

NORTHERN TERRITORY OF AUSTRALIA

DARWIN INSTITUTE OF TECHNOLOGY (TRAFFIC) BY-LAWS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1988 No. 10*

By-laws under the *Advanced Education and Darwin
Institute of Technology Act*

The Northern Territory Council of Advanced Education, in pursuance of section 42 of the *Advanced Education and Darwin Institute of Technology Act*, at a meeting held on 22nd February 1988, made the following By-laws and, for the purposes of section 63(2)(a) of the *Interpretation Act*, authorized Nancy Giese, its Chairman, to sign them.

Dated twenty-ninth February 1988.

N. GIESE
Chairman

DARWIN INSTITUTE OF TECHNOLOGY (TRAFFIC) BY-LAWS

1. CITATION

These By-laws may be cited as the Darwin Institute of Technology (Traffic) By-laws.

2. COMMENCEMENT

These By-laws shall come into operation at the expiration of 14 days from the date on which the making of the By-laws is notified in the *Gazette*.

3. APPLICATION

These By-laws apply to the land comprised in Lots 9198 and 9260, Town of Nightcliff, in these By-laws referred to as the campus.

* Notified in the *Northern Territory Government Gazette*
on 11 MAY 1988

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4. DEFINITIONS

In these By-laws, unless the contrary intention appears -

"authorized officer" means a person appointed by the Director in writing to be an authorized officer for the purposes of these By-laws;

"campus" has the meaning given by by-law 3;

"driver", in relation to a vehicle, includes rider, and "drive" shall be construed accordingly;

"fixed penalty notice" means a notice under by-law 9(1);

"owner", in relation to a motor vehicle, means the person in whose name the vehicle is registered under the *Motor Vehicles Act* or under an enactment in force in any other part of the Commonwealth;

"park", in relation to a vehicle, means to permit the vehicle (whether unattended or not) to remain stationary otherwise than -

(a) where required or directed to do so by a traffic control device or an authorized officer; or

(b) in the course of picking up or setting down passengers or loading or unloading goods;

"traffic control device" means a sign, signal, mark, notice, structure or device erected, installed, placed or displayed on the campus pursuant to an authorization under by-law 5(1);

"vehicle" means a conveyance or carriage, whether or not capable of self-propulsion and whether or not capable of registration under the *Motor Vehicles Act*, and includes a bicycle but does not include a wheelchair or a perambulator.

5. TRAFFIC SIGNS, &c.

(1) A Deputy Director of the Institute may authorize the erection, installation, placing or display on the campus of such signs, signals, marks, notices, structures and devices as the Deputy Director considers necessary or desirable for the purpose of -

(a) regulating or controlling traffic on the campus, including the parking of vehicles and their loading and unloading; or

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- (b) prohibiting the entry onto the campus of vehicles of any class or description.

(2) The reference in clause (1) to a Deputy Director of the Institute includes a reference to a person for the time being acting in, or performing the duties of, the office of Deputy Director.

(3) For the purposes of these By-laws and of any proceedings for an offence against these By-laws, a sign, signal, mark, notice, structure or device capable of being the subject of an authorization under clause (1) shall be presumed to be erected, installed, placed or displayed pursuant to such an authorization unless the contrary is proved.

6. GENERAL POWERS OF AUTHORIZED OFFICERS

An authorized officer may -

- (a) give to the driver or person in charge of a vehicle such directions as appear to the authorized officer necessary or desirable for the purpose of regulating or controlling the movement of traffic on the campus, including directions which are at variance with a prohibition or requirement indicated by a traffic control device;
- (b) authorize the driver or person in charge of a vehicle to do anything which, but for such authorization, would constitute an offence against these By-laws;
- (c) require the driver or person in charge of a vehicle to remove the vehicle from the campus;
- (d) require the driver or person in charge of a vehicle in respect of which it appears to the authorized officer that an offence against these By-laws has been committed to give to the authorized officer his or her name and address; and
- (e) in the case of an unattended vehicle which is -
 - (i) at a place on the campus to which its entry is prohibited by or under these By-laws; or
 - (ii) parked on the campus in contravention of these By-laws,

take or cause to be taken such action as the authorized officer considers appropriate for the purpose of moving the vehicle elsewhere on the campus.

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7. OFFENCES

(1) Subject to clause (3), it is an offence for a driver or person in charge of a vehicle -

- (a) to contravene or fail to comply with a prohibition or requirement indicated by a traffic control device;
- (b) without prejudice to the generality of paragraph (a) -
 - (i) to park the vehicle in any area in which parking bays are marked or otherwise indicated otherwise than wholly within a bay; or
 - (ii) in the case of a motor cycle, motor scooter or bicycle, to park it in a space which, notwithstanding that it is marked or otherwise indicated as a parking bay, is of a size appropriate for the parking of a 4-wheel vehicle;
- (c) to park the vehicle so as to obstruct other vehicles;
- (d) on joining a roadway from a parking area, to fail to give way to vehicles using the roadway;
- (e) to drive or take the vehicle onto any recreation area, nature strip, garden, lawn, footpath or other part of the campus which is not constructed for use by vehicles;
- (f) to drive the vehicle at a speed exceeding 30 km/h or, on any part of the campus with respect to which a lower limit is indicated by a traffic control device, that limit;
- (g) to drive the vehicle negligently or recklessly, or in a manner dangerous to other users of the campus, or without due care and consideration for other users;
- (h) to drive the vehicle so as to cause excessive noise;
- (j) to abandon the vehicle on the campus;
- (k) to contravene or fail to comply with a direction of an authorized officer under by-law 6(a); or
- (m) to fail to comply with a requirement of an authorized officer under by-law 6(c) or (d).

