

# Brisbane City Council

## Chapter 14 – Parking and Control of Traffic Local Law

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*Dedicated to a better Brisbane*

## Chapter 14 – Parking and Control of Traffic Local Law

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## Part 1 - Council Parking Stations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of ordinance 3, the time of the day of the issue of that ticket;

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

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

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

(2) For the purposes of this Part -

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

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

- (a) where a time park ticket in respect of the parking of the vehicle was obtained in accordance with provision (a) of paragraph (1) of ordinance 8 and is produced in connexion with the payment of the charges, the parking shall be deemed to have commenced at the time marked on the time park ticket as the time the time park ticket was issued;
- (b) where a time park ticket in respect of the parking of the vehicle was required to be obtained in accordance with provision (a) of paragraph (1) of ordinance 8 and, whether or not it was so obtained, such ticket is not produced in connexion with the payment of the charges or that part thereof as remains unpaid, the parking shall be deemed to have commenced -
  - (i) in the case where an authorised officer is satisfied that such ticket was obtained at a particular time, at the time which would have been marked on such ticket as the time it was issued;
  - (ii) in the case where an authorised officer is satisfied that such ticket was not so obtained but, had there been a compliance with provision (a) of paragraph (1) of ordinance 8, would have been obtained at a particular time, at the time which would have been marked on such a ticket had it been obtained as the time it was issued; or
  - (iii) in any other case, at the earliest time at which a time park ticket might properly have been obtained on the day on which an authorised officer reasonably believes the vehicle was driven or otherwise moved into or on to part of the parking station in circumstances whereunder the person so driving or otherwise moving the vehicle was required by provision (a) of paragraph (1) of ordinance 8 to first obtain a time park ticket;
- (c) in the case where a token is issued in accordance with provision (a) of paragraph (2) of ordinance 14, a parking deemed to have commenced as provided in provision (a) of this paragraph shall, upon such commencement, be deemed to have continued up to the time

immediately subsequent to the production of the time park ticket;

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

- (k) there shall be deducted from the charges which would but for this provision be payable -
  - (i) any amount constituted a debt due to the Council by paragraph (1) of ordinance 26 and which has been recovered by the Council; or
  - (ii) any amount constituted a debt due to the Council by paragraph (2) of ordinance 26 and which has been recovered by the Council.

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

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

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

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

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

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

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

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

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

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

- (a) signs prominently displayed, with or without reference to lines or markings;

(b) lines or markings made on any surface used or intended for use by vehicles, in any parking station, indicate, notify or give directions as to -

- (i) areas in which persons are, or are not, permitted to park vehicles;
- (ii) parking positions;
- (iii) such other matters as are in the opinion of the Council necessary or desirable for the regulation of persons or vehicles,

within that parking station.

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

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

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

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

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

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

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

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

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

(8) Whenever, having regard to the time that may reasonably elapse between the entry of a vehicle to a particular parking station and its being parked thereat, it considers it in the circumstances expedient so to do, the Council may determine that the time to be marked on a time

park ticket issued at the parking station as the time of issue of the time park ticket shall be a time later than, by such period of time as is specified in the determination but which in any case shall not exceed 20 minutes, the actual time of the issue of the time park ticket.

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

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

(10) Where -

- (a) a sign of a kind referred to in paragraph (1) or paragraph (5) is displayed within a parking station;
- (b) a line or marking of a kind referred to in paragraph (1) is made within a parking station;
- (c) directions of a kind referred to in paragraph (5) are notified on a token of a type the use whereof in a particular parking station has been approved by the Council;
- (d) instructions of a kind referred to in paragraph (7) are notified on or in the vicinity of a token machine,

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

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

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

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

- (a) to park or remove a vehicle;
- (b) as a passenger of a vehicle intended to be parked therein or thereat;
- (c) as an intending passenger of a vehicle parked therein or thereat; or
- (d) for a purpose in connexion with a business or undertaking approved by the Council and carried on therein as provided by subsection (3) of section 49F of the *Local Government Act 1936-1979*.

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

8.(1) Any person proposing to park a vehicle at a parking station in respect whereof a determination in pursuance of ordinance 2 of charges for the parking of vehicles thereat and

applicable to that vehicle has been made, shall not drive or otherwise move or attempt to drive or otherwise move the vehicle into or on to any part of the parking station unless -

- (a) in the case of a parking station whereat time park tickets are issued, he has first obtained, in the manner prescribed by paragraph (2), a time park ticket in respect of the parking; or
- (b) in any other case, he has first paid, in the manner prescribed by paragraph (3), the charges in respect of the parking.

