer's control number and found that each ampoule so tested contained 3.0 millilitres of 0.025 per cent. potassium dichromate in 50 per cent. sulphuric acid by volume shall, upon its production in evidence and in the absence of evidence in rebuttal thereof, be conclusive evidence that any such reagent ampoule bearing that control number contained 3.0 millilitres of 0.025 per cent. potassium dichromate in 50 per cent. sulphuric acid by volume.

(Inserted (as from 1 August 1968) by reg. pubd. Gazette 6 July 1968, pp. 1121-2.)

177A. Where a Police Officer has carried out by a device a breath test of a specimen provided by a person it shall be conclusive evidence in the absence of evidence in rebuttal that the device used by him in administering the breath test was a device of a type approved by the Minister for the purpose of such a test by notification published in the Gazette and that the device actually used by that Police Officer conformed in every respect with the device as so approved by the Minister and published by notification as aforesaid if the Police Officer testifies that the device so used was prior to such use contained in a box bearing thereon, inter alia, the word "alcotest".

(Inserted by reg. pubd. Gazette 15 November 1969, p. 1175.)

178. (1) A specimen of blood for a laboratory test shall be taken by a legally qualified medical practitioner by veni-puncture.

(2) A legally qualified medical practitioner shall not use any substance which he believes on reasonable grounds to be or to contain alcohol or ether when cleansing the site of the veni-puncture or for the purpose of cleaning any needle or syringe used for the taking by him of the specimen of blood for a laboratory test.

(3) The amount of the specimen of blood to be collected shall be approximately 10 millilitres and upon being collected such specimen shall be placed in a dry, sterile receptacle containing a suitable anti-coagulant and preservative and the receptacle shall be tightly closed and then shaken to mix the blood with the anti-coagulant and preservative following which the receptacle shall be sealed.

(4) The medical practitioner shall on a label securely affixed or which he shall securely affix to the receptacle containing the blood specimen write his name and the name of the person from whom and the date and time when and the place where the specimen of blood was taken.

(5) A certificate purporting to be under the hand of the analyst who has made a laboratory test of a specimen of blood that that specimen was not coagulated and was fit for analysis shall upon its production in evidence and in the absence of evidence of rebuttal thereof be conclusive evidence—

- (i) That that specimen of blood had been placed in a dry, sterile receptacle;
- (ii) That that receptacle contained a suitable anti-coagulant and preservative;
- (iii) That that receptacle was tightly closed and had been then shaken to mix the blood with the anti-coagulant and preservative;
- (iv) That the specimen of blood was fit for analysis; and
- (v) That no change in the concentration of alcohol in the specimen of blood of the person from whom that specimen was obtained has taken place because of any lapse of time between the providing of such specimen and its analysis to determine such concentration.

(Inserted (as from 1 August 1968) by reg. pubd. Gazette 6 July 1968, pp. 1121-2; and as amended by reg. pubd. Gazette 15 November 1969, p. 1175; and 9 September 1972, p. 176.)

**179.** Any specimen of blood given to a person from whom a specimen of blood for a laboratory test was obtained shall be dealt with by the legally qualified medical practitioner in the same manner as if the specimen of blood were a specimen of blood for a laboratory test.

(Inserted (as from 1 August 1968) by reg. pubd. Gazette 6 July 1968, pp. 1121-2.)

**ENDORSEMENT OF DRIVER'S LICENSE**

**180.** Upon the holder of a Driver's License producing to a District Superintendent or Superintendent that license and a certificate from a qualified medical practitioner to the effect that by reason of a stated illness or disability such person is incapable of providing a specimen of his breath for the purposes of section 16A of the Acts or the provision of such a specimen by him could adversely affect his health such District Superintendent or Superintendent shall upon establishing the authenticity of the certificate produced endorse that license to indicate that on certification by the qualified medical practitioner named and by reason of the stated illness or disability the holder of the license is incapable of providing a specimen of his breath or the provision by him of such a specimen of breath could adversely affect that person's health as the case may be.

(Reg. 180 and heading thereto inserted (as from 1 August 1968) by reg. pubd. Gazette 6 July 1968, pp. 1121-2.)

