

THE AUSTRALIAN NATIONAL UNIVERSITY

Australian National University Act 1991

PARKING AND TRAFFIC STATUTE 2013

The Council of The Australian National University makes the following Statute under section 51 of the *Australian National University Act 1991*.

Dated: 4 October 2013.

Professor the Hon Gareth Evans AC QC FASSA
CHANCELLOR

[GENERAL NOTE: This Statute is made by the Council under section 51 of the *Australian National University Act 1991* ("the ANU Act"). It should be read in conjunction with Australian Capital Territory road transport legislation (which applies within the University and includes, but is not limited to, the following Acts :

- (a) the *Road Transport (General) Act 1999*;
- (b) the *Road Transport (Alcohol and Drugs) Act 1977*;
- (c) the *Road Transport (Dimensions and Mass) Act 1990*;
- (d) the *Road Transport (Driver Licensing) Act 1999*;
- (e) the *Road Transport (Public Passenger Services) Act 2001*;
- (f) the *Road Transport (Safety and Traffic Management) Act 1999*;
- (g) the *Road Transport (Vehicle Registration) Act 1999*.

The ACT legislation incorporates and gives effect to the Australian Road Rules (the publication known as the Australian Road Rules, ISBN 0 7240 8874 1, published by the National Road Transport Commission on 19 October 1999). In accordance with the ANU Act, this Statute enacts supplementary legislation for the regulation or control of traffic, or of the parking, stopping, standing or leaving of vehicles, on land occupied by the University. The fees specified in this Statute are exclusive of any government fees and charges.]

PARKING AND TRAFFIC STATUTE 2013

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PART 1 — PRELIMINARY

1 Name of Statute

1 (1) This Statute is the *Parking and Traffic Statute 2013*.

2 Commencement

2 (1) This Statute commences on 1 January 2014.

3 Interpretation

3 (1) In this Statute, unless the contrary intention appears:

administrative charge means a charge to which subsection 40 (1) refers;

authorised vehicle means a motor vehicle:

- (a) in respect of which a decision under subsection 8 (1) or (3) is in force; or
- (b) that, through an action taken by or on behalf of an appropriate authority of the Australian Capital Territory, the Commonwealth or a State, is to be taken to be a motor vehicle used by a disabled person;

authorised vehicle label means a label issued in respect of the motor vehicle that:

- (a) if the label is issued by the designated authority - bears the words "AUTHORISED" and contains such numbers, symbols or other matter as the designated authority determines; or
- (b) if the label is issued by an authority authorised by the designated authority under subsection 8 (2) to decide that a motor vehicle is an authorised vehicle - bears words indicating that the motor vehicle has been determined by that authority to be an authorised vehicle and is in a form approved, in writing, by the designated authority; or
- (c) if the label is issued by or on behalf of an appropriate authority of the Australian Capital Territory, the Commonwealth or State because the motor vehicle is used by a disabled person - bears words to the effect that it is so used;

authorised vehicle sign means a traffic sign bearing the words "RESERVED PARKING AUTHORISED VEHICLE PARKING ONLY";

bicycle means a vehicle with 1 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor), and:

- (a) includes a pedicab, penny-farthing, scooter, tricycle and unicycle; but
- (b) does not include a wheelchair, wheeled recreational device, wheeled toy, or any vehicle with an auxiliary motor capable of generating a power output of over 200 watts (whether or not the motor is operating);

bicycle parking sign means a traffic sign bearing the words "BICYCLE PARKING";

bus stop means the area to which a bus stop sign relates;

bus stop sign means a traffic sign bearing the words "BUS STOP";

bus zone sign means a traffic sign bearing the words "BUS ZONE";

clearway sign means a traffic sign bearing the words "CLEARWAY" with or without either or both of the following:

- (a) an inscription indicating the days or times when it applies;
- (b) an inscription indicating the times when the area to which the sign relates is a clearway zone;

combination means a group of vehicles consisting of a motor vehicle connected to 1 or more vehicles;

controlled parking hours, in relation to parking, means the hours printed or marked on the relevant voucher vending machine or permissive parking sign;

Court means the Magistrates Court established under the *Magistrates Court (Civil Jurisdiction) Act 1982* of the Australian Capital Territory;

designated authority means the Vice-Chancellor or the Vice-Chancellor's nominee;

determined fee, in relation to voucher parking, means the fee determined under section 15;

drive includes be in control of;

driver, for a vehicle, is the person who is driving the vehicle (except a motor bike, bicycle, animal or animal-drawn vehicle) other than a person pushing a motorised wheelchair;

edge line, for a road, means a line marked along the road at or near the far left or far right of the road (except any part of the kerb of a road);

infringement means a contravention of any of the provisions of this Statute;

infringement notice means an infringement notice under Part 8;

loading zone means a length of a road or off-street parking area to which a loading zone sign applies;

loading zone sign means a traffic sign bearing the words "LOADING ZONE" with or without either or both of the following:

- (a) an inscription indicating a period for which a person may park a vehicle in the loading zone to which the sign relates;
- (b) an inscription indicating the times when the area to which the sign relates is a loading zone;

mail zone sign means a traffic sign or road marking bearing the words "MAIL ZONE";

minibus zone sign means a traffic sign or road marking bearing the words "MINIBUS ZONE" or "UNISAFE BUS STOP";

motor bike means a motor vehicle with 2 wheels, and includes:

- (a) a 2-wheeled vehicle with a sidecar attached to it that is supported by a third wheel; and
- (b) a vehicle with 3 wheels that is ridden in the same way as a vehicle with 2 wheels;

motor bike parking sign means a traffic sign bearing the words "MOTOR BIKE PARKING";

motor vehicle means a vehicle that is built to be propelled by a motor that forms part of the vehicle, including an object that was designed or adapted for use as a vehicle, but is incapable of being so used because:

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

no entry sign means a traffic sign bearing the words "NO ENTRY";

no exit sign means a traffic sign bearing the words "NO EXIT";

no parking sign means a traffic sign bearing the words "NO PARKING", with or without an inscription indicating the times when parking is prohibited;

no stopping sign means a traffic sign bearing the words "NO STOPPING", with or without an inscription indicating the times when stopping is prohibited;

officer means a traffic officer appointed by the designated authority for the purposes of giving effect to this Statute;

off-street parking area means an area of University land, not being a road or part of a road, determined by the designated authority in writing, to be an off-street parking area, and includes the entrances to, the exits from, and the passage-ways in such an area;

park, in relation to a vehicle, means cause or permit the vehicle to remain stationary while not under the control of the driver, and **parked** and **parking** have corresponding meanings;

parking control sign means any of the following:

- (a) an authorised vehicle sign;
- (b) a bicycle parking sign;
- (c) a bus zone sign;
- (d) a clearway sign;
- (e) a loading zone sign;
- (f) a mail zone sign;
- (g) a minibus zone sign;
- (h) a motor bike parking sign;
- (i) a no parking sign;
- (j) a no stopping sign;
- (k) a people with disabilities parking sign;
- (l) a permissive parking sign;
- (m) a permit parking sign;
- (n) a taxi zone sign;
- (o) a truck zone sign;
- (p) a works zone sign;

permit parking sign means a traffic sign bearing the words "PERMIT PARKING" with or without any relevant inscription, including an inscription indicating the particular parking label or labels required to be displayed in or on the vehicle permitted to be parked in accordance with the sign;

permissive parking sign means a traffic sign bearing an indication of the time limits for which parking is permitted in the place to which the sign relates;

parking voucher means a document which authorises the standing or parking of a vehicle on a road or in an off-street parking area, being a document the issue of which is authorised under section 15;

prescribed penalty means a penalty to which subsection 40 (2) refers;

people with disabilities parking sign means a traffic sign bearing the words "RESERVED PARKING AUTHORISED VEHICLES ONLY" and a picture of a person seated in a wheelchair;

reminder notice means a reminder notice under Part 8;

rider means a person who is riding a bicycle except a passenger or a person walking beside and pushing a bicycle;

road means a street, road or lane (including a street, road or lane on or forming part of a bridge), including a gutter of that street, road or lane that forms part of the University land;

road marking means a word, figure, mark, line, symbol, sign or other device marked on the road or the kerb of a road, or on any part of an off-street parking area or other area of University land, in accordance with this Statute, and includes any reflective material used in so marking the line, symbol, sign or other device;

taxi zone sign means a traffic sign bearing the words "TAXI ZONE";

traffic control equipment means a device used to regulate traffic including, but not limited to:

- (a) a bollard; or
- (b) a boom gate; or

- (c) a roller door; or
- (d) electronic components and systems used to operate a bollard, boom gate or roller door;

traffic sign means a board, plate, screen, sign, signal, flag, notice, beacon or other device whether or not illuminated:

- (a) bearing approved markings, being -
 - (i) the letters "A N U" or a representation of the Arms of the University; and
 - (ii) any other inscription consisting wholly of words or other symbols, or partly of words and partly of other symbols, authorised by this Statute; and
- (b) erected, placed or displayed on, near or above a road, or in another area of University land, in accordance with this Statute;

truck zone sign means a traffic sign bearing the words "TRUCK ZONE";

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

vehicle includes:

- (a) a motor vehicle, trailer and tram; and
- (b) a bicycle; and
- (c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle; and
- (d) a combination; and
- (e) a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground);

but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy;

voucher vending machine means a machine that is designed to dispense a parking voucher to a person who pays a fee;

wheelchair means a chair mounted on 2 or more wheels that is built to transport a person who is unable to walk or has difficulty in walking, but does not include a pram, stroller or trolley;

wheeled recreational device means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play, and:

- (a) includes rollerblades, roller skates, skateboards or similar wheeled devices; but
- (b) does not include a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy;

wheeled toy means a child's pedal car, scooter or tricycle or a similar toy, but only when it is being used only by a child who is under 12 years old;

works zone sign means a traffic sign bearing the words "WORKS ZONE".

(2) If a traffic sign is temporarily covered with a hood bearing approved markings, as specified in paragraph (a) of the definition of **traffic sign** that traffic sign is, while so covered, to be taken for the purposes of this Statute, to be a traffic sign having effect according to the tenor of those approved markings.

(3) An arrow inscribed on a traffic sign erected on a side of a road otherwise than parallel to the boundary of the road is to be taken to be pointing on that side in the direction in which it would point if the sign were turned through an angle of not more than 90 degrees until parallel to that boundary and facing the middle of that road.

(4) The area, being a part of a road or another area of University land, to which a traffic sign (being a sign inscribed with an arrow) relates is:

- (a) the area bounded by:
 - (i) the part of the boundary of the road, or the part of the boundary of that other area, on or near which the sign is erected or displayed, between that sign and another such sign erected or displayed on or near the same boundary nearest in the direction indicated by the arrow; and
 - (ii) road markings adjacent to that boundary or part of that boundary; or
- (b) a bay for the parking of a motor vehicle marked by road markings on the road or other place in which the sign is erected or displayed between that sign and another such sign erected or displayed in that street or other area nearest in the direction indicated by the arrow; or
- (c) the area bounded by:
 - (i) the part of the boundary of the road or the part of the boundary of the other area, on or near which the sign is erected or displayed, between that sign and another such sign erected or displayed on or near the same boundary nearest in the direction indicated by the arrow; and
 - (ii) imaginary lines drawn adjacent and at right angles to that boundary and half way across the road or other area; and
 - (iii) imaginary lines joining the extremities of the lines referred to in subparagraph (ii);

as the case requires.

(5) However, the area, being a part of a road or another area of University land, to which a traffic sign (being a sign regulating traffic “beyond this point”) relates is the area being part of the boundary of the road, or the part of the boundary of another area of University land, in front of which the sign is erected or displayed, and bounded by the boundary of the road or other area of University land, as the case requires.

(6) If there are 2 or more joint owners or part owners of a motor vehicle, each joint owner or part owner is to be regarded, for the purposes of this Statute, as the owner of the motor vehicle.

PART 2 — TRAFFIC SIGNS, ROAD MARKINGS, ETC

4 Traffic signs and road markings

4 (1) The designated authority may authorise:

- (a) the erection, placing or displaying on, near or above a road, or in another area of University land, of a traffic sign; or
- (b) the temporary covering of an existing traffic sign that is on, near or above a road, or in another area of University land with a hood bearing approved markings, as described in paragraph (a) of the definition of *traffic sign* in subsection 3 (1);

to regulate, prohibit or restrict the stopping or parking of motor vehicles or to specify the manner in which motor vehicles may be parked in the road or other area.

(2) The designated authority may authorise the placing of a road marking on a road or kerb of a road, or on any part of another area of University land, for the purposes of a provision of this Statute, and either alone or in combination with a traffic sign.

(3) The designated authority may suspend an authorisation in relation to a traffic sign on, near or above a road or in another area:

- (a) while the road or other area or a portion of the road is being repaired or maintained; or
- (b) for a period determined by the designated authority;

and, for the period of the suspension, the traffic sign to which the authorisation relates ceases to be a traffic sign and the designated authority must cause it to be removed or covered.

(4) The designated authority may, from time to time, remove an authorisation, determination or suspension in relation to a traffic sign or road marking and, if the authorisation for a traffic sign or road marking is revoked, the designated authority must cause the traffic sign to be removed or the road marking to be obliterated, as the case requires.

5 Damage, removal, etc. of traffic signs, etc.

5 (1) A person must not:

- (a) erect, place or display a board, plate, sign, signal, flag, notice, beacon, gate or other device that may be mistaken for a traffic sign on, near or above any road or other area of University land, unless it is a traffic sign and the person is giving effect to an authorisation of the designated authority under section 4; or
- (b) mark a word, figure, mark, line, symbol, sign or other device that may be mistaken for a road marking on any part of a road or other area of University land, unless the person is giving effect to an authorisation of the designated authority under that section; or
- (c) remove, move, damage, deface, obscure, cover up or otherwise interfere with a traffic sign, or a road marking unless the person is acting under the authority of the designated authority.

PART 3 — PARKING AND PARKING PERMITS

6 Parking permits

6 (1) The designated authority may, for the purposes of this Statute and on payment to the University of the prescribed fee, issue a parking permit to any of the following:

- (a) a member of the staff of the University;
- (b) a student of the University;
- (c) a person who frequently visits the University on University business;
- (d) a resident in University House, Graduate House, a hall of residence, an affiliated college or any other accommodation facility approved by the designated authority for the purposes of this paragraph;
- (e) a person ordinarily present on University land in the course of his or her employment;

- (f) any other person to whom the issue of a permit is, in the opinion of the designated authority, justified.

(2) For the purposes of subsection (1), the designated authority may determine a prescribed fee for the kind of parking permit concerned of not more than \$3500 for a calendar year, or a pro-rata fee for a period of less than a calendar year.

(3) If the parking permit is granted for a period of 12 months, however, there is to be no administration fee.