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

- (a) in the case of a parking station whereat a machine for the issue of time park tickets is provided and is in operating order, by operating the machine;
- (b) in any other case, by procuring it from an authorised officer.

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

- (a) in the case of a parking station whereat a machine for the insertion of coins therefor is provided and is in operating order, by the insertion of a coin or coins of a denomination specified on the machine to the value of the charges payable for the parking;
- (b) in any other case, by paying the charges to an authorised officer.

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

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

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

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

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

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

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

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

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

- (a) without -
  - (i) producing a time park ticket obtained in accordance with provision (a) of paragraph (1) of ordinance 8 in respect of the vehicle to an authorised officer; or
  - (ii) where such a time park ticket cannot, for any sufficient reason, be produced, furnishing proof to the satisfaction of an authorised officer of his ownership of the vehicle; and
- (b) unless the charges in respect of the parking of the vehicle at the parking station have been paid.

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

- (a) in the case of a parking station whereat provision is made for a token to be issued in connexion with the payment of the charges for the parking of a vehicle, at a time which is sooner than, but as near as practicable to, the time of the removal of the vehicle from the parking station and which is within the grace period applicable to the token -

- 
- (i) where a token machine for that purpose is provided at the parking station, a token obtained as prescribed by paragraph (2) is inserted or deposited in the token machine in accordance with the instructions applicable thereto and notified on or in the vicinity of the token machine; or
    - (ii) where a token machine is not so provided, a token obtained as prescribed by paragraph (2) is handed to an authorised officer who is for the time being receiving tokens obtained as so prescribed; or
  - (b) in any other case, at a time which is sooner than, but as near as practicable to, the time of the removal of the vehicle from the parking station -
    - (i) there is produced to an authorised officer who is for the time being receiving time park tickets and collecting charges in respect of the parking of vehicles, the time park ticket obtained in respect of the parking of the vehicle and paid to such authorised officer the charges payable for the parking of the vehicle; or
    - (ii) where a time park ticket in respect of the parking of the vehicle cannot be or is not produced to an authorised officer who is for the time being receiving time park tickets and collecting charges in respect of the parking of vehicles, there is paid to such authorised officer the charges payable in respect of the parking of the vehicle.
- (2) For the purposes of paragraph (1), a token shall be issued upon -
- (a) there being produced to an authorised officer who is for the time being receiving time park tickets and collecting charges in respect of the parking of vehicles, the time park ticket obtained in respect of the parking of a vehicle and being paid to the authorised officer the charges for the parking of the vehicle; or
  - (b) where a time park ticket in respect of the parking of the vehicle cannot be or is not produced to an authorised officer who is for the time being receiving time park tickets and collecting charges in respect of the parking of vehicles, there being paid to such an authorised officer -
    - (i) in the case where a token has not previously been issued in connexion with the parking, the charges for the parking of the vehicle; or
    - (ii) in the case where a token has previously been issued in connexion with the parking, that part of the charges for the parking of the vehicle as remains unpaid.
- 16.(1) A person shall not park a vehicle at a parking station for any period longer than or other than -
- (a) that shown on a parking ticket (not being a time park ticket) issued in respect of a parking of the vehicle; or
  - (b) that to which a parking ticket (not being a time park ticket) issued in respect of a parking of the vehicle relates.
- (2) Where a vehicle has been parked at a parking station in contravention of paragraph (1), a person shall not drive or otherwise move or attempt to drive or otherwise move the vehicle out of the parking station unless the charges for the parking in contravention of that paragraph have been paid to an authorised officer.
- (3) Where a vehicle has been driven or otherwise moved into or on to any part of a parking

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

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

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

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

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

19. A person shall not -

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

20. A person shall not -

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

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

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

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

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

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

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

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

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

(4) The amount of any expense or other liability incurred in or in connexion with action taken by an authorised officer under paragraph (3) is a debt due to the Council by, and may be recovered by the Council by action in any court of competent jurisdiction from -

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

or either of them.

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

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

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

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

25.(1) A person shall not -

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

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

(2) A person shall not -

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

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

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

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

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

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

(2) Where any vehicle -

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

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

- (i) shall thereupon and thereafter up to the time immediately prior to the time at which the parking is deemed to cease for the purpose of assessing the charges payable in connexion therewith, be a debt due to the Council by -
  - (A) the person in charge of the vehicle at that first-mentioned time or, as the case may be, the time thereafter referred to in connexion with that first-mentioned time; and
  - (B) where such person in charge is not such owner, the owner of the vehicle at that first-mentioned time or, as the case may be, the time thereafter referred to in connexion with that first-mentioned time; and
- (ii) may thereupon and thereafter up to the time immediately prior to the time at which the parking is deemed to cease for the purpose of assessing the charges payable in connexion therewith be recovered by the Council by action in any court of competent jurisdiction from those persons or either of them.