**SCHEDULE B**

**OFFENCES FOR THE PURPOSES OF REGULATION 108C**

Exceeding speed limit where the excess is 20 miles per hour or more (Regulations 50, 51, 52)	}	4 points
Driving without "P" plates (Regulation 108B (1) (a))		
Failing to remain at scene of accident (Section 31 (1))	}	3 points
Exceeding the speed limit when excess is 10 miles per hour or more but less than 20 miles per hour (Regulations 50, 51, 52)		
Failing to give way (Regulations 34, 35, 36 (1), 38 (1), 39 (1))		
Disobeying traffic signs (Regulations 20, 39 (2) (a), (Section 12F) (except parking, stopping and standing signs))		
Disobeying traffic control light signal (Regulation 11 (1) (a))		
Disobeying police direction (Regulation 21)		
Improper overtaking or passing (Regulations 23, 26)		
Driving without Driver's License (Section 15 (1))	}	3 points
Crossing double centre line (Regulation 30)		
Driving unroadworthy vehicle (Regulation 68 (1) (d))		
Failing to wear seat belt (Regulation 90B (1))		

Careless driving (Section 17)	}	2 points
Failing to signal intention (Regulation 45)		
Exceeding speed limit when the excess is less than 10 miles per hour (Regulations 50, 51, 52)		
Improper turns (Regulations 43, 44, 47)		
Failing to produce Driver's License—Provisional (Section 39 (2) (b))	}	1 point
Failing to keep left (Regulation 22)		
Following too closely (Regulations 31, 49)		
Failing to report traffic accident (Section 31 (3))		
Driving unroadworthy vehicle—minor defects (Regulation 68 (1) (a) (b) and (c))	}	1 point
Any other breaches of these Regulations arising out of the driving of a motor vehicle not otherwise above described but not having relation to parking, stopping or standing.		

(Inserted (as from 19 January 1970) by reg. pubd. Gazette 20 December 1969, pp. 1775-6; As amended (as from 1 January 1972) by reg. pubd. Gazette 27 November 1971, pp. 1477-8.)

### NOTIFICATION

Department of Transport,  
Brisbane, 8th August, 1969.

IN pursuance of the provisions of section 16A of the Traffic Act 1949-1968 it is hereby notified that I, the Minister for Transport of the State of Queensland, do hereby approve for the purposes of paragraph (b) of subsection (1) of section 16A of the said Act the device of the type prescribed hereunder for the purpose of a test as specified in the said paragraph (b) of subsection (1) of section 16A.

#### TYPE OF DEVICE

Device comprising a glass tube bearing thereon, inter alia, the word "Alcotest," a plastic bag and a mouthpiece.

WILLIAM E. KNOX,  
Minister for Transport.

(Inserted by Notification pubd. Gov. Gaz., 16th August, 1969, p. 1705.)

### NOTICE

At the Executive Building, Brisbane, the fourth day of July, 1968.

Present:

The Deputy Governor, for and on behalf of His Excellency the Governor,  
in Council

### APPROVED BREATH ANALYSING INSTRUMENT

PURSUANT to the provisions of section 16A of The Traffic Acts 1949 to 1968, the Deputy Governor, for and on behalf of His Excellency the Governor, acting by and with the advice of the Executive Council, doth hereby approve, for the purpose of the said section 16A, of the instrument of the type described hereunder, for ascertaining by analysis of a specimen of a person's breath what concentration of alcohol is present in his blood:—

#### TYPE OF INSTRUMENT

Instrument for ascertaining by analysis of a specimen of a person's breath what concentration of alcohol is present in his blood and bearing thereon, inter alia, the word "Breathalyzer" and the expression "U.S. Patent 2, 824, 789".

And the Honourable the Minister for Transport is to give the necessary directions herein accordingly.

C. H. CURTIS, Clerk of the Council.

(Inserted by Notice pubd. Gov. Gaz., 6th July, 1968, page 1121.)

