

BRISBANE CITY COUNCIL

No.14 - PARKING AND CONTROL OF TRAFFIC

Summary of Provisions

- Part 1 - Council Parking Stations
- Part 2 - Regulated Parking Patrol Officers
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Part 1 - Council Parking Stations

1.(1) In this Part unless the context otherwise indicates or requires:-

"**appropriate token**" in relation to a token machine, means a token of the type specified in the instructions notified on or in the vicinity of the token machine in pursuance of paragraph (8) of ordinance 3;

"**authorised officer**" means an officer authorised as such pursuant to ordinance 4;

"**charges**" means charges payable to the Council;

"**Commissioner of Main Roads**" means the Commissioner of Main Roads within the meaning of section 2 of the *Main Roads Act 1920-1979*, or the person who for the time being occupies the office or performs the duties of the said Commissioner of Main Roads;

"**grace period**" in relation to a token, means a period of time reckoned from the time of issue of the token;

"**officer**" means a person holding office under, or employed by, the Council;

"**owner**", in relation to a vehicle, means -

- (a) in the case of a vehicle which is registered under the regulations under the *Main Roads Act 1920-1983*, or under any corresponding legislation of any State or Territory of the Commonwealth, the person in whose name the vehicle is so registered at the relevant time; and
- (b) in any other case, any person who, at the relevant time, is an owner, as that term is defined in section 9 of the *Traffic Act 1949-1982*, of the vehicle;

"**parking**", subject to paragraph (3) of this ordinance, means the standing of a vehicle whether occupied or not and whether the person for the time being in charge thereof is present or not, such standing being at a time when such vehicle is not required to stand or wait in obedience to a direction authorised, issued, made or given under this Part or to a provision of this Part: The term does not include the standing of a vehicle in connexion with a business or undertaking approved by the Council and carried on in a parking station as provided by subsection (3) of section 49F of the *Local Government Act 1936-1981*;

"**parking position**" means a position of an area appropriate for the parking therein of a vehicle;

"parking station" means an off-street parking station (whether within or without any building) conducted by the Council on any land owned or held in trust or controlled by it: The term does not include an off-street regulated parking area within the meaning of the *Traffic Act 1949-1977*;

"parking ticket" means a ticket issued at a parking station by a machine or by an authorised officer in relation to the parking of a vehicle at that parking station: The term includes a time park ticket;

"prescribed infringement" means an offence under this Part with respect to the driving, using or parking of a vehicle;

"time park ticket" means a ticket issued at a parking station in respect of the parking of a vehicle at the parking station and on which is marked the day and, subject to paragraph (8) of ordinance 3, the time of the day of the issue of that ticket;

"token" means a disc, cylinder, card or other like object: The term does not include a parking ticket;

"token machine" means a machine which is operated by the insertion or depositing therein of an appropriate token;

"velocipede" means a motor cycle, motor scooter or similar vehicle.

(2) For the purposes of this Part -

- (a) any reference to a coin or coins shall be read as a reference to a coin or, as the case may be, coins of Australian currency;
- (b) where the Council has not in pursuance of its powers under paragraph (6) of ordinance 3 fixed the length of time of the grace period applicable to a token of a particular type, the length of time of the grace period applicable to a token of that type shall be deemed to be 20 minutes.

(3) For the purposes of assessing the charges payable in connexion with the parking of a vehicle at a parking station the following provisions shall apply -

- (a) where a time park ticket in respect of the parking of the vehicle was obtained in accordance with provision (a) of paragraph (1) of ordinance 8 and is produced in connexion with the payment of the charges, the parking shall be deemed to have commenced at the time marked on the time park ticket as the time the time park ticket was issued;
- (b) where a time park ticket in respect of the parking of the vehicle was required to be obtained in accordance with provision (a) of paragraph (1) of ordinance 8 and, whether or not it was so obtained, such ticket is not produced in connexion with the payment of the charges or that part thereof as remains unpaid, the parking shall be deemed to have commenced -
 - (i) in the case where an authorised officer is satisfied that such ticket was obtained at a particular time, at the time which would have been marked on such ticket as the time it was issued;
 - (ii) in the case where an authorised officer is satisfied that such ticket was not so obtained but, had there been a compliance with provision (a) of paragraph (1) of ordinance 8, would have been obtained at a particular time, at the time which would have been marked on such a ticket had it been obtained as the time it was issued; or
 - (iii) in any other case, at the earliest time at which a time park ticket might properly have been obtained on the day on which an authorised officer reasonably believes the vehicle was driven or otherwise moved into or on to part of the parking station in circumstances whereunder the person so driving or otherwise moving the vehicle was required by provision (a) of paragraph (1) of ordinance 8 to first obtain a time

park ticket;

- (c) in the case where a token is issued in accordance with provision (a) of paragraph (2) of ordinance 14, a parking deemed to have commenced as provided in provision (a) of this paragraph shall, upon such commencement, be deemed to have continued up to the time immediately subsequent to the production of the time park ticket;
- (d) in the case where a token is issued in accordance with paragraph (i) of provision (b) of paragraph (2) of ordinance 14, a parking deemed to have commenced as provided in provision (b) of this paragraph shall, upon such commencement, be deemed to have continued up to the time immediately prior to the payment of the charges;
- (e) in the case where a token is issued in accordance with paragraph (ii) of provision (b) of paragraph (2) of ordinance 14, a parking deemed to have commenced as provided in provision (b) of this paragraph shall, upon such commencement, be deemed to have continued up to the time immediately prior to the payment of that part of the charges as remains unpaid;
- (f) in the case where the charges in respect of the parking are paid as provided in paragraph (i) of provision (b) of paragraph (1) of ordinance 14, a parking deemed to have commenced as provided in provision (a) of this paragraph shall, upon such commencement, be deemed to have continued up to the time immediately subsequent to the production of the time park ticket;
- (g) in the case where the charges in respect of the parking are paid as provided in paragraph (ii) of provision (b) of paragraph (1) of ordinance 14, a parking deemed to have commenced as provided in provision (b) of this paragraph shall, upon such commencement, be deemed to have continued up to the time immediately prior to the payment of the charges;
- (h) in the case where the charges in respect of the parking are not paid as provided in ordinance 14, a parking deemed to have commenced as provided in provision (a) or (b) of this paragraph shall, upon such commencement, be deemed to have continued up to the time immediately prior to the removal of the vehicle from the parking station;
- (i) where the charges in respect of the parking of the vehicle were required to be paid in the manner prescribed by paragraph (3) of ordinance 8 prior to the vehicle being driven or otherwise moved into or on to any part of the parking station, the parking shall be deemed to have commenced upon -
 - (i) a compliance with provision (b) of paragraph (1) of ordinance 8; or
 - (ii) subject to paragraph (5) of ordinance 8, the driving or other moving into or on to any part of the parking station of the vehicle, whichever shall first occur, and thereupon to have continued up to the time immediately prior to the removal of the vehicle from the parking station;
- (j) where in the determination of any charges pursuant to paragraph (1) of ordinance 2 and in any sign or notice displayed or set up pursuant to paragraph (5) of that ordinance, the charges for the parking of a vehicle are expressed to be a fee of a particular amount per a particular unit of time -
 - (i) in the case of a vehicle parked for a period of or less than that unit of time, the charges shall be taken to be a fee of that amount; and
 - (ii) in the case of a vehicle parked for a period of more than that unit of time, the charges shall be taken to be a fee of that amount for each complete such unit of time and for any part of such unit of time after the last or only complete such unit of time; and
- (k) there shall be deducted from the charges which would but for this provision be payable -

- (i) any amount constituted a debt due to the Council by paragraph (1) of ordinance 26 and which has been recovered by the Council; or
- (ii) any amount constituted a debt due to the Council by paragraph (2) of ordinance 26 and which has been recovered by the Council.

2.(1) The Council may from time to time by resolution determine -

- (a) the days and hours during which, the periods for which and, subject to paragraph (4), the conditions under which, persons are, or are not
 - (i) permitted to park vehicles at a parking station;
 - (ii) permitted to drive or otherwise move a vehicle into or on to any part of a parking station for the purpose of parking it thereat;
 - (iii) permitted to remove from a parking station a vehicle parked thereat; and
- (b) the charges to be paid in respect of the parking of vehicles at a parking station.

(2) A determination made in respect of any matter referred to in provision (a) of paragraph (1) may relate to -

- (a) parking stations generally;
- (b) a specified parking station;
- (c) vehicles generally;
- (d) vehicles included in a specified class or description of vehicles; or
- (e) vehicles being used for a particular purpose or by specified persons.

(3) In determining charges pursuant to paragraph (1), the Council may fix different charges in respect of -

- (a) different parking stations;
- (b) different classes or descriptions of vehicles; and
- (c) different times of parking.

(4) Paragraph (1) shall not be taken as authorising the Council to determine any condition which condition is inconsistent with the express provisions of this Part.

(5) Upon the determination of any matter under paragraph (1) in respect of a parking station, the Council shall, by means of a sign or notice displayed or set up in some conspicuous position in that parking station, indicate or notify that matter.

(6) Where a sign or notice of a kind referred to in paragraph (5) is displayed or set up in a parking station, such sign or notice shall, unless the contrary is proved, be deemed to be in accordance with a determination under this ordinance and to be duly displayed or set up in accordance with this ordinance.

3.(1) The Council may determine and by means of -

- (a) signs prominently displayed, with or without reference to lines or markings;
 - (b) lines or markings made on any surface used or intended for use by vehicles,
- in any parking station, indicate, notify or give directions as to -
- (i) areas in which persons are, or are not, permitted to park vehicles;
 - (ii) parking positions;
 - (iii) such other matters as are in the opinion of the Council necessary or desirable for the regulation of persons or vehicles,

within that parking station.

(2) A determination made, and a sign prominently displayed or line or marking made, in pursuance of paragraph (1), may relate to vehicles generally, to vehicles included in a specified class or description of vehicles, or to vehicles being used for a particular purpose or by specified persons.

(3) Whenever it considers that, for the purpose of facilitating -

- (a) the entry to a particular parking station; or
- (b) the exit from a particular parking station,

of vehicles generally, vehicles included in a specified class or description of vehicles, or vehicles being used for a particular purpose or by specified persons, it would be expedient for tokens of a particular type to be used, the Council may -

- (i) for the purpose of facilitating such entry or exit, approve the issue and use of tokens of that type; and
- (ii) determine the manner in which tokens of that type are to be used for that purpose.

(4) Paragraph (3) shall not be taken as authorising the Council to determine a manner in which tokens of a particular type are to be used at a parking station which manner is inconsistent with the express provisions of this Part.

(5) Where the Council, in the exercise of its powers and authorities under paragraph (3), approves the issue and use of tokens of a particular type at a parking station and determines the manner of the use, it shall notify directions as to the manner determined by it for such use on the tokens or by a sign prominently displayed in the parking station.

(6) Where the Council, in the exercise of its powers and authorities under paragraph (3), approves the issue of a token of a particular type in connexion with the payment of the charges for the parking of a vehicle at a parking station in circumstances whereunder a time park ticket in respect of the parking is required to be obtained in accordance with provision (a) of paragraph (1) of ordinance 8, it may in so determining fix the length of time of the grace period applicable to a token of that type.