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

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

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

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

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

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

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

vehicle or cause the same to be dealt with in the manner provided by this ordinance.

(2)(a) As soon as practicable after the removal of a vehicle in pursuance of paragraph (1), the Council shall cause notice in writing to be given to the owner thereof, if he can be ascertained, of such removal and of the place at which such vehicle is then detained.

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

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

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

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

- (a) Firstly, in payment of the expenses of the sale or disposal;
- (b) Secondly, in payment of the cost of removal and detention of the vehicle and the service and advertisement of any notice served or advertised under this ordinance;
- (c) Thirdly, in payment of the balance of the proceeds to the owner of the vehicle or, if after reasonable enquiry he cannot be ascertained, into the City Fund of the Council.

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

(6) Where the Council has removed and detained, or caused so to be, a vehicle pursuant to the provisions of this ordinance, it shall not deliver possession of the vehicle to the owner thereof, or to another person acting on his behalf, or to any other person claiming a right to the possession thereof unless -

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

- (b) the applicant shall have furnished proof to the satisfaction of the Council of his ownership or of his right to possession of the vehicle and, in the case of the applicant's being a person acting on behalf of the owner, shall have furnished proof to the satisfaction of the Council of his authority to act on behalf of the owner;
- (c) the applicant shall have paid all expenses incurred by the Council in connexion with the removal and detention of the vehicle and the service or advertisement of any notice served or advertised by the Council in relation to the removal and detention or intended sale of the vehicle;
- (d) the applicant has signed a receipt for the delivery of the vehicle to him.

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

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

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

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

(2) Any person guilty of an offence under this Part shall be liable to a maximum penalty of not 50 penalty units.

30.(1) Where an authorised officer believes on reasonable grounds that a prescribed infringement has been committed, he may serve or cause to be served an infringement notice.

(2) For the purposes of any infringement notice served pursuant to paragraph (1), the prescribed penalty shall be 0.5 penalty units.

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

- (a) a certificate purporting to be under the hand of the Chief Executive Officer or officer ordinarily having custody of records relating to payments of moneys payable under this Part stating any matter with respect to the receipt or non-receipt of any payment to be given or made under this Part is admissible in evidence and is evidence of the matter so stated and, in the absence of evidence in rebuttal thereof, is conclusive evidence of that matter;
- (b) a certificate or document -
  - (i) purporting to be issued pursuant to the regulations under the *Main Roads Act 1920-1979* or to any corresponding legislation, ordinance or law of any State or Territory of the Commonwealth; or
  - (ii) purporting to be under the hand of the Secretary of the Commissioner of Main Roads, or any person thereunto authorised by the Commissioner of Main Roads,

or to be under the hand of the person or authority charged with the registration of vehicles under any legislation, ordinance or law of any State or Territory of the Commonwealth corresponding to the regulations under the *Main Roads Act 1920-1979*, or any person thereunto authorised by such person or authority,

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

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

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

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

date specified, any specified word, figure, warning, direction, indication or symbol; or

- (p) any directions on a token or any instructions notified on or in the vicinity of a token machine do or do not, or did or did not at any date specified, contain any specified word, figure, warning, direction, indication or symbol,

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

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

(3) The provisions of paragraph (2) shall not lessen or affect any onus of proof otherwise falling on the defendant.

32. Nothing in this Part shall be taken as preventing any officer from doing in pursuance of his duty any act or thing prohibited hereby.

## Part 2 - Regulated Parking Patrol Officers

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

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

## Part 3 - Control of Traffic and Obstructions on Roads

### {SECTIONS 1 AND 1A – SECTION NUMBERS NOT USED}

#### Driving vehicles or animals on footways etc.

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

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

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

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

(i) if the holder, during the time the permit is in force, fails to comply with any condition of the permit; or

(ii) if the Council determines that the permit should be revoked.

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

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

### {SECTIONS 3 AND 3A – SECTION NUMBER NOT USED}

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

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

- (a) where the prescribed infringement is an offence constituted by a contravention of ordinance 2 —6 penalty units.
- (b) where the prescribed infringement is an offence constituted by -
  - (i) a contravention of ordinance 5; or
  - (ii) a failure to comply with a condition imposed pursuant to ordinance 8,relating to the setting up or use of a stall, booth, stand or standing vehicle —4 penalty units.

