

AUSTRALIAN CAPITAL TERRITORY.

No. 1 of 1955.

AN ORDINANCE

To amend the Motor Traffic Ordinance 1936-1951.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government (Administration) Act 1910-1947*, as follows:—

1.—(1.) This Ordinance may be cited as the *Motor Traffic Ordinance 1955*.^{*} Short title and citation..

(2.) The *Motor Traffic Ordinance 1936-1951* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Motor Traffic Ordinance 1936-1955*.

2. Section four of the Principal Ordinance is amended— Definitions.

(a) by inserting in sub-section (1.), after the definition of “Deputy Registrar”, the following definition:—

“‘dipping device’ means a device by means of which the light projected by each of the headlamps of a motor vehicle which has two headlamps or by the headlamp of a motor vehicle which has one headlamp can be dipped by the driver whilst retaining his normal driving position and, when so dipped, will not be deflected to the right hand side of the driver;”;

(b) by inserting in that sub-section, after the definition of “inspector”, the following definition:—

“‘learner’ means the holder of a permit licence;”;

(c) by inserting in that sub-section, after the definition of “motor car”, the following definition:—

“‘motor cycle’ means a motor vehicle which has less than four wheels and is steered by means of handle bars;”;

^{*} Notified in the *Commonwealth Gazette* on 17th March, 1955.

(d) by inserting in that sub-section, after the definition of "owner's certificate", the following definition:—

"'pedestrian crossing' means a portion of the carriageway of a public street indicated—

(a) by two white lines painted across the carriageway so that no point on one line is less than eight feet or more than sixteen feet from the nearest point on the other line; and

(b) by markings painted within the limits of the lines referred to in the last preceding paragraph in a pattern of alternate black and white stripes;"; and

(e) by adding at the end of that sub-section the following definition:—

"'weight', in relation to a motor vehicle, means the gross weight of the vehicle laden with the tools and accessories usually carried and with such fuel, water and oil as are in or upon the vehicle, but otherwise unladen."

3.—(1.) Sections eight and nine of the Principal Ordinance are repealed and the following sections inserted in their stead:—

Provisions for
persons learning
to drive.

"8.—(1.) The Registrar may grant a permit licence, for a period not exceeding two months—

- (a) to a person who is at least twenty-one years of age, to drive as a learner a motor lorry the weight of which exceeds two tons or a motor car equipped to seat more than eight adult persons including the driver;
- (b) to a person who is at least seventeen years of age, to drive as a learner a motor vehicle other than a motor vehicle referred to in the last preceding paragraph; or
- (c) to a person under the age referred to in paragraph (a) or (b) of this sub-section, to drive as a learner a motor vehicle of the class specified in the permit licence, if the Registrar is satisfied that special circumstances exist which justify the granting of a permit licence to that person.

"(2.) The fee payable to the Commonwealth for the issue of a permit licence is Five shillings.

"(3.) A permit licence may limit the hours and locality in which the learner may drive a motor vehicle.

“(4.) A learner shall not drive a motor vehicle, other than a motor cycle, on a public street unless—

- (a) the seat next to the learner is occupied by a person who holds a licence, not being a permit licence, to drive a motor vehicle of the class driven by the learner, or by a person who is submitting the learner to a driving test authorized by the Registrar for the purposes of this Ordinance; and
- (b) there is displayed conspicuously at, and so as to be clearly visible from, the front and rear of the vehicle, respectively, a square sign of which each side is not less than five and three-quarter inches in length, issued or authorized by the Registrar, displaying the letter ‘L’ in black on a yellow background.

“(5.) A learner shall not drive a motor cycle on a public street unless—

- (a) the motor cycle is not being used for the carriage of any person other than the learner or a person—
 - (i) who holds, and has held for a period of at least two years, a licence or other authority to drive a motor cycle, not being a permit licence, issued under this Ordinance or under the law of a State or Territory of the Commonwealth or of another country; and
 - (ii) who is safely seated in a sidecar attached to the motor cycle; and
- (b) there is displayed conspicuously at, and so as to be clearly visible from, the rear of the motor cycle a square sign of which each side is not less than five and three-quarter inches in length, issued or authorized by the Registrar, displaying the letter ‘L’ in black on a yellow background.