(4) However, the designated authority may, for the purposes of subsection (1), issue a parking permit for a single day for a prescribed fee that does not exceed the fee for a day determined for the purposes of subsection 15 (1).

(5) The designated authority may issue to a person having business with the University a permit valid only for the day or days specified in the permit.

(6) A parking permit issued under this section must bear a distinctive number, with or without the addition of other symbols.

(7) The designated authority is to determine, by notice in writing, the manner in which fees payable under this section are to be paid.

(8) If an amount is paid under this section by cheque or electronic transfer, payment is not to be regarded as having been made until the cheque is honoured upon presentation or the transfer of funds has been completed.

(9) The holder of a parking permit must surrender the permit to the designated authority if the holder:

- (a) receives 4 infringement notices (none of which has been successfully challenged) in a calendar year; or
- (b) changes (or ceases) his or her employment or enrolment by virtue of which he or she was entitled to obtain or to hold the parking permit.

7 Parking labels

7 (1) If the designated authority issues a parking permit to a person under section 6, the designated authority must issue to that person a parking label in relation to that permit containing such numbers, symbols or other matter as the designated authority determines.

(2) The parking label must be so placed against the interior of the windscreen or window of the motor vehicle (except a motor cycle or trailer) for which it is used that all writing appearing on the side of the label bearing its expiry date is capable of being clearly read by a person standing beside the motor vehicle.

(3) The parking label must not be displayed on or in a motor vehicle (including a motor cycle or trailer) if the parking permit to which the label relates has been or must be surrendered to the designated authority.

(4) To avoid doubt, a parking label that is displayed in or on a vehicle which is beyond the expiry date printed on the label is of no force or effect.

8 Authorised vehicles

8 (1) The designated authority may, in writing, decide that a motor vehicle that is:

- (a) owned by the University; or
- (b) that is used in an official capacity in the conduct of the affairs or operations of the University;

is an authorised vehicle.

(2) The designated authority may, in writing, authorise a body that uses University premises in the conduct of its affairs or operations to make decisions under subsection (3).

(3) If a body is so authorised, it may, in writing, decide that a motor vehicle that is:

- (a) owned by the body; or
- (b) used in an official capacity in the conduct of the affairs or operations of the body;

is an authorised vehicle.

(4) On deciding that a motor vehicle is an authorised vehicle, the designated authority, or body authorised under subsection (2), as the case requires, must issue an authorised vehicle label in respect of the motor vehicle.

9 Permit parking areas

9 (1) For the purposes of this Statute:

- (a) the designated authority may determine in which parking area a particular permit holder, or the holder of a particular kind of parking permit, may park; and
- (b) an area is taken to be set aside for a particular kind of permit if a permit parking sign relating to that area bears an inscription specifying that particular kind of permit.

10 Permit or label lost, destroyed etc.

10 (1) If the designated authority is satisfied that a permit or label issued under this section has been lost, destroyed, damaged or defaced, the designated authority may, on payment to the University of a fee not exceeding \$50, issue a new permit or label that is, for the purposes of this Statute, of the same effect as the first-mentioned permit or label.

(2) If an amount is paid under this section by cheque or electronic transfer, payment is not to be regarded as having been made until the cheque is honoured upon presentation or the transfer of funds has been completed.

11 Interfering with, or removing, parking label

11 (1) A person must not interfere with or remove a parking label that is in or on a motor vehicle unless:

- (a) he or she is the owner of the motor vehicle; or
- (b) he or she is the person to whom the label was issued; or
- (c) he or she is acting with the authority of the owner of the motor vehicle or the person to whom the label was issued; or

- (d) the permit in relation to which the label was issued has been cancelled under subsection 12 (2) or surrendered under section 13, and he or she is acting at the direction of the designated authority.

12 Tampering or interfering with, or falsifying, parking permit

12 (1) A person must not tamper or interfere with, or falsify or misuse, a parking permit.

(2) The designated authority may cancel a parking permit if the person to whom it is issued tampers or interferes with, or falsifies or misuses a parking permit.

13 Surrender of permits

13 (1) The holder of a parking permit may surrender the permit by delivering it or sending it by post, together with a notice signed by the holder stating his or her intention to surrender the permit, to the designated authority.

(2) A parking permit to which subsection (1) applies is taken to have been surrendered on the day on which it is received by the designated authority.

(3) If the holder of a parking permit surrenders the permit, the holder may include in the notice referred to in subsection (1) a request for a refund of the relevant part of the fee paid for the issue of the permit.

(4) On receipt of a notice containing a request by a person referred to in subsection (3), the University must pay to the person an amount worked out using the formula:

$$A \times NM$$

where:

A is an amount equal to the amount that, at the time the permit was issued, was one twelfth of the amount determined by the designated authority for the purposes of subsection 6 (2);

NM is the number of remaining whole calendar months during which the parking permit would have had effect if it had not been surrendered.

PART 4 — VOUCHER PARKING

14 Voucher vending machines

14 (1) The designated authority may, by instrument, authorise the installation of a voucher vending machine in or near a road or in an off-street parking area.

15 Parking fees

15 (1) The designated authority may, for the purposes of this Statute determine the fee, not exceeding \$50 per day, payable for parking in a place in or near which a voucher vending machine is installed.

(2) If the designated authority determines a fee under subsection (1), the designated authority must specify a period to which that fee relates.

(3) A voucher vending machine must be adjusted so that, on payment of the determined fee by a method specified on the machine, 1 parking voucher is issued for a period specified under subsection (2).

16 Purchase and display of vouchers

16 (1) A person must not, during controlled parking hours, permit a motor vehicle to stand or be parked on a road, or in an off-street parking area, in or near which a voucher vending machine is installed unless the standing or parking of the motor vehicle is authorised by a parking voucher:

- (a) which:
 - (i) has issued from that machine; or
 - (ii) has been issued by the designated authority; and
- (b) which is displayed on the motor vehicle.

(2) A person must not, during controlled parking hours, permit a motor vehicle to stand or be parked:

- (a) on a road; or
- (b) in an off-street parking area;

in or near which a voucher vending machine is installed, after the end of the period during which the parking or standing of the motor vehicle or trailer there is authorised by a parking voucher.

(3) A parking voucher authorises the standing or parking of a motor vehicle on a road, or in an off-street parking area, on the date shown on the voucher until the later of:

- (a) the end of the period specified under subsection 15 (2) commencing at the time shown on the voucher as its time of issue; or
- (b) the time shown on the voucher as its time of expiry.

(4) If, before the end of the period for which the standing or parking of the motor vehicle on a road or in an off-street parking area by a person is authorised by a parking voucher, a further parking voucher is obtained by that person, subsection (3) applies as if the further voucher had been obtained at the end of that period and it showed a time of issue or expiry accordingly.

(5) For the purposes of subsection (1), a parking voucher is not regarded as being displayed on a motor vehicle (except a motor cycle or trailer) unless the voucher is so placed against the interior of a windscreen or window of the motor vehicle that all writing and imprinted words, figures and symbols appearing on the side of the voucher bearing the date and time of issue or expiry of the voucher are capable of being clearly read by a person standing beside the motor vehicle.

(6) For the purposes of subsection (1), a parking voucher is not regarded as being displayed on a motor cycle or trailer unless the voucher is so attached to the motor cycle or trailer that all writing and imprinted words, figures and symbols appearing on the side of the voucher bearing the date and time of issue or expiry are capable of being clearly read by a person standing beside the motor cycle or trailer, as the case may be.

(7) A person does not contravene subsection (1) if he or she displayed on the motor vehicle concerned, a parking voucher or parking vouchers in accordance with this section and took reasonable steps to ensure that the voucher or vouchers remained so displayed.