(7) Where the Council, in the exercise of its powers and authorities under paragraph (3), determines that in connexion with their use by persons to whom the same are issued, tokens of a particular type are to be inserted or deposited in a particular type of token machine, it shall notify instructions in relation to the insertion or depositing of the tokens in a token machine of that particular type provided for the purpose on or in the vicinity of the token machine.

(8) Whenever, having regard to the time that may reasonably elapse between the entry of a vehicle to a particular parking station and its being parked thereat, it considers it in the circumstances expedient so to do, the Council may determine that the time to be marked on a time park ticket issued at the parking station as the time of issue of the time park ticket shall be a time later than, by such period of time as is specified in the determination but which in any case shall not exceed 20 minutes, the actual time of the issue of the time park ticket.

(9) A determination under paragraph (8) may be made so as to apply -

- (a) generally; or
- (b) to time park tickets issued at the parking station specified in the determination on specified days or between specified hours.

(10) Where -

- (a) a sign of a kind referred to in paragraph (1) or paragraph (5) is displayed within a parking station;
- (b) a line or marking of a kind referred to in paragraph (1) is made within a parking station;

(c) directions of a kind referred to in paragraph (5) are notified on a token of a type the use whereof in a particular parking station has been approved by the Council;

(d) instructions of a kind referred to in paragraph (7) are notified on or in the vicinity of a token machine,

such sign, line or marking, directions or instructions shall, unless the contrary is proved, be deemed to be in accordance with a determination under this ordinance and to be duly displayed, made or notified in accordance with this ordinance.

4.(1) The Manager may authorise an officer to be, in respect of the parking station specified in such authority, an authorised officer for the purposes of this Part or for the purposes of a particular provision of this Part.

(2) Where the Manager authorises an officer to be an authorised officer, the Town Clerk shall provide that officer with some appropriate means of identifying himself as such.

5. A person shall not without reasonable excuse, the proof whereof shall lie upon him, enter upon a parking station save-

(a) to park or remove a vehicle;

(b) as a passenger of a vehicle intended to be parked therein or thereat;

(c) as an intending passenger of a vehicle parked therein or thereat; or

(d) for a purpose in connexion with a business or undertaking approved by the Council and carried on therein as provided by subsection (3) of section 49F of the *Local Government Act 1936-1979*.

7. A person shall not drive or otherwise move or attempt to drive or otherwise move a vehicle into or out of a parking station except by the entrance or, as the case may be, exit provided for that purpose.

8.(1) Any person proposing to park a vehicle at a parking station in respect whereof a determination in pursuance of ordinance 2 of charges for the parking of vehicles thereat and applicable to that vehicle has been made, shall not drive or otherwise move or attempt to drive or otherwise move the vehicle into or on to any part of the parking station unless -

(a) in the case of a parking station whereat time park tickets are issued, he has first obtained, in the manner prescribed by paragraph (2), a time park ticket in respect of the parking; or

(b) in any other case, he has first paid, in the manner prescribed by paragraph (3), the charges in respect of the parking.

(2) For the purposes of paragraph (1), any person required by paragraph (1) to obtain a time park ticket shall obtain the same -

(a) in the case of a parking station whereat a machine for the issue of time park tickets is provided and is in operating order, by operating the machine;

(b) in any other case, by procuring it from an authorised officer.

(3) For the purposes of paragraph (1), any person required by that paragraph to pay the charges in respect of the parking of a vehicle, shall pay the charges -

(a) in the case of a parking station whereat a machine for the insertion of coins therefor is provided and is in operating order, by the insertion of a coin or coins of a denomination specified on the machine to the value of the charges payable for the parking;

(b) in any other case, by paying the charges to an authorised officer.

(4) Where an authorised officer receives from any person in pursuance of this ordinance the charges for the parking of a vehicle, the authorised officer shall issue to that person a parking ticket.

(5) Nothing in paragraph (1) shall be taken as preventing the driving or moving of a vehicle into or on to any part of a parking station for the purpose of obtaining a time park ticket or paying any charges.

9. Where the entry of vehicles to a parking station or any part thereof is controlled by a barrier which is raised by the insertion in a machine of coins in payment of the charges for the parking of a vehicle at the parking station, a person other than an authorised officer shall not -

- (a) otherwise than by the insertion in the machine of coins in payment of the charges for the parking of a vehicle at the parking station, raise or cause to be raised the barrier;
- (b) upon the entry to the parking station or part thereof of a vehicle for the parking of which coins in payment of the charges therefor have been inserted in the machine, keep or cause to be kept the barrier raised; or
- (c) except for the purpose of facilitating the entry to the parking station or part thereof of a vehicle the charges for the parking of which at the parking station have been paid -
 - (i) raise or cause to be raised the barrier; or
 - (ii) keep or cause to be kept the barrier raised.

10. Where the entry of vehicles to a parking station or any part thereof is controlled by a barrier which is raised by the obtaining from a machine of a time park ticket in respect of the parking of a vehicle at the parking station, a person other than an authorised officer shall not -

- (a) otherwise than by the obtaining from the machine of a time park ticket in respect of the parking of a vehicle at the parking station, raise or cause to be raised the barrier;
- (b) upon the entry to the parking station or part thereof of a vehicle in respect of the parking of which a time park ticket has been obtained from the machine, keep or cause to be kept the barrier raised; or
- (c) except for the purpose of facilitating the entry to the parking station or part thereof of a vehicle in respect of the parking of which a time park ticket has been obtained from the machine -
 - (i) raise or cause to be raised the barrier; or
 - (ii) keep or cause to be kept the barrier raised.

12. Where the entry of vehicles to or exit of vehicles from a parking station or any part thereof is controlled by a barrier which is raised and lowered by an authorised officer for the purpose of facilitating such entry or exit, a person other than an authorised officer shall not without reasonable excuse, the proof whereof shall lie upon him -

- (a) raise or cause to be raised the barrier; or
- (b) lower or cause to be lowered the barrier.

13. Where a vehicle has been driven or otherwise moved into or on to any part of a parking station in circumstances whereunder the person so driving or otherwise moving the vehicle was required by provision (a) of paragraph (1) of ordinance 8 to first obtain a time park ticket, a person shall not drive or otherwise move or attempt to drive or otherwise move the vehicle out of the parking station -

- (a) without -

- (i) producing a time park ticket obtained in accordance with provision (a) of paragraph (1) of ordinance 8 in respect of the vehicle to an authorised officer; or
 - (ii) where such a time park ticket cannot, for any sufficient reason, be produced, furnishing proof to the satisfaction of an authorised officer of his ownership of the vehicle; and
- (b) unless the charges in respect of the parking of the vehicle at the parking station have been paid.

14.(1) Where a vehicle has been driven or otherwise moved into or on to any part of a parking station in circumstances whereunder the person so driving or otherwise moving the vehicle was required by provision (a) of paragraph (1) of ordinance 8 to first obtain a time park ticket, the charges in respect of the parking of the vehicle at the parking station shall be deemed not to have been paid before the removal of the vehicle from the parking station unless -

- (a) in the case of a parking station whereat provision is made for a token to be issued in connexion with the payment of the charges for the parking of a vehicle, at a time which is sooner than, but as near as practicable to, the time of the removal of the vehicle from the parking station and which is within the grace period applicable to the token -
 - (i) where a token machine for that purpose is provided at the parking station, a token obtained as prescribed by paragraph (2) is inserted or deposited in the token machine in accordance with the instructions applicable thereto and notified on or in the vicinity of the token machine; or
 - (ii) where a token machine is not so provided, a token obtained as prescribed by paragraph (2) is handed to an authorised officer who is for the time being receiving tokens obtained as so prescribed; or
 - (b) in any other case, at a time which is sooner than, but as near as practicable to, the time of the removal of the vehicle from the parking station -
 - (i) there is produced to an authorised officer who is for the time being receiving time park tickets and collecting charges in respect of the parking of vehicles, the time park ticket obtained in respect of the parking of the vehicle and paid to such authorised officer the charges payable for the parking of the vehicle; or
 - (ii) where a time park ticket in respect of the parking of the vehicle cannot be or is not produced to an authorised officer who is for the time being receiving time park tickets and collecting charges in respect of the parking of vehicles, there is paid to such authorised officer the charges payable in respect of the parking of the vehicle.
- (2) For the purposes of paragraph (1), a token shall be issued upon -
- (a) there being produced to an authorised officer who is for the time being receiving time park tickets and collecting charges in respect of the parking of vehicles, the time park ticket obtained in respect of the parking of a vehicle and being paid to the authorised officer the charges for the parking of the vehicle; or
 - (b) where a time park ticket in respect of the parking of the vehicle cannot be or is not produced to an authorised officer who is for the time being receiving time park tickets and collecting charges in respect of the parking of vehicles, there being paid to such an authorised officer -
 - (i) in the case where a token has not previously been issued in connexion with the parking, the charges for the parking of the vehicle; or
 - (ii) in the case where a token has previously been issued in connexion with the parking, that part of the charges for the parking of the vehicle as remains unpaid.

15.(1) Where a vehicle has been driven or otherwise moved into or on to any part of a parking station in circumstances whereunder the person so driving or otherwise moving the vehicle was-

- (a) required by provision (b) of paragraph (1) of ordinance 8 to first pay the charges in respect of a parking of the vehicle at the parking station; and
- (b) required by paragraph (4) of ordinance 8 to be issued with a parking ticket upon the payment of the charges,

an authorised officer may request any person proposing to drive or otherwise move the vehicle out of the parking station to produce for his inspection a parking ticket in relation to the parking of the vehicle.

(2) A person to whom a request has been made under paragraph (1) shall not drive or otherwise move or attempt to drive or otherwise move out of the parking station the vehicle he was proposing to drive or otherwise move out of the parking station at the time the request was made without -

- (i) producing a parking ticket in relation to the parking of the vehicle to the authorised officer;
- or

16.(1) A person shall not park a vehicle at a parking station for any period longer than or other than -

- (a) that shown on a parking ticket (not being a time park ticket) issued in respect of a parking of the vehicle; or
- (b) that to which a parking ticket (not being a time park ticket) issued in respect of a parking of the vehicle relates.

(2) Where a vehicle has been parked at a parking station in contravention of paragraph (1), a person shall not drive or otherwise move or attempt to drive or otherwise move the vehicle out of the parking station unless the charges for the parking in contravention of that paragraph have been paid to an authorised officer.

(3) Where a vehicle has been driven or otherwise moved into or on to any part of a parking station in contravention of provision (b) of paragraph (1) of ordinance 8, a person shall not drive or otherwise move or attempt to drive or otherwise move the vehicle out of the parking station unless the charges for the parking in contravention of that provision have been paid to an authorised officer.

17. A person shall not deface, obliterate, or alter a parking ticket or token issued under this Part or anything written, printed, impressed or punched thereon.

18.(1) Where a machine for the insertion of coins is provided at a parking station, a person shall not insert or cause or attempt to be inserted in the machine anything whatsoever which is not a coin of the denomination specified on the machine.

(2) Where a token has been issued for the purpose of being used to facilitate the entry or exit of a particular vehicle to or from a parking station, a person shall not use or attempt to use that token for the purpose of facilitating the entry or exit of any other vehicle to or from the parking station.