### **{SECTIONS 3C TO 21 – SECTION NUMBERS NOT USED}**

## **Part 4 - Approval of Motor Vehicles as Commercial Vehicles**

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

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

"Form of Identification" means a form of identification as a commercial vehicle which form of identification conforms in all respects (whether as to design or otherwise) with the directions in relation thereto contained in the Manual of Uniform Traffic Control Devices;

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

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

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

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

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

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

"Prescribed Form" means the form determined by the Chief Executive Officer pursuant to paragraph (2) of ordinance 11.

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

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

(2) An approval may be given under this Part to be in force -

- (a) for a period of one month commencing on the day of the giving of the approval; or
- (b) for a period of 12 months commencing on 1 January next following the giving of the approval; or
- (c) for a period of more than one month and less than 12 months commencing on the day of the giving of the approval and ending on 31 December next following.

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

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

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

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

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

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

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

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

7. Where -

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

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

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

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

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

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

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

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

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

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

- 
- (a) if the person to whom a form of identification was issued consequent upon such approval fails to comply with any of the provisions of this Part applicable to him;
  - (b) if the person to whom a form of identification was issued consequent upon such approval or any person in charge of that motor vehicle, consequent upon the fixing or giving of a notice pursuant to the provisions of section 44F of the Traffic Act 1949-1977 in respect of an offence committed in relation to the standing of the motor vehicle in a loading zone-
    - (i) pays the prescribed sum by way of penalty as provided under the Traffic Act 1949-1977; or
    - (ii) is convicted of the offence; or
  - (c) if the Council for good cause determines that the approval should be revoked.
- (2) An approval under this Part of a motor vehicle as a commercial vehicle shall be deemed to be revoked upon the person by whom the application was made whereunder the approval was given ceasing to be the owner of the motor vehicle.
- (3) An approval may be revoked under this Part notwithstanding that it has not commenced to be in force.
- (4) Upon the revocation of an approval under this Part the same shall -
- (a) cease to have any force or effect; or
  - (b) where it has not commenced to be in force, not commence to be in force.
- (5) Where -
- (a) a form of identification has been issued to a person by the Council consequent upon the approval under this Part of a motor vehicle as a commercial vehicle; and
  - (b) that approval has been revoked under this Part,
- that person shall thereupon destroy or cause to be destroyed the form of identification.
- 11.(2) The Chief Executive Officer shall determine the respective forms of application to be used for the purpose of the making of applications under this Part.
- 12.(1) A person shall not -
- (a) without lawful authority or excuse -
    - (i) print, manufacture, dispose of or have in his possession a form of identification or anything resembling or intended to resemble a form of identification or so closely resembling a form of identification as to be likely to deceive;
    - (ii) use, or cause, suffer or permit to be used, or assume the charge of, any motor vehicle upon which is affixed a form of identification issued by the Council which has been altered, mutilated or defaced in any manner whatsoever, or upon which any writing, mark or colour thereof is not clearly legible or visible;
    - (iii) deface, mutilate, alter or destroy a form of identification issued by the Council to some person other than himself;

- (iv) have in his possession or use a form of identification issued by the Council to some person other than himself;
  - (v) allow another person to have possession or use of a form of identification issued by the Council to the first-mentioned person;
  - (vi) use, or cause, suffer or permit to be used, or assume the charge of any motor vehicle upon which is affixed a form of identification issued by the Council consequent upon an approval under this Part of a motor vehicle as a commercial vehicle where such approval has ceased to have any force or effect or has not commenced to be in force;
  - (vii) use, or cause, suffer or permit to be used, or assume the charge of any motor vehicle upon which is affixed a form of identification issued by the Council consequent upon an approval under this Part of a motor vehicle other than the first-mentioned motor vehicle as a commercial vehicle; or
  - (viii) fail to comply with the requirements of paragraph (5) of ordinance 10;
  - (b) in connexion with the making of an application under ordinance 4 or ordinance 7, deliver or cause to be delivered to an officer a prescribed form which is false or misleading in any particular; or
  - (c) transfer the ownership of a motor vehicle whilst there remains affixed upon that motor vehicle a form of identification issued to him by the Council consequent upon the approval under this Part of that motor vehicle as a commercial vehicle.
- (2) Any person who does any thing forbidden by paragraph (1) shall be guilty of an offence.
- (3) Any person guilty of an offence under this Part shall be liable to a maximum penalty of 10 penalty units.