17 Interference with displayed parking vouchers

17 (1) A person must not interfere with or remove a parking voucher that is in or on a motor vehicle standing or parked on a road or in an off-street parking area unless:

- (a) he or she is the owner of the motor vehicle or trailer; or
- (b) he or she obtained the voucher; or
- (c) the voucher was obtained on his or her behalf; or
- (d) he or she is acting with the authority of the owner of the motor vehicle or the person by whom, or on whose behalf, the voucher was obtained.

18 Abuse of voucher vending machines

18 (1) A person must not:

- (a) operate a voucher vending machine otherwise than in accordance with the instructions (if any) affixed to, or appearing on, the machine; or
- (b) insert, or cause to be inserted, in a voucher vending machine anything other than a coin or coins of the denomination or denominations specified on the voucher vending machine; or
- (c) insert, or cause to be inserted, in a voucher vending machine a bent or damaged coin.

19 Unauthorised installation of, or interference with, voucher vending machines

19 (1) A person must not, except with the authority of the designated authority:

- (a) install or place, in or near a road or in an off-street parking area, a device that so nearly resembles a voucher vending machine as to be reasonably capable of being mistaken for a voucher vending machine; or
- (b) attach or affix anything to, place anything on or stand anything against a voucher vending machine.

20 Unauthorised removal of voucher vending machines

20 (1) A person must not, except with the authority of the designated authority, remove, move, damage, deface, paint, write on, obscure, or otherwise interfere with a voucher vending machine.

21 Evidence of authorised installation of voucher vending machines

21 (1) Evidence that a voucher vending machine was installed in or near a road or in an off-street parking area is evidence that it was installed with the authority of the designated authority.

22 Suspension of operation of certain provisions

22 (1) If, for any reason, the designated authority is satisfied that the operation of any provision of sections 14 to 21 is likely to cause excessive inconvenience to members of the public, the designated authority may, by instrument, suspend the operation of that provision in relation to a specified place for not more than 7 days.

(2) The designated authority may, at any time, in writing, revoke an instrument under subsection (1) and, in that case, the suspension effected by the instrument ceases to have effect on the day following the date on which the instrument is revoked.

23 Circumstances in which section 16 not contravened

23 (1) A person does not contravene section 16 if the person stops or parks a motor vehicle:

- (a) to avoid a contravention of this Statute; or
- (b) to carry out a manoeuvre of the motor vehicle that is required or not prohibited by this Statute;

and the motor vehicle does not remain stopped or parked for a period longer than is reasonable in the circumstances.

(2) Section 16 does not apply on a day that is a public holiday.

(3) A person does not contravene section 16 if the person stops or parks a motor vehicle:

- (a) because of a breakdown or accident involving the motor vehicle; or
- (b) to the extent necessary to avoid impending danger or collision with a person, motor vehicle or animal.

(4) A person does not contravene section 16 if the person stops or parks a motor vehicle during a stoppage because of the nature of the traffic.

PART 5 — TRAFFIC CONTROL EQUIPMENT

24 Traffic control equipment

24 (1) The designated authority may, by instrument, authorise the installation of traffic control equipment in or near a road or in an off-street parking area.

25 Abuse of traffic control equipment

25 (1) A person must not:

- (a) operate traffic control equipment otherwise than in accordance with the instructions (if any) affixed to, or appearing on, the equipment; or
- (b) do anything that interferes with (or is likely to interfere with) the proper working of traffic control equipment.

26 Unauthorised installation of, or interference with, traffic control equipment

26 (1) A person must not, except with the authority of the designated authority:

- (a) install or place, in or near a road or in an off-street parking area, a device that so nearly resembles traffic control equipment as to be reasonably capable of being mistaken for traffic control equipment; or

- (b) attach or affix anything to, place anything on or stand anything against traffic control equipment.

27 Unauthorised removal etc., of traffic control equipment

27 (1) A person must not, except with the authority of the designated authority, remove, move, damage, deface, paint, write on, obscure, or otherwise interfere with traffic control equipment.

28 Evidence of authorised installation of traffic control equipment

28 (1) Evidence that traffic control equipment was installed in or near a road or in an off-street parking area is evidence that it was installed with the authority of the designated authority.

PART 6 – PARKING GENERALLY

29 Regulation of parking in off-street parking areas

29 (1) If a no entry sign is erected on or near a road at an exit from an off-street parking area and facing towards the road, the driver of a motor vehicle must not enter the off-street parking area by that exit.

(2) If a no exit sign is erected on or near an entrance to an off-street parking area from a road and facing away from the road, the driver of a motor vehicle must not leave the off-street parking area by that entrance.

(3) If a part of an off-street parking area is marked by road markings into bays for the parking of motor vehicles, a person must not park a motor vehicle in that part of the area:

- (a) except within one of those bays; or
- (b) so that any part of the motor vehicle is upon or across such a road marking.

(4) A person must not park a motor vehicle in an off-street parking area so as to:

- (a) obstruct, or be likely to obstruct, the entrance to, or exit from that area of any other motor vehicle; or
- (b) impede, or be likely to impede, the removal from that area of any other motor vehicle; or
- (c) cause, or be likely to cause, unreasonable inconvenience to other persons using, or attempting to use, the area for the parking of a motor vehicle.

30 Parking in loading zones

30 (1) Subject to subsection (2), the area to which a loading zone sign relates is, for the purposes of this section, a loading zone.

(2) If a loading zone sign bears an inscription indicating the times when a motor vehicle may be parked, the area to which the sign relates is, for the purposes of this section, a loading zone only during the times so indicated.

(3) A person must not park a motor vehicle in an area that is for the time being a loading zone except for the purposes of unloading or loading goods from or on to the motor vehicle.

(4) A person must not park a motor vehicle in an area that is for the time being a loading zone for a period that exceeds:

- (a) the period during which goods are unloaded from or loaded on to the motor vehicle; or
- (b) if the loading zone signs relating to the loading zone indicate a period of time for which a motor vehicle may park - for the period during which goods are unloaded from or loaded on to the motor vehicle, or the period indicated on the signs, whichever is the lesser.

31 Driving, etc., motor vehicles otherwise than on roads, etc., prohibited

31 (1) Except with the permission of the designated authority or with other lawful excuse, a person must not drive or park a motor vehicle on any area of University land other than a road or off-street parking area.

32 Stopping, etc. adjacent to boundary of road

32 (1) Subject to subsection (2), a person must not stop or park a motor vehicle on a road except with the left-hand side of the motor vehicle immediately adjacent to the left-hand boundary of the road.

(2) A person must not stop or park a motor vehicle on a portion of a one-way traffic road that is adjacent to the right-hand boundary of the road, and is the area to which a parking control sign relates, except in accordance with the sign and with the right-hand side of the motor vehicle immediately adjacent to the right-hand boundary of the road.

33 Stopping and parking in roads regulated by traffic signs, etc.

33 (1) A person must not park a motor vehicle contrary to a road marking or a parking control sign.

(2) If a no stopping sign inscribed with an arrow is erected on a side of a road, a person must not stop or park a motor vehicle on that side of the road between the sign and:

- (a) the nearest intersection or junction of that road and another road; or
- (b) another such no stopping sign;

whichever is the closer, in the direction indicated by the arrow on the sign.

(3) If a no parking sign is erected on a side of a road, a person must not park a motor vehicle on that side of the road between the sign and the nearest intersection or junction of that road and another road, or between the sign and another such no parking sign, whichever is the closer in the direction indicated by the arrow on the sign.