(3) Where a token machine is provided at a parking station, a person shall not insert or deposit or cause or attempt to be inserted or deposited in the token machine anything whatsoever which is not an appropriate token.

19. A person shall not -

- (a) park a vehicle at a parking station at any time when such parking is in contravention of the terms of a sign or notice displayed or set up in pursuance of ordinance 2;

- (b) drive or otherwise move a vehicle into or on to any part of a parking station at any time when such driving or otherwise moving is in contravention of the terms of a sign or notice displayed or set up in pursuance of ordinance 2;
- (c) remove a vehicle from a parking station at any time when such removal is in contravention of the terms of a sign or notice displayed or set up in pursuance of ordinance 2;
- (d) contravene the terms of -
 - (i) any sign, line or marking indicating, notifying or giving directions as to any matter pursuant to paragraph (1) of ordinance 3;
 - (ii) any sign notifying directions as to any matter pursuant to paragraph (5) of ordinance 3;
 - (iii) any directions notified as to any matter on a token pursuant to paragraph (5) of ordinance 3; or
 - (iv) any instructions notified as to any matter pursuant to paragraph (7) of ordinance 3; or
- (e) in any parking station or any part of a parking station where parking positions have been indicated or notified in accordance with ordinance 3, park a vehicle in that parking station or part otherwise than wholly within a parking position.

20. A person shall not -

- (a) remove, destroy, damage, tamper with or disfigure; or
- (b) attempt to remove, destroy, damage, tamper with or disfigure,

any sign or notice displayed or set up pursuant to ordinance 2 or 3 or any other plant, machinery, equipment or article installed or used for or in connexion with the purpose of controlling the parking of vehicles at a parking station.

21.(1) An authorised officer may give such reasonable directions to a person in charge of a vehicle within a parking station or to any other person within a parking station as are in his opinion necessary to eliminate a cause of danger, of congestion of traffic or of impediment to traffic or for the purposes of this part.

(2) A person to whom a direction is given in pursuance of paragraph (1) shall not without reasonable excuse, the proof whereof shall lie on him, refuse or fail to comply with that direction.

22.(1) Where an offence under this Part with respect to the parking of a vehicle is being committed, an authorised officer may direct the person in charge of the vehicle to remove the vehicle forthwith from the place where it is parked.

(2) A person to whom a direction is given in pursuance of paragraph (1) shall not without reasonable excuse, the proof whereof shall lie on him, refuse or fail to comply with that direction.

(3) Where an offence under this Part with respect to the parking of a vehicle is being committed and -

- (a) the person in charge of such vehicle refuses or fails to comply with a direction given in pursuance of paragraph (1); or
- (b) an authorised officer cannot, after taking such steps as are reasonable in the circumstances, communicate with the person in charge of the vehicle,

the authorised officer, with such assistance, if any, as he requires, may remove the vehicle to another part of the parking station.

(4) The amount of any expense or other liability incurred in or in connexion with action taken by

an authorised officer under paragraph (3) is a debt due to the Council by, and may be recovered by the Council by action in any court of competent jurisdiction from -

- (a) the person in charge of the vehicle at the time it was removed by an authorised officer under paragraph (3); and
- (b) where such person in charge was not such owner, the owner of the vehicle at the time it was so removed,

or either of them.

23.(1) Where a person is found in a parking station and an authorised officer has reason to believe that that person has committed or is committing an offence under this Part in the parking station, the authorised officer may require that person to state his name and address and, if the authorised officer reasonably suspects that the name and address are, or the name or the address is, false, to supply evidence of the correctness thereof.

(2) A person shall not, in pursuance of a requirement under paragraph (1) -

- (a) refuse or fail to state his name and address, or his name or address;
- (b) state a false name and address or false name or false address;
- (c) refuse or fail, without reasonable excuse, the proof whereof shall lie on him, to supply evidence of his name and address, or of his name or of his address; or
- (d) supply false evidence of his name and address or of his name or of his address.

24. An authorised officer may use reasonable measures, including such force as may be reasonable in the circumstances, to prevent a vehicle being driven or otherwise moved into or, as the case may be, out of a parking station otherwise than in accordance with this Part.

25.(1) A person shall not -

- (a) use insulting or abusive language to;
- (b) assault or attempt or threaten to assault;
- (c) obstruct or impede or attempt to obstruct or impede,

an authorised officer at any time when he is engaged upon the exercise or the attempted exercise of his duties at a parking station.

(2) A person shall not -

- (a) damage, misuse, tamper with or destroy; or
- (b) attempt to damage, misuse, tamper with or destroy,

any clothing, equipment, vehicle, or any material or thing whatsoever, worn or used by an authorised officer at any time when he is engaged upon the exercise or the attempted exercise of his duties at a parking station.

26.(1) Where any vehicle has been driven or otherwise moved into or on to any part of a parking station in circumstances whereunder the person so driving or otherwise moving the vehicle was required by provision (a) of paragraph (1) of ordinance 8 to first obtain a time park ticket and the vehicle has not been driven or otherwise moved out of the parking station at the expiration of 7 days reckoned from midnight on the day on which the requirement arose, any charges which at any time thereafter while the parking continues would be payable were the parking to then cease -

- (a) shall thereupon and thereafter up to the time immediately prior to the time at which the parking is deemed to cease for the purpose of assessing the charges payable in connexion

therewith be a debt due to the Council by -

- (i) the person in charge of the vehicle at that first-mentioned time; and
- (ii) where such person in charge is not such owner, the owner of the vehicle at that first-mentioned time; and

(b) may thereupon and thereafter up to the time immediately prior to the time at which the parking is deemed to cease for the purpose of assessing the charges payable in connexion therewith be recovered by the Council by action in any court of competent jurisdiction from those persons or either of them.

(2) Where any vehicle -

- (a) is parked at a parking station in circumstances which are forbidden by paragraph (1) of ordinance 16; or
- (b) is parked at a parking station into or on to which or part of which it has been driven or otherwise moved in circumstances forbidden by provision (b) of paragraph (1) of ordinance 8,

any charges which are at that time payable or which at any time thereafter while the parking continues would be payable -

(i) shall thereupon and thereafter up to the time immediately prior to the time at which the parking is deemed to cease for the purpose of assessing the charges payable in connexion therewith, be a debt due to the Council by -

(A) the person in charge of the vehicle at that first-mentioned time or, as the case may be, the time thereafter referred to in connexion with that first-mentioned time; and

(B) where such person in charge is not such owner, the owner of the vehicle at that first-mentioned time or, as the case may be, the time thereafter referred to in connexion with that first-mentioned time; and

(ii) may thereupon and thereafter up to the time immediately prior to the time at which the parking is deemed to cease for the purpose of assessing the charges payable in connexion therewith be recovered by the Council by action in any court of competent jurisdiction from those persons or either of them.

(3) Where any vehicle has been removed from a parking station in circumstances which are forbidden by -

- (a) provision (b) of ordinance 13;
- (b) paragraph (2) of ordinance 16; or
- (c) paragraph (3) of ordinance 16,

the charges or, as the case may be, part thereof which remain unpaid upon such removal shall be a debt due to the Council by -

- (i) the person in charge of the vehicle at the time of such removal; and
- (ii) where such person in charge was not such owner, the owner of the vehicle at the time of such removal,

and may be recovered by the Council from both those persons or either of them by action in any court of competent jurisdiction.

27. A vehicle parked in a parking station shall be parked entirely at the owner's risk and neither the Council nor any of its officers shall be liable for any injury, loss or damage to a person, vehicle or thing at a parking station, nor for any injury, loss or damage caused by or resulting from the delivery of a vehicle to a person not entitled to take such delivery.

28.(1) When there is in any parking station any vehicle in respect of which there are reasonable grounds for suspecting that the same has been abandoned, the Council may remove and detain, or cause to be removed and detained, at a place of safe keeping that vehicle and may deal with the vehicle or cause the same to be dealt with in the manner provided by this ordinance.

(2)(a) As soon as practicable after the removal of a vehicle in pursuance of paragraph (1), the Council 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.

(b) 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 City.

(3) If within one month from the date of service or advertisement of a notice given pursuant to paragraph (2) the owner of the vehicle referred to in the notice or a person acting on his behalf or a person claiming a right to the possession of the vehicle has not obtained possession of the vehicle in accordance with the provisions of this ordinance, the Council may -

(a) by notice published in a newspaper circulating in the City advertise that the Council will offer the vehicle for sale by public auction at the place and time stated in the advertisement;

(b) at the time on the day stated in the last-mentioned advertisement (which day shall be not earlier than fourteen days after the date when that advertisement was published) and at the place stated in that advertisement, offer the 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 the vehicle in accordance with the provisions of this ordinance;

(c) if no offer for the vehicle is received at such auction, dispose of the same in such manner and on such terms as it may determine.

(4) The proceeds of the sale or disposal of a vehicle pursuant to paragraph (3) shall be applied as follows:-

(a) Firstly, in payment of the expenses of the sale or disposal;

(b) 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 ordinance;

(c) Thirdly, in payment of the balance of the proceeds to the owner of the vehicle or, if after reasonable enquiry he cannot be ascertained, into the City Fund of the Council.

(5) Where the Council causes a vehicle to be removed and detained under this ordinance, he may deal with any goods, equipment or thing contained in, on or about the vehicle at the time of its removal in the same manner as he may deal with the vehicle pursuant to this ordinance: Provided that any perishable goods contained in a vehicle at the time of its removal may be disposed of in such manner as the Council shall direct and the proceeds, if any, of such disposal shall be applied in accordance with the provisions of paragraph (4).

(6) Where the Council has removed and detained, or caused so to be, a vehicle pursuant to the provisions of this ordinance, it shall not deliver possession of the 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 -

(a) the owner, or person acting on his behalf, or other person claiming a right to possession of the vehicle shall have applied in writing signed by him to the Council for the release from such detention of the vehicle;

(b) the applicant shall have furnished proof to the satisfaction of the Council of his ownership or of his right to possession of the 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 Council

of his authority to act on behalf of the owner;

(c) the applicant shall have paid all expenses incurred by the Council in connexion with the removal and detention of the vehicle and the service or advertisement of any notice served or advertised by the Council in relation to the removal and detention or intended sale of the vehicle;

(d) the applicant has signed a receipt for the delivery of the vehicle to him.

(7) A person shall not take delivery of, obtain possession of, or remove or attempt to remove from the detention of the Council a vehicle removed and detained pursuant to the provisions of this ordinance except in accordance with the provisions of paragraph (6).

(8) The owner of any vehicle removed pursuant to the provisions of this ordinance shall on demand pay to the Council any expenses incurred by the Council which the Council does not recover in full pursuant to the provisions of paragraph (4) and in the event of his failing so to do the Council may recover the amount of such expenses from the owner as a debt due from the owner to the Council.

(9) For the purposes of this ordinance the term "vehicle" includes any part of a vehicle.

29.(1) Any person who does any act forbidden by this Part or suffers or permits such act to be done or fails to do any act required by this Part to be done shall be guilty of an offence.

