

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 32 of 1937.

AN ORDINANCE

Relating to the Regulation of Traffic.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Traffic Ordinance 1937*. Short title.

2. The *Traffic Ordinance 1912*, the *Traffic Ordinance (No. 2) 1912*, the *Traffic Ordinance 1923* and the *Traffic Ordinance 1935* are repealed. Repeal.

3. This Ordinance is divided into Parts, as follows:—

Parts.

Part I.—Preliminary.

Part II.—General Provisions as to Traffic.

Part III.—Rules of the Road.

Part IV.—Lights.

Part V.—Miscellaneous.

4. In this Ordinance, unless the contrary intention appears— Definitions.

“agricultural machine” means any machine (other than a tractor) used for cultivating land or sowing or harvesting crops;

“animal” means any horse, cattle or sheep;

“bicycle” includes triecyle and any contrivance of a similar nature;

“driver” means any person driving a vehicle and includes any person riding a bicycle, and “drive” includes “ride”;

“footpath” means any place upon a public street set apart or made for the use of foot passengers and, where the footpath is not clearly defined, includes the portion of the public street on the left of the carriage-way of the public street;

“inspector” means an inspector appointed in pursuance of the *Motor Traffic Ordinance 1936*;

“motor vehicle” means a motor vehicle within the meaning of the *Motor Traffic Ordinance* 1936;

“officer” means an officer appointed in pursuance of the *Motor Traffic Ordinance* 1936;

“public street” means any street, road, lane, thoroughfare, footpath, or place open to, or used by, the public, and includes any street, road, lane, thoroughfare, footpath, or place open to, or used by, the public, within that part of the village to the south of Captain’s Point at Jervis Bay in which the Royal Australian Naval College was situated;

“the Registrar” means the Registrar of Motor Vehicles; and

“vehicle” means any vehicle drawn by an animal.

PART II.—GENERAL PROVISIONS AS TO TRAFFIC.

Careless driving
or riding.

5. Any person who walks upon a public street, or drives or rides any vehicle, bicycle or animal upon a public street, without due care or attention or without reasonable consideration for other persons using the street shall be guilty of an offence.

Dangerous
driving or
riding.

6.—(1.) Any person who, upon a public street, drives or rides any vehicle, bicycle or animal negligently or recklessly or at a speed or in a manner dangerous to the public shall be guilty of an offence.

(2.) In considering whether an offence has been committed under this section, the Court shall have regard to all the circumstances of the case, including the nature, condition and use of the public street upon which the offence is alleged to have been committed, and the amount of traffic which was, or might reasonably have been expected to have been, upon that public street at the time.

Driver
intoxicated.

7.—(1.) Any person who, upon a public street, drives or rides any vehicle, bicycle or animal or is in charge of any such vehicle or animal while he is under the influence of intoxicating liquor shall be guilty of an offence.

(2.) Any person who is arrested for an offence under this section shall be entitled, upon request made by him or on his behalf, to be examined by a registered medical practitioner, and, where any such request is made, the person making the arrest shall afford all reasonable facilities for the holding of the examination.

Vehicles, &c.,
not to be
driven or ridden
on footpaths.

8. Any person who, without lawful authority (proof whereof shall lie upon him), drives or rides any vehicle or bicycle or drives, rides or leads any animal on or along any footpath, except over that portion of the footpath forming part of the entrance-drive leading from the carriage-way of a public street into any premises, shall be guilty of an offence:

Provided that, in the event of the carriage-way of a public street being impassable for any reason, a bicycle may be wheeled along the footpath except where the traffic of passengers on the footpath is likely to be obstructed by the passage of the bicycle.

9. Any person who, upon a public street, rides a bicycle which has not affixed thereto on some convenient part—

(a) an efficient brake; and

(b) a bell or other efficient appliance for giving warning of its approach,

shall be guilty of an offence.

Bicycles to be fitted with brakes, bells, &c.

10. Any person who, upon a public street, rides a bicycle—

(a) without having at least one hand upon the handle-bar in such a position as to have adequate control of the steering of the bicycle; or

(b) without having his feet on the pedals thereof,

shall be guilty of an offence.

Control of bicycles.

11. If, upon a public street, more than one person is carried on a bicycle which is not constructed or adapted for the carriage of more than one person, each of those persons shall be guilty of an offence.