(4) A person must not park a motor vehicle so that any part of the motor vehicle is adjacent to the side of a road or off-street parking area marked with a continuous yellow edge line.

(5) If a parking control sign is erected on or near the boundary of a road or in an off-street parking area, a person must not park a motor vehicle in the part of the road or off-street parking area to which the parking control sign relates:

- (a) if the parking control sign indicates a period of time for or during which parking is permitted - for a period exceeding or outside the period so indicated; and
- (b) if the parking control sign indicates angle parking - otherwise than at such angle to that boundary as is indicated by the sign; and
- (c) if the parking control sign indicates that parking is reserved for a particular motor vehicle only, for authorised vehicles only or for motor vehicles included in a specific class of authorised vehicles only - unless:
 - (i) the motor vehicle is that particular motor vehicle, an authorised vehicle, or an authorised vehicle included in the class so specified, as the case requires; and
 - (ii) in the case of an authorised vehicle - an authorised vehicle label is prominently displayed in or on the motor vehicle; and
- (d) if the parking control sign is a permit parking sign - unless:
 - (i) a parking permit is in force in respect of the area to which the sign relates; and
 - (ii) a parking label issued in relation to that permit is prominently displayed in or on the motor vehicle.

(6) It is not an offence against subsection (5) if:

- (a) the inscription on the sign also indicates that the qualification on parking inscribed on the sign only applies during specified times; and
- (b) a person parks a motor vehicle in the part of the road to which the sign relates otherwise than during those specified times.

(7) It is a defence to a prosecution for an offence against subsection (1) (insofar as it relates to road markings), (3) or paragraph (5)(c) or (d) if the defendant satisfies the Court that he or she had stopped the motor vehicle for the purpose of:

- (a) setting down at the boundary of the road a passenger and the luggage or goods (if any) of the passenger; or
- (b) permitting a person who, before the motor vehicle was stopped, was standing on the boundary of the road to enter the motor vehicle and taking up from the boundary of the road the luggage or goods (if any) of that person which were then with that person;

and the period for which the motor vehicle was so stopped was no longer than was reasonable for that purpose.

34 Bus stops

34 (1) A person must not stop or park a motor vehicle, other than a motor omnibus, so that any part of it is within a bus stop.

35 Parking and stopping in off-street parking areas and other places

35 (1) If a no parking sign or a no stopping sign is erected, placed or displayed in an area of University land, not being part of a road, a person must not park a motor vehicle, or stop a motor vehicle as the case requires, in the part of that place to which the sign relates.

(2) If a parking control sign is erected, placed or displayed in a part of such a place and an inscription on the sign indicates a period of time for or during which parking is permitted in the part of that place to which the sign relates, a person must not park a motor vehicle in that part of that place for a period exceeding or outside the period so indicated.

(3) If a parking control sign is erected, placed or displayed in a part of such a place and an inscription on the sign indicates that parking is reserved for a particular motor vehicle only, for authorised vehicles only or for motor vehicles included in a specified class of authorised vehicles only, a person must not park a motor vehicle in that part of that place unless:

- (a) the motor vehicle is that particular motor vehicle, an authorised vehicle, or an authorised vehicle included in the class so specified, as the case requires; and
- (b) in the case of an authorised vehicle, an authorised vehicle label is prominently displayed in or on the motor vehicle; and
- (c) in the case of a disabled driver vehicle, a valid disability permit is prominently displayed in or on the motor vehicle.

(4) If a permit parking sign is erected, placed or displayed in a part of such a place, a person must not park a motor vehicle in that part of that place unless there is prominently displayed in or on the motor vehicle a parking label issued in relation to a parking permit in respect of which the area to which the sign relates.

(5) It is not an offence against subsection (1), (2), (3) or (4) if:

- (a) the inscription on the sign also indicates that the prohibition or qualification on stopping or parking referred to in that subsection only applies during specified times; and
- (b) a person stops or parks a motor vehicle in the part of the place to which the sign relates otherwise than during those specified times.

36 Motor vehicles not to be stopped or parked dangerously, etc.

36 (1) A person must not stop or park a motor vehicle upon a road or other area of University land, in such a position, in such a condition, or in such circumstances, as to be likely to cause danger, obstruction or unreasonable inconvenience to other persons using that road or other area of University land.

PART 7 — REGULATION OF BICYCLES ON UNIVERSITY LAND

37 Bicycles: traffic signs

37 (1) The designated authority may authorise:

- (a) the erection, placing or displaying on, near or above a road, or in another area of University land, of a traffic sign; or
- (b) the temporary covering of an existing traffic sign that is on, near or above a road, or in another area of University land with a hood bearing approved markings, as specified in paragraph (a) of the definition of *traffic sign* in subsection 3 (1);

to regulate the riding and use of bicycles.

(2) The rider of a bicycle must not ride or use a bicycle in a manner contravening the instructions on a traffic sign erected under subsection (1).

38 Bicycles: helmets to be worn

38 (1) The rider of a bicycle must wear a bicycle helmet (of a kind approved under the laws of the Australian Capital Territory) securely fitted and fastened on the rider's head, unless the rider is exempt from wearing a bicycle helmet under another law of this jurisdiction.

(2) The rider of a bicycle must not carry a passenger on the bicycle unless:

- (a) the passenger is wearing an approved bicycle helmet securely fitted and fastened on the passenger's head; or
- (b) the passenger is exempt from wearing a bicycle helmet under another law of this jurisdiction.

39 Bicycles: lifting of restrictions

39 (1) In spite of anything else contained in this Statute, the designated authority may, by notice, declare that restrictions on the use of bicycles do not apply for a period and for a place mentioned in the declaration.

PART 8 — INFRINGEMENT NOTICES ETC

40 Prescribed penalties and administrative charges

40 (1) An administrative charge in relation to an infringement is the amount not exceeding \$100 determined by the designated authority from time to time to cover the costs reasonably incurred by the University in handling the infringement.

(2) A prescribed penalty in relation to an infringement is the amount not exceeding \$1000, together with any applicable administrative charge, determined by the Council from time to time to be the prescribed penalty for the infringement.

41 Infringement notice: motor vehicles

41 (1) If there are reasonable grounds for believing that an infringement has been committed in respect of a motor vehicle, an officer may serve or cause to be served an infringement notice in accordance with this Part.

(2) An infringement notice may be served on the responsible person for the motor vehicle at the time of the infringement or, if there is more than 1 responsible person for the motor vehicle at that time, on each or any of them:

- (a) by giving it to the person; or
- (b) by securely placing or attaching the notice on or to the motor vehicle in a conspicuous position; or
- (c) by post, facsimile, email, or personally, or by leaving it at his or her last-known place of residence or business with a person apparently over the age of 16 years and apparently an occupant of, or employed at, that place; or
- (d) if the owner of a motor vehicle has delivered a statutory declaration to the designated authority in accordance with subsection 53 (4) or (5) - by serving the notice personally or by post, facsimile or email on the person whose name is specified in the statutory declaration as being in charge of the motor vehicle at the

time of the alleged infringement or by leaving it at his or her last-known place of residence or business with a person apparently over the age of 16 years and apparently an occupant of, or employed at, that place.

(3) An infringement notice that is served by being placed on, or affixed to, the motor vehicle concerned may be addressed to “the owner” of the motor vehicle without further description.

(4) If an infringement notice is to be served by post, it may be addressed:

- (a) if it is to be served on the owner of the motor vehicle in respect of which the offence is alleged to have been committed, to the owner at the latest address of the owner in the record of registration of the motor vehicle; or
- (b) if it is to be served on a person whose name is specified in a statutory declaration delivered to the designated authority in accordance with subsection 53 (4) or (5), to that person at the address shown in the statutory declaration.