## Part 5 - Brisbane Central Traffic Area

### Definitions

(1) In this Part:-

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

“Council” means the Brisbane City Council;

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

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

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

### Traffic Area

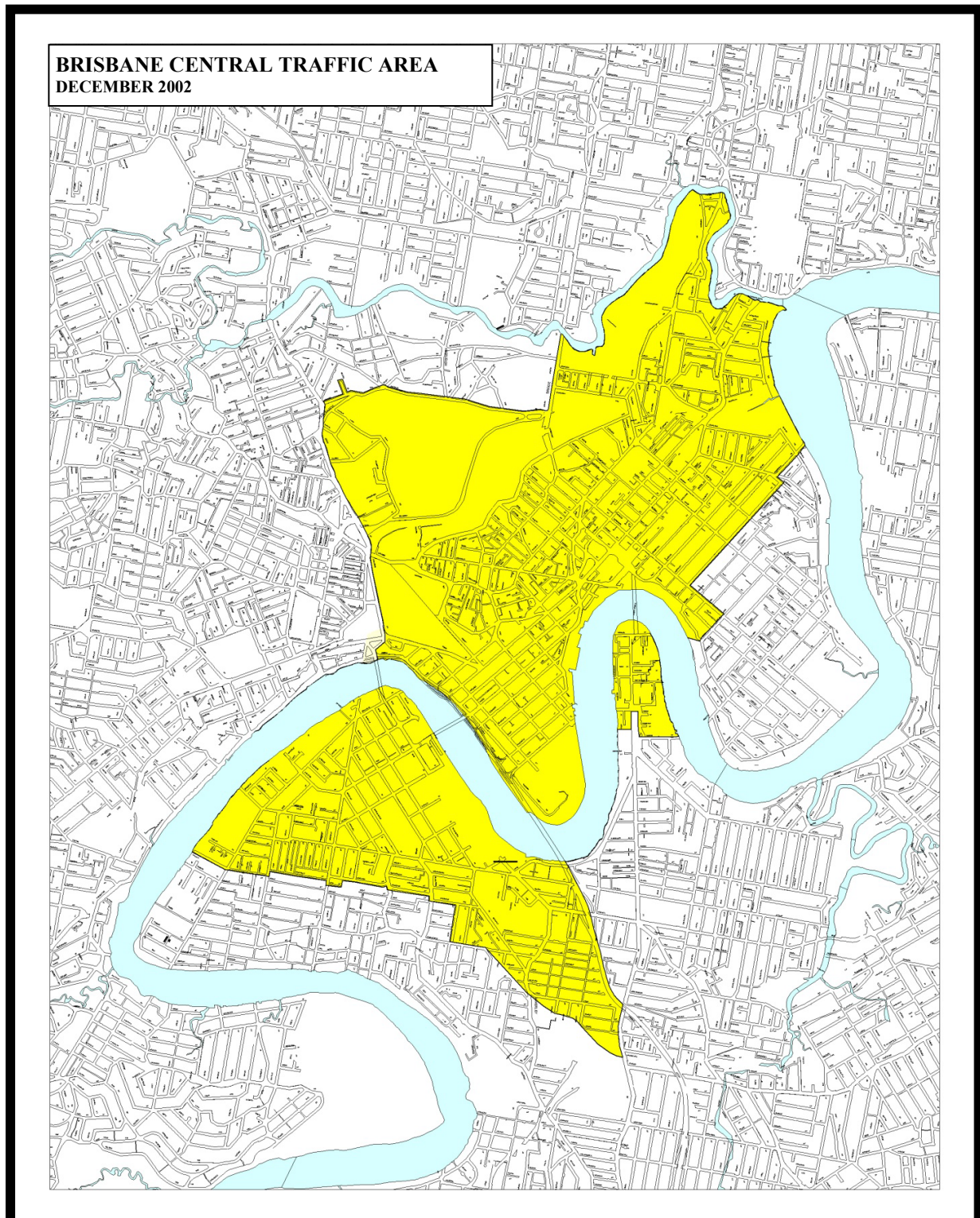
- 2.(1) That part of the Area of the City of Brisbane the boundaries of which are defined by the

black bordering indicated on the map in the Schedule is hereby defined to be a Traffic Area and the name assigned thereto shall be Brisbane Central Traffic Area.