“(6.) The owner or the person in charge of a motor vehicle shall not cause, permit or allow, or fail to take reasonable precautions to prevent, a contravention of sub-section (4.) or (5.) of this section in connexion with the vehicle.

“9.—(1.) Subject to this section, the Registrar may grant to a person a licence to drive a motor vehicle of the class specified in the licence, and may renew that licence from time to time. Granting of licences.

“(2.) The Registrar shall not grant to a person who is under the age of twenty-one years a licence to drive—

- (a) a motor lorry the weight of which exceeds two tons;
- (b) a motor car equipped to seat more than eight adult persons including the driver; or
- (c) a motor car that is being used for the carriage of passengers for hire or reward.

"(3.) The Registrar shall not grant a licence to drive a motor vehicle to a person who is under the age of seventeen years.

"(4.) Notwithstanding the provisions of sub-sections (2.) and (3.) of this section, if the Registrar is satisfied that special circumstances exist which justify his so doing, he may grant a licence to a person to whom, but for this sub-section, he would be prohibited from granting the licence by reason of those provisions.

"(5.) The Registrar may refuse to grant a licence to drive a licensed goods motor vehicle to a person who does not produce to the Registrar a certificate of good character signed by not less than two persons of good repute.

"(6.) The Registrar shall not grant a licence or renewal of a licence to a person unless the Registrar is satisfied that the person is capable of driving, with safety to the public, a motor vehicle of the class specified in the licence.

"(7.) The Registrar shall not grant a licence or renewal of a licence to drive a motor vehicle of a class specified in sub-section (2.) of this section to a person unless that person has held for a period of, or for periods totalling, not less than twelve months, a licence or other authority to drive a motor vehicle, other than a motor cycle, not being a permit licence, issued under this Ordinance or under the law of a State or Territory of the Commonwealth or of another country."

(2.) Notwithstanding the repeal of sections eight and nine of the Principal Ordinance, a licence granted under either of those sections and in force immediately before the commencement of this Ordinance continues in force, subject to the provisions of the Principal Ordinance as amended by this Ordinance, for the remainder of the period for which it was granted.

Fees.

4. Section twelve of the Principal Ordinance is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

"(2.) The weight of a motor vehicle upon which the fees specified in the Second Schedule are to be paid shall be reckoned to the nearest half hundredweight."

Form of registration certificate, &c.

5. Section thirteen of the Principal Ordinance is amended by omitting sub-sections (3.) and (4.).

Sales of motor vehicles on behalf of other persons.

6. Section twenty-one of the Principal Ordinance is amended by omitting from paragraph (a) of sub-section (1.) the word "unladen".

Traders to furnish particulars as to sales, &c.

7. Section forty-one of the Principal Ordinance is amended by omitting from sub-section (1.) the word "unladen".

8. Section forty-one c of the Principal Ordinance is amended by inserting after sub-section (2.) the following sub-section:—

“(2A.) In a prosecution for an offence against sub-section (1.) of this section, an averment in the information that there was not in force in relation to the use referred to in the information of the vehicle a third-party policy is evidence of the matter averred.”

Motor vehicles not to be used on a public street unless insured against third-party risk.

9. Section forty-two of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the word “unladen”; and

Application for registration and licences.

(b) by omitting from sub-paragraph (ii) of paragraph (b) of sub-section (2.) the word “unladen”.

10. Section fifty-one of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “and to any directions of the Minister”;

Refusal, cancellation or suspension of licences, &c.

(b) by omitting from sub-section (2.) the words “, subject to any directions of the Minister”;

(c) by omitting paragraph (a) of sub-section (2.); and

(d) by omitting from sub-section (5.) the words “, subject to any directions of the Minister.”

11. Section fifty-four of the Principal Ordinance is amended by omitting from sub-section (1.) the words “(other than a public motor vehicle or private hire car used in the Territory for the purpose of picking up passengers),”.

