

No. 37 of 1971

AN ORDINANCE

Relating To Motor Traffic.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1970*.

Dated this sixteenth day of December, 1971.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

RALPH J. HUNT
Minister of State for the Interior.

MOTOR TRAFFIC ORDINANCE (No. 3) 1971

1.—(1.) This Ordinance may be cited as the *Motor Traffic Ordinance (No. 3) 1971*.^{*} Short title and citation

(2.) The *Motor Traffic Ordinance 1936-1970*[†] as amended by the *Motor Traffic Ordinance 1971*[‡] and the *Motor Traffic Ordinance (No. 2) 1971*,[§] is in this Ordinance referred to as the Principal Ordinance.

(3.) Section 1 of the *Motor Traffic Ordinance (No. 2) 1971* is amended by omitting sub-section (3.).

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Motor Traffic Ordinance 1936-1971*.

2. Section 3 of the Principal Ordinance is amended by inserting Parts. after the words—

“Part VII.—Traffic Signs and Road Markings (Sections 109-112).”

the words—

“Part VIIA.—Traffic Lights (Sections 112A-112J).”.

^{*} Notified in the *Commonwealth Gazette* on 17 December 1971.

[†] Ordinance No. 45, 1936, as amended by Nos. 25 and 41, 1938; No. 16, 1941; No. 14, 1942; Nos. 2 and 13, 1943; No. 3, 1945; Nos. 6 and 13, 1947; No. 7, 1950; No. 17, 1951; Nos. 1 and 7, 1955; No. 6, 1956; No. 19, 1957; Nos. 10 and 15, 1958; Nos. 7 and 21, 1959; No. 11, 1960; Nos. 16 and 17, 1962; No. 21, 1963; No. 8, 1964; Nos. 9 and 13, 1965; No. 19, 1966; No. 2, 1968; Nos. 27 and 29, 1969; and No. 27, 1970.

[‡] Ordinance No. 13, 1971.

[§] Ordinance No. 17, 1971.

Inter-
pretation.

3. Section 4 of the Principal Ordinance is amended by omitting the definition of "traffic island" and inserting in its stead the following definition:—

" 'traffic island' means—

- (a) an island or dome constructed, placed or erected in accordance with Part VII; or
- (b) an area defined by signs in the form of chevrons placed within unbroken lines marked in accordance with Part VII.;"

Special licences
to drive.

4. Section 13A of the Principal Ordinance is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

" (2.) An application under the last preceding sub-section shall be in writing and lodged with the Clerk of the Court who shall cause notice of the application and of the time fixed for the hearing of the application to be given to the Registrar.

" (2A.) The Registrar shall, before the hearing of the application—

- (a) by instrument in writing lodged with the Clerk of the Court, certify that he has no ground under section 10, 11 or 12 of this Ordinance for refusing to grant a driving licence to the applicant; or
- (b) if he has a ground under section 10, 11 or 12 of this Ordinance for refusing to grant to the applicant a driving licence, give, by instrument in writing lodged with the Clerk of the Court, notice that he intends, on the hearing of the application, to oppose the application on the grounds specified in the notice.

" (2B.) The Registrar shall cause a copy of a certificate referred to in paragraph (a) of the last preceding sub-section or a copy of the notice referred to in paragraph (b) of that sub-section, as the case requires, to be served on the applicant for the special licence.

" (2C.) Where the Registrar has given notice that he intends to oppose an application for a special licence, the Registrar is entitled to be represented on the hearing of the application.

" (2D.) The Court, if it is satisfied that—

- (a) for the purposes of his employment, the applicant is required to drive a motor vehicle at certain times; and
- (b) in all the circumstances it is a proper case to do so,

shall order the Registrar to grant to the applicant a special licence entitling the applicant, in the course of his employment, to drive a motor vehicle of such a class, on such days in the period during which his licence to drive a motor vehicle is suspended or during which he has been disqualified from holding a driving licence, and between such hours on those days, as the Court thinks reasonable and orders to be specified in the special licence, but, if not so satisfied, the Court shall refuse the application.

“(2E.) In the application, for the purposes of this section, of section 11 of this Ordinance, a reference in that last-mentioned section to the conviction of a person shall not be read as extending to the conviction of that person referred to in sub-section (1.) of this section.”.

5.—(1.) Section 104 of the Principal Ordinance is amended by omitting sub-section (6.) and inserting in its stead the following sub-sections:—

Refusal,
cancellation
or suspension
of licences.

“(6.) Any person aggrieved by a decision of the Registrar, made on or after the commencement of this sub-section, refusing to grant or renew a licence or registration or cancelling or suspending a licence or registration may, within fourteen days after notice of the decision is served on him, appeal to the Court against the decision.

“(7.) The Registrar shall be the respondent to an appeal.

“(8.) The Court may—

- (a) affirm, set aside or vary the decision of the Registrar;
- (b) make such order as to the Court seems proper; and
- (c) make such other order as justice requires.

“(9.) The power conferred by the last preceding sub-section includes the power to make an order of the kind that the Court is empowered to make under sub-section (2D.) of section 13A of this Ordinance on an application under that section.

