

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO.8) 1986

NO. 87, 1986

The Australian Transport Advisory Council, an advisory body comprising Federal, State and Territory Ministers who are responsible for transport, has recommended that a system of graduated drivers licences be implemented to ensure that drivers of large vehicles have appropriate driving experience. In the Territory it is proposed to implement this recommendation by using a combination of age and driving experience criteria for the granting of driving licences and permits so that:

- a driver licensed to drive a lorry exceeding 2 tonnes in weight must have held a licence to drive a motor vehicle (other than a motor cycle) for a period of, or periods totalling, twelve months or more and must be at least 18 years of age.
- a driver licensed to drive an articulated vehicle (a vehicle with a semi-trailer attached to it or a motor lorry exceeding two tonnes in weight to which is attached a trailer the tare of which exceeds two tonnes) must have held a licence to drive a motor lorry exceeding 2 tonnes in weight for a period of, or periods totalling, twelve months or more and must be at least 19 years of age.

At present the Registrar of Motor Vehicles may waive age and experience requirements if special circumstances exist. This discretion is retained by the amendments.

The Motor Traffic (Amendment) Ordinance (No.8) 1986 ("the Amending Ordinance") amends the Motor Traffic Ordinance 1936 ("the Principal Ordinance") to implement the Council's recommendation.

Details of the Amending Ordinance are set out below.

Section 1 deals with citation.

Section 2 provides that the Amending Ordinance shall come into operation on 1 January 1987.

Sections 3 and 4 deal with interpretation.

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Section 5 amends section 9 of the Principal Ordinance so that:

- a permit licence to drive a motor lorry exceeding 2 tonnes in weight (other than an articulated vehicle or the like) shall not be granted to a person unless the person is at least 18 years of age and 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.
- a permit licence to drive an articulated vehicle or a motor lorry exceeding 2 tonnes in weight to which is attached a trailer the tare of which exceeds 2 tonnes shall not be granted to a person unless the person is at least 19 years of age and has held a licence to drive a motor lorry exceeding two tonnes in weight for a period of, or periods totalling, at least 12 months.

The section also specifically empowers the Registrar to grant permit licences which specify a class of vehicle which the licensee may drive as a learner, makes other consequential amendments to section 9 and removes an obsolete reference to vehicles equipped to seat more than 7 adult passengers; these vehicles are now treated as private cars.

Section 6 amends section 10 of the Principal Ordinance so that:

- a licence to drive a motor lorry exceeding two tonnes in weight (other than an articulated vehicle or the like) shall not be granted or renewed unless the applicant is at least 18 years of age and 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.
- a licence to drive an articulated vehicle or motor lorry exceeding 2 tonnes in weight to which is attached a trailer the tare of which exceeds 2 tonnes shall not be granted or renewed unless the applicant is at least 19 years of age and has held a licence to drive a motor lorry exceeding two tonnes in weight for a period of, or periods totalling, at least 12 months.

The section also makes consequential amendments to section 10 and removes an obsolete reference to vehicles equipped to seat more than 7 adult passengers.

Section 7 makes consequential amendments to section 176 of the Principal Ordinance and removes an obsolete reference to vehicles equipped to seat more than 7 adult passengers.

Section 8 makes transitional provisions so that licences in force before 1 January 1987 will not be affected by the amendments made by sections 5 and 6 of the Amending Ordinance.

For example, at present a person who holds a licence to drive a motor lorry exceeding two tonnes in weight may also attach a trailer the tare of which exceeds two tonnes to the lorry. Sections 5 and 6 of the Amending Ordinance would, without this transitional provision, result in such a driver being unable to do this. One effect of section 7 is that such a driver will be able to do this until his or her licence expires.

Authorised by the Minister
of State for Territories