## ORDERS IN COUNCIL

## ORDER IN COUNCIL

At the Executive Buildings, Brisbane, the tenth day of April, 1969

Present:

His Excellency the Administrator of the Government in Council

WHEREAS by section 31 of the Traffic Act 1949-1968, it is provided, amongst other things, that—

(a)—

“(3) The driver of any vehicle, tram or animal involved on any road or of any motor vehicle involved elsewhere than on a road in an incident resulting in injury to or death of any person or damage, to an extent apparently in excess of the prescribed sum, to any property (including any animal in the charge of any person, a vehicle or a tram) shall report the incident to the Superintendent who is the Officer in Charge of the nearest Police Station or to any other member of the Police Force as soon as reasonably practicable after the occurrence thereof;”

(b)—

“(4) The Governor in Council may from time to time, by Order in Council published in the Gazette, fix a sum to be the prescribed sum for the purposes of subsection three of this section.

Until the first such Order in Council is so published, that prescribed sum shall be fifty dollars.”

Now, therefore, His Excellency the Administrator of the Government, acting by and with the advice of the Executive Council, in pursuance of the provisions of the said section 31, doth hereby fix the sum of one hundred dollars to be the prescribed sum for the purposes of subsection 3 of the said section 31.

And the Honourable the Minister for Transport is to give the necessary directions herein accordingly.

KEITH SPANN, Acting Clerk of the Council.

(Inserted by Order in Council pubd. Gov. Gaz., 12th April, 1969, No. 55, page 1286.)

LIST OF ORDERS IN COUNCIL RE COMMENCING DATES FOR METERED PARKING IN SPECIFIED METERED ZONES

City	Metered Zone	Date of Order in Council	Date of Gazette and Folio No.	Date of Commencement for Metered Parking
Brisbane	Adelaide Street— Between George Street and Wharf Street .. .. .	1 Aug., 1957	3 Aug., 1957, p. 1995	5 Aug., 1957
	Between Wharf Street and Queen Street .. .. .	1 Aug., 1957	3 Aug., 1957, p. 1995	5 Aug., 1957
	Between Queen Street and Boundary Street .. .. .	14 Nov., 1957	16 Nov., 1957, p. 1085-6	18 Nov., 1957
	Albert Street— Between Alice Street and Adelaide Street and between Ann Street and Turbot Street	5 Dec., 1957	7 Dec., 1957, p. 1643	16 Dec., 1957
	Between Turbot Street and Wickham Terrace .. .. .	6 Oct., 1960	8 Oct., 1960, p. 908	3 Oct., 1960
	Alden Street—The whole .. .. .	27 Nov., 1958	29 Nov., 1958, p. 1669	1 Dec., 1958
	Alfred Street— Between Brunswick Street and Barry Parade, and Between Brunswick Street and Constance Street .. .. .	28 Mar., 1958	29 Mar., 1958, p. 1422	31 Mar., 1958
	Alice Street—The whole .. .. .	15 Sept., 1960	17 Sept., 1960, p. 192	19 Sept., 1960
	Ann Street— Between George Street and King George Square On the north-western side between Creek Street and Edward Street and on the south-eastern side between Wharf Street and King George Square	22 Aug., 1957 22 Aug., 1957	24 Aug., 1957, p. 2471 24 Aug., 1957, p. 2471	26 Aug., 1957 26 Aug., 1957
	On the south-eastern side between Queen Street and Wharf Street .. .. .	22 Aug., 1957	24 Aug., 1957, p. 2471	26 Aug., 1957
	On the north-western side between Albert Street and Edward Street .. .. .	22 Aug., 1957	24 Aug., 1957, p. 2471	26 Aug., 1957
	and on the north-western side between Creek Street and Queen Street			
	Between North Quay and George Street .. .. .	19 Sept., 1957	21 Sept., 1957, p. 412	23 Sept., 1957
	On the north-western side between Gipps Street and Ballow Street .. .. .	20 Mar., 1958	22 Mar., 1958, p. 1305	24 Mar., 1958
	and on the south-eastern side between Winn Street and Kemp Place			