“(10.) On the hearing of an appeal under this section from a decision of the Registrar based upon the opinion or belief of the Registrar in relation to a matter, the Court shall determine the appeal on its opinion or belief in relation to that matter.

“(11.) Where an appeal is made under this section against a decision of the Registrar refusing to renew or cancelling or suspending a licence or registration, the licence or registration shall, notwithstanding the Registrar's decision but subject to this Ordinance, be deemed to have continued, and continues, in force pending the determination of the appeal.”.

(2.) Sub-section (6.) of section 104 of the Principal Ordinance continues, notwithstanding the amendments made by the last preceding sub-section, to apply to and in relation to a decision made by the Registrar before the commencement of this section.

6. Section 109 of the Principal Ordinance is amended by inserting in paragraph (c) of sub-section (1.) after the word “in” the words “Part VIIA. or”.

Traffic signs
and road
markings.

7. Section 110 of the Principal Ordinance is amended by—

- (a) inserting after the word “placing,” the word “marking.”; and
- (b) by omitting the words “as an indication of” and inserting in their stead the words “for the purpose of indicating”.

Traffic
islands.

8. After Part VII. of the Principal Ordinance the following Part is inserted:—

“PART VIIA.—TRAFFIC LIGHTS.

Rules to be observed in driving of motor vehicles at traffic lights.

“112A. The driver of a motor vehicle upon a public street who is approaching, or has stopped immediately before, a traffic sign consisting of—

(a) traffic lights erected on, near or above the public street; and

(b) a road marking comprising a line marked across or partly across the public street at, near or below those traffic lights,

shall not, while the traffic lights are displaying a light of any description specified in the first column of the table in the next succeeding section that is facing the direction opposite to which the motor vehicle is facing, so drive the motor vehicle that there is a contravention of the provisions specified in the second column of that table opposite to the description of that light.

Meanings indicated by traffic lights.

“112B.—(1.) For the purposes of this Part, where, on traffic lights facing the direction opposite to the direction in which a motor vehicle that is approaching, or is stopped before, the traffic lights, is facing, there is displayed a traffic light of a description specified in the first column of the following table, the display of that traffic light is an indication to the driver of the motor vehicle that, while that light is displayed, the provisions specified in the second column of that table opposite to the description of that light apply to and in relation to that driver.

Item No.	Description of light	Provisions applicable
1	Red circular light	The driver shall not proceed beyond the road marking applicable in relation to the light
2	Amber circular light	The driver shall not proceed beyond the road marking applicable in relation to the light
3	Arrow in red light pointing vertically	The driver shall not proceed beyond the road marking applicable in relation to the light
4	Arrow in amber light pointing vertically	The driver shall not proceed beyond the road marking applicable in relation to the light
5	Arrow in red light pointing horizontally	The driver shall not proceed beyond the road marking applicable in relation to the light in the direction in which the arrow is pointing
6	Arrow in amber light pointing horizontally	The driver shall not proceed beyond the road marking applicable in relation to the light in the direction in which the arrow is pointing
7	Red arrow pointing at an angle between the vertical and horizontal	The driver shall not proceed beyond the road marking applicable in relation to the light in the direction that makes with the direction directly ahead an angle that has approximately the same number of degrees as has the smaller of the angles that the direction in which the arrow is pointing makes with the vertical

Item No.	Description of light	Provisions applicable
8	Arrow in amber light pointing at an angle between the vertical and horizontal	The driver shall not proceed beyond the road marking applicable in relation to the light in the direction that makes with the direction directly ahead an angle that has approximately the same number of degrees as has the smaller of the angles that the direction in which the arrow is pointing makes to the vertical
9	Green circular light	The driver may proceed— (a) in the direction that is directly ahead; or (b) in the direction that is to the left or to the right
10	Arrow in green light pointing vertically	The driver may proceed in the direction that is directly ahead
11	Arrow in green light pointing horizontally	The driver may proceed in the direction in which the arrow is pointing
12	Arrow in green light pointing at an angle between the vertical and the horizontal	The driver may proceed in the direction that makes with the direction directly ahead an angle that has approximately the same number of degrees as has the smaller of the angles that the direction in which the arrow is pointing makes with the vertical

“(2.) In the last preceding sub-section, a reference to the road marking applicable in relation to a light shall be read as a reference to the road marking comprising a line marked across or partly across the public street at, near or below that light.

“112C. Notwithstanding the last preceding section, where a traffic sign bearing the words ‘TURN LEFT AT ANY TIME WITH CARE’ is erected at an intersection or junction of one public street with another public street at which traffic lights are erected, the driver of a motor vehicle approaching that intersection or junction may, subject to the next succeeding section, turn the motor vehicle to his left into another public street at that intersection or junction.

Signs permitting left turns.

“112D.—(1.) The driver of a motor vehicle upon a public street shall not, within or near an intersection or junction of that public street with another public street at which traffic lights are erected—

Turns within intersections or junctions not to be made when danger of collision.