(2) Any person guilty of an offence under this Part shall be liable to a penalty not exceeding \$5000 and, if the offence is a continuing one, to an added penalty not exceeding \$500 for each and every day during which the offence continues.

30.(1) Where an authorised officer believes on reasonable grounds that a prescribed infringement has been committed, he may serve or cause to be served an infringement notice in the manner prescribed by Part 14 of Chapter 4.

(2) For the purposes of any infringement notice served pursuant to paragraph (1), the prescribed penalty shall be \$25.

31.(1) In any proceedings under or for the purpose of this Part -

(a) a certificate purporting to be under the hand of the Town Clerk or officer ordinarily having custody of records relating to payments of moneys payable under this Part stating any matter with respect to the receipt or non-receipt of any payment to be given or made under this Part is admissible in evidence and is evidence of the matter so stated and, in the absence of evidence in rebuttal thereof, is conclusive evidence of that matter;

(b) a certificate or document -

(i) purporting to be issued pursuant to the regulations under the *Main Roads Act 1920-1979* 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 vehicles under any legislation, ordinance or law of any State or Territory of the Commonwealth corresponding to the regulations under the *Main Roads Act 1920-1979*, or any person thereunto authorised by such person or authority,

which states that on any date or during any period the vehicle specified in the certificate or document was registered in the name of the person specified therein is admissible in evidence and is evidence of the matters specified therein and, in the absence of evidence in rebuttal thereof, is conclusive evidence of those matters; and

(c) a certificate or document referred to in provision (b) shall be taken to have been duly issued or given until the contrary is proved.

(2) At the hearing of a prosecution for an offence under this Part, the allegation or averment in any complaint that -

- (a) any thing is or was a vehicle other than a motorcycle, motor scooter or similar vehicle with or without side car or three or four-wheeled motor vehicle with no trailer, semi-trailer or caravan; or
- (b) any place or thing is or was at any date or time specified a parking station; or
- (c) any thing is or is not or was or was not at any date or time specified in the complaint the entrance or exit provided at a parking station for those respective purposes; or
- (d) any thing is or is not or was or was not at any time or date specified in the complaint an area in which persons are or were, or are not or were not, permitted to park vehicles or a parking position at a parking station; or
- (e) any specified matter was at any date or time specified, indicated, notified or directed by a sign displayed or set up or by lines or markings made at a parking station; or
- (f) any specified matter was directed on a token; or
- (g) any specified instructions were at any date specified notified on or in the vicinity of a token machine at a parking station; or
- (h) any token was a token of a type the issue and use whereof at a parking station has been approved under this Part by the Council; or
- (i) a specified length of time was the grace period applicable to a specified token; or
- (j) a specified token was an appropriate token in relation to a specified token machine; or
- (k) any specified time was or was not a time at any specified date a specified vehicle was or was not permitted to be parked at a specified parking station; or
- (l) any specified time was or was not at any date specified a time a specified vehicle was permitted to be driven or otherwise moved into or on to a specified parking station or part thereof for the purpose of parking it thereat; or
- (m) any specified time was or was not a time at any date specified a specified vehicle was permitted to be removed from a specified parking station whereat it was parked; or
- (n) any specified charges were the charges to be paid in respect of a specified parking of a specified vehicle at a specified parking station; or
- (o) any sign displayed or set up does or does not contain, or did or did not contain at any date specified, any specified word, figure, warning, direction, indication or symbol; or
- (p) any directions on a token or any instructions notified on or in the vicinity of a token machine do or do not, or did or did not at any date specified, contain any specified word, figure, warning, direction, indication or symbol,

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 although -

- (i) evidence in support of such matter or of any other matter is given; or
- (ii) 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) The provisions of paragraph (2) shall not lessen or affect any onus of proof otherwise falling on the defendant.

32. Nothing in this Part shall be taken as preventing any officer from doing in pursuance of his

duty any act or thing prohibited hereby.

Part 2 - Regulated Parking Patrol Officers

1. In this Part the term "authorised person" has the same meaning as in subsection (4) of section 44F of the *Traffic Act 1949-1977*.

3. Any person who damages, misuses, tampers with, or destroys or attempts to damage, misuse, tamper with or destroy any clothing, equipment, motor vehicle or any material or thing whatsoever, worn or used by an authorised person in the performance of his duties as such authorised person, shall be guilty of an offence.

Part 3 - Control of Traffic and Obstructions on Roads

Interpretation

1. In this Part, unless the context otherwise indicates or requires, the following terms have the meanings set against them respectively, that is to say:-

"**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 or goat.

"**Authorised officer**" -An officer appointed to be an authorised officer pursuant to ordinance 1A;

"**Bicycle**" -Any vehicle having two wheels and designed for propulsion wholly by human power;

"**colonnaded area**" means -

(a) in relation to a building erected on land abutting any road, that part of that land or building (including steps or ramps) at or about or giving access to ground level -

(i) which -

(A) abuts the road; and

(B) in general is an area covered by a roof or floor of, or awning attached to that building; and

(C) in general at that level separates the road from the wall or interior of that building; and

(ii) to which members of the public are permitted, expressly or impliedly, unrestricted access; and

(b) in relation to land abutting a road to which members of the public are permitted, expressly or impliedly, unrestricted access, that part of that land which -

(i) abuts the road; and

(ii) is within six metres of the alignment of that road or, where the distance between the alignment of that road and the wall or interior of any building on that land is less than 6 metres, within that area; and

"**Commissioner of Main Roads**" -The Commissioner of Main Roads within the meaning of section 2 of the *Main Roads Act 1920-1983*, or the person who for the time being occupies the office or performs the duties of the said Commissioner of Main Roads;

"**food**" means any substance or matter ordinarily consumed or intended for consumption by persons;

"Food Business" means a business in the nature of a restaurant, cafe, coffee shop or take-away food store;

"Footway" -That part of a road set apart for the use of pedestrians or habitually used by pedestrians and not by vehicles. The term includes a pathway;

"Goods" -Includes any wares, merchandise, chattels, money, stone, timber, metal, fluid, and any other article, substance, or material whatsoever, whether of the same kind as the articles, substances or materials before enumerated or not, but does not include rubbish receptacles placed in on or over a street by or with the consent of the Council;

"Inspector" -Any officer of the Council who is an inspector appointed in accordance with Part 5 of Chapter 4 of the Ordinances or any Ordinance in substitution therefor;

"Officer" -A person holding office under, or employed by, the Council;

"Pathway" -Has the same meaning as in the *Local Government Act 1936-1991*;

"person" includes an association of persons;

"Prescribed fee" -The fee determined from time to time by the Council by resolution;

"Prescribed infringement" -An offence under ordinance 11 constituted by-

- (a) a contravention of ordinance 2 or 3;
- (b) a contravention of ordinance 5 relating to the setting up or use of a stall, booth, stand, tables or chairs or both or standing vehicle; or
- (c) a failure to comply with a condition imposed pursuant to ordinance 8 relating to the setting up or use of a stall, booth, stand or standing vehicle;

"Prescribed Road" means a road or part of a road declared under Ordinance 5A to be a road in relation to which a permit may be granted for a purpose specified in paragraph (2) of that Ordinance;

"Proper crossing" -A crossing made in accordance with Part 1 of Chapter 6 of the Ordinances;

"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 1931-1972* or any tramway constructed on any road under subsection twenty-four of section thirty-five of the *Local Government Act 1936-1991*, or any other Act; and
- (c) Any place declared by the Governor in Council to be a road for the purposes of the *Traffic Act 1949-1990*;

"Vehicle" -Reference to a vehicle shall include -

- (a) any part or equipment of the vehicle,
- (b) any machinery or any agricultural implement designed for movement upon wheels but shall not include any of the following vehicles:
 - (i) when propelled by a person on foot -a perambulator or stroller for the carriage of

- a child or children, a shopping stroller or lawnmower;
- (ii) a bicycle or tricycle when wheeled by a person on foot;
- (iii) a wheel-chair when propelled by the occupant, or by a person on foot.

Authorised Officers

1A.(1) The Town Clerk may appoint by writing under his hand an officer to be an authorised officer for the purposes of this Part.

(2) Every appointment under this ordinance shall be revocable at will.

(3) The powers which may be exercised by an authorised officer by virtue of an appointment under this ordinance of that officer as an authorised officer may continue to be exercised notwithstanding the fact that the person making the appointment has ceased to hold office as Town Clerk by death or otherwise, but the appointment may be revoked by the person holding office as Town Clerk for the time being.

(4) The Town Clerk shall cause each authorised officer to be provided with an appropriate means of identifying himself as an authorised officer.

Driving vehicles or animals on footways etc.

2.(1) Subject to paragraph (2) of this Ordinance a person shall not drive, wheel or stand or permit or suffer to be driven, wheeled or to stand any vehicle, or drive, ride or lead any animal or permit or suffer any animal to be driven, ridden or led in, on or across a footway, water-channel or gutter, except at a proper crossing for the purpose of and whilst actually engaged in obtaining entry to or exit from any land abutting on the road whereof such footway, water-channel or gutter forms part.

(2)(a) Where a proper crossing has not been provided, the Council may in its discretion and upon payment of the prescribed fee grant a permit to any person to drive or wheel any vehicle or to drive, ride or lead any animal in, on or across a footway, water-channel or gutter for such period and upon such conditions as it shall determine;

(b) The Council may by resolution determine different prescribed fees according to the duration of permits;

(c) It shall be a condition of a permit granted by the Council that it may in the discretion of the Council be revoked -

- (i) if the holder, during the time the permit is in force, fails to comply with any condition of the permit; or
- (ii) if the Council determines that the permit should be revoked.

Upon the revocation of a permit the same shall thereupon cease to subsist or to have any force or effect.

(3) An inspector finding any animal or vehicle under circumstances which constitute a contravention of any provision of this Ordinance may seize and remove the vehicle or animal or cause the vehicle or animal to be removed into the possession and control of the Council and thereupon the provisions of paragraphs (3), (4) and (6) of Ordinance 4 shall with all necessary adaptations apply.

Washing or Repairing etc. vehicles in roads

3.(1) A person shall not wash, cleanse or paint a vehicle or cause or suffer or permit a vehicle to be washed, cleansed or painted in, on or over a road.

(2) A person shall not repair, alter or carry out maintenance of a vehicle or cause or suffer or permit a vehicle to be repaired or altered or maintenance of a vehicle to be carried out in, on or over

a road: Provided that, except in the roads described in the Schedule hereto or in any other road which the Council may by resolution declare to be excepted from the provisions of this proviso, it shall not be an offence to effect minor running repairs to a vehicle in a road in a case of emergency for the purpose of enabling the vehicle to be again put in motion.

3B.(1) Where an authorised officer believes on reasonable grounds that a prescribed infringement has been committed, he may serve or cause to be served an infringement notice in respect of that prescribed infringement in the manner prescribed by Part 14 of Chapter 4.

(2) For the purposes of any infringement notice served pursuant to paragraph (1), the prescribed penalty shall be

- (a) where the prescribed infringement is an offence constituted by a contravention of ordinance 2 or 3, \$50.00;
- (b) where the prescribed infringement is an offence constituted by -
 - (i) a contravention of ordinance 5; or
 - (ii) a failure to comply with a condition imposed pursuant to ordinance 8, relating to the setting up or use of a stall, booth, stand or standing vehicle, \$100.

