

**LOCAL GOVERNMENT, MOTOR TRAFFIC AND  
TRANSPORT (AMENDMENT) ACT.**

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**Act No. 49, 1955.**

An Act to provide for the constitution of parking advisory committees and to define their powers, authorities, duties and functions; to confer certain powers on councils with respect to the installation of parking meters in public roads and public reserves and with respect to the provision, control and regulation of parking stations; to amend the Local Government Act, 1919, the Motor Traffic Act, 1909, the Transport Act, 1930, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 13th December, 1955.]

Elizabeth II,  
No. 49, 1955.

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**1.** (1) This Act may be cited as the "Local Government, Motor Traffic and Transport (Amendment) Act, 1955." Short title and citation.

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1955.

(3) The Transport Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Transport Act, 1930-1955.

**2.**

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Amendment  
of Act No.  
41, 1919.

Part IX,  
New Division  
13A—  
Parking.

Application  
of Division.

Savings.

2. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

(a) by inserting next after section two hundred and seventy the following new Division:—

DIVISION 13A—*Parking.*

270A. This Division shall apply to and in respect of the City of Sydney and the Council of that City and to and in respect of any area to which upon the application of the council of that area it is applied by the Governor by proclamation and to the council of that area.

270B. (1) Nothing in this Division shall affect the operation of the Metropolitan Traffic Act, 1900, the Police Offences Act, 1901, the Motor Traffic Act, 1909, and the Transport Act, 1930, or any other Act, by or under which powers, authorities, duties or functions in relation to the control of traffic are conferred upon the Commissioner of Police, the Commissioner for Motor Transport, or the Commissioner for Government Transport, or of any Act amending any of those Acts and whether passed before or after the commencement of the Local Government, Motor Traffic and Transport (Amendment) Act, 1955.

(2) Without prejudice to the generality of subsection one of this section, where any provision of any of the Acts mentioned in that subsection or any regulation made under any such Act, whether passed before or after the commencement of the Local Government, Motor Traffic and Transport (Amendment) Act, 1955, or any action taken or direction given pursuant to the powers conferred by any such Act or regulation, is inconsistent with any matter or thing done or purporting to be done under the authority of this Division, the former shall prevail and the latter shall to the extent of such inconsistency cease to be operative or effective.

(3)

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(3) Nothing in this section shall affect the provisions of section ten of this Act in their application to this Act, this Division excepted.

270c. In this Division unless the context or subject matter otherwise indicates or requires—<sup>Interpreta-  
tion.</sup>

“Driver” means any person driving a vehicle and includes any person riding a motor cycle.

“Horse” includes ass, mule and other draught animals and beasts of burden.

“Metered space” means a section or part of a metered zone in which a parking meter is installed and which has been marked by painted lines or by any other prescribed method for the purpose of indicating where a vehicle or horse may stand or wait upon payment of a fee or charge.

“Metered zone” means any public road or public reserve or any part thereof in which parking meters are installed and in or on which the standing or waiting of vehicles or horses is permitted upon payment of a fee or charge.

“Parking advisory committee” means, in respect of any area or areas to which this Division applies, the parking advisory committee constituted under this Division in respect of such area or areas.

“Parking meter” includes the stand on which the meter is erected.

“Parking

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“Parking station” means any land or building used for the purpose of accommodating vehicles upon payment of a fee or charge, but does not include a metered zone or metered space.

“Vehicle” means any description of vehicle upon wheels or having caterpillar tracks but does not include trackless trolleys or vehicles used on tramways or railways.

Constitution  
of parking  
advisory  
committees.

270d. (1) The Governor may, in respect of any area or areas to which this Division applies, constitute a parking advisory committee which, in respect of such area or areas, shall have and may exercise and discharge the powers, authorities, duties and functions conferred or imposed upon such committee by or under this Act.

(2) A parking advisory committee so constituted shall consist of the following members who shall be appointed by the Governor:—

- (a) the person for the time being holding the office of or duly acting as Under Secretary, Department of Local Government, or an officer of that department nominated by him;
- (b) the person for the time being holding the office of or duly acting as Commissioner of Police, or an officer of the Police Department nominated by him;
- (c) the person for the time being holding the office of or duly acting as Commissioner for Motor Transport, or an officer of the Department of Motor Transport nominated by him;
- (d) where the area or areas in respect of which the parking advisory committee is constituted, or any part of such area

**or**

or areas, is or are, for the time being, included within a district for which a Transport Trust has been established under the Transport Act, 1930, as amended by subsequent Acts, the person for the time being holding the office of or duly acting as Commissioner for Government Transport, or an officer of the Department of Government Transport nominated by him; and

- (e) an officer or servant of the council or of each of the councils in respect of whose area or areas the committee is constituted. Each such officer or servant shall be nominated by the Minister on the recommendation of the council of which he is an officer or servant.

