

AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC ORDINANCE 1959

EXPLANATORY MEMORANDUM

No. 7 of 1959

Section 94 of the Motor Traffic Ordinance 1936-1958 provided that the regulations may prescribe maximum speed limits and that no person shall drive a motor vehicle at a speed in excess of the maximum speed applicable under the regulations.

The Stipendiary Magistrate recently gave a decision the effect of which has been that in order to prove that the speed limit of 30 m.p.h. had been exceeded in the City Area, it was necessary to call a surveyor to prove that the place at which the offence was alleged to have been committed was, in fact, in the City Area. It has been possible to do this in all cases, but the procedure has proved to be cumbersome and has added to costs, so that it has reacted to the detriment of both the prosecution and the defence.

This amendment seeks to remedy the position by providing that, in any prosecution for a speeding offence, an averment of the informant that a public street or a specified part of a public street is in an area within which the alleged act is an offence is evidence of the matter averred.

Because of the inclusion of this averment provision, the whole of the speeding provisions have been included in section 94 instead of in that section and in the regulations as previously. Regulation 34 of the Motor Traffic Regulation, which previously prescribed the actual speed limits is to be repealed.

This Ordinance does not otherwise amend the substantive law as regards speeding, except in relation to the Village of Hall, within which a speed limit of 30 m.p.h. is imposed, with lower speeds for heavy vehicles. This restriction has become necessary because of the relatively high speed traffic on the Barton Highway passing through Hall. The speeds in this area are the same as those applicable in the City Area.