Parking Unregistered Vehicles on Roads

3C.(1) A person must not park or leave stand, an unregistered vehicle upon a road.

Penalty 50 penalty units

- (2)** In this Section 3C, “unregistered vehicle” means any vehicle required to be registered under the Transport Infrastructure (Roads) Regulation 1991 (or any equivalent State or Federal legislation), that is not so registered.
- (3)** If a vehicle is parked in contravention of Section 3C(1), an authorised officer may serve a written notice on the owner of that vehicle, requiring that owner to remove that vehicle from the road within the period specified in the notice, which period must not be less than 7 days.
- (4)** An owner must comply with a notice issued under Section 3C(3).

Penalty 50 penalty units

- (5)** Where an owner fails to comply with a notice issued under Section 3C(3), an authorised officer may seize and remove the vehicle or cause the vehicle to be seized and removed into the possession and control of Council.
- (6)** As soon as practicable after such removal, Council will cause a written notice to be given to the owner of that vehicle of such removal, and of the place where such vehicle is detained.
- (7)** Such notice shall, if practicable, be served on the owner personally, but if not so served within 14 days of such removal, notice may be given by public advertisement in a newspaper circulating in the City.
- (8)** If within one month of the service of the notice referred to in Section 3C(6) or the date of advertisement in Section 3C(7), the owner of the vehicle shall:-
 - (a) make written application to Council for release of the vehicle;
 - (b) provide proof of ownership of the vehicle which is satisfactory to Council;
 - (c) pay to Council all expenses incurred by it in relation to the seizure, removal and detention of that vehicle under Section 3C;
 - (d) sign a receipt for delivery of the vehicle to that owner;

Council shall cause the vehicle to be delivered to that owner.

- (9) If owner of the vehicle has not taken delivery of that vehicle under Section 3C(8), within one month of the service of the notice referred to in Section 3C(6) or the date of advertisement in Section 3C(7), the Council may dispose of any vehicle that has come into its possession in accordance with Part 2, Division 12, Subdivision 3 of the *City of Brisbane Act 1924*.

Goods in roads

4.(1) A person shall not stack, store or expose or permit or suffer to be stacked, stored or exposed goods in, on or over any road.

(2) An inspector finding goods stacked, stored, or exposed in contravention of paragraph (1) of this Ordinance may seize and remove the goods or cause the goods to be removed into the possession and control of the Council and thereupon Council may dispose of any thing or goods in accordance with Part 2, Division 12, Subdivision 3 of the *City of Brisbane 1924*.

(5) If the goods removed or caused to be removed by the Inspector under paragraph (2) of this Ordinance are perishable goods only, the owner thereof shall on demand pay to the Council the cost incurred by the Council in the removal and disposal of such goods and in the event of his failing so to do the Council may recover the amount of such cost from the owner as a debt due from the owner to the Council.

(6) Any person who takes delivery, or obtains possession of or removes or attempts to remove from the detention of the Council any goods removed and detained pursuant to the provisions of this Ordinance except in accordance with the provisions thereof shall be guilty of an offence.

(7) Notwithstanding the foregoing, upon application the Council may by written permit allow a person to stack, store or expose any class of goods for sale on the footway of any road or in any waiting shed on the footway of any road by means of an automatic vending machine for such period and subject to such conditions, if any, as may be expressed in the permit. Any person who stacks, stores or exposes goods for sale in strict compliance and accordance with any subsisting permit shall not be guilty of a breach of this Ordinance.

(8) Any person being the owner or having the custody of an automatic vending machine in, on or over a road and in respect of which there is no subsisting permit shall upon demand in writing by an Inspector remove the same from the road within the time stated in such demand. If such person shall fail to so remove it or if the owner or person having the custody of such automatic vending machine cannot be found, an Inspector may seize it and cause it to be removed and detained at a place of safe keeping. Upon such seizure, removal and detention having been effected, the provisions of this Ordinance shall with all necessary adaptations apply in respect of such automatic vending machine.

For the purpose of this paragraph (8) the term "automatic vending machine" shall include the contents thereof.

License for stalls, booths, stands, tables and chairs and standing vehicles

5. A person shall not set up or use in or on any road any stall, booth, stand tables or chairs or both or standing vehicle for a purpose of or connected with the carrying on of any business, calling or employment other than a booth for religious, charitable, educational or political purposes or 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 the Council, unless he is the holder of a license in writing or, in the case of tables or chairs or both, a permit in writing granted by the Council authorising him so to do.

Permit for public dining on footways

5A.(1) The Council may, from time to time, by resolution, declare that this Ordinance shall apply

to the roads or parts of roads specified in that resolution.

(2) The owner or occupier of premises for the time being lawfully conducted as a food business may, if he is the holder of a permit granted by the Council authorising him so to do, use that part of the footway of the prescribed road adjoining or in the vicinity of those premises specified in the permit so granted for the purposes of supplying food or drink or both to persons seated at tables thereon for consumption thereat.

(3) The Council may in a Local Law Policy specify:-

- (a) the procedure to be used in making and processing an application for a permit;
- (b) the criteria to be used in determining the application;
- (c) conditions which:
 - (i) must be imposed; or
 - (ii) will ordinarily be imposedon a permit generally or in particular circumstances or on particular types of premises;
- (d) particular types of premises for which, or in particular circumstances in which:-
 - (i)
 - (ii) a permit will not ordinarily be issued
- (e) exemption from the requirements of this local law and Local Law Policy either generally or in particular circumstances.

Sale of food on roads etc.

5B.(1) A person shall not -

- (a) on a road -
 - (i) sell or cause to be sold; or
 - (ii) offer for sale or cause to be offered for sale; or
 - (iii) expose for sale or cause to be exposed for sale;any food whether packaged or not to a person on that road or on a colonnaded area abutting that road; or
 - (b) on a colonnaded area abutting road -
 - (i) sell or cause to be sold; or
 - (ii) offer for sale or cause to be offered for sale; or
 - (iii) expose for sale or cause to be exposed for sale;any food whether packaged or not to a person on that colonnaded area or to a person on road abutting that colonnaded area; or
 - (c) on land abutting road -
 - (i) sell or cause to be sold; or
 - (ii) offer for sale or cause to be offered for sale; or
 - (iii) expose for sale or cause to be exposed for sale;any food whether packaged or not to a person on a road or on a colonnaded area abutting that land;
- other than from or at -
- (A) a building or other structure; or

(B) a vehicle, basket or other receptacle in respect of which a licence issued under regulation 119 of the Traffic Regulations 1967 is current; or

(C) a stall, booth, stand, tables and chairs or standing vehicle in respect of which a licence or permit issued under this Part is current.

(2) Paragraph (1) does not apply to a person where

(a) the Council determines that the person is a *bona fide* charitable or religious organisation; and

(b) the whole of the proceeds of any sale of food to which paragraph (1) would otherwise apply is to be used for charitable or religious purposes.

(3) If an authorised officer finds a person contravening paragraph (1), the authorised officer may seize and remove or cause to be seized and removed the food in respect of which the contravention is occurring and any thing in which the food is kept or from which it is sold or offered for sale or exposed for sale into the possession and control of the Council.

(4) Paragraph (3) applies with respect to a person found contravening paragraph (1) by an authorised officer only if, not less than 20 minutes earlier on the same day, the person was

(a) warned by the authorised officer to stop committing the offence or an offence of a similar nature; and

(b) given notice by the authorised officer of the authorised officer's powers under paragraph (3).

(5) Paragraph (3) does not authorise the seizure and removal of any vehicle.

(6) At the time of, or as soon as practicable after, the seizure and removal of any thing under paragraph (3) an authorised officer must give notice in writing to the person apparently in charge of the thing immediately prior to its seizure and removal of -

(a) the general effect of paragraphs (8) and (9); and

(b) the place at which it is proposed the thing seized and removed will be kept in the possession and control of the Council.

(7) Any food or other thing seized and removed into the possession and control of the Council under paragraph (3) must be dealt with in accordance with paragraphs (8), (9) and (10).

(8) At any time not sooner than the day following the day of the seizure and removal of any thing under paragraph (3) and prior to the Council's delivery of that thing under paragraph (9) a person claiming to be the owner of the thing or to have had the custody and control of the thing immediately prior to its seizure and removal may request the release of that thing by the Council.

(9) If a person makes a request under paragraph (8) and -

(a) furnishes proof to the satisfaction of the Council of that person's -

(i) ownership of the thing; or

(ii) custody and control immediately prior to its seizure and removal of the thing;

in respect of which the request is made; and

(b) pays to the Council all costs and expenses incurred by it in connection with the seizure and removal of the thing and its keeping of the thing in its possession and control; and

(c) gives to the Council a receipt for delivery of the thing;

the Council must cause the thing to be delivered to that person.

(10) If delivery of any thing seized and removed under paragraph (3) has not been made under paragraph (9) within 1 month after its seizure and removal, Council may dispose of the thing that has come into its possession in accordance with Part 2, Division 12, Subdivision 3 of the *City of*

Brisbane Act 1924.

(12) Paragraphs (6), (7), (8), (9) and (10) do not apply to any food that is perishable.

(13) Any food seized and removed into the possession and control of the Council under paragraph (3) that is perishable may be disposed of as directed by the Council.

(14) A person must not -

(a) take delivery of; or

(b) obtain possession of; or

(c) remove or attempt to remove from the possession and control of the Council;

any thing seized and removed under paragraph (3) except in accordance with this ordinance.

(15) For the purposes of this ordinance, the exclusions in the definition of "vehicle" in ordinance 1 do not apply.

Permits and Licenses to be carried and produced

6. Every holder of a permit under paragraph (7) of Ordinance 4 or Ordinance 5A or a license under Ordinance 5 shall -

(a) while acting or purporting to act under the authority of that permit or license, carry such permit or license at all times; and

(b) produce his permit or license for inspection when so required by an Inspector.

Applications for Permits and Licenses

7. A person who desires to obtain a permit under paragraph (7) of Ordinance 4 or Ordinance 5A or a license under Ordinance 5 of this Part or the renewal of such permit or license shall make application on the form prescribed by the Town Clerk and with such application shall pay the prescribed fee.

The fee so paid shall be retained by the Council notwithstanding that the permit or license or renewal, as the case may be, may not be granted.

Discretion as to Permits, Licenses and Renewals

8.(1) Upon application being made for a permit or license or renewal of a permit or license as aforesaid the Council in its absolute discretion may -

(a) grant the permit or license or renew the permit or license as the case may be; or

(b) grant the permit or license or renew the permit or license, as the case may be, subject to such conditions, including conditions as to duration, as the Council may impose; or

(c) refuse to grant the permit or license or to renew the permit or license.

(2) Council shall not grant a permit to use any footway or part of a footway for the purposes of supplying food or drink or both to persons unless it has first formed the opinion that the granting of such permit will not interfere with

(a) vehicles using any lawful crossing over that footway; or

(b) the flow of pedestrian traffic over or across that footway.

