

AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC ORDINANCE 1955

EXPLANATORY MEMORANDUM

No. 1 of 1955

This amending Ordinance deals with the following matters:—

- (1) Permit licences for learners are to be issued for a period of two months instead of one month as at present, and “L” plates are to be carried while a learner is driving.
- (2) Permit licences will be issued to persons to learn to ride a motor cycle. There is no provision for these in the Ordinance at present.
- (3) Section 9 is being amended to facilitate the issue of licences in the following classes —

Class A — to drive a private motor car or a lorry the weight of which does not exceed two tons or a tractor

Class B — to drive a private or public hire care, private motor car, a motor lorry the weight of which does not exceed two tons or a tractor

Class C — to drive a lorry of any weight, a private motor car or a tractor

Class D — to drive a motor omnibus or any class of motor vehicle including miscellaneous vehicles except a private or public hire car.

Class E — to ride a motor cycle.

Class A and E licences will be issued to persons seventeen years of age and over, others to persons twenty-one years of age and over. Class B, C, and D licences will be issued only to persons who have held a Class A licence for 12 months. Before a licence of any class is issued, the applicant will be required to pass a practical driving test on a vehicle of the class to which the licence relates.

This procedure is recommended by the Australian Road Traffic Code Committee and is the current practice in New South Wales.

- (4) If an unregistered vehicle is involved in an accident, it is sometimes difficult to prove the negative proposition that a third party policy is

not in force. Section 41C is being amended to make an averment in the information that a policy is not in force evidence of that fact. The defendant can easily prove the contrary by producing the policy, if there is one.

- (5) Section 54 is being amended to grant full recognition to interstate licences of visitors.
- (6) The rules of the road are being amended –
 - (i) to eliminate the “patting the dog” signal for slowing down and retain only two signals, arm straight out for a right hand turn, divergence to the right, or drawing out from the kerb, and hand up for stop or slow down;
 - (ii) to put the onus on a person drawing out from the kerb not to do so until the way is clear;
 - (iii) to introduce the “short” right hand turn;
 - (iv) to require way to be given to the man on the right in all circumstances and for this purpose to deem double roads (such as Northbourne Avenue or Commonwealth Avenue) to be two one way traffic roads.
- (7) To make provision for pedestrian crossings, and to provide that the pedestrian has right of way thereon.
- (8) To provide that signalling devices shall be approved by the Registrar.
- (9) To introduce a new offence of driving without due care, carrying a small penalty. This is to cover lapses which are not considered to warrant prosecution for negligent driving or some other more serious offence.
- (10) The holder of a Class A licence who wishes to learn to drive a vehicle in one of the other classes may do so without taking out a permit licence, provided all other conditions are complied with i.e. in such cases the Class A licence is, in effect, a permit to learn to drive the other class of vehicle. Sub-section (4) of proposed section 68 is to give effect to this.
- (11) Lights are required to be dipped when approaching another vehicle.
- (12) The provision requiring an independent tail light switch outside the vehicle (which has not been enforced) is being amended to prohibit having a tail light which can be switched off from within the vehicle without also switching off the headlights.
- (13) With regard to pillion riding provision is made

- (i) for adequate equipment,
 - (ii) for proper seating of the pillion passenger,
 - (iii) that the rider must have held licence, for more than twelve months, and
 - (iv) that the rider's licence should be endorsed to the effect that he is entitled to carry a pillion passenger.
- (14) Endorsements of convictions on licences are to be for the period specified by the Court and not until the Minister orders their removal, as at present. Under this amendment the court can order the removal of any endorsement at present shown on a licence.
- (15) For convenience of administration and proof, the weight of a vehicle for the purpose of registration is to be deemed its weight for all purposes unless it can be proved that its weight is different.
- (16) The power to make regulations with regard to speed is being amended to make it clear that it permits different maximum speeds to be prescribed for classes of vehicles and in different circumstances,
- (17) Police on duty are to be exempted from complying with the provisions of the Ordinance.