Visiting motor drivers.

12. Section fifty-six of the Principal Ordinance is amended—

(a) by omitting sub-sections (1.) and (2.) and inserting in their stead the following sub-sections:—

Driving on public streets, &c.

“(1.) The driver of a motor vehicle upon a public street shall—

(a) subject to this section, keep the vehicle as near as practicable to the footpath on his left side;

(b) when meeting a horse or vehicle, pass with it on his right side;

(c) subject to the next succeeding paragraph, when overtaking a horse or vehicle, pass with it on his left side, and refrain from crossing over to the left side of the public street until his vehicle is clear of the horse or vehicle which he has passed;

(d) when overtaking a horse or vehicle which is making, or appears to be about to make, a right hand turn, pass with it on his right side;

- (e) when overtaking a vehicle or an equestrian, indicate his desire to pass by sounding the horn or other means of alarm;
- (f) before stopping, bring his vehicle close to the footpath on his left side and parallel to that footpath;
- (g) when he is about to stop his vehicle or reduce speed suddenly (whether for the purpose of stopping or otherwise), and, if practicable, at least one hundred feet from the point at which he intends to stop or reduce speed, give a clear signal of his intention to do so either by raising his right hand with the palm turned to the front and with his fingers extended and pointing upwards in such a manner that the hand would be clearly visible to the driver of a vehicle immediately following his vehicle or by using an approved signalling device, and continue to give that signal until his vehicle has stopped or ceased to reduce speed;
- (h) when he is about to cause his vehicle to turn or diverge towards his right (otherwise than by reason only of following the course of the public street upon which he is driving), and, if practicable, at least one hundred feet from the point at which he intends to cause it to turn or diverge, give a clear signal of his intention to do so either by extending his right arm and hand with the palm turned to the front and holding them rigid in a horizontal position straight out on the offside of his vehicle or by using an approved signalling device, and continue to give that signal for as long as is necessary to give other users of the road a clear indication of his intention;
- (i) when he is about to draw his vehicle out from a stationary position at or near the kerb, for such time immediately before his vehicle is put in motion as is sufficient to give adequate warning of his intention to other users of the road, give and continue a signal in a manner specified in the last preceding paragraph and refrain from drawing his vehicle out until he may do so with safety to other users of the road;

(j) upon the horn or alarm of an overtaking vehicle being sounded, unless he has given a signal indicating that he is about to cause his vehicle to turn or diverge towards his right or draw his vehicle out from a stationary position at or near the kerb—

(i) if his vehicle is in a position where it is likely to obstruct the progress of the overtaking vehicle and if the movement can be made with safety, forthwith cause his vehicle to move to his left so as to allow the overtaking vehicle a reasonable space in which to pass; and

(ii) refrain from turning or diverging to his right or increasing the speed of his vehicle before the overtaking vehicle has had a reasonable opportunity to pass and draw clear of his vehicle;

(k) when he is about to turn his vehicle to his right from one public street into another at an intersection or junction—

(i) except where the street he is about to leave is a one-way traffic street, drive his vehicle so that when it reaches the intersection or junction it will be as near as practicable to, but will be on his left of, the middle line of the carriageway of that street; or

(ii) where the street he is about to leave is a one-way traffic street, drive his vehicle so that when it reaches the intersection or junction it will be as near as practicable to the side of the carriageway of that street on his right hand side;

(l) after entering an intersection or junction of one public street with another for the purpose of turning his vehicle to his right from one of those streets into the other—

(i) drive his vehicle parallel with the side of the carriageway which he is leaving that is on his left hand

side until it is as near as practicable to the far side of the carriageway he is entering; and

- (ii) if there is a traffic dome at or near the intersection or junction, drive his vehicle so as to keep the traffic dome on his right;

(m) when he is approaching the junction or intersection of that street and another public street, if—