Duration of Permit, License or Renewal

9. Every permit or license and every renewal thereof granted by the Council shall, unless otherwise indicated therein, expire on the thirtieth day of June next following the issue of the permit

or license or the granting of the renewal, as the case may be, and shall continue in force during such period unless revoked or suspended by the Council.

Every permit or license granted by the Council may be renewed upon application and payment of the prescribed fee.

Transfer of Permit

9A.(1) Where the holder of a permit to which section 5A applies transfers his interest in the food business premises to which the permit relates, the Council may, upon application on the form prescribed by the Town Clerk and payment of the prescribed fee, approve the transfer of the permit to use the footway abutting those premises to the person to whom the interest in the food business premises has been transferred.

(2) Nothing in paragraph (1) shall prevent the Council from refusing to approve the transfer of a permit for good and sufficient reason.

Revocation of Permit, License or Renewal

10. It shall be a condition of a permit or license and of the renewal of a permit or license granted by the Council that it may in the discretion of the Council be revoked -

- (a) if the holder, during the time the permit or license is in force, fails to comply with any condition of the permit or license as the case may be;
- (b) if the Council determines that the permit or license should be revoked.

Upon the revocation of a permit or license the same shall thereupon cease to subsist or to have any force or effect.

Offences and Recovery of Expenses etc.

11. Any person who contravenes any provision of this Part or fails to comply with any condition determined or imposed by the Council under this Part shall be guilty of an offence and shall be liable to a penalty not exceeding \$5000.

12. Where an offence under this Part involving a vehicle, not being a prescribed infringement, is committed, except as hereinafter provided in this Part, the person who at the time of commission of the offence was the owner of the vehicle shall be deemed to have committed that offence and may be proceeded against and shall be punishable accordingly.

13.(1) For the purposes of ordinance 12, the term "owner", in relation to a vehicle, means -

- (a) in the case of a vehicle which is registered under the regulations under the Main Roads Act 1920-1983, or under any corresponding legislation of any State or Territory of the Commonwealth, the person in whose name the vehicle is so registered at the relevant time; and
- (b) in any other case, any person who, at the relevant time, is an owner, as that term is defined in section 9 of the *Traffic Act 1949-1982*, of the vehicle.

(2) Proof that the name of a person -

- (a) was shown upon the outside of a vehicle; or
- (b) was otherwise shown in or upon a vehicle,

which is not registered as referred to in subparagraph (a) of paragraph (1) such that the name shown purported to be the name of the owner of that vehicle, shall in any proceedings under this Part be evidence that, at the time when such name was so shown, the person whose name was so

shown was the owner of that vehicle and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such ownership.

14.(1) Where an offence under this Part, whether or not a prescribed infringement, is committed, the amount of any expenses -

- (a) incurred by the council in repairing any damage occasioned by the contravention or failure constituting the offence; or
- (b) incurred by the Council pursuant to its powers under this Part which the council does not recover in full pursuant to the provisions of ordinance 4,

is a debt due to the Council by, and, whether or not proceedings have been taken in respect of that offence, may be recovered by the Council by action in any court of competent jurisdiction from the person who is to be taken to be the person responsible for payment of those expenses.

(2) The person who is to be taken to be the person responsible for payment of any expenses as referred to in paragraph (1) shall be -

- (a) in a case where the relevant offence is not a prescribed infringement and a person has been convicted of that offence, that person;
- (b) in a case where the relevant offence is not a prescribed infringement and -
 - (i) proceedings have not been taken in respect of that offence; or
 - (ii) proceedings have been taken in respect of that offence but no person against whom such proceedings have been taken has been convicted of that offence,

the person who actually committed that offence;

- (c) in a case where the relevant offence is a prescribed infringement and a person has been convicted of that offence, that person;

- (d) in a case where the relevant offence is a prescribed infringement and-

- (i) an infringement notice has been served in the manner prescribed by Part 14 of Chapter 4 in respect of the prescribed infringement; and
- (ii) the amount of the prescribed penalty specified in that infringement notice has been paid in accordance with that notice by any person,

that person;

- (e) in a case where the relevant offence is a prescribed infringement and neither subparagraph (c) nor subparagraph (d) is applicable, the person who actually committed that offence.

(3) For the purposes of an action under paragraph (1), a certificate purporting to be under the hand of the Manager -

- (a) relating to the amount of any expenses as referred to in subparagraph (a) or (b) of that paragraph;
- (b) relating to the identity of any person as referred to in subparagraph (a), (c) or (d) of paragraph (2); or
- (c) stating that subparagraph (b) or, as the case may be, subparagraph (e) of paragraph (2) is applicable in the circumstances,

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.

15.(1) A person shall not, by virtue of ordinance 12, be deemed to have committed an offence under this Part involving a vehicle, not being a prescribed infringement, if, not later than 10 days

after the service on him of a summons in respect of the offence alleged, there is furnished to the Town Clerk an attested declaration made by him or, where that person is a body corporate, by a director, manager or secretary of the body corporate, stating -

(a) in the case where the person is a body corporate -

- (i) that the declaration is made for the purposes of this ordinance;
- (ii) that the vehicle was not being used for the purposes of the body corporate at the time of the offence alleged; and
- (iii) the name and address of the person who was in charge of the vehicle at that time; and

(b) in any other case -

- (i) that the declaration is made for the purposes of this ordinance;
- (ii) that he was not in charge of the vehicle at the time of the offence alleged; and
- (iii) the name and address of the person who was in charge of the vehicle at that time.

(2) A person shall not, by virtue of ordinance 12, be deemed to have committed an offence under this Part involving a vehicle registered under a law of a State or Territory of the Commonwealth providing for the registration of vehicles, not being a prescribed infringement, if, not later than 10 days after the service on him of a summons in respect of the offence alleged, there is furnished to the Town Clerk an attested declaration made by him or, where that person is a body corporate, by a director, manager or secretary of the body corporate stating -

(a) in the case where the person is a body corporate -

- (i) that the declaration is made for the purposes of this ordinance; and
- (ii) facts which establish that the body corporate had sold the vehicle before the time of the offence alleged and which include the name of the person to whom the vehicle was so sold and the address at which such person may be readily located, the time of the sale, and the name and address of the agent, if any, who made the sale on behalf of the body corporate; and

(b) in any other case -

- (i) that the declaration is made for the purposes of this ordinance; and
- (ii) facts which establish that he had sold the vehicle before the time of the offence alleged and which include the name of the person to whom the vehicle was so sold and the address at which such person may be readily located, the time of the sale, and the name and address of the agent, if any, who made the sale on his behalf.

(3) Where a declaration has been furnished in accordance with paragraph (2), the provisions of ordinance 12 shall thereafter have effect as if the person named in the declaration as the person to whom a vehicle was sold were, as from the time of sale, the person in whose name the vehicle is registered under a law of a State or Territory of the Commonwealth providing for the registration of vehicles.

(4) A person upon whom a summons has been served in relation to an offence under this Part involving a vehicle, not being a prescribed infringement, may not later than 10 days after the service on him of that summons furnish to the Town Clerk an attested declaration made by him or, where that person is a body corporate, by a director, manager or secretary of the body corporate, stating -

(a) in the case where the person is a body corporate -

- (i) that the declaration is made for the purposes of this ordinance;
- (ii) that to the knowledge of the declarant, from the facts as set out in the declaration, the vehicle was not being used for the purposes of the body corporate at the time of the offence alleged;

(iii) that the declarant has not been able to ascertain who was in charge of the vehicle at that time; and

(iv) the nature of the inquiries made for the purposes of ascertaining the name and address of the person who was in charge of the vehicle at that time; and

(b) in any other case -

(i) that the declaration is made for the purposes of this ordinance;

(ii) that he was not in charge of the vehicle at the time of the offence alleged;

(iii) that he has not been able to ascertain who was in charge of the vehicle at that time; and

(iv) the nature of the inquiries made for the purposes of ascertaining the name and address of the person who was in charge of the vehicle at that time.

(5) A person upon whom a summons has been served in relation to an offence under this Part involving a vehicle, not being a prescribed infringement, may not later than 10 days after the service on him of that summons furnish to the Town Clerk an attested declaration made by him or, where that person is a body corporate, by a director, manager or secretary of the body corporate, stating -

(a) that the declaration is made for the purposes of this ordinance; and

(b) facts which establish that the vehicle was, at the time of the alleged offence, stolen or illegally taken or used.

(6) At the hearing of a prosecution for an offence under this Part involving a vehicle, not being a prescribed infringement, against a person who has furnished a declaration under paragraph (4), the court shall dismiss the charge if it is satisfied (whether on the statements contained in the declaration or otherwise) that-

(a) in the case where the person is a body corporate -

(i) the vehicle was not being used for the purposes of the body corporate at the time of the offence alleged; and

(ii) the inquiries made for the purposes of ascertaining the name and address of the person who was in charge of the vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence; and

(b) in any other case -

(i) the person was not in charge of the vehicle at the time of the offence alleged; and

(ii) the inquiries made for the purposes of ascertaining the name and address of the person who was in charge of the vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence.

(7) At the hearing of a prosecution for an offence under this Part involving a vehicle, not being a prescribed infringement, against a person who has furnished a declaration under paragraph (5), the court shall dismiss the charge if it is satisfied (whether on the statements contained in the declaration or otherwise) that the vehicle was, at the time of the alleged offence, stolen or illegally taken or used.

16.(1) Where a person is named in a declaration furnished under paragraph (1) of ordinance 15 as being the person who was, at the time of the offence alleged, in charge of the vehicle that the offence concerns -

(a) that person shall not at the hearing of a prosecution for the offence be found guilty of the offence unless a copy of the declaration has, prior to the hearing, been served on him in the same manner as a summons may be served under the Justices Act 1886-1980; and

(b) the declaration is admissible in evidence in a prosecution for the offence against that

person and is evidence that that person was in charge of the vehicle at that time.

(2) Where a person is named in a declaration furnished under paragraph (2) of ordinance 15 as being the person to whom the vehicle that the offence concerns was sold before the time of the offence -

- (a) that person shall not at the hearing of a prosecution for the offence be found guilty of the offence unless a copy of the declaration has, prior to the hearing, been served on him in the same manner as a summons may be served under the Justices Act 1886-1980; and
- (b) the declaration is admissible in a prosecution for the offence against that person and is evidence that that person was the owner of the vehicle at that time.

(3) At the hearing of a prosecution for an offence under this Part involving a vehicle, not being a prescribed infringement, a document purporting to be a declaration furnished in accordance with paragraph (1) or (2) of ordinance 15 shall, unless the contrary is shown, be taken to be such a declaration duly made and furnished.

(4) At the hearing of a prosecution for an offence under this Part involving a vehicle, not being a prescribed infringement, a certificate purporting to be signed by the Town Clerk and stating that a person specified in that certificate has not, in relation to that offence, furnished an attested declaration to the Town Clerk for the purpose of a provision of ordinance 15, is evidence of the matters contained therein.

