



AUSTRALIAN CAPITAL TERRITORY

## **Traffic (Amendment) Act 1992**

**No. 20 of 1992**

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### **An Act to amend the *Traffic Act 1937***

*[Notified in ACT Gazette S62: 2 June 1992]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

1. This Act may be cited as the *Traffic (Amendment) Act 1992*.

#### **Commencement**

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

#### **Principal Act**

3. In this Act, "Principal Act" means the *Traffic Act 1937*.<sup>1</sup>

**Interpretation**

4. Section 4 of the Principal Act is amended—

(a) by inserting the following definition:

“ ‘approved helmet’ means a protective helmet of a type—

(a) approved under section 6; or

(b) which complies with Australian Standard 2063.2;”;

(b) by omitting the definitions of “inspector”, “motor vehicle”, “officer”, “off-street parking area”, “pedestrian”, “pedestrian crossing”, “public street”, “road marking”, “the Registrar”, “traffic sign” and “wheelchair”; and

(c) by adding at the end the following subsection:

“(2) In this Act, a reference to an inspector, a motor vehicle, an officer, an off-street parking area, a pedestrian, a pedestrian crossing, a public street, a road marking, the Registrar, a traffic sign or a wheelchair shall be construed as having the same meaning that the word or phrase has in the *Motor Traffic Act 1936*.”.

**Insertion**

5. After section 5 of the Principal Act the following sections are inserted:

**Registrar’s approval**

“6. (1) The Registrar may, of his or her own motion, by notice in writing published in the *Gazette*, approve a type of protective helmet.

“(2) On receiving an application in writing from a manufacturer or importer of protective helmets, the Registrar may, by notice in writing published in the *Gazette*, approve a type of protective helmet manufactured or imported by the applicant.

**Notice of decision**

“6A. (1) Where the Registrar makes a decision refusing to approve a type of protective helmet under subsection 6 (2) he or she shall, within 28 days, give notice in writing of the decision to the applicant.

“(2) A notice under subsection (2) shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to which the notice relates; and
- (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 26 of that Act.

“(3) The validity of a decision under subsection 6 (2) shall not be taken to have been affected by a failure to comply with subsection (2).

#### **Review by Tribunal**

“6B. Application may be made to the Administrative Appeals Tribunal for a review of a decision under subsection 6A (1).

#### **Compulsory bicycle helmets**

“6C. (1) A person shall not, without reasonable excuse, ride a bicycle on a public street or in a public place unless he or she is wearing an approved helmet appropriately adjusted on the head.

“(2) A person riding a bicycle on a public street or in a public place shall not, without reasonable excuse, carry as a passenger a person who has not attained the age of 14 years unless that other person is wearing an approved helmet appropriately adjusted on the head.

“(3) A person who has attained the age of 14 years shall not, without reasonable excuse, travel as a passenger on a bicycle on a public street or in a public place unless he or she is wearing an approved helmet appropriately adjusted on the head.

“(4) Subsection (1) does not apply to a person who does not normally reside in Australia and who is in Australia principally to compete in a bicycle race, rally, test, trial or similar event.

**Traffic infringement notices**

“6D. (1) Where a police officer has reason to believe that—

- (a) a person has committed an offence under section 6C; and
- (b) the person is 18 years of age or over;

section 180A of the *Motor Traffic Act 1936* applies in relation to that offence as if it were a prescribed offence for the purposes of that section and as if the prescribed penalty within the meaning of that section in relation to that offence were \$35.”.

**Repeal**

- 6. The *Traffic (Amendment) Act 1987* is repealed.

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**NOTE**

- 1. Ordinance No. 32, 1937 as amended by No. 3, 1944; No. 2, 1955; No. 12, 1960; No. 9, 1964; No. 19, 1966; No. 39, 1974; No. 64, 1977; No. 65, 1977 (as amended by No. 46, 1978); No. 3, 1978; No. 9, 1981; No. 12, 1982; Nos. 2 and 43, 1984; No. 74, 1986; No. 19, 1987; No. 68, 1988; Nos. 21 and 38, 1989; Acts Nos. 22 and 23, 1989.

*[Presentation speech made in Assembly on 9 April 1992]*

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