

No. 17 of 1971

AN ORDINANCE

To amend the *Motor Traffic Ordinance 1936-1970*, as amended by the *Motor Traffic Ordinance 1971*.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1970*.

Dated this twenty-sixth day of August, 1971.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

RALPH J. HUNT
Minister of State for the Interior.

MOTOR TRAFFIC ORDINANCE (No. 2) 1971

1.—(1.) This Ordinance may be cited as the *Motor Traffic Ordinance (No. 2) 1971*.^{*} Short title and citation.

(2.) Section 1 of the *Motor Traffic Ordinance 1971*[†] is amended by omitting sub-section (3.)

(3.) The *Motor Traffic Ordinance 1936-1970*,[‡] as amended by the *Motor Traffic Ordinance 1971* and by this Ordinance, may be cited as the *Motor Traffic Ordinance 1936-1971*.

2. Section 7A of the *Motor Traffic Ordinance 1936-1970*, as amended by the *Motor Traffic Ordinance 1971*, is repealed and the following section inserted in its stead:—

“7A.—(1.) In this section, unless the contrary intention appears— Design rules,
‘design rule’ means a design rule issued by the Department of Shipping and Transport and endorsed by the Australian Transport Advisory Council;
‘passenger car’ means a motor vehicle for use wholly or principally for the carriage of persons, but does not include a motor omnibus or motor cycle;

^{*} Notified in the *Commonwealth Gazette* on 2 September 1971.

[†] Ordinance No. 13, 1971.

[‡] 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; Nos. 27 and 29, 1969; and No. 27, 1970.

'passenger car derivative' means a motor vehicle—

- (a) that is of a kind known as a station wagon, panel van or utility or is a 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 motor vehicle.

" (2.) For the purposes of this section—

- (a) a motor vehicle shall be deemed to have been manufactured on or after a particular date if any process in the manufacture of the motor vehicle is carried out on or after that date;
- (b) a motor vehicle shall be deemed to be a motor vehicle exceeding ten thousand pounds gross vehicle weight if the weight of the motor vehicle together with the weight of the maximum load that it is designed to carry exceeds ten thousand pounds;
- (c) a reference to a design rule in the next succeeding subsection shall be read as a reference to such a design rule as in force on the first day of July, One thousand nine hundred and seventy-one; and
- (d) where a design rule refers to another instrument, that instrument shall be deemed to be incorporated with, and form part of the design rule.

" (3.) Without limiting the generality of the last preceding section, the Registrar may refuse to register or to renew the registration of—

- (a) a motor vehicle manufactured on or after the first day of January, One thousand nine hundred and seventy-one, being a passenger car or passenger car derivative—unless the latches and hinges of its doors comply with the requirements of the design rule known as 'Australian Design Rule No. 2—Door Latches and Hinges';
- (b) a motor vehicle manufactured on or after that date, being a passenger car—unless the anchorage points to which each seat provided in the motor vehicle is attached comply with the requirements of the design rule known as 'Australian Design Rule No. 3—Seat Anchorages for Motor Vehicles';
- (c) a motor vehicle manufactured on or after the first day of January, One thousand nine hundred and seventy, not being a motor vehicle exceeding ten thousand pounds gross vehicle weight, a motor cycle or a motor omnibus—unless the seating provided for the driver of the motor vehicle is equipped with a seat belt;
- (d) a motor vehicle referred to in the last preceding paragraph in which seating is provided for a passenger or passengers in the motor vehicle abreast of the seating referred to in that paragraph—unless the seating so provided for each

passenger as determined by reference to seating positions for the purposes of seat belt anchorage points in accordance with the design rule known as 'Australian Design Rule No. 5A—Seat Belt Anchorage Points' is equipped with a seat belt;

- (e) a motor vehicle manufactured on or after the first day of January, One thousand nine hundred and seventy-one, not being a motor vehicle exceeding ten thousand pounds gross vehicle weight, a motor cycle or a motor omnibus, in which seating is provided for a passenger or passengers in the motor vehicle elsewhere than abreast of the seating provided for the driver of the motor vehicle—unless the seating so provided for each passenger as determined by reference to seating positions for the purposes of seat belt anchorage points in accordance with the design rule referred to in the last preceding paragraph is equipped with a seat belt;
- (f) a motor vehicle to which a seat belt is so equipped as provided by paragraphs (c), (d) or (e) of this sub-section—unless the seat belt complies with the requirements of the design rule known as 'Australian Design Rule No. 4—Seat Belts';
- (g) a motor vehicle referred to in the last preceding paragraph—unless each such seat belt is securely attached to seat belt anchorage points that comply with the requirements of the design rule referred to in paragraph (d) of this sub-section;
- (h) a motor vehicle manufactured on or after the first day of January, One thousand nine hundred and seventy, being a motor vehicle equipped with a hydraulic braking system—unless each hydraulic hose in the system complies with the requirements of the design rule known as 'Australian Design Rule No. 7—Hydraulic Brake Hoses';
- (i) a motor vehicle manufactured on or after the first day of July, One thousand nine hundred and seventy-one, being a motor vehicle in which glass is used in the windscreen, a window or an internal partition of the motor vehicle—unless the glass so used complies with the requirements of the design rule known as 'Australian Design Rule No. 8—Safety Glass';
- (j) a motor vehicle manufactured on or after the first day of January, One thousand nine hundred and seventy-one, being a passenger car or passenger car derivative—unless the steering column and its assembly and attachments comply with the requirements of the design rule known as 'Australian Design Rule No. 10A—Steering Columns';
- (k) a motor vehicle manufactured on or after the first day of January, One thousand nine hundred and seventy-one, being a passenger car—unless it is equipped with a device capable of keeping the inside surface of the windscreen of the motor vehicle clear of condensation of water vapour

in accordance with the requirements of the design rule known as 'Australian Design Rule No. 15—Demisting of Windscreens'; or

- (1) a motor vehicle manufactured on or after the first day of July, One thousand nine hundred and seventy, being a passenger car or passenger car derivative—unless the rims of its wheels comply with the requirements of the design rule known as 'Australian Design Rule No. 20—Safety Rims'.

“(4.) The Minister may, by instrument in writing, exempt a motor vehicle, or motor vehicles included in a class of motor 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.

“(5.) The Registrar shall cause to be kept at each place at which, in pursuance of section 17 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-section (3.) of this section (including a copy of any instrument that, under paragraph (d) of sub-section (2.) of this section, forms part of that design rule) and shall, at the request of a person, make that copy (including a copy of any such instrument) available for inspection by that person at that place at a reasonable time specified by that person.

“(6.) A certificate in writing under the hand of the Minister certifying that—

- (a) a document annexed to the certificate is a copy of a design rule referred to in sub-section (3.) of this section and known by the name specified in the certificate;
- (b) a document annexed to the certificate is a copy of an instrument referred to in such a design rule; and
- (c) the design rule was in force on the date specified in the certificate,

is evidence that the document is such a copy and that the design rule was in force on that date.”.