42 Infringement notice: bicycle riders

42 (1) If there are reasonable grounds for believing that an infringement has been committed by a rider of a bicycle, an officer may cause to be served on the rider an infringement notice in accordance with this section.

(2) The officer may request suitable identification from the rider of the bicycle.

(3) If the rider of the bicycle does not provide suitable identification, the officer may impound the bicycle at the nearest convenient place where it can be safely and securely left without contravening this Statute, or causing or being likely to cause a danger or obstruction, until such suitable identification is provided.

(4) If the officer impounds the bicycle, neither the officer nor the University is to be liable for damage occasioned by the impounding of the bicycle.

(5) Upon receipt of suitable identification, an infringement notice must be served by giving it to the identified person and the person’s bicycle must be returned.

43 Infringement notice: content

43 (1) An infringement notice must:

- (a) subject to subsection 41 (3), clearly specify the full name, or surname and initials, and address of the person on whom it is served; and
- (b) if the infringement notice relates to a motor vehicle, clearly specify the registration number of the motor vehicle concerned; and
- (c) clearly specify the day, time and place of the alleged infringement; and
- (d) give a short description of the alleged infringement; and
- (e) state the prescribed penalty payable by the person for the alleged infringement; and
- (f) contain a notification to the person on whom it is served that:
 - (i) the person may pay the prescribed penalty for the alleged infringement or dispute liability for the alleged infringement within 28 days after the date on which the infringement notice is served on the person; and

- (ii) the person may apply to the designated authority for additional time in which to pay the prescribed penalty or dispute liability for the alleged infringement; and
- (iii) if the person pays the prescribed penalty within the 28 days (or any additional time allowed by the designated authority), then unless the infringement notice is withdrawn and any penalty refunded:
 - (A) any liability of the person for the infringement is discharged; and
 - (B) the person is not to be prosecuted for the offence; and
 - (C) the person is not to be taken to have been convicted of the offence; and
- (iv) if the person wishes to dispute liability for the alleged infringement, the issue may be referred to the Court; and
- (v) if the Court finds against the person or the person is prosecuted for the offence, the person may be convicted of the offence and ordered to pay a penalty and costs, and may be subject to other Court orders; and
- (vi) if the person does not pay the prescribed penalty, or dispute liability for the offence, within the 28 days (or any additional time allowed by the designated authority), a reminder notice may be served on the person for the alleged infringement, or the person may be prosecuted for the offence; and
- (vii) if the penalty is not paid within 28 days of service of the notice and whether a reminder notice is served on the person or not, the prescribed penalty is increased by the administrative charge; and
- (g) explain how the person may pay the prescribed penalty or dispute liability for the alleged infringement and how the person may apply for additional time to pay the prescribed penalty or dispute liability for the alleged infringement; and
- (h) contain a statement setting out the procedures under this Part relating to the withdrawal of infringement notices and the consequences of the withdrawal of a notice and may contain such other particulars, if any, as the designated authority considers necessary.

44 Infringement notice: extension of time to pay

44 (1) If the person on whom the infringement notice is served applies in writing to the designated authority, within 28 days after the date of service of the notice, for a stated additional time of not longer than 6 months to pay the prescribed penalty, the designated authority must:

- (a) allow or refuse to allow the additional time; and
- (b) tell the person in writing of the decision and, if the decision is a refusal, the reasons for it.

45 Infringement notice: withdrawal

45 (1) The person on whom an infringement notice is served may apply to the designated authority, in writing, for the withdrawal of the notice within 28 days after the day when the infringement notice is served on the person (or any additional time allowed by the designated authority or mentioned in section 47).

(2) If the designated authority receives an application under subsection (1), the designated authority must:

- (a) withdraw the notice or refuse to withdraw the notice; and
- (b) tell the person in writing of that decision and, if the decision is a refusal, the reasons for it.

(3) For the purposes of subsection (1), a statutory declaration made and given to the designated authority in accordance with section 53 is taken to be an application made by the person to the designated authority for the withdrawal of the notice.

(4) If an infringement notice has been served on a person, the designated authority may, at any time, by notice in writing served on the person in accordance with this section, withdraw the infringement notice.

(5) A notice of withdrawal of an infringement notice under subsection (2) or (4) may be served on a person by serving the notice on the person personally or by post or by leaving it at his or her last known place of residence or business with a person apparently over the age of 16 years and apparently an occupant of, or employed at, that place.

46 Infringement notice: payment

46 (1) Subject to section 47, the prescribed penalty payable by a person under an infringement notice is payable:

- (a) within 28 days after the date of service of the notice; or
- (b) if the person applies to the designated authority within the 28 days for additional time to pay and the additional time is allowed - within the additional time allowed by the designated authority; or
- (c) if the person applies to the designated authority within the 28 days for additional time to pay and the application is refused - within 7 days after the day the person is told of the refusal or 28 days after the date of service, whichever is later; or
- (d) if the person applies to the designated authority within the 28 days for the withdrawal of the notice and the application is refused - 28 days after the date of service.

(2) If the amount of the prescribed penalty and any administrative charge is paid by cheque or electronic transfer, payment is not to be regarded as having been made until the cheque is honoured upon presentation or the transfer of funds has been completed.

47 Infringement notice: payment after reminder

47 (1) If:

- (a) an infringement notice has been served on the person for an infringement; and
- (b) the infringement notice has not been withdrawn; and
- (c) the prescribed penalty has not been paid to the designated authority within the time for payment under section 46; and
- (d) the person has not given a statutory declaration in accordance with subsection 53 (4) or (5); and
- (e) written notice disputing liability has not been given to the designated authority in accordance with subsection 45 (1); and

(f) a reminder notice has not previously been served on the person for the offence; the person is liable to pay to the designated authority, within 28 days after the date of service by the designated authority of a reminder notice, the sum of the prescribed penalty for the infringement and the administrative charge.

(2) If the amount of the prescribed penalty and any administrative charge is paid by cheque or electronic transfer, payment is not to be regarded as having been made until the cheque is honoured upon presentation or the transfer of funds has been completed.

48 Infringement notice: payment discharges liability

48 (1) If an infringement notice has been served on a person and before:

- (a) the expiration of the period of 28 days specified in the infringement notice (or any additional time allowed by the designated authority or mentioned in section 47) and before service of a summons in respect of the alleged infringement; or
- (b) the notice is withdrawn;

the amount of the prescribed penalty for the infringement, together with any applicable administrative charge, is paid in accordance with the relevant notice and a statement, signed by the owner of the motor vehicle or bicycle or by the person on whom the notice was served, to the effect that he or she does not wish the matter to be dealt with by the Court is received by the designated authority:

- (c) any liability of a person in respect of the alleged infringement is to be treated as having been discharged;
- (d) no further proceedings are to be taken in respect of the alleged infringement; and
- (e) no person is to be regarded as having been convicted for the alleged infringement.

(2) If the amount of the prescribed penalty and any administrative charge is paid by cheque or electronic transfer, payment is not to be regarded as having been made until the cheque is honoured upon presentation or the transfer of funds has been completed.

49 Infringement notice: withdrawn after payment

49 (1) If:

- (a) an infringement notice has been served on a person; and
- (b) the person has paid the prescribed penalty for the infringement, or the prescribed penalty and the administrative charge, as the case requires, in relation to the alleged infringement in accordance with the relevant notice; and
- (c) the notice is subsequently withdrawn;

the designated authority must cause to be refunded to the person an amount equal to the amount so paid.

