

1990
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Finance and Urban Services)

**Motor Traffic (Amendment) Bill (No. 4)
1990**

A BILL

FOR

An Act to amend the *Motor Traffic Act 1936*

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

Short title

- 5 1. This Act may be cited as the *Motor Traffic (Amendment) Act
(No. 4) 1990*.

Commencement

- 10 2. (1) Sections 1, 2 and 3 commence on the day on which this Act
is notified in the *Gazette*.
(2) The remaining provisions of this Act commence at the expiration
of the period of 3 months commencing on the day referred to in
subsection (1).

Principal Act

3. In this Act, "Principal Act" means the *Motor Traffic Act 1936*.¹

Interpretation

4. Section 164A of the Principal Act is amended by omitting "has attained the age of 1 year but" from the definition of "child" in subsection (1).

Children and young persons in prescribed vehicles

5. Section 164D of the Principal Act is amended by inserting after subsection (3) the following subsections:

"(3A) Subject to this Part, if, at any time while a prescribed vehicle is being driven, or has its engine running, on a public street—

(a) a child who has not attained the age of 1 year is occupying a position in the vehicle; and

(b) the vehicle is not equipped with a child restraint suitable for use by that child;

the driver of the vehicle is guilty of an offence.

"(3B) Subsections (2), (3) and (3A) do not apply if a child who has not attained the age of 1 year is in a prescribed vehicle that—

(a) is the subject of a taxi licence or a private hire car licence;

(b) is not required to comply with the publication known as Australian Design Rule 34A, 2nd edition or Australian Design Rule 5/00, 3rd edition;

(c) is registered in a State or another Territory in which there is not in force a law that corresponds generally with the provisions of this Part; or

(d) is owned by the Commonwealth and the sequence of characters displayed on the number plate commences with 'C*'.
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"(3C) Nothing in subsection (2) shall be taken to require that a child who has not attained the age of 1 year be restrained by means of a seat belt."

Defences

6. Section 164E of the Principal Act is amended by omitting subsection (6) and substituting the following subsection:

"(6) Subsection (3) applies in relation to a prosecution for an offence against section 164D as if—

(a) in the case of an offence relating to a young person, a reference in subsection (3) to the defendant were a reference to the young person;

(b) in the case of an offence relating to a child—

(i) a reference in paragraph (3) (a) to the defendant were a reference to the child; and

(ii) paragraph (3) (d) were omitted; and
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- (c) in the case of an offence against subsection 164D (2), a reference in subsection (3) to a seat belt were a reference to a seat belt or child restraint.”.

Schedule 6

- 5 7. Schedule 6 to the Principal Act is amended by inserting in item 3—

“Sub-section 164D (3A)”

after—

“Sub-section 164D (3)”.

NOTE

1. Ordinance No. 45, 1936 as amended to date. For previous amendments see Note 1 to Act No. 4, 1990 and see also Acts Nos. 4, 14 and , 1990.