

No. 38 of 1973

AN ORDINANCE

Relating to Motor Traffic.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1972*.

Dated this thirtieth day of August, 1973.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

KEP ENDERBY
Minister of State for the Capital Territory.

MOTOR TRAFFIC ORDINANCE (No. 3) 1973

1. (1) This Ordinance may be cited as the *Motor Traffic Ordinance (No. 3) 1973*. Short title and citation.

(2) The *Motor Traffic Ordinance 1936-1972*,[†] as amended by the *Motor Traffic Ordinance 1973*[‡] and the *Motor Traffic Ordinance (No. 2) 1973*,[§] is in this Ordinance referred to as the Principal Ordinance.

(3) Section 1 of the *Motor Traffic Ordinance (No. 2) 1973* is amended by omitting sub-section (3).

(4) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Motor Traffic Ordinance 1936-1973*.

2. Section 4 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:— Interpretation.

“(7) For the purposes of this Ordinance, 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.”

* Notified in the *Australian Government Gazette* on 6 September 1973.

† 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, 1963; Nos. 27 and 25, 1969; No. 27, 1970; Nos. 13, 17, 37 and 39, 1971; and Nos. 3 and 10, 1972.

‡ Ordinance No. 1, 1973.

§ Ordinance No. 32, 1973.

Design
rules.

3. Section 7A of the Principal Ordinance is amended—

(a) by omitting from sub-section (1) the definitions of “passenger car” and “passenger car derivative” and substituting the following definitions:—

“ ‘motor omnibus’ means a motor vehicle for use wholly or principally for the carriage of persons that is so fitted, equipped or constructed as to seat more than eight adult persons;

‘multi-purpose passenger car’ means a motor vehicle for use wholly or principally for the carriage of persons, being a motor vehicle that—

(a) is so fitted, equipped or constructed as to seat not more than eight adult persons;

(b) is constructed—

(i) on a chassis of a kind usually used in the construction of a motor lorry; or

(ii) otherwise in the manner of a motor vehicle for use wholly or principally for the carriage of goods; and

(c) is fitted, or is capable of being fitted, with pneumatic tyres;

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

‘passenger car derivative’ means a motor vehicle for use wholly or principally for the carriage of goods, being a motor vehicle—

(a) that is of a kind known as a 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;”;

(b) by omitting paragraph (a) of sub-section (2); and

(c) by omitting from paragraph (c) of sub-section (2) the words “January, One thousand nine hundred and seventy-two;” and substituting the words and figures “May, 1973, read together with the document known as ‘Australian Design Rules—Definitions’ as in force on that date; and”.

Granting of
licences to
drive.

4. Section 10 of the Principal Ordinance is amended by inserting after sub-section (4) the following sub-sections:—

“ (4A) A licence granted by virtue of sub-section (4) shall be subject to such conditions, specified in the licence, as are necessary to ensure that the person to whom the licence is granted does not drive a motor vehicle otherwise than for purposes in connexion with the special circumstances referred to in sub-section (4).

“ (4B) A person to whom a licence is granted by virtue of sub-section (4) shall comply with the conditions (if any) specified in the licence in accordance with sub-section (4A).”.

5. Section 104 of the Principal Ordinance is amended by inserting in sub-section (6), after the words "refusing to grant or renew a licence or registration", the words "granting a licence subject to conditions in accordance with sub-section (4A) of section 10".

Refusal,
cancellation
or suspension
of licences or
registration.

6. Section 136 of the Principal Ordinance is amended by omitting sub-sections (2), (3), (4), (5) and (6) and substituting the following sub-sections:—

Warnings
and signals
by drivers.

" (2) The driver of a motor vehicle upon a public street is guilty of an offence if—

- (a) he causes the motor vehicle to stop; or
- (b) he causes the motor vehicle to reduce speed suddenly, whether for the purposes of stopping or otherwise,

unless he has given, in accordance with this section, a signal that is a prescribed signal for the purposes of this sub-section.

" (3) Each of the following is a prescribed signal for the purposes of sub-section (2):—

- (a) the extending by the driver of his right arm outside the motor vehicle with the upper part of the arm held horizontally at right angles to the direction of travel of the vehicle, the forearm held vertically, the palm of the hand turned to the front and the fingers fully extended and pointing upwards;
- (b) the display outside the vehicle of a representation of a human hand in imitation of the signal described in paragraph (a);
- (c) the display of a red light that is visible from the rear in direct sunlight at a distance of not less than two hundred feet.