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

Maximum Penalty – 0.75 penalty units

## THE SCHEDULE



**Part 6 - Penalties prescribed pursuant to section 108 of the**

## **Transport Operations (Road Use Management) Act 1995.**

1. In this local law -

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

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

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

## **The Schedule**

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

1. where the minor traffic offence is an offence against section 167 of  
Part 12 (No Stopping signs) of the Regulation, ..... 2 penalty units;
2. where the minor traffic offence is an offence against section 168 of  
Part 12 (No Parking signs) of the Regulation, ..... 1 penalty unit;
3. where the minor traffic offence is an offence against section 169 of  
Part 12 (Stopping on a road with a yellow edge line) of the Regulation, ... 2 penalty  
units;
4. where the minor traffic offence is an offence against section 170 of  
Part 12 (Stopping in or near an intersection) of the Regulation, ..... 2 penalty units;
5. where the minor traffic offence is an offence against section 171 of  
Part 12 (Stopping on or near a children's crossing) of the  
Regulation, ..... 2 penalty units;
6. where the minor traffic offence is an offence against section 172 of  
Part 12 (Stopping on or near a pedestrian crossing  
[except at an intersection]) of the Regulation, ..... 2 penalty units;
7. where the minor traffic offence is an offence against section 173 of  
Part 12 (Stopping on or near a marked foot crossing  
[except at an intersection]) of the Regulation, ..... 2 penalty units;
8. where the minor traffic offence is an offence against section 174 of  
Part 12 (Stopping at or near bicycle crossing lights  
[except at an intersection]) of the Regulation, ..... 2 penalty units;
9. where the minor traffic offence is an offence against section 175 of  
Part 12 (Stopping on or near a level crossing) of the Regulation, . 1.5 penalty units;
10. where the minor traffic offence is an offence against section 176 of  
Part 12 (Stopping on a clearway) of the Regulation ..... 3 penalty units;
11. where the minor traffic offence is an offence against section 177 of  
Part 12 (Stopping on a freeway) of the Regulation, ..... 1.5 penalty units;
12. where the minor traffic offence is an offence against section 178 of  
Part 12 (Stopping in an emergency stopping lane) of the

- Regulation ..... 1.5 penalty units;
13. where the minor traffic offence is an offence against section 179(1)  
of Part 12 (Stopping in a loading zone commercial vehicle no permit)  
of the Regulation, ..... 1 penalty unit;
14. where the minor traffic offence is an offence against section 179 (2)  
of Part 12 (Stopping in a loading zone longer than permitted) of  
the Regulation, ..... 1 penalty unit;
15. where the minor traffic offence is an offence against section 179 (2A)  
of Part 12 (Stopping in a loading zone longer than permitted) of the  
Regulation, ..... 1 penalty unit;
16. where the minor traffic offence is an offence against section 179 (2B)  
of Part 12 (Stopping in a loading zone longer than permitted) of the  
Regulation, ..... 1 penalty unit;
17. where the minor traffic offence is an offence against section 180  
of Part 12 (Stopping in a truck zone) of the Regulation, ..... 0.75 penalty units;
18. where the minor traffic offence is an offence against section 181  
of Part 12 (Stopping in a works zone) of the Regulation, ..... 0.75 penalty units;
19. where the minor traffic offence is an offence against section 182  
of Part 12 (Stopping in a taxi zone) of the Regulation, ..... 2 penalty units;
20. where the minor traffic offence is an offence against section 183  
of Part 12 (Stopping in a bus zone) of the Regulation, ..... 2 penalty units;
21. where the minor traffic offence is an offence against section 185  
of Part 12 (Stopping in a permit zone) of the Regulation, ..... 0.75 penalty units;
22. where the minor traffic offence is an offence against section 186  
of Part 12 (Stopping in a mail zone) of the Regulation, ..... 1 penalty unit;
23. where the minor traffic offence is an offence against section 187  
of Part 12 (Stopping in a bus lane, tram lane, transit lane, truck lane  
or on tram tracks) of the Regulation, ..... 2 penalty units;
24. where the minor traffic offence is an offence against section 188  
of Part 12 (Stopping in a shared zone) of the Regulation, ..... 0.75 penalty units;
25. where the minor traffic offence is an offence against section 189  
of Part 12 (Double parking) of the Regulation, ..... 0.75 penalty units;