Carriage of more than one person on a bicycle.

12. The driver of any vehicle (including a motor vehicle) who knowingly permits any person riding a bicycle to attach himself to the vehicle while it is in motion on any public street, shall be guilty of an offence.

Permitting cyclists to attach themselves to vehicles.

13. Any person riding a bicycle who, upon any public street, attaches himself to any vehicle (including a motor vehicle) or to any other bicycle whilst the vehicle or the other bicycle is in motion shall be guilty of an offence.

Persons riding bicycles not to attach themselves to other vehicles.

14. Any person riding a bicycle who travels upon any public street for more than three hundred yards behind any motor vehicle and within six feet from that vehicle shall be guilty of an offence.

Bicycles not to pace behind motor vehicles.

15.—(1.) Subject to the next succeeding section, if two or more vehicles are driven abreast of each other in the same direction upon any public street, the driver of each of those vehicles shall be guilty of an offence:

Driving or riding abreast.

Provided that this sub-section shall not apply in any case—

(a) where two bicycles and no more are ridden abreast; or

(b) where a vehicle is driven abreast of another vehicle for the purpose of passing that other vehicle.

(2.) A vehicle shall be deemed to be abreast of another vehicle if any part of the vehicle is by the side of any part of that other vehicle.

(3.) For the purposes of this section, "vehicle" includes motor vehicle and bicycle.

Bicycle races
and trials.

16.—(1.) Where application is made to the Registrar by any person for permission for more than two bicycles to be ridden abreast upon any public street for the purpose of any bicycle races or trials and the applicant gives notice of his application by advertisement in a local newspaper at least two clear days before the day in respect of which the permit is desired, and the Registrar is satisfied that permission can be granted without danger to the public, the Registrar may, subject to any directions of the Minister, issue a permit exempting the persons taking part in the races or trials from the provisions of this Ordinance or the Regulations in relation to riding abreast, rules of the road and speed limits during those races or trials.

(2.) The Registrar shall in any such permit specify the time and place at which the races or trials are to be conducted and may also state any conditions to be observed in relation to the races or trials.

(3.) An application for a permit under this section shall be accompanied by a fee of One shilling.

Three or more
horses not to
be ridden
abreast.

17.—(1.) If three or more horses are ridden abreast upon a public street, the rider of each horse shall be guilty of an offence:

Provided that this section shall not apply where the horses are ridden by members of the Police Force on duty or by members of the Defence Force of the Commonwealth whilst wearing a uniform of that Force.

(2.) A horse shall be deemed to be abreast of another horse if any part of that horse is by the side of any part of the other horse.

Width of
vehicles.

18.—(1.) Subject to the next succeeding sub-section, any person who, upon a public street, drives, or causes or permits to be driven, any vehicle, the total width of which and the load thereon exceeds eight feet in width, shall be guilty of an offence.

(2.) In any case where the Registrar is satisfied that it is reasonable to permit any vehicle to be driven upon any public street, although the width of that vehicle or any part of the load thereon exceeds eight feet, he may, upon application therefor by any person and upon payment of a fee of One shilling, grant to the applicant a permit for the vehicle to be driven upon such public streets during such times or in such circumstances as the Registrar specifies in the permit.

Projecting
loads.

19. Any person who drives, or causes or permits to be driven, upon any public street, any vehicle—

(a) upon which the load is not safely and securely fastened;
or

(b) loaded with timber which is not so fastened as to prevent flapping or swaying; or

(c) having thereon a load extending beyond or overhanging any portion of the vehicle which is not so loaded that the load is parallel to the sides of the vehicle, shall be guilty of an offence.

20. The driver of any vehicle drawn by an animal shall not, while the vehicle is upon any public street— Control of vehicles drawn by animals.

(a) ride upon the vehicle unless—

(i) the animal is capable of being driven with reins and proper reins are attached to the animal; or

(ii) the animal is led by some other person;

(b) be at such a distance from, or in such a situation with respect to, the vehicle when it is in motion that he cannot properly guide and control the animal;

(c) be away from the vehicle unless one of the wheels is securely fastened by a chain or strap so as to effectually prevent the rotation thereof;

(d) ride upon the shafts of the vehicle; or

(e) act as driver of or be in sole charge of any other vehicle except where there is only one such other vehicle drawn by an animal and that animal is guided by a rein attached to its bit and the rein is held by the driver.