" (4) The driver of a motor vehicle upon a public street is guilty of an offence if he causes the motor vehicle to turn to, or move towards, his right unless he has given, in accordance with this section, a signal that is prescribed for the purposes of this sub-section.

" (5) The driver of a motor vehicle that is stationary on a public street is guilty of an offence if he causes the vehicle to move away from the stationary position and towards his right unless he has given a signal that is prescribed for the purposes of this sub-section.

" (6) Each of the following is a prescribed signal for the purposes of sub-sections (4) and (5):—

- (a) the extending by the driver of his right arm horizontally outside the right hand side of the vehicle, at right angles to the direction of travel of the vehicle, with the palm of the hand turned to the front and the fingers fully extended and pointing away from the vehicle;
- (b) the display outside the vehicle of a representation of a human hand in imitation of the signal described in paragraph (a);

- (c) the extending from the right hand side of the vehicle of a trafficator in a horizontal position at right angles to the direction of travel of the vehicle;
- (d) the display of—
 - (i) a flashing light on the right hand side of the motor vehicle; or
 - (ii) flashing lights on the right hand side of both the front and the rear of the vehicle.

“ (7) The driver of a motor vehicle to which this sub-section applies is guilty of an offence if he causes the motor vehicle to turn to, or move towards, his left unless he has given, in accordance with this section, the signal prescribed for the purposes of this sub-section.

“ (8) The driver of a motor vehicle to which this sub-section applies that is stationary on a public street is guilty of an offence if he causes the vehicle to move away from the stationary position and towards his left unless he has given the signal that is prescribed for the purposes of this sub-section.

“ (9) For the purposes of sub-sections (7) and (8)—

- (a) a motor vehicle is a motor vehicle to which each of those sub-sections apply if the motor vehicle is equipped with a signalling device that, when operated, illuminates—
 - (i) a flashing light on the left hand side of the motor vehicle; or
 - (ii) flashing lights on the left hand side of both the front and the rear of the vehicle; and
- (b) the prescribed signal is the illumination of that light or those lights, as the case requires.

“ (10) A signal that is a prescribed signal for the purposes of sub-section (2), sub-section (4) or sub-section (7) shall be given—

- (a) at least one hundred feet before the vehicle stops, commences suddenly to reduce speed or commences to turn to, or move towards, the right or left, as the case may be; or
- (b) if, in all the circumstances, it is not practicable to give the signal at least one hundred feet before that event takes place, as soon as it was practicable to do so,

and shall continue to be given until the event takes place.

“ (11) Sub-section (4) does not apply to or in relation to the driver of a motor vehicle who causes the motor vehicle to turn to, or move towards, his right, and sub-section (7) does not apply to or in relation to the driver of a motor vehicle who causes the motor vehicle to turn to, or move towards, his left, by reason only of following the course of the carriageway on which, or the course of the traffic lane in which, he is travelling unless, at the point at which the vehicle commenced to turn to, or move towards, the right or left, as the case may be, the driver has, by reason of a bifurcation of either that carriageway or that traffic lane, a choice of proceeding in more than one direction.

“(12) For the purposes of this section, the driver of a motor vehicle who causes his vehicle to travel in a direction other than the direction that follows the course of the carriageway on which, or the traffic lane in which, he is travelling shall be deemed—

- (a) if the direction in which the vehicle travels is to the right of the course followed by the carriageway or the traffic lane, to have caused his vehicle to move to his right; and
- (b) if the direction in which the vehicle travels is to the left of the course followed by the carriageway or the traffic lane, to have caused his vehicle to move to his left.”.

7. Section 149 of the Principal Ordinance is amended—

Interpretation.