- (a) turn or continue to turn his motor vehicle to his left, whether in the circumstances referred to in section 112C of this Ordinance or otherwise;
- (b) turn or continue to turn his motor vehicle to his right; or
- (c) having so turned his vehicle, continue to move his vehicle forward within the intersection,

while there is a reasonable possibility that the motor vehicle might collide with another vehicle or person or a dangerous situation might otherwise be created.

“(2.) The last preceding sub-section applies whether or not there is displayed in association with the traffic lights a traffic sign that is displaying the words ‘WALK’ in green light, or the words ‘DON’T WALK’ in red light, facing the direction from which the motor vehicle has turned.

Defences.

“ 112E. It is a defence to a prosecution for an offence against section 112A of this Ordinance if the defendant satisfies the Court that—

- (a) while he was approaching the traffic lights, the traffic lights facing the direction opposite to the direction in which he was proceeding changed from displaying a circular green light or an arrow in green light to displaying a circular light or an arrow of another colour; and
- (b) having regard to all the circumstances of the case at the time of the change of lights (including his distance from the lights and considerations for the safety of himself, any passengers or his motor vehicle, and any other person and vehicles in the vicinity), he could not have reasonably stopped the motor vehicle before reaching the road marking which, together with the traffic lights, forms the traffic sign referred to in that section.

Certain lines not to constitute road markings.

“ 112F. A reference in this Part to a road marking comprising a line marked across or partly across a public street at, near or below traffic lights erected at, near or above an intersection of one public street with another public street shall not be read as including a reference to any line so marked that, together with—

- (a) other lines so marked; or
- (b) other lines so marked and kerbs or traffic islands,

delineates an area within the intersection.

When traffic lanes deemed to be separate public streets.

“ 112G. Where—

- (a) traffic lights are erected at, near or above an intersection or junction of one public street with another public street;
- (b) immediately before the intersection or junction, the carriageway of any one of those public streets is divided by traffic islands or unbroken lines into traffic lanes for vehicles travelling in the same direction; and
- (c) the movement into or through the intersection or junction of motor vehicles in any one or more of those traffic lanes is controlled by one set of traffic lights and the movement into or through the intersection or junction of motor vehicles in the other traffic lane or other traffic lanes is controlled by another set of traffic lights,

each of those traffic lanes shall, for the purposes of this Part, be deemed to be a public street.

Intersections or junctions of dual carriageway public streets.

“ 112H. Where—

- (a) a public street (in this section referred to as ‘the first-mentioned public street’) is divided by an area of land or by a traffic island into separate carriageways for vehicles travelling in opposite directions;
- (b) another public street, or each carriageway into which another public street is divided by an area of land or a traffic island intersects both the carriageways into which the first-mentioned public street is divided;

- (c) traffic lights are erected at, near or above those intersections or that intersection and that junction; and
- (d) the carriageways of the other public street that are between the carriageways, within the intersection, of the first-mentioned street are divided by an area of land or a traffic island,

then, for the purposes of this Part—

- (e) each intersection of the carriageways of the first-mentioned public street with each carriageway of the other public street shall be deemed to be the intersection of one public street with another public street; and
- (f) each of the carriageways of the other public street that are referred to in paragraph (d) of this section shall be deemed to be a public street.

“112J. Where a member of the Police Force in uniform is giving directions regulating or controlling the movement of traffic—

Rules in this Part not to apply when directions are given by police.

- (a) entering or passing through an intersection or junction of one public street with another public street at, near or above which there are traffic lights displaying a light of any description specified in the table in sub-section (1.) of section 112B of this Ordinance; or
- (b) approaching, elsewhere than at an intersection or junction of one public street with another public street, traffic lights that are displaying such a light,

sections 112A, 112C and 112D of this Ordinance do not apply to or in relation to the driver of a motor vehicle that is approaching or is stopped before the traffic lights.”.

9. Section 122 of the Principal Ordinance is amended by omitting paragraph (a) and inserting in its stead the following paragraph:—

Motorist to give way to vehicles on his right at intersections and junctions.

“(a) a motor vehicle upon a public street is approaching the junction or intersection of that public street and another public street not being—

- (i) a junction or intersection at, near or within which there is erected a traffic sign bearing the words ‘GIVE WAY’ and facing in the direction of vehicles approaching the junction or intersection from that other public street;
- (ii) a junction or intersection at, near or above which there are traffic lights displaying a light of any description specified in the first column of the table in sub-section (1.) of section 112B of this Ordinance; or
- (iii) a junction or intersection at which a member of the Police Force in uniform is giving directions regulating or controlling the movement of traffic entering or passing through the junction or intersection;”.

Repeal of
section 138.

10. Section 138 of the Principal Ordinance is repealed.

Obedience to
directions by
police, &c.

11. Section 139 of the Principal Ordinance is amended by omitting paragraph (c) and inserting in its stead the following paragraph:—

“ (c) regulating or controlling—

(i) the movement of traffic on a public street or of traffic entering or passing through an intersection or junction of one public street with another public street; or

(ii) the stopping or parking of motor vehicles.”.