## LIST OF ORDERS IN COUNCIL RE COMMENCING DATES FOR METERED PARKING IN SPECIFIED METERED ZONES—continued

City	Metered Zone	Date of Order in Council	Date of Gazette and Folio No.	Date of Commencement for Metered Parking
Brisbane—continued	On the north-western side between Ballow Street and Constance Street and on the south-eastern side between Morgan Street and Winn Street	20 Mar., 1958	22 Mar., 1958, p. 1305	24 Mar., 1958
	On the north-western side between Boundary Street and Gotha Street and on the south-eastern side between Kemp Place and Boundary Street	20 Mar., 1958	22 Mar., 1958, p. 1305	24 Mar., 1958
	On the north-western side between Gotha Street and Gipps Street	20 Mar., 1958	22 Mar., 1958, p. 1305	24 Mar., 1958
	Ballow Street—The whole	27 Nov., 1958	29 Nov., 1958, p. 1669	1 Dec., 1958
	Barry Parade— Between Gotha Street and Boundary Street, and Between St. Paul's Terrace and Gotha Street	27 Nov., 1958	29 Nov., 1958, p. 1669	1 Dec., 1958
	Bowen Street— Between Ann Street and Mein Street	23 June, 1960	25 June, 1960, p. 1234	21 June, 1960
	Between Mein Street and Boundary Street	23 June, 1960	25 June, 1960, p. 1234	21 June, 1960
	Brunswick Street— Between St. Paul's Terrace and McLachlan Street, and On the north-eastern side between McLachlan Street and Berwick Street and on the south-western side between Ivory Street and McLachlan Street	20 Feb., 1958	22 Feb., 1958, p. 913	24 Feb., 1958
	Charlotte Street—The whole	29 Aug., 1957	31 Aug., 1957, p. 2657	9 Sept., 1957
	Constance Street— Between Alfred Street and Ann Street	27 Nov., 1958	29 Nov., 1958, p. 1669	1 Dec., 1958

LIST OF ORDERS IN COUNCIL RE COMMENCING DATES FOR METERED PARKING IN SPECIFIED METERED ZONES—continued

City	Metered Zone	Date of Order in Council	Date of Gazette and Folio No.	Date of Commencement for Metered Parking
Brisbane—continued	Creek Street— Between Ann Street and Charlotte Street .. .. .	5 Dec., 1957	7 Dec., 1957, p. 1643	9 Dec., 1957
	Between Ann Street and Wickham Terrace .. .. .	12 Dec., 1957	14 Dec., 1957, p. 1875	16 Dec., 1957
	Duncan Street—The whole .. .. .	3 April, 1958	5 April, 1958, p. 1510	7 April, 1958
	Eagle Street— Between Charlotte Street and Mary Street and between Queen Street and Creek Street	29 Aug., 1957	31 Aug., 1957, p. 2657	9 Sept., 1957
	Edward Street— Between Ann Street and Wickham Terrace .. .. .	17 Oct., 1957	19 Oct., 1957, p. 770	21 Oct., 1957
	Between Ann Street and Alice Street .. .. .	5 Dec., 1957	7 Dec., 1957, p. 1643	9 Dec., 1957
	Elizabeth Street— Between George Street and Eagle Street .. .. .	15 Aug., 1957	17 Aug., 1957, p. 2097	19 Aug., 1957
	Between Creek Street and Eagle Street .. .. .	29 Aug., 1957	31 Aug., 1957, p. 2657	9 Sept., 1957
	Between George Street and William Street .. .. .	12 Sept., 1957	14 Sept., 1957, p. 351	23 Sept., 1957
	Felix Street—The whole .. .. .	19 Sept., 1957	21 Sept., 1957, p. 412	23 Sept., 1957
	George Street— Between Adelaide Street and Roma Street .. .. .	3 Oct., 1957	5 Oct., 1957, p. 570	7 Oct., 1957
	Both sides between Elizabeth Street and Queen Street and south- western side between Queen Street and Adelaide Street	30 Jan., 1958	1 Feb., 1958, p. 360	17 Feb., 1958
	North-eastern side between Queen Street and Adelaide Street .. .. .	30 Jan., 1958	1 Feb., 1958, p. 360	17 Feb., 1958
Between Mary Street and Elizabeth Street .. .. .	30 Jan., 1958	1 Feb., 1958, p. 360	17 Feb., 1958	
Between Mary Street and south-eastern end of George Street .. .. .	30 Jan., 1958	1 Feb., 1958, p. 360	17 Feb., 1958	