- (a) by inserting after the definition of “bus stop sign” in sub-section (1) the following definition:—

“‘certified vehicle’ means a motor vehicle that is specified in a certificate that is, for the time being, in force under section 149A;”;

- (b) by omitting from sub-section (1) the definition of “goods vehicle” and substituting the following definition:—

“‘goods vehicle’ means—

- (a) a motor vehicle that is constructed primarily for the carriage of goods and is used or intended to be used for that purpose; and
- (b) a certified vehicle;”;

- (c) by inserting after the definition of “loading zone sign” in sub-section (1) the following definitions:—

“‘local services bus stop sign’ means a traffic sign inscribed with an arrow and with the words ‘BUS STOP (LOCAL SERVICES ONLY)’;

‘local services motor omnibus’ means a motor omnibus that is engaged in the provision of a motor omnibus service—

- (a) under the *Commonwealth Motor Omnibus Services Ordinance 1955-1972*; or
- (b) in pursuance of a motor omnibus service licence that is expressed to be in respect of a local omnibus service;

‘local services omnibus stopping place’ means an area of a public street which is marked off—

- (a) by a part of the kerb of the public street that is between a local services bus stop sign erected on or as near as practicable to that kerb and another local services bus stop sign on the same side of the public street nearest in the direction indicated by the arrow on the first-mentioned local services bus stop sign; and

- (b) by road markings marked on the carriage-way of the public street adjacent to that part of the kerb;” and
- (d) by inserting in sub-section (5), after the words “ a bus stop sign ”, the words “ , a local services bus stop sign ”.

8. After section 149 of the Principal Ordinance the following section is inserted:—

Certified
vehicles.

“ 149A. (1) Where the owner of a motor vehicle, not being a motor vehicle that is constructed primarily for the carriage of goods, requires the vehicle to be used for the carriage of goods in the course of business carried on by him, the Registrar may, upon application in writing being made by the owner of the motor vehicle and upon payment to the Registrar of a fee of Twenty dollars, certify that the motor vehicle is, for the time being, a certified vehicle for the purposes of this Part.

“ (2) A certificate given under sub-section (1) has effect from and including the day on which it was given until—

- (a) the expiration of one year after that day;
- (b) the surrender of the certificate; or
- (c) the revocation of the certificate,

whichever first occurs.

“ (3) A certificate given under sub-section (1) shall not be revoked unless the motor vehicle to which it relates—

- (a) is no longer owned by the person to whom the certificate was given; or
- (b) is no longer required by the owner of the motor vehicle to be used for the carriage of goods in the course of business carried on by him.

“ (4) A person aggrieved by a decision of the Registrar refusing to give, or revoking, a certificate under sub-section (1) may, within fourteen days after notice of the decision is served on him, appeal to the Court against the decision.

“ (5) The Registrar shall be the respondent to an appeal.

“ (6) The Court may—

- (a) affirm, set aside or vary the decision of the Registrar;
- (b) make such order as to the Court seems proper; or
- (c) make such other order as justice requires.

“ (7) On the hearing of an appeal under this section from a decision of the Registrar based on the opinion or belief of the Registrar in relation to a matter, the Court shall determine the appeal on its opinion or belief in relation to that matter.

“(8) Where an appeal is made under this section against a decision of the Registrar revoking a certificate, the certificate shall, notwithstanding the Registrar’s decision but subject to this Ordinance, be deemed to have continued, and continues, in force pending the determination of the appeal.”.

9. Section 150 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1), after the words “ authorized motor vehicle ”, the words “ or a specified certified vehicle ”;
- (b) by inserting in paragraph (a) of sub-section (2), after the words “ the authorized motor vehicle ”, the words “ or the certified vehicle ”;
- (c) by inserting after sub-section (3) the following sub-section:—

Labels for authorized motor vehicles and certified vehicles.

“(3A) Where a certificate given under section 149A has ceased to have effect, the Registrar may direct the owner for the time being of the motor vehicle specified in that certificate to cause the label issued under this section in respect of that motor vehicle to be destroyed.”; and

- (d) by omitting from sub-section (4) the words “ the last preceding sub-section ” and substituting the words “ sub-section (3) or sub-section (3A) ”.

10. Section 153 of the Principal Ordinance is amended—

- (a) by omitting the words “ Penalty: Fifty dollars.”; and
- (b) by adding at the end thereof the following sub-section:—

Bus stops.

“(2) A person shall not park a motor vehicle other than a local services motor omnibus, or park a trailer, so that any part of it is within a local services omnibus stopping place.

Penalty: Fifty dollars.”.