- (i) another vehicle is approaching the same junction or intersection from his right;
- (ii) the traffic at the junction or intersection is not being controlled by a member of the Police Force; and
- (iii) the circumstances are such that there is a reasonable possibility that the vehicles might arrive at the same point simultaneously or that a dangerous situation might otherwise be created,

either decrease the speed of his vehicle to such an extent, or stop his vehicle for such time, as is necessary to avoid that possibility or situation;

(n) whenever necessary, give to a person walking, driving or riding upon a public street sufficient warning of the approach of the vehicle by sounding the horn or other means of alarm;

(o) exercise due care, by slowing down or, if necessary, by stopping the vehicle, not to splash mud upon a person—

- (i) in or upon or entering or leaving a stationary vehicle; or
- (ii) waiting at the stopping place of a motor omnibus;

(p) when requested or signalled by a person leading, driving, riding or in charge of a restive animal to stop, stop his vehicle as near as practicable to the footpath and parallel thereto, and remain stationary as long as is reasonably necessary;

- (g) when approaching a pedestrian crossing, drive his vehicle at such a speed as to be able to stop it before reaching the pedestrian crossing;
- (r) when approaching or travelling upon a pedestrian crossing, if a pedestrian is walking upon the pedestrian crossing so that if both continued on their courses at the respective speeds at which they are moving there would be a possibility of a collision, reduce the speed of or stop his vehicle so as to allow the pedestrian to pass in front of it; and
- (s) comply with a direction given by an officer in the execution of his duty or by a member of the Police Force—
 - (i) as to the manner of approaching or departing from a place;
 - (ii) as to the manner of picking up or setting down passengers or loading or unloading goods; or
 - (iii) for the regulation of traffic.

“(2.) In a prosecution in respect of a contravention of paragraph (a) of the last preceding sub-section, it is a defence if the defendant proves—

- (a) that the vehicle was being driven at a rate faster than six miles an hour; and
- (b) that the distance at which the vehicle, was kept from the footpath on his left side was not more than was reasonable.

“(2A.) For the purposes of paragraph (g), (h) or (i) of sub-section (1.) of this section—

- (a) an approved signalling device is a signalling device which—
 - (i) is of a type approved by the Registrar for the purposes of that paragraph;
 - (ii) is affixed to the vehicle in a manner approved by the Registrar; and
 - (iii) is, together with any lighting or other equipment necessary for its proper operation, in good working order; and

(b) the driver of a vehicle shall be deemed to use an approved signalling device if he makes, with the device, the signal approved by the Registrar as the signal to be made for the purposes of that paragraph with signalling devices of that type.”; and

(b) by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“(4.) For the purposes of the application of sub-section (1.) of this section in relation to a public street consisting of two one-way traffic carriageways separated by a strip of land—

(a) each of those carriageways shall be deemed to be a one-way traffic public street;

(b) where another public street intersects both of those carriageways, that other public street shall be deemed to form a separate intersection with each carriageway; and

(c) where another public street intersects one of those carriageways but does not extend beyond the other carriageway, that other public street shall be deemed to form an intersection with the first-mentioned carriageway and a junction with the other carriageway.”.

13. After section sixty-three of the Principal Ordinance the following section is inserted:—

Careless
driving.

“63A. A person shall not drive a motor vehicle upon a public street without due care and attention or without reasonable consideration for other persons using the public street.

Penalty: Five pounds.”.

Driver to be
licensed.

14. Section sixty-eight of the Principal Ordinance is repealed and the following section inserted in its stead:—

“68.—(1.) A person shall not—

(a) drive a motor vehicle of any class upon a public street unless he holds a licence to drive a motor vehicle of that class;

(b) cause or permit a person to drive a motor vehicle of any class upon a public street unless that person holds a licence to drive a motor vehicle of that class; or

(c) drive, or cause or permit to be driven, upon a public street, a motor vehicle—

- (i) on which number-plates issued by the Registrar in respect of the motor vehicle are not properly affixed; or
- (ii) having a number-plate so obscured or damaged that the numbers are not clearly visible.

