

Australian National University Act 1973

No. 96 of 1973

AN ACT

Relating to the Regulation by the Australian National
University of Traffic and the Parking of Vehicles.

[Assented to 6 September 1973]

BE IT ENACTED by the Queen, the Senate and the House of
Representatives of Australia, as follows:—

1. (1) This Act may be cited as the *Australian National University Act 1973*. Short title
and citation.

(2) The *Australian National University Act 1946–1971** is in this Act
referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the
Australian National University Act 1946–1973.

2. This Act shall come into operation on the day on which it receives
the Royal Assent. Commence-
ment.

* Act No. 22, 1946, as amended by Nos. 21 and 56, 1947; No. 3, 1960; No. 9, 1963; No. 108, 1965; No. 93,
1966; No. 65, 1967; and No. 1, 1971.

Statutes:
general.

3. Section 27 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(3) Notwithstanding sub-section (2), by-laws, rules or orders shall not be made—

- (a) for regulating, or providing for the regulation of, a matter referred to in sub-section (2) of section 27A; or
- (b) for carrying out or giving effect to a Statute dealing with such a matter, except to the extent that they are by-laws, rules or orders with respect to the discipline of the University and provide for the enforcement of such a Statute.”.

4. After section 27 of the Principal Act the following section is inserted:—

Statutes
relating to
traffic.

“27A. (1) In this section—

‘land occupied by the University’ means land occupied by the University in the Australian Capital Territory;

‘parking’, in relation to a vehicle, means causing or permitting the vehicle to remain stationary while not under the control of the driver, and ‘parked’ has a corresponding meaning;

‘vehicle’ includes an object that was designed or adapted for use as a vehicle but is incapable of being so used by reason that—

- (a) a part has, or parts have, been removed from it; or
- (b) it is in a wrecked or damaged condition.

“(2) The Statutes may make provision—

- (a) for or in relation to the regulation of traffic, or of the parking of vehicles, on land occupied by the University, including provision authorizing, and providing for the effect of, signs, traffic lights and markings;
- (b) for or in relation to the regulation of access by vehicles to land occupied by the University;
- (c) for the imposition and collection of charges for the parking or stopping of vehicles on land occupied by the University and for the erection, management and protection of parking meters for the purposes of those charges;
- (d) authorizing the removal of vehicles from places where they have been parked or stopped in contravention of a Statute;
- (e) to the effect that, where a contravention of a provision of a Statute relating to the parking or stopping of vehicles occurs in respect of a motor vehicle, the person who is to be regarded as the owner of the motor vehicle for the purposes of the Statute (who may, in accordance with the Statute, be or include the person in whose name the motor vehicle is registered under the law of a State or of a Territory of the Commonwealth) is to be, except as provided otherwise, deemed to have committed an offence against the provision so contravened, whether or not he in fact contravened that provision;

- (f) enabling a person who is alleged to have contravened a provision of a Statute relating to the parking or stopping of vehicles to pay to the University a specified penalty, not exceeding Five dollars, as an alternative to undergoing prosecution;
- (g) for the punishment, on summary conviction, by a fine not exceeding One hundred dollars, of offences against a Statute dealing with a matter referred to in this sub-section;
- (h) relating to the powers to be exercised by persons appointed by the Council for the purposes of carrying out or giving effect to Statutes dealing with matters referred to in this sub-section; and
- (i) for matters ancillary or incidental to matters referred to in this sub-section.

“(3) Where a Statute contains a provision dealing with a matter referred to in sub-section (2), that provision does not have any force or effect to the extent to which it is inconsistent with a law of the Australian Capital Territory, but a provision of a Statute shall not be taken for the purposes of this sub-section to be inconsistent with a law if it can be complied with without contravention of that law.

“(4) A Statute may make provision for or in relation to a matter referred to in sub-section (2) by applying, adopting or incorporating, with or without modification, a provision of a law for the time being in force in the Australian Capital Territory relating to motor vehicles or motor traffic.

“(5) Where a Statute makes provision for or in relation to the regulation of access by vehicles to land that would, but for that provision, be a public street or a public place within the meaning of a law in force in the Australian Capital Territory, that land does not cease to be a public street or a public place, as the case may be, within the meaning of that law by reason only of that provision.

“(6) A Statute dealing with a matter referred to in sub-section (2) applies, except to such extent (if any) as that Statute or another Statute provides otherwise, to any person whether or not that person has any connexion with the University.

“(7) In any proceedings for a contravention of a Statute dealing with a matter referred to in sub-section (2)—

(a) evidence that—

- (i) a sign, signal, flag, notice, beacon or other device was erected, placed or displayed on, near or above land occupied by the University;
- (ii) a line, symbol, sign or other device was marked on the carriageway or kerb of a road or on any part of a parking area or loading area, being a road or area on land occupied by the University; or

- (iii) an island or dome was erected on a road on land occupied by the University or at a junction or intersection of two or more such roads,
is *prima facie* evidence that it was so erected, placed, displayed or marked, as the case may be, in accordance with a Statute; and
 - (b) an averment of the prosecutor contained in the information or complaint and stating that specified land was land occupied by the University shall, in the absence of proof to the contrary, be deemed to be proved.”.
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