11. Section 164A of the Principal Ordinance is amended by omitting from sub-section (2) the words “ the design rule referred to in paragraph (f) of sub-section (3) of section 7A of ” and substituting the words “ a design rule referred to in Part II of the Second Schedule to ”.

Interpretation.

12. Section 190 of the Principal Ordinance is amended by adding at the end of sub-section (1) the words “ two and one-half inches ”.

Width of motor vehicles.

13. (1) The Second Schedule to the Principal Ordinance is amended—

Second Schedule.

- (a) by inserting after clause 8 of Part I the following clause:—

“ 8A. (1) This clause applies to a motor vehicle the road wheels of which are fitted with pneumatic tyres.

“(2) Those tyres and the rims to which they are fitted shall be of such a type, and in such condition, as not to be likely to cause danger to any person or goods upon the motor vehicle or to any person or other vehicle upon a public street.

“(3) The tread of each of those tyres—

(a) shall have in its surface grooves, being—

- (i) grooves the depth of no portion of which is less than $\frac{1}{16}$ inch; and
- (ii) grooves that, in the case of a tyre fitted to a motor vehicle that is a passenger car or a passenger car derivative within the meaning of section 7A, have not been formed otherwise than by moulding of the tread; or

(b) shall be formed by ridges protruding not less than $\frac{1}{16}$ inch from the adjacent surface of the case of the tyre.

“(4) Sub-clause (3) does not apply in relation to the tyres fitted to a vehicle that is constructed primarily for use as a road-roller.

“(5) Tyres in relation to which this clause applies shall not be fitted with cleats, studs or other gripping devices of a material other than rubber.

“(6) Sub-clause (5) shall not be taken to prohibit the use, where necessary for the safe operation of a motor vehicle, of chains fitted around the tyres of the vehicle.”;

(b) by inserting in clause 13 of Part I, after the figure and word “8 feet”, the figures and word “2½ inches”; and

(c) by adding at the end of Part I the following clause:—

“22. (1) This clause applies to a motor vehicle manufactured on or after the first day of July, 1970—

- (a) that is not a motor cycle or a motor tractor; and
- (b) the motive power of which is provided by a reciprocating internal-combustion engine other than a diesel engine.

“(2) The motor vehicle shall be so constructed or equipped as to prevent the escape from the crank-case of gases otherwise than in such a manner as will ensure that, when the engine is running, those gases are drawn into the combustion chambers of the engine of the motor vehicle.”.

(2) The Second Schedule to the Principal Ordinance is amended by omitting item 7 of Part II and substituting the following items:—

“ 7	Motor vehicle manufactured on or after the first day of January, 1971, being a passenger car or a passenger car derivative	Compliance by the latches and hinges of the doors of the motor vehicle with the requirements of the design rule known as ‘Australian Design Rule No. 2—Door Latches and Hinges’
7A	Motor vehicle manufactured on or after the first day of January, 1971, and before the first day of January, 1973, being a passenger car or a passenger car derivative	Compliance by the steering column of the motor vehicle and its assembly and attachments with the requirements of the design rule known as ‘Australian Design Rule No. 10A—Steering Columns’”.

(3) The Second Schedule to the Principal Ordinance is amended by omitting from item 10 of Part II all of the words in the second column and substituting the words—

“Motor vehicle manufactured on or after the first day of January, 1972, being a passenger car or a passenger car derivative”.

(4) The Second Schedule to the Principal Ordinance is amended by adding at the end of Part II the following items:—

