

AUSTRALIAN CAPITAL TERRITORY

Motor Traffic (Amendment) Ordinance (No. 2) 1986

No. 6 of 1986

I, THE GOVERNOR-GENERAL of 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*.

Dated 17 April 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G. SCHOLLES
Minister of State for Territories

An Ordinance to amend the *Motor Traffic Ordinance 1936*

Short title

1. This Ordinance may be cited as the *Motor Traffic (Amendment) Ordinance (No. 2) 1986*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Motor Traffic Ordinance 1936*.²

3. Section 115C of the Principal Ordinance is repealed and the following section substituted:

Public transport routes

"115C. (1) A person shall not—

- (a) drive a motor vehicle, other than a local services motor omnibus, upon a public transport route; or
- (b) permit a vehicle, other than a local services motor omnibus, to stand or be parked upon a public transport route.

“(2) Sub-section (1) does not apply in relation to a motor vehicle upon a public transport route if—

- (a) the vehicle is a fire brigade vehicle or an ambulance and the driver of the vehicle believes, on reasonable grounds, that the presence of the vehicle upon the route is necessary for a purpose connected with an accident, fire or other emergency;
- (b) the driver of the vehicle believes, on reasonable grounds, that the presence of the vehicle upon the route is necessary for a purpose connected with an accident, vehicle breakdown, fire or other emergency on, or in close proximity to, the route; or
- (c) the vehicle is conveying—
 - (i) a police officer engaged in the performance of his or her duties;
 - (ii) a person performing duties in the connection with the provision of a motor omnibus service under the *Motor Omnibus Services Ordinance 1955*;
 - (iii) a person engaged in the repair or maintenance of the route or the performance of a function in connection with equipment, apparatus or facilities used, or intended for use, in connection with the route;
 - (iv) an officer or employee of the Australian Capital Territory Electricity Authority engaged in the performance of a function in connection with equipment, apparatus or facilities (on, above, below or in close proximity to the route) used, or intended for use, in connection with the supply of electricity;
 - (v) an officer or employee of the Australian Telecommunications Commission engaged in the performance of a function in connection with a telecommunications installation on, above, below or in close proximity to the route; or
 - (vi) a person engaged in the performance of a function in connection with equipment, apparatus or facilities (on, above,

below or in close proximity to the route) used, or intended for use, in connection with the supply of gas, water or any other service.

“(3) In this section—

‘fire brigade vehicle’ has the same meaning as in section 211;

‘telecommunications installation’ has the same meaning as in section 16 of the *Telecommunications Act 1975*.”.

4. Section 211 of the Principal Ordinance is repealed and the following section substituted:

Exemption of special vehicles

“211. (1) With the exception of sections 115C and 139, nothing in this Ordinance applies in relation to a vehicle if—

- (a) the vehicle is a fire brigade vehicle, an ambulance or a vehicle that is conveying a police officer;
- (b) the vehicle is engaged in connection with an approved purpose; and
- (c) the driver of the vehicle gives such a warning as is, in all the circumstances, adequate to enable way to be made for the vehicle.

“(2) Notwithstanding sub-section (1), section 139 does not apply in relation to a vehicle of a kind referred to in paragraph (1) (a), being a vehicle that is engaged in connection with an approved purpose, unless—

- (a) the direction under that section is given for a purpose affecting public safety; and
- (b) compliance with the direction is not likely to affect unduly the discharge by the driver of his or her duties as the driver of such a vehicle engaged in connection with such a purpose.

“(3) For the purposes of this section, a vehicle shall be taken to be engaged in connection with an approved purpose if—

- (a) in the case of a fire brigade vehicle—
 - (i) the vehicle is proceeding to, or is otherwise engaged in connection with, a fire or another emergency; or

- (ii) the driver of the vehicle believes, on reasonable grounds, that the vehicle is proceeding to, or is otherwise engaged in connection with, a fire or another emergency;
- (b) in the case of an ambulance—
 - (i) the vehicle is proceeding to the scene of an accident, is conveying a person to a hospital or other place for medical treatment or is engaged in connection with another emergency; or
 - (ii) the driver of the vehicle believes, on reasonable grounds, that the vehicle is proceeding to the scene of an accident or is engaged in connection with another emergency; and
- (c) in the case of a vehicle that is conveying a police officer—
 - (i) the police officer is engaged on urgent business in connection with the prevention or investigation of an offence or suspected offence against a law in force in the Territory or the apprehension of a person who has committed, or is suspected of having committed, an offence against such a law or is engaged in connection with another emergency; or
 - (ii) the police officer believes, on reasonable grounds, that he or she is engaged in connection with an emergency.

“(4) In this section, ‘fire brigade vehicle’ includes a vehicle that is used by any organization or body for a purpose connected with fires or rescues.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 24 April 1986.
2. No. 45, 1936 as amended to date. For previous amendments *see* Note 2 to No. 3, 1986 and *see also* No. 3, 1986.