21. Any person who, upon a public street—

Traffic not to be obstructed.

(a) negligently or wilfully obstructs, hinders or prevents the free passage of any person, vehicle (including a motor vehicle), bicycle or animal;

(b) wilfully stops any vehicle, bicycle or animal he is riding or driving—

(i) between the footpath and the near side of any vehicle (including a motor vehicle) stopped for the purpose of taking up or setting down passengers or goods;

(ii) opposite to the entrance of any other public street or across any passage, thoroughfare or foot crossing; or

(iii) upon the intersection of that public street and any other public street;

(c) leaves the vehicle, bicycle or animal unattended in such a position as to obstruct traffic or unreasonably cause inconvenience to any person; or

(d) races the vehicle, bicycle or animal with any other vehicle (including a motor vehicle), bicycle or animal,

shall be guilty of an offence.

Animals in the vicinity of saleyards.

22. Any person who, in any public street in the vicinity of any sale-yards, inconveniences passers-by or obstructs traffic by causing or permitting any animals—

(a) to assemble and remain standing, or

(b) to be drafted into separate mobs or flocks,

shall be guilty of an offence.

Processions and parades.

23.—(1.) Any person who, without the written permission of the Minister, organizes a procession or parade of any kind upon a public street shall be guilty of an offence.

(2.) Any person who joins or takes part in any procession or parade for which the permission of the Minister has not been obtained shall, if the procession or parade causes any obstruction to traffic upon a public street, be guilty of an offence.

Speed of vehicles, &c., passing schools, &c.

24. Any person who, upon a public street, drives or rides a vehicle or bicycle—

(a) at a greater speed than ten miles per hour—

(i) while passing any school at a time when children are coming out; or

(ii) while he has not a clear view of the traffic in the direction in which he is travelling; or

(b) past any motor omnibus, for the time being stopped for the purpose of taking up or setting down passengers, to the danger of those passengers,

shall be guilty of an offence.

PART III.—RULES OF THE ROAD.

General rules of the road.

25. Every person driving or riding any vehicle, bicycle or animal upon a public street shall—

(a) keep the vehicle, bicycle or animal as near as practicable to the footpath on his left side:

Provided that, when the vehicle, bicycle or animal is proceeding at a rate faster than six miles an hour, the vehicle, bicycle or animal may be driven or ridden at a reasonable distance from the footpath;

(b) when meeting another vehicle (including a motor vehicle), bicycle or animal, pass with it on his right side;

(c) when overtaking another vehicle (including a motor vehicle), bicycle or animal, pass with it on his left side, and shall not cross over to the left side of the public street until his vehicle, bicycle or animal is clear of the vehicle, bicycle or animal which he has passed;

(d) before stopping—

- (i) indicate his intention to do so by raising his right hand with his fingers extended and pointing upwards in such a manner that his right hand shall be clearly visible to any person immediately following; and
- (ii) bring the vehicle, bicycle or animal close to the footpath on his left side and parallel thereto;

(e) before turning to his right, extend his right arm with hand and fingers pointing horizontally in the direction in which he intends to turn and in such a manner as to be visible to any person immediately following and, in addition, before turning to the right from one public street into another, drive or ride parallel to the footpath on the left side of the public street he is leaving until he is as near as practicable to the footpath on the left side of the public street he is entering:

Provided that, when a traffic dome is placed on any intersection, the person driving or riding shall keep to the left or near side of such dome;

- (f) whenever necessary, give to any person walking, driving or riding upon a public street sufficient warning of the approach of the bicycle by using the bell or other efficient appliance for giving warning of its approach;
- (g) exercise due care, by slowing down, or, if necessary, by stopping the vehicle, bicycle or animal so as not to splash mud upon any person—
 - (i) in or upon or entering or leaving a stationary vehicle (including a motor vehicle); or
 - (ii) waiting at the stopping place of a motor omnibus; and
- (h) at the request of, or signal by, any person leading, driving, riding or in charge of a restive animal, stop his vehicle, bicycle or animal as near as practicable to the footpath and parallel thereto, and remain stationary as long as is reasonably necessary.

