

MOTOR TRAFFIC (NO. 2)

No. 29 of 1969

An Ordinance to amend the *Motor Traffic Ordinance* 1936-1968, as amended by the *Motor Traffic Ordinance* 1969.

1.—(1.) This Ordinance may be cited as the *Motor Traffic Ordinance* (No. 2) 1969.* Short title
and citation.

(2.) Section 1 of the *Motor Traffic Ordinance* 1969† is amended by omitting sub-section (3.).

(3.) The *Motor Traffic Ordinance* 1936-1968,‡ as amended by the *Motor Traffic Ordinance* 1969 and this Ordinance, may be cited as the *Motor Traffic Ordinance* 1936-1969.

2. After section 7 of the *Motor Traffic Ordinance* 1936-1968, as amended by the *Motor Traffic Ordinance* 1969, the following section is inserted:—

“7A.—(1.) In this section, unless the contrary intention appears— Compliance
with design
rules.
‘design rule’ means a design rule issued by the Department of Shipping and Transport and endorsed by the Australian Transport Advisory Council, being such a rule as in force on the first day of January, One thousand nine hundred and seventy;

‘passenger car’ means a motor vehicle for use wholly or principally for the carriage of persons, but does not include a motor omnibus or a motor cycle;

‘passenger car derivative’ means a motor vehicle—

(a) that is of a kind known as a station wagon, panel van or utility or is any similar kind of motor vehicle; and

(b) the front part of the body, and the mechanical equipment, of which are substantially the same as in passenger cars manufactured by the manufacturer of the vehicle.

“(2.) For the purposes of this section, a vehicle shall be deemed to have been manufactured on or after the first day of January, One thousand nine hundred and seventy, if any process in the manufacture of the vehicle is carried out on or after that date.

* Made on 28 December 1969; notified in the *Commonwealth Gazette* and commenced on 31 December 1969.

† Ordinance No. 27, 1969.

‡ Ordinance No. 45, 1936, as amended by Nos. 25 and 41, 1938; No. 16, 1941; No. 14, 1942; Nos. 2 and 13, 1943; No. 3, 1945; Nos. 6 and 13, 1947; No. 7, 1950; No. 17, 1951; Nos. 1 and 7, 1955; No. 6, 1956; No. 19, 1957; Nos. 10 and 15, 1958; Nos. 7 and 21, 1959; No. 11, 1960; Nos. 16 and 17, 1962; No. 21, 1963; No. 8, 1964; Nos. 9 and 13, 1965; No. 19, 1966; No. 2, 1968; and No. 27, 1969.

“ (3.) For the purposes of this section, a vehicle shall be deemed to be a vehicle exceeding ten thousand pounds gross vehicle weight if the weight of the vehicle together with the weight of the maximum load that it is designed to carry exceeds ten thousand pounds.

“ (4.) Where a design rule refers to any other instrument, that instrument shall be deemed to be incorporated with and form part of the design rule.

“ (5.) Without limiting the generality of the last preceding section, the Registrar may refuse to register, or to renew the registration of, a motor vehicle manufactured on or after the first day of January, One thousand nine hundred and seventy, not being a motor cycle or a vehicle exceeding ten thousand pounds gross vehicle weight, unless—

- (a) the seating provided for the driver of the vehicle is equipped with a seat belt and, where seating is provided for a passenger or passengers in the vehicle abreast of the seating provided for the driver of the vehicle, the seating so provided for the passenger or passengers is equipped with at least one seat belt; and
- (b) each seat belt with which the vehicle is so equipped complies with the requirements of the design rule known as ‘ Australian Design Rule No. 4—Seat Belts ’ and is securely attached to seat belt anchorage points which, in the case of a vehicle that is a passenger car or a passenger car derivative, comply with the requirement of the design rule known as ‘ Australian Design Rule No. 5A—Seat Belt Anchorage Points ’.

“ (6.) Without limiting the generality of the last preceding section, the Registrar may refuse to register, or to renew the registration of, a motor vehicle manufactured on or after the first day of January, One thousand nine hundred and seventy, being a vehicle equipped with a hydraulic braking system, unless each hydraulic hose in the system complies with the design rule known as ‘ Australian Design Rule No. 7—Hydraulic Brake Hoses ’.

“ (7.) The Minister may, by instrument in writing, exempt any vehicle, or vehicles included in a class of vehicles, in whole or in part, from the application of this section, and a copy of any such exemption shall be published in the *Gazette* as soon as practicable after it has been granted.

“ (8.) The Registrar shall cause to be kept at each place at which, in pursuance of section seventeen of this Ordinance, he ordinarily directs motor vehicles to be produced for examination or inspection by an inspector a copy of each design rule referred to in sub-sections (5.) and (6.) of this section (including a copy of any instrument that, under sub-section (4.) of this section, forms part of that rule) and shall, at the request of any person, make that copy (including a copy of any such instrument) available for inspection by that person at that place at any reasonable time specified by that person.

“(9.) A certificate in writing under the hand of the Minister that a document to which the certificate is annexed is—

- (a) a copy of the design rule known as ‘Australian Design Rule No. 4—Seat Belts’;
 - (b) a copy of the design rule known as ‘Australian Design Rule No. 5A—Seat Belt Anchorage Points’;
 - (c) a copy of the design rule known as ‘Australian Design Rule No. 7—Hydraulic Brake Hoses’; or
 - (d) a copy of an instrument referred to in a design rule,
- is evidence that the document is such a copy.”.