## LIST OF ORDERS IN COUNCIL RE COMMENCING DATES FOR METERED PARKING IN SPECIFIED METERED ZONES—continued

City	Metered Zone	Date of Order in Council	Date of Gazette and Folio No.	Date of Commencement for Metered Parking
Brisbane—continued	Gipps Street— Between Barry Parade and Ann Street .. .. .	3 April, 1958	5 April, 1958, p. 1510	7 April, 1958
	Gotha Street— Between Barry Parade and Wickham Street .. .. .	27 Nov., 1958	29 Nov., 1958, p. 1669	1 Dec., 1958
	Between Wickham Street and Ann Street .. .. .	27 Nov., 1958	29 Nov., 1958, p. 1669	1 Dec., 1958
	Herschel Street—The whole .. .. .	10 Oct., 1957	12 Oct., 1957, p. 624	14 Oct., 1957
	King George Square—The whole .. .. .	19 Dec., 1957	21 Dec., 1957, p. 2025	23 Dec., 1957
	Little Edward Street— Between Leichhardt Street and Boundary Street .. .. .	10 Nov., 1960	12 Nov., 1960, p. 1503	7 Nov., 1960
	Little Roma Street—The whole .. .. .	29 Oct., 1964	31 Oct., 1964, p. 712	2 Nov., 1964
	Makerston Street—The whole .. .. .	10 Oct., 1957	12 Oct., 1957, p. 624	14 Oct., 1957
	Margaret Street—The whole .. .. .	12 Sept., 1957	14 Sept., 1957, p. 351	23 Sept., 1957
	Market Street—The whole .. .. .	19 Sept., 1957	21 Sept., 1957, p. 412	23 Sept., 1957
	Marshall Street— Between Ann Street and McLachlan Street .. .. .	3 April, 1958	5 April, 1958, p. 1510	7 April, 1958
	Mary Street—The whole .. .. .	29 Aug., 1957	31 Aug., 1957, p. 2657	16 Sept., 1957
	North Quay— Between Ann Street and Queen Street .. .. .	24 Oct., 1957	26 Oct., 1957, p. 836	4 Nov., 1957
	South and south-western side between Ann Street and Eagle Terrace including both sides of the low road being the underpass at William Jolly Bridge	24 Oct., 1957	26 Oct., 1957, p. 836	4 Nov., 1957

LIST OF ORDERS IN COUNCIL RE COMMENCING DATES FOR METERED PARKING IN SPECIFIED METERED ZONES— <i>continued</i>	City	Metered Zone	Date of Order in Council	Date of Gazette and Folio No.	Date of Commencement for Metered Parking
	<i>Brisbane—continued</i>	North Quay— <i>continued</i> North and north-eastern side between Eagle Terrace and Makerston Street including both sides of the high road being the road giving access to William Jolly Bridge	24 Oct., 1957	26 Oct., 1957, p. 836	4 Nov., 1957
		North-eastern side between Makerston Street and Turbot Street .. ..	24 Oct., 1957	26 Oct., 1957, p. 836	4 Nov., 1957
		North-eastern side between Turbot Street and Ann Street .. ..	24 Oct., 1957	26 Oct., 1957, p. 836	4 Nov., 1957
		Queen Street— Between George Street and Ann Street .. ..	1 Aug., 1957	3 Aug., 1957, p. 1995	5 Aug., 1957
		Western side between Adelaide Street and Ann Street .. ..	29 Aug., 1957	31 Aug., 1957, p. 2657	9 Sept., 1957
		Eastern and south-eastern side between Ann Street and Wharf Street and western and north-western side between Wharf Street and Adelaide Street	29 Aug., 1957	31 Aug., 1957, p. 2657	9 Sept., 1957
		Between George Street and William Street .. ..	12 Dec., 1957	14 Dec., 1957, p. 1875	16 Dec., 1957
		Queens Wharf Road— On the south-west side from Queen Street to a point 480 ft. from the building line of that street	21 Sept., 1961	23 Sept., 1961, p. 275	25 Sept., 1961
		On the north-east side from Queen Street to a point 530 ft. from the building line of that street	21 Sept., 1961	23 Sept., 1961, p. 275	25 Sept., 1961
		On the south-western side from a point 480 ft. from the building line of Queen Street to the south-eastern end of Queens Wharf Road	19 Dec., 1963	21 Dec., 1963, p. 1443	23 Dec., 1963
		On the north-eastern side from a point 530 feet from the building line of Queen Street to the south-eastern end of Queens Wharf Road	19 Dec., 1963	21 Dec., 1963, p. 1443	23 Dec., 1963
		Roma Street— Between Countess Street and George Street .. ..	14 Nov., 1957	16 Nov., 1957, p. 1085-6	18 Nov., 1957
		Between Ann Street and Herschel Street .. ..	29 Oct., 1964	31 Oct., 1964, p. 712	2 Nov., 1964
		Short Street—The whole .. ..	15 Sept., 1960	17 Sept., 1960, p. 192	19 Sept., 1960
		Tank Street—The whole .. ..	10 Oct., 1957	12 Oct., 1957, p. 624	14 Oct., 1957
		Turbot Street— Between George Street and North Quay .. ..	10 Oct., 1957	12 Oct., 1957, p. 624	14 Oct., 1957
		Between Albert Street and Edward Street .. ..	17 Oct., 1957	19 Oct., 1957, p. 770	21 Oct., 1957
		On both sides from Roma Street to Albert Street .. ..	21 Sept., 1961	23 Sept., 1961, p. 275	25 Sept., 1961
		Between Roma Street and George Street .. ..	29 Oct., 1964	31 Oct., 1964, p. 712	2 Nov., 1964