" 14	Motor vehicle manufactured on or after the first day of January, 1973, being a passenger car	<ol style="list-style-type: none"> 1. Compliance by the steering column of the motor vehicle and its assembly and attachments with the requirements of the design rule known as 'Australian Design Rule No. 10B—Steering Columns' 2. The equipping of the motor vehicle with a device or devices for the wiping and washing of the windscreen of the motor vehicle in accordance with the design rule known as 'Australian Design Rule No. 16—Windscreen Wipers and Washers' 3. Compliance by the motor vehicle with the design rule known as 'Australian Design Rule No. 18—Location and Visibility of Instruments' 4. Compliance by the motor vehicle with the design rule known as 'Australian Design Rule No. 21—Instrument Panels'
15	Motor vehicle manufactured on or after the first day of January, 1973, being a passenger car derivative	<ol style="list-style-type: none"> 1. Compliance by the steering column of the motor vehicle and its assembly and attachments with the requirements of the design rule known as 'Australian Design Rule No. 10B—Steering Columns' 2. The equipping of the motor vehicle 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' 3. The equipping of the motor vehicle with a device or devices for the wiping and washing of the windscreen of the motor vehicle in accordance with the design rule known as 'Australian Design Rule No. 16—Windscreen Wipers and Washers' 4. Compliance by the motor vehicle with the design rule known as 'Australian Design Rule No. 18—Location and Visibility of Instruments' 5. Compliance by the motor vehicle with the design rule known as 'Australian Design Rule No. 21—Instrument Panels'
16	Motor Vehicle manufactured on or after the first day of January, 1973, being a multi-purpose passenger car	<ol style="list-style-type: none"> 1. The equipping of the motor vehicle with lights at the rear of the vehicle in accordance with the design rule known as 'Australian Design Rule No. 1—Reversing Signal Lamps' 2. Compliance by the latches and hinges of the doors of the motor vehicle with the requirements of the design rule known as 'Australian Design Rule No. 2—Door Latches and Hinges'

		<ol style="list-style-type: none"> 3. Compliance by the anchorage point to which each seat provided in the motor vehicle is attached with the requirements of the design rule known as 'Australian Design Rule No. 3—Seat Anchorages for Motor Vehicles' 4. Compliance by each sun visor, as defined in the design rule known as 'Australian Design Rule No. 11—Internal Sun Visors', that is fitted to the motor vehicle with the requirements of that design rule 5. The equipping of the motor vehicle with a rear vision mirror, or rear vision mirrors, in accordance with the design rule known as 'Australian Design Rule No. 14—Rear Vision Mirrors' 6. The equipping of the motor vehicle 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' 7. Compliance by the rim of each of the wheels of the motor vehicle with the requirements of the design rule known as 'Australian Design Rule No. 20—Safety Rims' 8. The equipping of the motor vehicle with a locking device that complies with the design rule known as 'Australian Design Rule No. 25—Anti-Theft Locks'
17	<p>Motor vehicle manufactured on or after the first day of January, 1973, being—</p> <ol style="list-style-type: none"> (a) a passenger car; (b) a passenger car derivative; or (c) a multi-purpose passenger car 	<ol style="list-style-type: none"> 1. The equipping of the motor vehicle with lights at the front and rear of the vehicle in accordance with the design rule known as 'Australian Design Rule No. 6—Direction Turn Signal Lamps' 2. Compliance by the motor vehicle with the design rule known as 'Australian Design Rule No. 12—Glare Reduction in Field of View' 3. Compliance by the motor vehicle and by the tyres fitted to the road wheels of the motor vehicle with the design rule known as 'Australian Design Rule No. 24—Tyre Selection'
18	<p>Motor vehicle manufactured on or after the first day of July, 1973, not being a motor cycle</p>	<ol style="list-style-type: none"> 1. The equipping of the motor vehicle with lights at the front and rear of the vehicle in accordance with the design rule known as 'Australian Design Rule No. 6—Direction Turn Signal Lamps' 2. Compliance by each sun visor, as defined in the design rule known as 'Australian Design Rule No. 11—Internal Sun Visors', that is fitted to the vehicle with the requirements of that design rule 3. Compliance by the motor vehicle with the design rule known as 'Australian Design Rule No. 12—Glare Reduction in Field of View'

19	<p>Motor vehicle manufactured on or after 1 July, 1973, not being—</p> <p>(a) a motor cycle; or</p> <p>(b) a motor vehicle exceeding 10,000 lb gross vehicle weight</p>	<p>The equipping of the motor vehicle with lights at the rear of the vehicle in accordance with the design rule known as 'Australian Design Rule No. 1—Reversing Signal Lamps'</p>
20	<p>Motor vehicle manufactured on or after the first day of July, 1973, not being—</p> <p>(a) a motor omnibus;</p> <p>(b) a motor vehicle exceeding ten thousand pounds gross vehicle weight; or</p> <p>(c) a motor cycle</p>	<p>The equipping of the motor vehicle 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'".</p>