50 Reminder notices

50 (1) A reminder notice in relation to an infringement in respect of a motor vehicle may be served on the person who was the owner of the motor vehicle at the time of the infringement, or if there is more than 1 owner of the motor vehicle at that time, on each or any of them:

- (a) by giving it to the person; or

- (b) by post, facsimile, email, or personally, or by leaving it at his or her last-known place of residence or business with a person apparently over the age of 16 years and apparently an occupant of, or employed at, that place; or
- (c) if the owner of a motor vehicle has delivered a statutory declaration to the designated authority in accordance with subsection 53 (4) or (5) - by serving the notice personally or by post, facsimile or email on the person whose name is specified in the statutory declaration as being in charge of the motor vehicle at the time of the alleged infringement or by leaving it at his or her last-known place of residence or business with a person apparently over the age of 16 years and apparently an occupant of, or employed at, that place.

(2) If such a reminder notice is to be served by post, it may be addressed:

- (a) if it is to be served on the owner of the motor vehicle in respect of which the offence is alleged to have been committed, to the owner at the latest address of the owner in the record of registration of the motor vehicle; or
- (b) if it is to be served on a person whose name is specified in a statutory declaration delivered to the designated authority in accordance with subsection 53 (4) or (5), to that person at the address shown in the statutory declaration.

(3) A reminder notice may be served on the rider of a bicycle by serving the notice on the person by post, facsimile, email, or personally, or by leaving it at his or her last known place of residence or business with a person apparently over the age of 16 years and apparently an occupant of, or employed at, that place.

(4) A reminder notice must:

- (a) state that the person has not paid the prescribed penalty for the alleged infringement to which the notice relates; and
- (b) state that the infringement notice has not been withdrawn and that neither a statutory declaration nor written notice disputing liability have been received by the designated authority; and
- (c) include a short description of the alleged infringement and the date of service of the infringement notice; and
- (d) state the date of service of the reminder notice; and
- (e) state that the prescribed penalty and administrative charge are now payable; and
- (f) advise the person that they may pay the prescribed penalty and administrative charge or dispute liability for the infringement within 28 days after the day when the reminder notice is served on the person; and
- (g) advise the person that he or she may apply to the designated authority for additional time in which to pay the prescribed penalty and administration charge or dispute liability for the offence; and
- (h) advise the person that if he or she pays the prescribed penalty and administrative charge within the 28 days (or any additional time allowed by the designated authority), then, unless the infringement notice is withdrawn and any penalty refunded:
 - (i) any liability of the person for the infringement is discharged; and
 - (ii) the person will not be prosecuted in Court for the infringement; and
 - (iii) the person will not be taken to have been convicted of the infringement; and

- (i) if the person wishes to dispute liability for the infringement, the issue may be referred to the Court; and
- (j) if the Court finds against the person or the person is prosecuted in Court for the infringement, the person may be convicted of the infringement and ordered to pay a penalty and costs, and may be subject to other Court orders.

(5) In addition, the reminder notice must explain:

- (a) how the person may pay the prescribed penalty and administrative charge, or dispute liability for the infringement; and
- (b) how the person may apply for additional time to pay the prescribed penalty and administrative charge, or dispute liability for the infringement.

51 Service more than once

51 (1) Nothing in this Part prevents the service of more than one infringement notice or reminder notice in respect of the same infringement, but it is sufficient for the application of subsection 48 (1) to a person on whom more than one such notice has been served for that person to pay the relevant penalty together with any applicable administrative charge and to make the statement referred to in that subsection in accordance with any one of the notices so served.

52 Declaration of liability by Court

52 (1) If a person on whom an infringement notice or reminder notice is served, within 28 days after the date of the notice:

- (a) furnishes to the designated authority a statutory declaration under section 53; or
- (b) applies for withdrawal of the notice under subsection 45 (1);

the designated authority may before the end of the period of 180 days after the furnishing of the statutory declaration or the lodgement of the application under subsection 45 (1) (as the case requires), apply to the Court for a declaration that the person is liable to pay to the designated authority the prescribed penalty for the infringement, together with any applicable administrative charge, to which the notice relates.

(2) An application under subsection (1) must be accompanied by a copy of any statutory declaration furnished under section 53 in respect of the infringement.

(3) If a person referred to in subsection (1) disputes liability, and before the hearing of proceedings in respect of the alleged infringement commences the person wishes to pay to the designated authority the prescribed penalty for the infringement, the person is liable to pay to the designated authority the sum of:

- (a) the prescribed penalty for the infringement;
- (b) the administrative charge; and
- (c) the disbursements (if any) incurred by the designated authority, including any fee paid on the lodgement of an application under subsection (1).

(4) If a person referred to in subsection (1) pays the sum referred to in subsection (3), the designated authority must discontinue the proceedings in respect of the infringement.

(5) If the designated authority does not make application to the Court under subsection (1) within the period referred to in that subsection, the designated authority must notify the person

referred to in that subsection that no further action will be taken in relation to that person in respect of the infringement.

(6) Unless the Court otherwise orders:

- (a) if the Court makes a declaration sought under subsection (1), the respondent must pay the costs of the designated authority; and
- (b) if the Court refuses to make a declaration sought under subsection (1), the designated authority must pay the costs of the respondent.

53 Liability of owner and actual offender for infringement

53 (1) Except as provided in this section:

- (a) if an infringement involving a motor vehicle occurs, the owner of the motor vehicle at the time of the infringement is taken to have committed the infringement;
- (b) if an infringement involving the rider of a bicycle occurs, the rider of the bicycle at the time of the infringement is taken to have committed the infringement;

even though the person who actually committed the infringement (the **actual offender**) may have been someone else.

(2) Nothing in this section affects the liability of an actual offender other than the owner of the motor vehicle or the rider of the bicycle, as the case requires, but:

- (a) the owner or rider and the actual offender must not both be liable for the same infringement; and
- (b) if a penalty has been imposed on a person in respect of an infringement, a further penalty must not be imposed upon or recovered from another person for the same infringement.

(3) The owner of a motor vehicle is not to be taken to have committed an infringement if the motor vehicle concerned was, at the time of the alleged infringement, stolen or illegally taken or used.

(4) The owner of a motor vehicle or alleged rider of a bicycle must not, by virtue of this section, be taken to have committed an infringement if, within 28 days after the date of an infringement notice or reminder notice served in respect of the alleged infringement, the owner or alleged rider delivers or posts to the designated authority a statutory declaration made by the owner stating:

- (a) that it is made for the purposes of this section; and
- (b) that he or she was not in charge of the motor vehicle, or the rider of the bicycle, at the time of the alleged infringement; and
- (c) the name and home or business address of the person who was in charge of the motor vehicle, or the rider of the bicycle, as the case requires, at that time; and
- (d) all relevant facts supporting those statements.

(5) If the owner of a motor vehicle is a body corporate, the body corporate is not, by virtue of this section, to be taken to have committed an infringement if, within 28 days after the date of an infringement notice or reminder notice served in respect of the alleged infringement, a director, manager or secretary of the body corporate delivers or posts to the designated authority a statutory declaration made by him or her stating:

- (a) that it is made for the purposes of this section; and

- (b) that the motor vehicle was not being used for the purposes of the body corporate at the time of the alleged infringement; and
- (c) the name and home address of the person who was in charge of the motor vehicle at that time; and
- (d) all relevant facts supporting those statements.