(3) The chairman of a parking advisory committee shall be the member referred to in paragraph (a) of subsection two of this section, or his deputy appointed in accordance with the provisions of this section.

(4) (a) The Governor may from time to time appoint a deputy to act in the place of any member.

(b) A deputy so appointed shall be appointed from the same department or council as the member in whose place he is to act as such deputy.

(5) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of a member of a parking advisory committee, or of a deputy member, and a member or deputy member shall not, in his capacity as such member or deputy member, be subject to the provisions of the Public Service Act, 1902, or any Act amending that Act.

(6)

(6) (a) Each member of a parking advisory committee shall, subject to this section, hold office for a term of three years from the date of his appointment or such shorter term as may be specified by the Governor in the instrument of appointment, and shall if otherwise qualified be eligible for reappointment upon the expiration of his term of office:

Provided that a person appointed to fill the vacant office of a member shall hold office only for the residue of his predecessor's term of office, but shall if otherwise qualified be eligible for reappointment.

(b) A member or deputy member shall be deemed to have vacated his office if he—

- (i) dies;
- (ii) resigns his office in writing under his hand addressed to the Governor;
- (iii) ceases to hold the qualification by virtue of which he was appointed; or
- (iv) is removed from office by the Governor.

(c) The Governor may, for any cause which appears to him sufficient, remove any member or deputy member from office.

(7) No act or proceeding of a parking advisory committee shall be invalidated or prejudiced by reason only of the fact that at the time such act or proceeding was done or taken or commenced there was a vacancy in the office of any one or more members.

(8) The procedure for the calling of meetings of a parking advisory committee, and for the conduct of business at such meetings shall, subject to this Division and any ordinance in relation thereto, be as determined by the committee.

(9)

(9) A majority of the members of a parking advisory committee shall form a quorum and any duly convened meeting of a parking advisory committee at which a quorum is present shall be competent to transact any business of the committee and shall have and may exercise and discharge all the powers, authorities, duties and functions of the committee.

(10) (a) At any meeting of a parking advisory committee the chairman shall preside.

(b) If the chairman is absent from any meeting the members present may elect one of their number to preside at the meeting; and the member so elected while so presiding shall have the powers, authorities, duties and functions of the chairman.

(c) If there is an equality of votes in such an election it shall be decided by lot which of the members having an equal number of votes shall preside.

(11) (a) At any meeting of a parking advisory committee the decision of a majority of the members present shall be the decision of the committee.

(b) The chairman or member presiding shall have a deliberative vote and, where the members present at any meeting are equally divided in opinion upon any matter, shall have a second or casting vote.

(12) The office of member or deputy member of a parking advisory committee shall not, for the purpose of any Act, be deemed to be an office or place of profit under the Crown.

270E. (1) The chairman and members of a parking advisory committee and any deputy member, whilst acting in the place of a member, shall

Remuneration  
of members.

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shall be entitled to receive such remuneration (whether by way of fees or allowance or otherwise) and such travelling and out-of-pocket expenses as may from time to time be fixed by the Governor.

(2) Where the chairman or any member or deputy member of a parking advisory committee is an officer of the Public Service or of a statutory body representing the Crown he shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration under this section, in addition to any remuneration to which he is otherwise entitled.

Annual  
report.

270f. (1) Every parking advisory committee shall, not later than the thirtieth day of September in each year, cause a report in duplicate of its work during the year ended on the thirtieth day of June then next preceding to be prepared and a copy forwarded to the Minister and to the Minister for Transport.

(2) The report shall contain such information as may be prescribed or, if not so prescribed, as may be directed by the Minister.

Functions of  
parking  
advisory  
committees.

270g. (1) A parking advisory committee shall consider and furnish reports to and advise the Minister and the Minister for Transport upon any matter or proposal relating to the parking of vehicles, the provision of parking stations, the free movement of pedestrian and vehicular traffic or the location in any public road of any stall or stand for the sale of any article, which may be referred to the committee by the Minister or the Minister for Transport.

