

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO.4) 1985

No. 35 of 1985

The Motor Traffic (Amendment) Ordinance (No.4) 1985 ("the Ordinance") amends the Motor Traffic Ordinance 1936 ("the principal Ordinance") to abolish the present speed limit of 20 kph outside schools while scholars are entering or leaving, and to institute a system of school speed limit zones in the Territory. The Ordinance establishes the speed limit on roads in the vicinity of Territory schools at 40 kph between 8.00 am and 4.00 pm on school days.

Section 1 of the Ordinance deals with its citation.

Section 2 of the Ordinance provides that it shall come into operation on a date fixed by the Minister by notice in the Gazette.

Section 3 of the Ordinance repeals section 147 of the principal Ordinance, which provided for a 20 kph speed limit outside schools when scholars are entering or leaving, and substitutes a new section 147, which provides as follows:

- . Sub-section 147(1) prohibits a person from driving a motor vehicle at a speed in excess of 40 kph within a school zone, during a prescribed period;
- . Sub-section 147(2) provides a deeming provision to the effect that school zone signs and standard speed limit signs shall be taken to face in the same direction despite the fact that they may appear in different public streets which intersect in the vicinity of a school. The application of this deeming provision to the definition of "school zone" in sub-section 147(4) allows a school zone to operate around a curved street, or along the shortest practicable route:
 - (i) from one street to a second street intersecting with it; or
 - (ii) from one street to a second street via a third street which intersects with both the first street and the second street.

In each of these cases the first street would have a school zone sign erected at the beginning of that route, and the second street would have a standard speed limit sign erected at the end of that route;

- . Sub-section 147(3) provides that when a speed limit sign forming part of a school zone sign as defined in sub-section 147(4) is not displayed, or at times other than during a prescribed period, the normal speed limit applying to the streets surrounding a school zone also applies within the zone, as if there were no school zone; and

- . Sub-section 147(4) provides for the definition of certain terms used in the Ordinance as follows:
 - 'prescribed period' is defined as being between 8.00 am and 4.00 pm on a day on which any school in the vicinity of a school zone is open for the attendance of scholars;
 - 'school zone' is defined as that part of a public street or streets between a school zone sign and the first standard speed limit sign after the school zone sign which faces the same direction as the school zone sign (as presumed according to sub-section 147(2)) in the following situations:
 - (i) where both signs are in the same street, the school zone is the part of the street between the two signs;
 - (ii) where the school zone sign is in a street having a junction or intersection with the street with the standard speed limit sign, the school zone is that part of both streets lying on the shortest practicable route between the two signs; and
 - (iii) where the school zone sign is in a street having a junction or intersection with a second street which has a junction or intersection with the street with the standard speed limit sign, the school zone is that part of all three streets lying on the shortest practicable route between the two signs;
 - 'school zone sign' is defined as a three-part traffic sign as follows:
 - (i) a sign inscribed with the words "SCHOOL ZONE"; accompanied by
 - (ii) a speed limit sign (which will in practice indicate the 40 kph limit applying in the zone); and
 - (iii) a third sign indicating the hours of operation of the zone (which will in practice bear the words "Monday to Friday, 8.00 am to 4.00 pm"); and
 - 'standard speed limit sign' is defined as being any speed limit sign other than the speed limit sign contained in the 'school zone sign'.

Ord. No. 50/84