LIST OF ORDERS IN COUNCIL RE COMMENCING DATES FOR METERED PARKING IN SPECIFIED METERED ZONES—*continued*

City	Metered Zone	Date of Order in Council	Date of Gazette and Folio No.	Date of Commencement for Metered Parking
Brisbane— <i>continued</i>	Upper Edward Street— Between Wickham Terrace and Leichhardt Street .. .. .	10 Nov., 1960	12 Nov., 1960, p. 1503	7 Nov., 1960
	Warner Street—The whole .. .. .	3 April, 1958	5 April, 1958, p. 1510	7 April, 1958
	Warren Street— Between Wickham Street and Barry Parade .. .. .	27 Nov., 1958	29 Nov., 1958, p. 1669	1 Dec., 1958
	Wickham Terrace— Between Wharf Street and Bartley Street .. .. .	14 Nov., 1957	16 Nov., 1957, p. 1086	25 Nov., 1957
	Northern side between Robert Street and North Street .. .. .	6 Aug., 1959	8 Aug., 1959, p. 2226	7 Aug., 1959
	Wickham Street— On the north-western side between Gotha Street and Constance Street and on the south-eastern side between Gotha Street and Warner Street	27 Feb., 1958	1 Mar., 1958, p. 1024	10 Mar., 1958
	On the south-eastern side between Warner Street and Constance Street Between Gotha Street and Boundary Street .. .. .	27 Feb., 1958	1 Mar., 1958, p. 1024	10 Mar., 1958
	William Street— Between Queen Street and the alignment of the building line at the north-western side of Stephens Lane	30 Jan., 1958	1 Feb., 1958, p. 360	3 Feb., 1958
	Between Alice Street and the alignment of the building line at the north-western side of Stephens Lane	30 Jan., 1958	1 Feb., 1958, p. 360	3 Feb., 1958
Cairns .. .. .	Each and every metered zone in the area of the City of Cairns .. .. .	1 July, 1965	3 July, 1965, p. 1284	1 July, 1965
Gold Coast .. .. .	Each and every metered zone in the area of the City of Gold Coast .. .. .	21 May, 1964	23 May, 1964, p. 430	25 May, 1964
Toowoomba .. .. .	Each and every metered zone in the area of the City of Toowoomba .. .. .	7 Dec., 1961	9 Dec., 1961, p. 1160	11 Dec., 1961
Townsville .. .. .	—	15 Sept., 1960	17 Sept., 1960, p. 192	26 Sept., 1960

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