

# AUSTRALIAN CAPITAL TERRITORY

---

## Motor Traffic (Amendment) Ordinance (No. 8) 1986

No. 87 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 18 December 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. 8) 1986*.<sup>1</sup>

### Commencement

2. This Ordinance shall come into operation on 1 January 1987.

### Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Motor Traffic Ordinance 1936*.<sup>2</sup>

### Interpretation

4. Section 4 of the Principal Ordinance is amended—

- (a) by inserting after the definition of “approved” in sub-section (1) the following definition:

“‘articulated vehicle’ means a vehicle that consists of a motor vehicle and a semi-trailer that has been coupled to it;” and

- (b) by inserting after the definition of “road marking” in sub-section (1) the following definition:

“‘semi-trailer’ means a trailer that—

- (a) has wheels towards the rear; and
- (b) is so constructed that the front of the trailer can be superimposed upon and coupled to another vehicle so as to pivot about a point located forward of the most rearward axle of the vehicle to which it is coupled;”.

### **Provision for persons learning to drive**

#### **5. Section 9 of the Principal Ordinance is amended—**

- (a) by omitting sub-section (1) and substituting the following sub-sections:

“(1) The Registrar may grant to a person a permit licence, for a period not exceeding 3 months, to drive as a learner a motor vehicle of the class specified in the permit licence.

“(1A) A permit licence shall not be granted to a person unless the person—

- (a) in the case of a permit licence to drive a motor lorry exceeding 2 tonnes in weight (not being an articulated vehicle or a motor lorry exceeding 2 tonnes in weight to which is coupled a trailer the tare of which exceeds 2 tonnes)—
  - (i) is at least 18 years of age; and
  - (ii) has held a licence to drive a motor vehicle (other than a motor cycle) for a period of, or periods totalling, at least 12 months;
- (b) in the case of a permit licence to drive an articulated vehicle or a motor lorry exceeding 2 tonnes in weight to which is coupled a trailer the tare of which exceeds 2 tonnes—

- (i) is at least 19 years of age; and
  - (ii) has held a licence to drive a motor lorry exceeding 2 tonnes in weight for a period of, or periods totalling, at least 12 months; or
- (c) in any other case—is at least 16 years and 9 months of age.

“(1B) Notwithstanding sub-section (1A), the Registrar may grant a permit licence to drive a vehicle of the class specified in the permit licence to a person to whom the Registrar would, but for this sub-section, be prohibited from granting a permit licence, if the Registrar is satisfied that special circumstances exist that justify granting a permit licence to the person.”; and

- (b) by adding at the end the following sub-section:

“(7) In sub-paragraphs (1A) (a) (ii) and (b) (ii), a reference to a licence to drive a motor vehicle of the kind referred to in the respective sub-paragraph shall be read as including a reference to a licence or other authority to drive such a motor vehicle issued under a law of a State or another Territory or of another country, but shall not be read as including a reference to a permit licence or other authority to drive a motor vehicle as a learner.”.

### **Granting of licences**

**6.** Section 10 of the Principal Ordinance is amended—

- (a) by omitting sub-sections (2) and (3) and substituting the following sub-section:

“(2) A licence shall not be granted to a person, and the licence of a person shall not be renewed, unless the person—

- (a) in the case of a licence to drive a motor lorry exceeding 2 tonnes in weight (not being an articulated vehicle or a motor lorry exceeding 2 tonnes in weight to which is coupled a trailer the tare of which exceeds 2 tonnes)—
  - (i) is at least 18 years of age; and
  - (ii) has held a licence to drive a motor vehicle (other than a motor cycle) for a period of, or periods totalling, at least 12 months;

- (b) in the case of a licence to drive an articulated vehicle or a motor lorry exceeding 2 tonnes in weight to which is coupled a trailer the tare of which exceeds 2 tonnes—
    - (i) is at least 19 years of age; and
    - (ii) has held a licence to drive a motor lorry exceeding 2 tonnes in weight for a period of, or periods totalling, at least 12 months;
  - (c) in the case of a licence to drive a motor car that is being used for the carriage of passengers for hire or reward—
    - (i) is at least 21 years of age; and
    - (ii) has held a licence to drive a motor vehicle (other than a motor cycle) for a period of, or periods totalling, at least 12 months; or
  - (d) in any other case—is at least 17 years of age.”;
- (b) by omitting from sub-section (4) “sub-sections (2) and (3) of this section” and substituting “sub-section (2)”;
  - (c) by omitting sub-section (7); and
  - (d) by adding at the end the following sub-section:

“(9) In sub-paragraphs (2) (a) (ii), (b) (ii) and (c) (ii), a reference to a licence to drive a motor vehicle of the kind referred to in the respective sub-paragraph shall be read as including a reference to a licence or other authority to drive such a motor vehicle issued under the law of a State or another Territory or of another country, but shall not be read as including a reference to a permit licence or other authority to drive a motor vehicle as a learner.”.

**Driver to be licensed, &c.**

**7. Section 176 of the Principal Ordinance is amended—**

- (a) by omitting paragraph (4) (a) and substituting the following paragraphs:
  - “(a) drive a motor lorry exceeding 2 tonnes in weight (not being an articulated vehicle or a motor lorry exceeding 2 tonnes in weight to which is coupled a trailer the tare of which exceeds 2 tonnes);

- (aa) drive an articulated vehicle or a motor lorry exceeding 2 tonnes in weight to which is coupled a trailer the tare of which exceeds 2 tonnes; or”;
- (b) by omitting from paragraph (4) (b) “the last preceding paragraph” and substituting “paragraph (a) or (aa)”;
- (c) by omitting paragraph (4) (c) and substituting the following paragraphs:
  - “(c) in the case of a motor vehicle referred to in paragraph (a)—the driver is at least 18 years of age and holds a licence to drive a motor vehicle other than a motor cycle;
  - (ca) in the case of a motor vehicle referred to in paragraph (aa)—the driver is at least 19 years of age and holds a licence to drive a motor lorry exceeding 2 tonnes in weight;”;
  - and
- (d) by adding at the end the following sub-section:

“(5) In paragraphs (4) (c) and (ca), a reference to a licence to drive a motor vehicle of the kind referred to in the respective sub-paragraph shall be read as including a reference to a licence or other authority to drive such a motor vehicle issued under a law of a State or another Territory or of another country, but shall not be read as including a reference to a permit licence or other authority to drive a motor vehicle as a learner.”.

### **Application**

8. The amendments effected by sections 5 and 6 apply in relation to the grant of a permit licence or a licence, or the renewal of a licence, the application for which is made on or after 1 January 1987.

---

### **NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 22 December 1986.
2. No. 45, 1936 as amended to date. For previous amendments *see* Note 2 to No. 3, 1986 and *see also* Nos. 3, 6, 34, 58, 74, 77, 78 and 81, 1986.