(6) If an infringement notice or reminder notice has been served on the owner of a motor vehicle or the alleged rider of a bicycle in respect of an alleged infringement, the owner or alleged rider may, within 28 days after the date of the notice, deliver or post to the designated authority a statutory declaration made by the owner or alleged rider or by some persons having knowledge of the facts stating:

- (a) that it is made for the purposes of this section; and
- (b) that the owner was not in charge of the motor vehicle, or that the alleged rider was not the rider of the bicycle, at the time of the alleged infringement ; and
- (c) that he or she has not been able to ascertain who was in charge of the motor vehicle or the rider of the bicycle at that time; and
- (d) the nature of the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the motor vehicle or the rider of the bicycle at that time.

(7) If an infringement notice or reminder notice has been served on a body corporate as the owner of a motor vehicle in respect of an alleged infringement, a director, manager or secretary of the body corporate may, within 28 days after the date of the notice, deliver or post to the designated authority a statutory declaration made by him or her or by some person having knowledge of the facts stating:

- (a) that it is made for the purposes of this section; and
- (b) that to his or her knowledge from the facts as set out in the statutory declaration, the motor vehicle was not being used for the purposes of the body corporate at the time of the alleged infringement; and
- (c) that he or she has not been able to ascertain who was in charge of the motor vehicle at that time; and
- (d) the nature of the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the motor vehicle at that time.

(8) If a person makes a statutory declaration under subsection (6) or (7), the designated authority may refer the matter to the Court for determination.

(9) At the hearing of a prosecution for an infringement against the owner of a motor vehicle or the alleged rider of a bicycle who has furnished a statutory declaration under subsection (6) or (7), the Court must dismiss the charge if it is satisfied (whether on the statement contained in the statutory declaration or otherwise) that:

- (a) the owner was not in charge of the motor vehicle or the rider of the bicycle at the time of the alleged infringement; and
- (b) the inquiries made for the purpose of ascertaining the name and the address of the person who was in charge of the motor vehicle or the rider of the bicycle at that time were reasonable in the circumstances of the case and were carried out with due diligence.

54 Copy of statutory declaration to be served with summons

54 (1) If a person is named in a statutory declaration delivered or posted to the designated authority in accordance with subsection 53 (4) or (5) as being the person who was in charge of the motor vehicle or the rider of the bicycle at the time of an alleged infringement, the person must not be found guilty of the infringement unless a copy of the statutory declaration was affixed to the summons for the infringement at the time when the summons was served on that person.

(2) If a person is named in a statutory declaration delivered or posted to the designated authority in accordance with subsection 53 (4) or (5) as being the person who was in charge of the motor vehicle or the rider of the bicycle at the time of an alleged infringement, the statutory declaration is admissible in evidence in a prosecution in respect of that infringement against that person, and is evidence that that person was in charge of the motor vehicle or the rider of the bicycle at that time.

(3) In a prosecution for an infringement, a document purporting to be a statutory declaration delivered or posted to the designated authority in accordance with subsection 53 (4) or (5) is, unless the contrary is shown, to be taken to be such a statutory declaration, duly made and delivered or posted.

55 Court proceedings not prejudicial

55 (1) Except as provided by subsection 48 (1), nothing in this section in any way prejudices or affects the institution or prosecution of proceedings in respect of an alleged infringement or limits the amount of the fine that may be imposed by the Court in respect of infringements.

56 Effect of Part

56 (1) Nothing in this Part is to be construed as requiring the serving of an infringement notice under this Part or as affecting the liability of a person to be prosecuted in the Court in respect of an alleged infringement in relation to which:

- (a) an infringement notice has not been served; or
- (b) an infringement notice has been served and withdrawn in accordance with this Part.

PART 9 — MISCELLANEOUS

57 Designated authority may suspend parking restrictions

57 (1) In spite of anything else contained in this Statute, the designated authority may, by notice, declare that parking restrictions, or parking restrictions of a particular kind, do not apply for a period and for a place mentioned in the declaration.

58 Evidence of registration of motor vehicle

58 (1) For the purposes of this Statute, a document issued by an authority or person having responsibility for the registration of motor vehicles in a State or Territory stating that, during a specified period or on a particular date, a person mentioned in the document was the person

whose name was registered as the owner of a particular motor vehicle is evidence of the matters stated in the document.

(2) In a prosecution for an infringement, a document purporting to be a document referred to in subsection (1) and purporting to be signed by an authority or person referred to in that subsection is admissible in evidence as such a document without proof of the signature of the person by whom it purports to have been issued or of the fact that he or she was the authority or person concerned.

59 Powers and duties of officers

59 (1) An officer must do all things in his or her power to ensure that this Statute is observed, and, in all cases not expressly provided for, an officer may give such reasonable directions to persons driving vehicles upon any road or other area of University land as are necessary for the safe and efficient regulation of the traffic on that road or in that area.

(2) A person must not fail to obey a reasonable direction of an officer given under subsection (1).

60 Removal of motor vehicles causing obstruction, etc.

60 (1) If an unattended motor vehicle is left abandoned, stopped or parked in contravention of this Statute or so that the motor vehicle is, in the opinion of an officer, causing or likely to cause a danger or obstruction to persons using the area of University land on which it is standing, the officer may cause the motor vehicle to be moved to the nearest convenient place where it can be left without contravening this Statute or causing or being likely to cause such a danger or obstruction, without liability for damage occasioned by the moving of the motor vehicle.

(2) For the purposes of subsection (1), an officer may, if after reasonable inquiry the driver or owner of a motor vehicle cannot be found or the person in charge of a motor vehicle does not comply with a request by the officer to move the motor vehicle to a place indicated by the officer, enter the motor vehicle for the purpose of moving the motor vehicle under that subsection, and effect the removal of the motor vehicle accordingly, without liability for damage occasioned by the entry or removal.

61 Offences

61 (1) A person who contravenes or fails to comply with a provision of this Statute is guilty of an offence.

(2) A person who commits an offence against this Statute may be prosecuted summarily before the Court and the Court may, where no other penalty is expressly provided, impose a penalty not exceeding \$1000.

62 Recovery of costs

62 (1) An amount equal to the costs reasonably incurred by the University under section 60 in relation to the removal of a motor vehicle is a debt due to the University from the owner of the motor vehicle, and may be recovered in a court of competent jurisdiction.

(2) The designated authority may determine from time to time fees not exceeding \$500 to be charged and recovered from the person who committed the infringement to cover the costs reasonably incurred by the University in identifying the owners of motor vehicles.

63 Delegation

63 (1) The designated authority may, by instrument signed by the designated authority, delegate to a person, either generally or otherwise as provided in the instrument of delegation, all or any of his or her powers and functions under this Statute, except this power of delegation.

(2) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation, and this Statute has effect in relation to the exercise of the power or the performance of the function by the delegate as if a reference in this Statute to the designated authority were a reference to the delegate.

(3) A delegation under this section is revocable in writing at will and does not prevent the exercise of a power or the performance of a function by the designated authority.

64 Transitional – saving of forms

64 (1) If a form required or convenient to be used under the Statute repealed by section 65 (the *former statute*) or by a similar provision in another repealed statute is printed before the commencement of this Statute, it may be used as if it were printed for the purposes of this Statute and a reference in that form to a provision of the former statute is to be regarded for all purposes as being a reference to the equivalent provision in this Statute.

(2) Subsection (1) ceases to have effect 12 months after the commencement of this Statute.

65 Repeal

65 (1) The *Parking and Traffic Statute (No. 2) 2007* as amended and in force at the commencement of this Statute, is repealed.