(5) In any proceedings for the purpose of this Part-

(a) a certificate or document -

- (i) purporting to be issued pursuant to the regulations under the Main Roads Act 1920-1983 or pursuant 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 authorised by the Commissioner of Main Roads in that behalf, or to be under the hand of the person or authority charged with the registration of vehicles under any legislation, ordinance or law of any State or Territory of the Commonwealth corresponding to the regulations under the Main Roads Act 1920-1983, or any person authorised by such person or authority in that behalf, which states that on any date or during any period the vehicle specified in the certificate or document was registered in the name of the person specified therein is admissible in evidence and is evidence of the matters contained therein and, in the absence of evidence to the contrary, is conclusive evidence of such matters; and

(b) a certificate or document referred to in subparagraph (a) shall be taken to have been duly issued or given until the contrary is proved.

17. Where an offence under this Part involving a vehicle, not being a prescribed infringement, is committed and the person who actually committed that offence is not the person deemed by ordinance 12 to have committed the offence, nothing in ordinance 12 affects the liability of the person who actually committed the offence but where either of them has been punished for that offence by being convicted therefor, then the other of them shall cease to be subject to any liability in respect of that offence.

18. A person shall not furnish to the Town Clerk an attested declaration purporting to have been made for the purposes of ordinance 15 which is false or misleading in a material particular.

Miscellaneous

19. Neither the Council nor any of its employees shall be liable for any injury loss or damage caused by or resulting from the exercise by the Council of any of its powers with respect to this Part.

- 21.(1)** The Town Clerk may, by writing under his hand, certify that --
- (a) on a date specified in the certificate a specified person was the holder of a licence or permit granted under this Part and that the document annexed to the certificate is a true copy of such licence or, as the case may be, permit; or
 - (b) on a date specified in the certificate a specified person was not the holder of a licence or permit granted under this Part.
- (2)** In any proceedings for the purposes of or arising out of this Part --
- (a) a certificate given under paragraph (1) is evidence and, in the absence of proof to the contrary, conclusive evidence of the facts stated therein; and
 - (b) a writing purporting to be a certificate referred to in paragraph (1) shall, unless the contrary is proved, be taken to be such a certificate and to have been duly given.

Part 4 - Approval of Motor Vehicles as Commercial Vehicles

- 1.** In this Part, unless the context otherwise indicates or requires -

"Commercial Vehicle", in relation to a form of identification, means a motor vehicle approved as a commercial vehicle under this Part;

"Form of Identification" means a form of identification as a commercial vehicle which form of identification 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;

"Loading Zone" has the meaning ascribed to that term by the *Traffic Act 1949-1977*;

"Manual of Uniform Traffic Control Devices" has the meaning ascribed to that term by the *Traffic Act 1949-1977*;

"Motor Vehicle" means a motor vehicle (including a motor car, station sedan, station wagon and motorcycle) constructed, fitted or equipped for the carriage of persons;

"Officer" means a person holding office under or employed by the Council;

"Owner" in relation to a motor vehicle, means the person in whose name the motor vehicle is registered under "The Main Roads Regulations, 1933" or under any corresponding legislation, ordinance or law of any State or Territory of the Commonwealth of Australia;

"Prescribed Fees" means the fees fixed by the Council pursuant to paragraph (1) of ordinance 11;

"Prescribed Form" means the form determined by the Town Clerk pursuant to paragraph (2) of ordinance 11.

- 2.** The scheme for the approval, in relation to the standing of a vehicle in a loading zone, of motor vehicles as commercial vehicles and the issue of a form of identification of such approval which the Council is authorised by paragraph (g) of subsection (4) of section 44B of the *Traffic Act 1949-1977* to institute by ordinance shall be as set forth in this Part.

- 3.(1)** An approval under this Part shall, unless revoked pursuant to ordinance 10, be in force for the period for which it was given to be in force.

- (2)** An approval may be given under this Part to be in force -
- (a) for a period of one month commencing on the day of the giving of the approval; or
 - (b) for a period of 12 months commencing on 1 January next following the giving of the

approval; or

- (c) for a period of more than one month and less than 12 months commencing on the day of the giving of the approval and ending on 31 December next following.

4. Subject to ordinance 7, where any person being the owner of a motor vehicle is, in relation to the standing of that motor vehicle in a loading zone, desirous of having issued by the Council in respect of that motor vehicle a form of identification as a commercial vehicle, he may make application for the approval under this Part of the motor vehicle as a commercial vehicle and the issue by the Council in respect of the motor vehicle of a form of identification consistent with such approval by-

- (a) obtaining, or causing to be obtained, the appropriate prescribed form of application;
- (b) filling in and supplying, in the form, in accordance with the instructions contained in or accompanying the form, all the particulars specified in the form;
- (c) signing the form in accordance with the instructions contained in or accompanying the form; and
- (d) delivering the form to, or causing the form to be delivered to, such office or officer of the Council as is specified in the form.

5. Upon application being made under ordinance 4, the Council shall consider the application together with such other information, whether of the same kind as that contained in the application or not, as it may deem necessary and in its discretion may -

- (a) approve of the motor vehicle in respect of which the application was made as a commercial vehicle; or
- (b) refuse the application.

6.(1) Where the Council pursuant to ordinance 5 approves of a motor vehicle as a commercial vehicle it shall forthwith notify in writing the person who made the application whereunder such approval is given to that effect.

(2) Where a person is notified as provided in paragraph (1) he may thereupon pay to the Council the appropriate prescribed fees, if any, for the issue of a form of identification.

(3) Upon giving a notification under paragraph (1) and subject to the payment of the appropriate prescribed fees, if any, for such issue, the Council shall cause to be issued to the person notified under paragraph (1) a form of identification consistent with the approval notified.

(4) Nothing in this ordinance shall be read as requiring the Council to cause to be issued a form of identification to any person who is not the owner of the motor vehicle to which a form of identification, if it were issued, would relate.

7. Where -

- (a) an approval under this Part of a motor vehicle as a commercial vehicle has been given to be in force for a period which -
 - (i) has not commenced; or
 - (ii) has commenced but has not expired;
- (b) such approval has not been revoked under this Part;
- (c) a form of identification consistent with that approval has been issued by the Council; and
- (d) such form of identification has been lost, defaced or destroyed or is otherwise not in the possession or under the control of the person to whom it was issued,

that person may make application for the issue by the Council in respect of the motor vehicle of a further form of identification consistent with such approval by-

- (A) obtaining, or causing to be obtained, the appropriate prescribed form of application;
- (B) filling in and supplying, in the form, in accordance with the instructions contained in or accompanying the form, all the particulars specified in the form;
- (C) signing the form in accordance with the instructions contained in or accompanying the form; and
- (D) delivering the form to, or causing the form to be delivered to, such office or officer of the Council as is specified in the form.

8. Upon application being made under ordinance 7, the Council shall consider the application together with such other information, whether of the same kind as that contained in the application or not, as it may deem necessary and in its discretion may -

- (a) approve the application; or
- (b) refuse the application.

9.(1) Where the Council pursuant to ordinance 8 approves an application it shall forthwith in such manner as it deems in the circumstances appropriate notify the person who made such application.

(2) Where a person is notified as provided in paragraph (1) he may thereupon pay to the Council the appropriate prescribed fees, if any, for the issue of a further form of identification.

(3) Upon giving a notification under paragraph (1) and subject to the payment of the appropriate prescribed fees, if any, for such issue, the Council shall cause to be issued to the person notified under paragraph (1) a further form of identification consistent with the relevant approval under this Part of a motor vehicle as a commercial vehicle.

(4) Nothing in this ordinance shall be read as requiring the Council to cause to be issued a form of identification to any person who is not the owner of the motor vehicle to which a form of identification, if it were issued, would relate.

10.(1) An approval under this Part of a motor vehicle as a commercial vehicle may in the discretion of the Council be revoked -

- (a) if the person to whom a form of identification was issued consequent upon such approval fails to comply with any of the provisions of this Part applicable to him;
- (b) if the person to whom a form of identification was issued consequent upon such approval or any person in charge of that motor vehicle, consequent upon the fixing or giving of a notice pursuant to the provisions of section 44F of the Traffic Act 1949-1977 in respect of an offence committed in relation to the standing of the motor vehicle in a loading zone-
 - (i) pays the prescribed sum by way of penalty as provided under the Traffic Act 1949-1977; or
 - (ii) is convicted of the offence; or
- (c) if the Council for good cause determines that the approval should be revoked.

(2) An approval under this Part of a motor vehicle as a commercial vehicle shall be deemed to be revoked upon the person by whom the application was made whereunder the approval was given ceasing to be the owner of the motor vehicle.

(3) An approval may be revoked under this Part notwithstanding that it has not commenced to be in force.

(4) Upon the revocation of an approval under this Part the same shall -

- (a) cease to have any force or effect; or
- (b) where it has not commenced to be in force, not commence to be in force.

(5) Where -

- (a) a form of identification has been issued to a person by the Council consequent upon the approval under this Part of a motor vehicle as a commercial vehicle; and
- (b) that approval has been revoked under this Part,

that person shall thereupon destroy or cause to be destroyed the form of identification.

11.(2) The Town Clerk shall determine the respective forms of application to be used for the purpose of the making of applications under this Part.

12.(1) A person shall not -

(a) without lawful authority or excuse -

- (i) print, manufacture, dispose of or have in his possession a form of identification or anything resembling or intended to resemble a form of identification or so closely resembling a form of identification as to be likely to deceive;
- (ii) use, or cause, suffer or permit to be used, or assume the charge of, any motor vehicle upon which is affixed a form of identification issued by the Council which has been altered, mutilated or defaced in any manner whatsoever, or upon which any writing, mark or colour thereof is not clearly legible or visible;
- (iii) deface, mutilate, alter or destroy a form of identification issued by the Council to some person other than himself;
- (iv) have in his possession or use a form of identification issued by the Council to some person other than himself;
- (v) allow another person to have possession or use of a form of identification issued by the Council to the first-mentioned person;
- (vi) use, or cause, suffer or permit to be used, or assume the charge of any motor vehicle upon which is affixed a form of identification issued by the Council consequent upon an approval under this Part of a motor vehicle as a commercial vehicle where such approval has ceased to have any force or effect or has not commenced to be in force;
- (vii) use, or cause, suffer or permit to be used, or assume the charge of any motor vehicle upon which is affixed a form of identification issued by the Council consequent upon an approval under this Part of a motor vehicle other than the first-mentioned motor vehicle as a commercial vehicle; or
- (viii) fail to comply with the requirements of paragraph (5) of ordinance 10;

(b) in connexion with the making of an application under ordinance 4 or ordinance 7, deliver or cause to be delivered to an officer a prescribed form which is false or misleading in any particular; or

(c) transfer the ownership of a motor vehicle whilst there remains affixed upon that motor vehicle a form of identification issued to him by the Council consequent upon the approval under this Part of that motor vehicle as a commercial vehicle.

(2) Any person who does any thing forbidden by paragraph (1) shall be guilty of an offence.

(3) Any person guilty of an offence under this Part shall be liable to a penalty not exceeding \$1000 and, if the offence is a continuing one, to an added penalty not exceeding \$100 for each and

every day during which the offence continues.

Part 5 - Brisbane Central Traffic Area

Definitions

1. In this Part:-

“**City**” means the area comprised in the City of Brisbane under the *City of Brisbane Act 1924*;

“**Council**” means the Brisbane City Council;

“**official traffic sign**” has the meaning given to it in the *Transport Operations (Road Use Management) Act 1995*;

“**park**” has the meaning given to it in the *Transport Operations (Road Use Management) Act 1995*;

“**traffic area**” has the meaning given to it in the *Transport Operations (Road Use Management) Act 1995*.