26.—(1.) A person driving a vehicle when approaching any intersection or junction of two or more public streets at which the traffic is not controlled by a member of the Police Force or an officer, and to which any other vehicle (including a motor vehicle) is approaching so that if both vehicles continued on their course there would be a possibility of a collision, shall, if the other vehicle is approaching from his right, give way to the other vehicle and allow it to pass him, and

Right-of-way at intersections.

if necessary for that purpose, stop his vehicle, and shall not increase the speed of his vehicle when approaching any such intersection or junction under these circumstances.

(2.) This section shall apply also in cases where two bicycles or a bicycle and a vehicle (including a motor vehicle) or two animals, or an animal and a vehicle (including a motor vehicle) or bicycle are approaching an intersection or junction in the circumstances mentioned in the last preceding sub-section and "vehicle" shall, for the purposes of this section, be deemed to include a bicycle and an animal.

Traffic signs.

27.—(1.) The Minister or any person thereto authorized by him may cause notices, signs or devices to be exhibited in or near any public street for the purpose of regulating the movement of traffic or indicating the route to be followed by traffic in the street, or for the purpose of excluding persons, vehicles (including motor vehicles), bicycles or animals from any public street during any public procession or public function or ceremony or in the event of any public street being impassable or unsafe for traffic.

(2.) Any person driving or riding or in charge of any vehicle (including a motor vehicle), bicycle or animal or walking on any public street who, unless otherwise directed by a member of the Police Force or an officer, fails to conform to the indication given by any such notice, sign, or device shall be guilty of an offence.

Traffic
directions given
by members of
Police Force,
&c.

28.—(1.) For the purpose of regulating the traffic in public streets and preventing any obstruction thereof, any member of the Police Force or any person thereto authorized in writing by the Minister or otherwise lawfully authorized may—

- (a) by holding up his hand or giving any other appropriate signal, or in any other manner, order or direct any person to stop so long, or proceed in such a manner and direction, as that member or authorized person deems fit;
- (b) by holding up his hand or giving any other appropriate signal or in any other manner, order or direct any person in charge of a vehicle (including a motor vehicle), bicycle or animal to stop the vehicle, bicycle or animal so long, or to drive or ride or otherwise take the vehicle, bicycle or animal in such a manner and direction, as that member or authorized person deems fit;
- (c) order or direct any person to leave any public street, from which the person is excluded in pursuance of the last preceding section and expel any person from the street, who when so ordered or directed does not leave the street; or

- (d) direct any person in charge of a vehicle (including a motor vehicle), bicycle or animal to remove the vehicle, bicycle or animal from any portion of any public street.

(2.) Any person who refuses or fails to comply with any direction or order given in pursuance of the last preceding subsection shall be guilty of an offence.

PART IV.—LIGHTS.

29. A person shall not drive upon any public street, or cause Lights on vehicles. or permit to be upon any public street, at any time between sunset and sunrise, any vehicle which has not a lighted lamp attached thereto on the off side of the front thereof in such a manner and position as to show —

- (a) a bright white light clearly visible to any person approaching the vehicle from the front; and
- (b) a red light clearly visible to any person approaching the vehicle from the rear:

Provided that it shall not be necessary for the lighted lamp to be attached to the vehicle if the vehicle is stationary and under or near a lighted public street lamp or other outside lamp so illuminating the street as to render the vehicle clearly visible and remove any risk of accident by collision or otherwise.

30. A person shall not ride upon any public street or cause Lights on bicycles. or permit to be upon any public street at any time between sunset and sunrise any bicycle which has not—

- (a) a lighted lamp attached thereto in such a manner and position as to show a bright white light clearly visible to any person approaching the bicycle from the front; and
- (b) a lighted lamp attached thereto in such a manner and position as to show a bright red light clearly visible to any person approaching the bicycle from the rear, or a red reflector attached thereto in such a manner or position as to reflect the lights of a vehicle approaching the bicycle from the rear.

31. Whenever the load on any vehicle which is being driven or is standing upon any public street at any time between sunset and sunrise projects more than three feet behind the body of the vehicle, a lighted lamp shall be kept attached to the rear of the vehicle in such a manner and position as to show a red light clearly visible to any person approaching the vehicle from the rear or passing the vehicle from the front. Lights on projecting loads.