- 
26. where the minor traffic offence is an offence against section 190  
of Part 12 (Stopping in or near a safety zone) of the Regulation,..... 2 penalty units;
  27. where the minor traffic offence is an offence against section 191  
of Part 12 (Stopping near an obstruction) of the Regulation, ..... 0.75 penalty units;
  28. where the minor traffic offence is an offence against section 192(1)  
of Part 12 (Stopping on a bridge or similar structure) of the  
Regulation, ..... 1.5 penalty units;
  29. where the minor traffic offence is an offence against section 192(2)  
of Part 12 (Stopping in a tunnel underpass) of the Regulation, ..... 1.5 penalty units;
  30. where the minor traffic offence is an offence against section 193 of  
Part 12 (Stopping on a crest or curve outside a built up area) of the  
Regulation ..... 1 penalty unit;
  31. where the minor traffic offence is an offence against section 194 of  
Part 12 (Stopping near a fire hydrant) of the Regulation, ..... 1.5 penalty units;
  32. where the minor traffic offence is an offence against section 195 of  
Part 12 (Stopping at or near a bus stop) of the Regulation, ..... 2 penalty units;
  33. where the minor traffic offence is an offence against section 196 of  
Part 12 (Stopping at or near a tram stop) of the Regulation, ..... 2 penalty units;
  34. where the minor traffic offence is an offence against section 197 of  
Part 12 (Stopping on a path, dividing strip or nature strip) of the  
Regulation, ..... 0.75 penalty units;
  35. where the minor traffic offence is an offence against section 198  
of Part 12 (Obstructing access to and from a footpath, driveway)  
of the Regulation, ..... 2 penalty units;
  36. where the minor traffic offence is an offence against section 199  
of Part 12 (Stopping near a postbox) of the Regulation, ..... 0.75 penalty units;
  37. where the minor traffic offence is an offence against section 201  
of Part 12 (Stopping on a road with bicycle parking sign) of the  
Regulation, ..... 0.75 penalty units;
  38. where the minor traffic offence is an offence against section 202  
of Part 12 (Stopping on a road with motor bike parking sign) of  
the Regulation, ..... 0.75 penalty units;

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39. where the minor traffic offence is an offence against section 203  
of Part 12 (Stopping in a parking area for people with disabilities)  
of the Regulation, ..... 4 penalty units;
  40. where the minor traffic offence is an offence against section 203A  
of Part 12 (Stopping in a slip lane) of the Regulation, ..... 1.5 penalty units;
  41. where the minor traffic offence is an offence against section 205  
of Part 12 (Parking for longer than indicated) of the Regulation, 0.75 penalty units;
  42. where the minor traffic offence is an offence against section 208  
of Part 12 (Parallel parking on a road) of the Regulation, ..... 1 penalty unit;
  43. where the minor traffic offence is an offence against section 209  
of Part 12 (Parallel parking in a median strip parking area) of  
the Regulation, ..... 0.75 penalty units;
  44. where the minor traffic offence is an offence against section 210  
of Part 12 (Angle parking) of the Regulation, ..... 0.75 penalty units;
  45. where the minor traffic offence is an offence against section 211  
of Part 12 (Parking in parking bays) of the Regulation, ..... 0.75 penalty units;
  46. where the minor traffic offence is an offence against section 212  
of Part 12 (Entering and leaving a median strip parking area) of the  
Regulation, ..... 0.75 penalty units;
  47. where the minor traffic offence is an offence against section 74(1)  
of the Act (contravention of an indication given by an emergency  
vehicles sign), ..... 2 penalty units;
  48. where the minor traffic offence is an offence against section 74(1)  
of the Act (contravention of an indication given by a park rear  
in sign), ..... 0.75 penalty units;
  49. where the minor traffic offence is an offence against section 74(1)  
of the Act (contravention of an indication given by a sign not  
otherwise specified in this Schedule), ..... 1.5 penalty units;
  50. where the minor traffic offence is an offence against section 106  
of the Act, (Paid Parking & Paid Parking Offences), ..... 0.75 penalty units.

## Endnotes

### Key

#### Key to abbreviations in list of amendments

| Key     | Explanation |
|---------|-------------|
| amd =   | amended     |
| ch =    | chapter     |
| def =   | definition  |
| div =   | division    |
| hdg =   | heading     |
| ins =   | inserted    |
| om =    | omitted     |
| pt =    | part        |
| renum = | renumbered  |
| rep =   | repealed    |
| s =     | section     |
| sch =   | schedule    |
| sub =   | substituted |

### List of amendments

#### PART 1 COUNCIL PARKING STATIONS

|            |     |                                                                         |
|------------|-----|-------------------------------------------------------------------------|
| s 4(2)     | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i>          |
| s 29(2)    | amd | <i>Administrative Arrangements Amending Local Law 2013 s 23(1); (2)</i> |
| s 30(1)    | amd | <i>Administrative Arrangements Amending Local Law 2013 s 23(3)</i>      |
| s 30(2)    | amd | <i>Administrative Arrangements Amending Local Law 2013 s 23(4)</i>      |
| s 31(1)(a) | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i>          |

