

AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC ORDINANCE (No. 4) 1971

EXPLANATORY MEMORANDUM

No. 39 of 1971

The object of this Ordinance is to implement the compulsory wearing of seat belts in the Australian Capital Territory, as recommended by the Australian Capital Territory Advisory Council.

An offence will be created for a person to be seated in the driving position equipped with a seat belt unless he is wearing the seat belt which is securely fastened around him and appropriately adjusted in circumstances where the motor vehicle is on a public street and is being driven forward or has its engine running.

Similarly, it will be an offence for a passenger in a motor vehicle to occupy a position which is equipped with a seat belt if the vehicle is being driven or has its engine running, on a public street, unless the seat belt is securely fastened around him and appropriately adjusted.

A maximum penalty of \$20 will be provided for the offence of not wearing a seat belt.

The following persons will be exempted from wearing seat belts –

- (i) a child who has not attained the age of 14 years;
- (ii) a passenger who has attained the age of 71 years;
- (iii) a person who has obtained from a medical practitioner a certificate that it would be undesirable for that person to wear a seat belt on medical grounds or by reason of the physical characteristics of that person;
- (iv) a driver who has obtained a certificate from the Registrar of Motor Vehicles that it would be impracticable for that person to wear seat belts by reason of his physical characteristics;
- (v) a person has obtained a certificate of exemption under the laws of another State or Territory.

A defence to a prosecution will also lie in the following circumstances –

- if at the time of the alleged offence the vehicle was stationary and its engine was running for a purpose other than the purpose of putting the vehicle in motion;

- where a motor vehicle is used in the course of a person's work where the work requires him to alight from and re-enter the vehicle frequently and he does not drive the vehicle in the course of that work at a speed in excess of 15 m.p.h.;
- if the failure to wear a seat belt was not unreasonable in the circumstances.

This legislation has been referred to and cleared with the Australian Capital Territory Advisory Council and the Law Society of the Australian Capital Territory.

R. J. H.

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Minister's Initials