PART V.—MISCELLANEOUS.

Driver to stop
in case of
accident.

32.—(1.) Where injury or damage is caused to any person, or to any vehicle (including a motor vehicle), bicycle or animal in the charge of any person, by reason of an accident in which another vehicle, bicycle or animal is concerned, the driver or rider of the lastmentioned vehicle, bicycle or animal shall—

(a) stop his vehicle, bicycle or animal for a time sufficient to allow of any necessary inquiries to be made by or on behalf of that person;

(b) if so required by—

(i) the person who is injured or whose vehicle, bicycle or animal is injured or damaged;

(ii) a member of the Police Force, or an inspector or officer; or

(iii) any person who witnessed the accident and is acting or purports to be acting on behalf of any injured person,

state his name and place of abode, and also the name and place of abode of the owner of the vehicle, bicycle or animal; and

(c) report the accident and, at the same time, state his name and place of abode, to a member of the Police Force within twenty-four hours after the occurrence of the accident.

(2.) For the purposes of this section, “animal” means any horse, cattle, sheep, pig or dog.

Driver to stop
vehicle, &c.,
when required
by an inspector
or a member of
Police Force.

33. Any person driving or riding any vehicle, bicycle or animal who, when called upon to do so by a member of the Police Force or by an inspector or officer, in the execution of his duty under this Ordinance, fails to stop the vehicle, bicycle or animal, shall be guilty of an offence.

Name and place
of abode to be
stated.

34. Any person who, when required by a member of the Police Force or by an inspector or officer, in the execution of his duty under this Ordinance, to state his name or place of abode, refuses to do so or states a false name or place of abode, shall be guilty of an offence.

Driver or owner
of vehicle, &c.,
to furnish
information
when required.

35.—(1.) Where any offence is alleged to have been committed against this Ordinance in respect of any vehicle, bicycle or animal, any member of the Police Force or any inspector or officer may require the owner or driver or any agent or employee of the owner of the vehicle, bicycle or animal, or any passenger in the vehicle, to give any information which it is in his power to give and which

may lead to the identification of the person who was driving or riding the vehicle, bicycle or animal when the offence is alleged to have been committed.

(2.) Any person who, upon being so required, refuses or fails to give any such information shall be guilty of an offence.

36. Any member of the Police Force may arrest without warrant any person who, in his view, commits an offence against section twenty-seven or twenty-eight of this Ordinance or who commits or is reasonably suspected of committing an offence against section thirty-four of this Ordinance and may keep that person in custody until that person can be admitted to bail or taken before a Court to be dealt with according to law.

Power to arrest without warrant.

37.—(1.) An information or complaint for an offence against or a contravention of any provision of this Ordinance may be laid or made by any person.

Laying of information.

(2.) If any such information or complaint is laid or made by any person other than the Registrar or an inspector or officer thereto authorized by the Minister or a member of the Police Force, and the proceedings are dismissed or withdrawn, the Court may, if it thinks fit, order that person to pay to the defendant, in addition to any costs, such compensation as it thinks reasonable.

38. A person shall not be liable to be convicted of an offence against or a contravention of a provision of this Ordinance if he proves, to the satisfaction of the Court hearing the case, that the offence or contravention could not have been avoided by any reasonable efforts on his part.

Offence due to accident.

39. Nothing in this Ordinance shall affect any liability of any person by virtue of any other law in force in the Territory.

Liability at common law and by statute.

40. Any person who commits an offence against, or contravenes any provision of, this Ordinance, may be prosecuted summarily before any Court of competent jurisdiction, and that Court may, in respect of any such offence or contravention for which no other penalty is expressly provided, impose a penalty not exceeding Twenty pounds.

Penalties for offences.

41. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular may make regulations providing for and in relation to—

Regulations.

- (a) the limit of speed at which any vehicle or bicycle or class of vehicle may travel in any public street, or any part of a public street, specified in the regulations;

- (b) the parking or ranking of vehicles and bicycles;
- (c) parking places and the like; and
- (d) the imposition of penalties not exceeding Ten pounds which may be imposed for breaches of the regulations.

Dated this twenty-first day of December, 1937.

GOWRIE

Governor-General.

By His Excellency's Command,

J. McEWEN

Minister of State for the Interior.