#### PART 3 CONTROL OF TRAFFIC AND OBSTRUCTIONS ON ROADS

|               |     |                                                                                        |
|---------------|-----|----------------------------------------------------------------------------------------|
| s 1           | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>                              |
| (def vehicle) | amd | <i>Gazettal 1993</i>                                                                   |
| s 1A          | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>                              |
| s 1A(1)       | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i>                         |
| s 1A(3)       | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i>                         |
| s 1A(4)       | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i>                         |
| s3(1);(2)     | om  | <i>Health Safety and Amenity Local law 2009 s 37</i>                                   |
| s.3B(1)       | amd | <i>Administrative Arrangements Amending Local Law 2013 s 24(1)</i>                     |
| s3B(2)        | amd | <i>Gazettal 1994</i>                                                                   |
|               | amd | <i>Parking and Control of Traffic and other Local Laws Amending Local Law 2009 s.5</i> |
|               | sub | <i>Administrative Arrangements Amending Local Law 2013 s 24(2)</i>                     |
| s 3C          | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>                              |
| s 4           | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>                              |
| s 5           | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>                              |
| s 5A          | om  | <i>Footpath Dining Local Law 2011s 27</i>                                              |
| s 5B          | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>                              |
| s 5B(15)      | ins | <i>Gazettal 1993</i>                                                                   |
| s 6           | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>                              |
| s 7           | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>                              |
| s 7           | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i>                         |
| s 8           | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>                              |
| s 9           | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>                              |
| s 9A          | om  | <i>Footpath Dining Local Law 2011s 27</i>                                              |
| s 10          | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>                              |
| s 11          | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>                              |
| s 11          | amd | <i>Administrative Arrangements Amending Local Law 2013 s 24(3)</i>                     |

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|         |     |                                                                |
|---------|-----|----------------------------------------------------------------|
| s 12    | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>      |
| s 13    | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>      |
| s 14    | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>      |
| s 15    | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>      |
| s 15(1) | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i> |
| s 15(2) | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i> |
| s 15(4) | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i> |
| s 15(5) | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i> |
| s 16    | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>      |
| s 16(4) | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i> |
| s 17    | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>      |
| s 18    | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>      |
| s 18    | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i> |
| s 19    | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>      |
| s 21    | om  | <i>Public Land and Council Assets Local Law 2014 s 96</i>      |
| s 21(1) | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i> |

#### **PART 4                    APPROVAL OF MOTOR VEHICLES AS COMMERCIAL VEHICLES**

|         |     |                                                                        |
|---------|-----|------------------------------------------------------------------------|
| s 1     | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i>         |
| s 11(2) | amd | <i>Administrative Arrangements Amending Local Law 2013 s 4</i>         |
| s12(3)  | amd | <i>Administrative Arrangements Amending Local Law 2013 s 25(1);(2)</i> |

#### **PART 5                    BRISBANE CENTRAL TRAFFIC AREA**

|        |     |                                                                                           |
|--------|-----|-------------------------------------------------------------------------------------------|
| s 1    | amd | <i>Brisbane City Council Amending Local Law (Parking and Control of Traffic) 2000 s4</i>  |
| s 2(1) | amd | <i>The Gabba Traffic Area Local Law s 5</i>                                               |
| s 2(2) | amd | <i>Brisbane City Council Amending Local Law (Parking and Control of Traffic) 2000 s 4</i> |
| s 2(2) | amd | <i>Administrative Arrangements Amending Local Law 2013 s 26</i>                           |
| Sched  | sub | <i>The Gabba Traffic Area Local Law s 6; Lang Park Traffic Area Local Law 2002 s 9</i>    |

#### **PART 6                    SCHEDULE - PENALTIES PRESCRIBED PURSUANT TO SECTION 108 OF THE TRANSPORT OPERATIONS ROAD USE (ROAD USE MANAGEMENT) ACT 1995**

|            |            |                                                                                                                                                                                                                                                        |
|------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>sch</i> | <i>sub</i> | <i>Brisbane City Council Amending Local Law (Parking and Control of Traffic) 2000 s 6</i><br><i>Parking and Control of Traffic and other Local Laws Amending Local Law 2009 s7;</i><br><i>Administrative Arrangements Amending Local Law 2013 s 27</i> |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 1</i>                                                                                                                                                                                  |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 3</i>                                                                                                                                                                                  |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 4</i>                                                                                                                                                                                  |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 5</i>                                                                                                                                                                                  |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 6</i>                                                                                                                                                                                  |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 7</i>                                                                                                                                                                                  |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 8</i>                                                                                                                                                                                  |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 10</i>                                                                                                                                                                                 |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 19</i>                                                                                                                                                                                 |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 20</i>                                                                                                                                                                                 |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 23</i>                                                                                                                                                                                 |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 26</i>                                                                                                                                                                                 |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 32</i>                                                                                                                                                                                 |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 33</i>                                                                                                                                                                                 |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 35</i>                                                                                                                                                                                 |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 39</i>                                                                                                                                                                                 |
| Sched      | amd        | <i>Parking and Control of Traffic Amending Local Law 2021, item 47</i>                                                                                                                                                                                 |