

AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC ORDINANCE (No. 2) 1962

EXPLANATORY MEMORANDUM

No. 17 of 1962

Sub-section (3) of section 56A of the Motor Traffic Ordinance 1936-1962 provides that where a public street consists of two carriageways each of which has been sign posted as a one-way traffic street, each of those carriageways is a separate one-way traffic public street for the purposes of the Ordinance. This provision has the effect of giving traffic turning right, right of way over through traffic proceeding along a one-way traffic street from the opposite direction. This is in contrast to the provisions in section 56H (3) which prescribes that on a two-way public street a turning vehicle shall give way to traffic proceedings from the opposite direction.

This particular rule of the road only applies in the Australian Capital Territory and differs from the rules that apply in all States on dual carriageways. There is evidence to indicate that the rule has confused visiting motorists and has led to numerous accidents involving local and local and visiting motorists.

The new section 56A proposed to be substituted for the current section, makes provision only for one-way traffic carriageways. Sub-section (2) of the current section will be repealed and an amended definition of “one-way traffic carriageway” will be placed in section 4 (definitions) and sub-section (3) will be repealed. The object of the repeal of sub-section (3) is to remove the declaration in the Ordinance that the separate one-way carriageways of a public street are separate public streets.

Further provision has been included to make clear that separate carriageways of a divided public street comprise the one public street. It appears that it would be open for a Court to hold that two one-way carriageways separated by a median are in fact separate public streets. A specific declaration will be provided in the new section

56JA to the effect that the two one-way carriageways and connecting passages, comprise the one public street.

Paragraph (b) of section 5 of the draft Ordinance extends the provisions of section 56H (right hand turns), to vehicles making a U-turn from one carriageway into another. Such vehicles will also be required to give way to traffic approaching from the opposite direction.

Section 56J will be amended to clarify the obligation upon a motorist to give way to the right. The amendment will except from the rule to give way to the right a motorist who encounters on his right a vehicle approaching an intersection at which a “Give Way” sign has been erected.

Section 56K imposes an obligation upon a motorist approaching a “Give Way” sign at or near an intersection. The section will be amended to remove any doubt that may exist in relation to the erection of “Give Way” sign within an intersection.

GORDON FREETH