Traffic Area

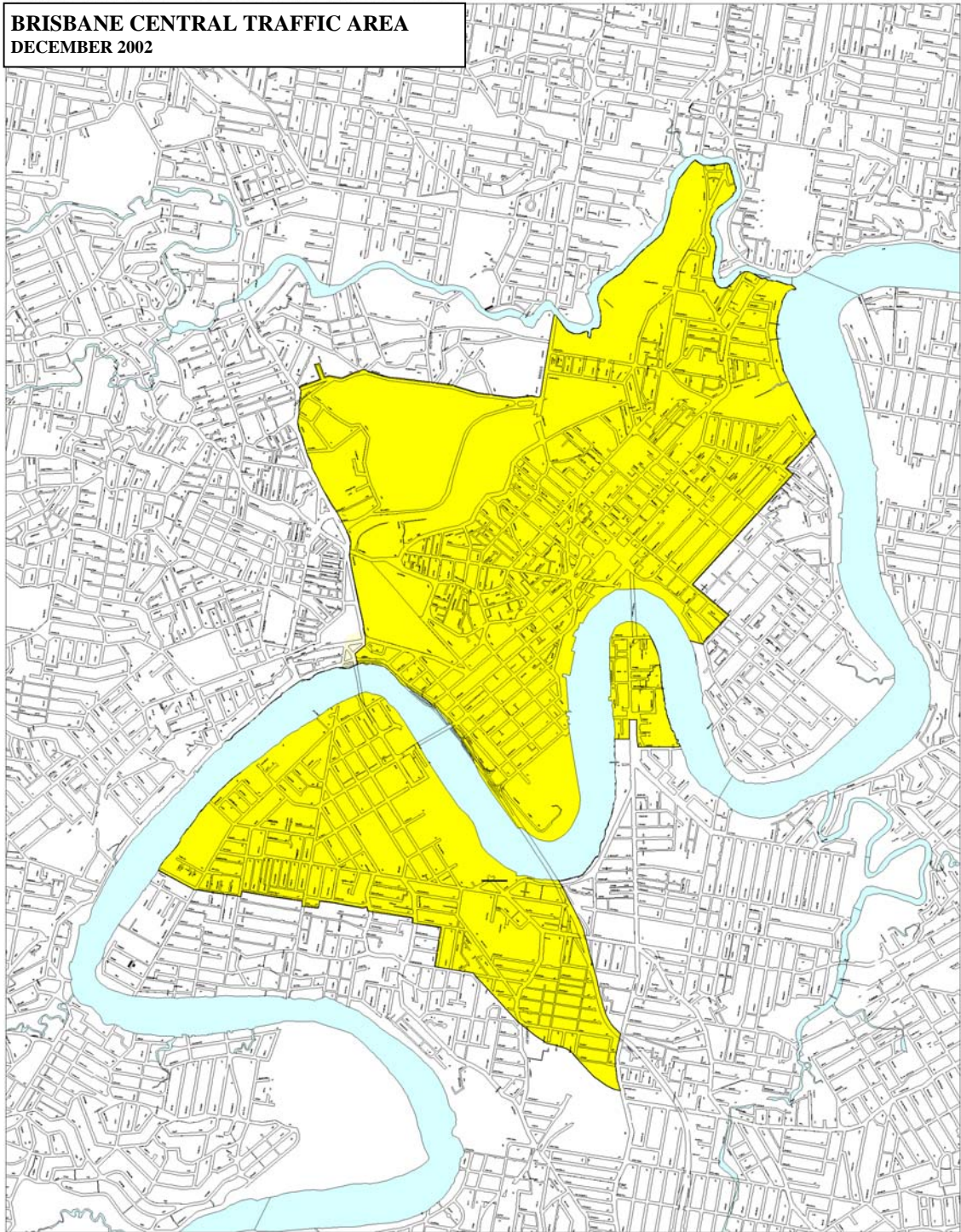
2.(1) That part of the Area of the City of Brisbane the boundaries of which are defined by the black bordering indicated on the map in the Schedule is hereby defined to be a Traffic Area and the name assigned thereto shall be Brisbane Central Traffic Area.

(2) Parking in the Brisbane Central Traffic Area is allowed only for the maximum time and at the dates and times, specified on the official traffic signs indicating how parking is regulated.

Maximum Penalty - \$50.00

THE SCHEDULE

BRISBANE CENTRAL TRAFFIC AREA
DECEMBER 2002



Part 6 - Penalties prescribed pursuant to section 108 of the *Transport Operations (Road Use Management) Act 1995*.

1. In this local law -

"the Act" means the *Transport Operations (Road Use Management) Act 1995*;

"the Regulation" means the *Transport Operations (Road Use Management – Road Rules) Regulation 1999*.

2. Each of the amounts prescribed under section 108 of the Act, as the infringement notice penalty for a minor traffic offence, is set out in the Schedule.

The Schedule

Penalties prescribed pursuant to Section 108 of the Transport Operations (Road Use Management) Act 1995

- (a) Where the minor traffic offence is an offence against section 167 of Part 12
(No Stopping signs) of the Regulation\$60;
- (b) where the minor traffic offence is an offence against section 168 of Part 12
(No Parking signs) of the Regulation\$60;
- (c) where the minor traffic offence is an offence against section 169 of Part 12
(Stopping on a road with a yellow edge line) of the Regulation.....\$60;
- (d) where the minor traffic offence is an offence against section 170 of Part 12
(Stopping in or near an intersection) of the Regulation.....\$50;
- (e) Where the minor traffic offence is an offence against section 171 of Part 12
(Stopping on or near a children's crossing) of the Regulation..... \$120;
- (f) Where the minor traffic offence is an offence against section 172 of Part 12
(Stopping on or near a pedestrian crossing [except at an intersection])
of the Regulation \$120;
- (g) Where the minor traffic offence is an offence against section 173 of Part 12
(Stopping on or near a marked foot crossing [except at an intersection])
of the Regulation \$120;
- (h) where the minor traffic offence is an offence against section 174 of Part 12
(Stopping at or near bicycle crossing lights [except at an intersection])
of the Regulation \$120;
- (i) Where the minor traffic offence is an offence against section 175 of Part 12
(Stopping on or near a level crossing) of the Regulation \$120;
- (j) Where the minor traffic offence is an offence against section 176 of Part 12
(Stopping on a clearway) of the Regulation..... \$120;
- (k) Where the minor traffic offence is an offence against section 177 of Part 12
(Stopping on a freeway) of the Regulation \$120;
- (l) Where the minor traffic offence is an offence against section 178 of Part 12
(Stopping in an emergency stopping lane) of the Regulation \$120;
- (m) Where the minor traffic offence is an offence against section 179 of Part 12
(Stopping in a loading zone) of the Regulation\$60;
- (n) Where the minor traffic offence is an offence against section 180 of Part 12
(Stopping in a truck zone) of the Regulation\$60;
- (o) Where the minor traffic offence is an offence against section 181 of Part 12

(Stopping in a works zone) of the Regulation.....	\$60;
(p) Where the minor traffic offence is an offence against section 182 of Part 12	
(Stopping in a taxi zone) of the Regulation.....	\$60;
(q) Where the minor traffic offence is an offence against section 183 of Part 12	
(Stopping in a bus zone) of the Regulation	\$100;
(r) Where the minor traffic offence is an offence against section 185 of Part 12	
(Stopping in a permit zone) of the Regulation	\$60;
(s) Where the minor traffic offence is an offence against section 186 of Part 12	
(Stopping in a mail zone) of the Regulation	\$60;
(t) Where the minor traffic offence is an offence against section 187 of Part 12	
(Stopping in a bus lane, tram lane, transit lane, truck lane or on tram tracks)	
of the Regulation	\$100;
(u) Where the minor traffic offence is an offence against section 188 of Part 12	
(Stopping in a shared zone) of the Regulation	\$60;
(v) Where the minor traffic offence is an offence against section 189 of Part 12	
(Double parking) of the Regulation.....	\$50;
(w) Where the minor traffic offence is an offence against section 190 of Part 12	
(Stopping in or near a safety zone) of the Regulation	\$120;
(x) Where the minor traffic offence is an offence against section 191 of Part 12	
(Stopping near an obstruction) of the Regulation	\$50;
(y) Where the minor traffic offence is an offence against section 192 of Part 12	
(Stopping on a bridge or in a tunnel) of the Regulation	\$60;
(z) Where the minor traffic offence is an offence against section 193 of Part 12	
(Stopping on a crest or curve outside a built-up area) of the Regulation.....	\$60;
(aa) Where the minor traffic offence is an offence against section 194 of Part 12	
(Stopping near a fire hydrant) of the Regulation	\$120;
(bb) Where the minor traffic offence is an offence against section 195 of Part 12	
(Stopping at or near a bus stop) of the Regulation.....	\$100;
(cc) Where the minor traffic offence is an offence against section 196 of Part 12	
(Stopping at or near a tram stop) of the Regulation.....	\$120;
(dd) Where the minor traffic offence is an offence against section 197 of Part 12	
(Stopping on a path, dividing strip or nature strip) of the Regulation	\$60;
(ee) Where the minor traffic offence is an offence against section 198 of Part 12	
(Obstructing access to and from a footpath, driveway) of the Regulation	\$50;
(ff) Where the minor traffic offence is an offence against section 199 of Part 12	
(Stopping near a postbox) of the Regulation)	\$60;
(gg) Where the minor traffic offence is an offence against section 201 of Part 12	
(Stopping on a road with bicycle parking sign) of the Regulation.....	\$60;

- (hh) Where the minor traffic offence is an offence against section 202 of Part 12
 (Stopping on a road with motor bike parking sign) if the Regulation\$60;
- (ii) Where the minor traffic offence is an offence against section 203 of Part 12
 (Stopping in a parking area for people with disabilities) of the Regulation\$60;
- (jj) Where the minor traffic offence is an offence against section 204 of part 12
 (Timed permitted parking) of the Regulation\$50;
- (kk) Where the minor traffic offence is an offence against section 205 of Part 12
 (Parking for longer than indicated) of the Regulation\$50;
- (ll) Where the minor traffic offence is an offence against section 206 of Part 12
 (Time extension for people with disabilities) of the Regulation\$60;
- (mm) Where the minor traffic offence is an offence against section 208 of Part 12
 (Parallel parking on a road) of the Regulation\$50;
- (nn) Where the minor traffic offence is an offence against section 209 of Part 12
 (Parallel parking in a median strip parking area) of the Regulation\$50;
- (oo) Where the minor traffic offence is an offence against section 210 of Part 12
 (Angle parking) of the Regulation\$50;
- (pp) Where the minor traffic offence is an offence against section 211 of Part 12
 (Parking in parking bays) of the Regulation\$50;
- (qq) Where the minor traffic offence is an offence against section 212 of Part 12
 (Entering and leaving a median strip parking area) of the Regulation\$60;
- (rr) Where the minor traffic offence is an offence against section 106 of the Act
 (Paid Parking & Paid Parking Offences).....\$50.