“(2.) The provisions of paragraphs (a) and (b) of the last preceding sub-section do not apply to or in relation to the driving of a motor vehicle during a driving test authorized by the Registrar in connexion with an application for a licence.

“(3.) The provisions of sub-paragraph (i) of paragraph (c) of sub-section (1.) of this section do not apply to a motor vehicle which is being driven to the office of the Registrar for the purpose of being registered.

“(4.) Notwithstanding the provisions of paragraphs (a) and (b) of sub-section (1.) of this section, a person may—

- (a) drive a motor lorry the weight of which exceeds two tons or a motor car equipped to seat more than eight adult persons including the driver; or
- (b) cause or permit a person to drive a motor vehicle specified in the last preceding paragraph,

if the driver of the motor vehicle is learning to drive that vehicle, and if—

- (c) the driver is at least twenty-one years of age and holds a licence or other authority issued under this Ordinance or under the law of a State or Territory of the Commonwealth or of another country to drive a motor lorry the weight of which does not exceed two tons or a motor car equipped to seat not more than eight persons including the driver;
- (d) the seat next to the driver is occupied by a person who holds a licence (not being a permit licence) to drive vehicles of the same class as the vehicle which the driver is learning to drive;
- (e) the vehicle is not being used for the carriage of any person other than the driver or a person referred to in the last preceding paragraph; and
- (f) there is displayed conspicuously at, and so as to be clearly visible from, the front and rear of the vehicle, respectively, a square sign of which each side is not less than five and three-quarter inches in length, issued or authorized by the Registrar, displaying the letter ‘L’ in black on a yellow background.”.

Carriage of
lamps and
lights.

15. Section seventy-four of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:—

“(3.) A person who drives on a public street between the hours of sunset and sunrise a motor vehicle equipped with a dipping device shall, when the vehicle is travelling along a public street and is approached by, and is less than two hundred yards from, another vehicle travelling in the opposite direction—

- (a) cause the light projected by any headlamp of the vehicle to be dipped, unless it is already dipped; and
- (b) cause the light to remain dipped until the vehicle has passed the other vehicle.

“(4.) A person shall not, at any time between the hours of sunset and sunrise, drive upon a public street at a speed exceeding thirty miles an hour a motor vehicle which is not equipped with a dipping device.”.

Position of
light.

16. Section seventy-five of the Principal Ordinance is amended by inserting in paragraph (a) of sub-section (1.), after the word “vehicle” (second occurring), the words “while leaving the headlamp or headlamps of the vehicle lighted”.

17. Section seventy-nine of the Principal Ordinance is repealed and the following section inserted in its stead:—

Pillion riding.

“79.—(1.) The driver of a motor cycle shall not, upon a public street, carry on the motor cycle more than one other person.

“(2.) If the Registrar is satisfied that a person is capable of driving a motor cycle with safety to the public while carrying another person on the motor cycle, the Registrar may enter on a licence to drive a motor cycle granted to that person a statement that that person is licensed to carry a pillion passenger.

“(3.) The driver of a motor cycle shall not carry on the motor cycle another person unless—

- (a) the motor cycle is equipped with footrests in addition to and independent of the footrests provided for the driver, being footrests which—
 - (i) are securely fixed on each side of the frame of the motor cycle; and
 - (ii) project outwards at right angles to the motor cycle for not less than four inches and not more than six inches;
- (b) a seat of a type approved by the Registrar is securely fixed to the motor cycle behind the driver's seat and is in serviceable condition;

(c) the other person—

- (i) is sitting astride the motor cycle;
- (ii) is facing forward;
- (iii) is seated on the seat referred to in the last preceding paragraph; and
- (iv) has his feet on the footrests referred to in paragraph (a) of this sub-section;

(d) the driver has held for a period of at least twelve months a licence or other authority to drive a motor cycle, not being a permit licence, issued under this Ordinance or under the law of a State or Territory of the Commonwealth or of another country; and

(e) the driver is the holder of a licence on which the Registrar has entered a statement that he is licensed to carry a pillion passenger.

“(4.) This section does not apply to or in relation to the carriage of persons in a side car.”