Penalty: \$500.

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(2) It is an offence for a person, without lawful authority, to remove, alter, deface or otherwise interfere with a traffic control device.

Penalty: \$500.

(3) A person's act or omission does not constitute an offence under clause (1) by reason of any of paragraphs (a) to (e) of that clause if directed or authorized by an authorized officer under by-law 6(a) or (b).

8. OWNER ONUS

(1) Subject to clauses (2) and (3), where an offence against these By-laws is committed in respect of a vehicle, the owner of the vehicle at the time of the offence shall be deemed to have committed the offence whether or not he or she in fact committed it.

(2) Nothing in this by-law affects the liability for an offence of an actual offender who is not the owner of the vehicle, but the owner and the actual offender shall not both be liable for the same offence.

(3) The owner of a vehicle shall not be deemed to have committed an offence by virtue of clause (1) if -

(a) where the owner has been served with a fixed penalty notice in relation to the offence, he or she furnishes to the Director, not later than 14 days after the notice is served, a statutory declaration stating facts which prove to the satisfaction of the Director or of an officer of the Institute dealing with the matter on the written authority of the Director -

(i) that some other person was in charge of the vehicle at the time when the offence was committed, and that the name and address of that person are as set out in the declaration;

(ii) that the owner sold the vehicle before the offence was committed to a person or through an agent whose name and address are as so set out; or

(iii) that the owner was unable to exercise any control over the vehicle when the offence was committed because it had been stolen from him or her, or was being used without his or her consent; or

(b) whether or not the owner has been served with a fixed penalty notice, he or she satisfies the court hearing a charge for the offence that he or she was not in charge of the vehicle when the offence was committed.

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9. FIXED PENALTIES

(1) Where it appears to an authorized officer, or to a person other than an authorized officer who is empowered by the Director in writing to give notices under this clause, that an offence against these By-laws has been committed in respect of a vehicle, that officer or person may -

- (a) fix or place in a conspicuous position on the vehicle;
- (b) hand to the driver or person in charge of the vehicle; or
- (c) send or cause to be sent by post to the owner of the vehicle at the owner's last known address, a notice in accordance with clause (2) (in these By-laws referred to as a fixed penalty notice).

(2) A fixed penalty notice shall -

- (a) be identified by a serial number;
- (b) be addressed, as the case may require, to the driver or person in charge of the vehicle or its owner;
- (c) describe the vehicle, stating its registration number if any;
- (d) allege that an offence against these By-laws has been committed in respect of the vehicle, and describe in general terms the nature of the alleged offence; and
- (e) state that the person to whom it is addressed may be prosecuted for the alleged offence unless he or she pays to the Institute, in the manner specified in the notice, a penalty of -
 - (i) \$20 if payment is made within 14 days beginning with the date of the notice;
 - (ii) \$40 if payment is made after the expiry of those 14 days but within 30 days beginning with that date; or
 - (iii) \$60 if payment is made after the expiry of those 30 days but within 60 days so beginning.

(3) No prosecution shall be brought against any person for an offence against these By-laws in respect of which a penalty has been paid pursuant to a fixed penalty notice.

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10. ABANDONED VEHICLES

(1) Where it appears to an authorized officer that a vehicle on the campus has been abandoned, the authorized officer may remove the vehicle, or cause it to be removed, to such place on or off the campus as the authorized officer considers appropriate.

(2) As soon as practicable after a vehicle has been removed under clause (1), the authorized officer shall, if able to ascertain its owner's name and address, notify the owner in writing of the removal and require him or her to collect the vehicle from the place specified in the notice within 7 days after the date of the notice.

(3) Where a vehicle has been removed under clause (1) and -

(a) the owner of the vehicle fails to collect it within the time allowed by a notice under clause (2); or

(b) the authorized officer is unable to ascertain a name and address for the giving of such a notice,

the authorized officer shall, on 2 separate occasions, give notice of the vehicle's removal, of the place where it may be collected, and of the fact that it will be disposed of if not collected, in a newspaper circulating in the locality of Darwin.

(4) Where the owner of a vehicle fails to collect it within 28 days after the date of publication of the second of the notices required by clause (3), the authorized officer may cause the vehicle to be sold or otherwise disposed of in such manner as the authorized officer thinks fit.

(5) The authorized officer shall pay to the Institute out of moneys arising from the sale of a vehicle under clause (4) such amount as the officer considers reasonable to reimburse the Institute for costs incurred in connection with the vehicle, and any residue shall form part of the revenue of the Institute unless claimed within 6 months after the sale by the owner of the vehicle at the time of its removal under clause (1) or a person claiming through that owner.

11. PARKING CHARGES

There shall be payable to the Institute for the parking of vehicles on places on the campus set aside for that purpose under these By-laws such charges as may be prescribed by Rules.

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12. RESTRICTION ON PROCEEDINGS UNDER STUDENT DISCIPLINE BY-LAWS

A student of the Institute shall not be proceeded against under the Darwin Institute of Technology (Student Discipline) By-laws for having committed an offence against these By-laws if, within 14 days beginning with the date of a fixed penalty notice relating to the offence, he or she has paid a penalty of \$20 in accordance with the notice.