(2) Any such committee may, of its own motion, submit for the consideration of the Minister and the Minister for Transport any proposal in connection with any matter relating to



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to the parking of vehicles, the provision of parking stations and the free movement of pedestrian and vehicular traffic or the location in any public road of any stall or stand for the sale of any article.

(3) Where in the opinion of a parking advisory committee it is necessary or desirable so to do for any of the purposes of this Division, such committee may conduct an investigation or inquiry.

270H. The council may—

Parking  
meters.

- (a) in any public road or public reserve under the care, control and management of the council, provide, control and regulate metered zones and metered spaces in any such metered zone:

Provided that the council shall not provide any metered zone or metered space without the approval in writing of the parking advisory committee:

- (b) in any metered space install a parking meter;
- (c) demand and recover in respect of any vehicle or horse standing or waiting in any metered space such fees or charges as may be fixed by resolution of the council subject to any maximum prescribed by ordinance.

270I. Any person who—

Damage to  
parking  
meters.

- (a) damages or does or causes to be done any act which interferes or is likely to interfere with the due and proper working of any parking meter; or
- (b) fraudulently operates any parking meter,

shall be guilty of an offence under this Act.

270J.

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**Parking  
stations.**

270j. (1) The council may, with the approval of the parking advisory committee, on any land acquired by or vested in or which is under the care, control and management of the council, other than a public road or public reserve, provide, control or manage parking stations and may in connection therewith demand and recover such fees or charges as may be fixed by resolution of the council subject to any maximum prescribed by ordinance.

(2) The council may, in or upon any parking station under the care, control and management of the council, sell, distribute or otherwise supply petrol, oil and vehicle accessories and parts and repair, maintain or service motor vehicles.

**Lease of  
parking  
stations.**

270k. Subject to the provisions of this Act, the council may lease to any person any parking station provided by the council under the provisions of this Division.

**Control of  
private  
parking  
stations.**

270l. The council may control and regulate parking stations.

**Powers of  
police in  
emergency.  
cf. Act No.  
8, 1900,  
s. 10.**

270m. (1) Any member of the police force may during any temporary obstruction or danger to traffic or in any case of emergency—

- (a) direct any person not to cause or permit any vehicle or horse to stand or wait in any metered zone or metered space;
- (b) direct the owner or driver of any vehicle or horse standing or waiting in any metered zone or metered space to remove such vehicle or horse from such metered zone or metered space;
- (c)

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- (c) where no person appears to be in charge of any vehicle or horse standing or waiting in any metered zone or metered space, himself remove such vehicle or horse from such metered zone or metered space.

(2) Any person disobeying or neglecting to comply with any direction of a member of the police force made in pursuance of this section shall be guilty of an offence under this Act.

270N. (1) The costs of administration of this Division in relation to any area or areas shall be borne by the council or councils concerned. Such costs shall include—

Application  
of moneys  
from  
parking  
meters.

- (a) the cost of providing, controlling, maintaining and regulating metered zones and metered spaces and the parking meters installed therein;
- (b) the cost of police supervision and enforcement of the provisions of this Act relating to such metered zones, metered spaces and parking meters; and
- (c) the cost of providing and maintaining signs or other devices and of marking lines to indicate or otherwise indicating the position of metered zones and metered spaces or, for the purposes of this Division or purposes incidental thereto, to indicate the places in any public road within the area of the council or councils concerned where any vehicle other than a public vehicle may stand, wait, park or stop,

but shall not include the remuneration and travelling and out-of-pocket expenses payable to the parking advisory committee.



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- (b) by inserting at the end of section two hundred and seventy-seven the following new subsection—

Sec. 277.  
(Ordinances.)

(3) Ordinances may be made for carrying Division 13A of this Part into effect, and in particular for and with respect to—

(a) regulating the installation and use of parking meters and the standing, waiting, stopping or parking of any vehicle or horse in a metered zone or metered space;

(b) the licensing and regulation of persons engaged in the conduct or operation of parking stations

- (c) by inserting at the end of section three hundred and thirteen the following new paragraphs:—

Sec. 313.  
(Subjects for consideration.)

(j) where the building is to be erected in an area or part of an area to which this paragraph has been applied by the Governor by proclamation, the provision of suitable space or accommodation for vehicles likely to be used by the occupants of such building;

(k) the provision, in buildings designed or intended for use for commercial or industrial purposes, of adequate accommodation for the loading or unloading of vehicles.

- (d) (i) by inserting at the end of subsection one of section six hundred and forty-four the following new paragraph:—

Sec. 644.  
(Demanding name of offender.)