18.—(1.) Section eighty of the Principal Ordinance is amended— is Penalties for offences.

(a) by inserting before sub-section (1.) the following sub-section:—

“(1AA.) A person who contravenes or fails to comply with a provision of this Ordinance is guilty of an offence against that provision.”;

(b) by omitting from sub-section (1.) the words “, or contravenes any provision of,”;

(c) by omitting from sub-section (1.) the words “or contravention”;

(d) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) Where the holder of a licence is convicted of an offence against this Ordinance, the Court may order that particulars of the conviction be endorsed upon the licence and upon any licence and renewal of a licence granted to the person during such period as it thinks fit.”; and

(e) by omitting from sub-section (4.) all the words after the word “shall” and inserting in their stead the words “cause the endorsement to be copied upon every licence or renewal of a licence granted to that person during the period specified in the order made in pursuance of sub-section (2.) of this section”.

(2.) Where, after the commencement of this Ordinance, the Registrar grants a licence or renewal of a licence upon which, if this Ordinance had not been made and the Minister did not otherwise direct, he would have been required to endorse particulars of a

conviction, the Registrar shall, unless the court by whom the conviction was made otherwise orders, endorse on the licence or renewal particulars of that conviction.

Judicial notice
of Registrar's
and Deputy
Registrar's
signature.

19. Section eighty-two of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) the word “and”; and
- (b) by inserting after paragraph (b) the following word and paragraph:—

“; and (c) of a certificate in writing under the hand of the Registrar or a Deputy Registrar as to approvals or absence of approvals in relation to signalling devices for the purposes of sub-section (2.) of section fifty-six of this Ordinance.”.

20. After section eighty-two of the Principal Ordinance the following section is inserted:—

Evidence as
to control
of traffic
by member of
Police Force.

“82A.—(1.) In proceedings for an offence against this Ordinance, a certificate under the hand of the Commissioner of Police certifying that, at the time of the alleged offence, the traffic at an intersection or junction specified in the certificate was not being controlled by a member of the Police Force is evidence of the matter stated in the certificate.

“(2.) Judicial notice shall be taken of the signature of the Commissioner of Police on a certificate referred to in the last preceding sub-section.”.

21. After section eighty-six of the Principal Ordinance the following section is inserted:—

Proof of
weight of
vehicles.

“86A. The weight accepted as the weight of a vehicle for the purposes of its most recent registration or renewal of registration under this Ordinance shall, unless another weight is proved to be the weight, be deemed to be the weight of that vehicle for all purposes of this Ordinance at all times.”.

22.—(1.) Section ninety-four of the Principal Ordinance is repealed and the following section inserted in its stead:—

Maximum
speeds.

“94.—(1.) The regulations may prescribe maximum speeds at which motor vehicles may be driven upon public streets.

“(2.) The regulations for the purposes of the last preceding sub-section may prescribe different maximum speeds—

- (a) for motor vehicles of different classes, descriptions or weights;
- (b) for motor vehicles driven in different circumstances or with different loads;
- (c) for motor vehicles driven in different areas or upon different public streets.

"(3.) A person shall not drive a motor vehicle upon a public street at a speed in excess of the maximum speed applicable under the regulations."

(2.) All regulations in force at the commencement of this Ordinance for the purposes of section ninety-four of the Principal Ordinance continue in force as if made for the purposes of the section inserted in the Principal Ordinance by this section.

23. Section ninety-eight of the Principal Ordinance is amended by inserting after the word "person" the words ", or to any motor vehicle or the driver thereof while conveying a member of the police force on urgent duty connected with the prevention or investigation of an offence or suspected offence against the law or with the apprehension of offenders against the law".

Exemption of ambulance, fire engines and police vehicles.

24. The First Schedule to the Principal Ordinance is amended by omitting Form D and Form E.

First Schedule.

Dated this tenth day of March, 1955.

W. J. SLIM
Governor-General.

By His Excellency's Command,

WALTER J. COOPER

for and on behalf of the Minister of State for the Interior.

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