

AUSTRALIAN CAPITAL TERRITORY
MOTOR TRAFFIC (AMENDMENT) ORDINANCE 1985

EXPLANATORY STATEMENT

No. 2, 1985

The Motor Traffic (Amendment) Ordinance 1985 ("the amending Ordinance") amends the Motor Traffic Ordinance 1936 ("the principal Ordinance") to permit the provisions of the principal Ordinance relating to the consequences of licence cancellation or disqualification from holding a licence to apply in circumstances where a person's licence is cancelled, or where a person is disqualified from holding a licence, under any law of the Territory, as well as under the Motor Traffic Ordinance. The intent of the amendment is to apply the provisions of the Motor Traffic Ordinance where a person's licence is cancelled, or where the person is disqualified from holding a licence, for car theft. The amending Ordinance also remedies an anomaly in the Ordinance, which previously permitted the Court to cancel the licence of a person convicted of negligent driving but did not allow the cancellation of the licence of a person convicted of driving dangerously or recklessly; under the principal Ordinance, the Court was required to suspend the licence of a person convicted of driving dangerously or recklessly. Other provisions in the amending Ordinance increase penalties for dangerous driving offences and correct a drafting error in the numbering of an entry in a schedule to the Ordinance.

Details of the amending Ordinance are as follows -

Sections 1 and 2 deal with interpretation.

Section 3 amends section 13A of the principal Ordinance to permit persons whose licences are suspended (or who are disqualified from holding a licence), either under the Motor Traffic Ordinance 1936 or under any other law of the Territory, to apply for a special licence.

Section 4 increases the penalty for driving recklessly or in a dangerous manner from \$500 to \$2,000.

Section 5 increases the penalty for driving at a dangerous speed from \$500 to \$2,000.

Section 6 amends section 193 of the principal Ordinance by omitting the present sub-section (4) and substituting sub-sections to permit a Court to cancel instead of suspend a driving licence for dangerous driving offences, and to provide for repeat offenders to be treated in the same manner as first offenders if a period exceeding 5 years has elapsed since their most recent previous offence.

Section 7 amends section 193A of the principal Ordinance to permit the consequences of licence cancellation or disqualification from holding a licence to follow when licences are suspended or cancelled by the Court under other laws of the Territory, as well as under the Motor Traffic Ordinance 1936. The amendments were drafted to provide for application of the

Ordinance in situations where a person's driving licence will be cancelled for car theft.

Section 8 amends schedule 4 of the principal Ordinance, to rectify a drafting error in numbering resulting from a previous amendment to the Ordinance.

Ord. 55/84