The provisions of paragraph (b) of this subsection shall not apply to any member of the police force in respect of any offence under Division 13A of Part IX of this Act.

(ii)

No. 49, 1955.

(ii) by inserting at the end of the same section the following new subsections:—

(5) Where the driver of a vehicle is alleged to be guilty of an offence under Division 13A of Part IX of this Act—

(a) the owner of the vehicle, or the person in whose name it is registered, or the person having the custody of the vehicle, shall, when required so to do by a member of the police force, forthwith give information (which shall, if so required, be given in the form of a statement in writing signed by such owner or person) as to the name and place of abode of such driver, and if any such owner or person fails to do so he shall be guilty of an offence under this Act, unless he proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained such name and place of abode; and

(b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of such driver and, if he fails to do so, he shall be guilty of an offence under this Act.

(6) Where a statement in writing purporting to be furnished under paragraph (a) of subsection five of this section and to contain particulars of the name and place of abode of the driver of a vehicle at the time of commission of an alleged offence under this Act is produced in any court in proceedings against the person named therein

therein as the driver for such offence, the statement shall, if such person does not appear before the court, be evidence without proof of signature that he was the driver of such vehicle at such time. **No. 49, 1955.**

**3.** The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended— **Amendment of Act No. 5, 1909.**

(a) (i) by inserting at the end of paragraph (p) of subsection one of section three the words “or otherwise for the purposes of this Act or the regulations”; **Sec. 3. (Regulations.)**

(ii) by inserting in paragraph (q5) of the same subsection after the words “public street” the words “or has been caused or permitted to stand, wait, stop or to be parked contrary to law in any part of a public street in which is conspicuously displayed a sign exhibiting or including the words ‘tow away area’ or ‘vehicles impounded’ or other words indicating that such a vehicle is subject to seizure”;

(b) by omitting section twelve and by inserting in lieu thereof the following section:— **Subst. sec. 12.**

12. (1) The Commissioner for Motor Transport shall keep records of— **Records and evidence.**

(a) the registration of motor vehicles and the licensing of drivers thereof, and matters pertaining thereto, including, but without limiting the generality of the foregoing, particulars in relation to the grant, refusal, renewal, suspension and cancellation of registrations and licenses, the transfer of registrations, and the disqualification of persons for driving any class of motor vehicle; and

(b) particulars in relation to number-plates including traders’ plates.

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Act.**

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(2) A certificate purporting to be signed by a prescribed officer certifying that on any date or during any period specified in the certificate the particulars set forth in the certificate as to any of the matters specified in subsection one of this section did or did not appear on or from such records shall, in all courts and upon all occasions whatsoever, without proof of the signature or of the official character of the person purporting to have signed the certificate and without the production of any record or document upon which the certificate is founded, be prima facie evidence of the particulars certified in and by the certificate.

**Amendment  
of Act No.  
18, 1930.**

**Subst.  
sec. 255.**

**Records and  
evidence.**

**4.** The Transport Act, 1930, as amended by subsequent Acts, is amended—

(a) by omitting section two hundred and fifty-five and by inserting in lieu thereof the following section:—

255. (1) The Commissioner for Motor Transport shall keep records of—

(a) the particulars of service licenses, the registration of motor omnibuses or other public vehicles, and the licensing of drivers and conductors thereof, and matters pertaining thereto, including, but without limiting the generality of the foregoing, particulars in relation to the grant, refusal, renewal, suspension and cancellation of registrations and licenses, the transfer of registrations, and the disqualification of persons for driving or conducting any class of public vehicles; and

(b) particulars in relation to number-plates.

(2) A certificate purporting to be signed by a prescribed officer certifying that on any date or during any period specified in the certificate the particulars set forth in the certificate

as



as to any of the matters specified in subsection one of this section did or did not appear on or from such records shall, in all courts and upon all occasions whatsoever, without proof of the signature or of the official character of the person purporting to have signed the certificate and without the production of any record or document upon which the certificate is founded, be prima facie evidence of the particulars certified in and by the certificate. No. 49, 1955.

- (b) by omitting from paragraph (b) of section two hundred and fifty-seven the word "applies" and by inserting in lieu thereof the words "or the regulations apply"; Sec. 257. (Proof.)
  - (c) by inserting in subsection one of section two hundred and sixty-five after the word "Acts" the words "or any ordinance made under Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts". Sec. 265. (Minor traffic offences.)
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