

AUSTRALIAN CAPITAL TERRITORY

9

No. 4 of 1974

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 1910-1973*.

Dated this fourteenth day of March, 1974.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT
Minister of State for the Capital Territory.

MOTOR TRAFFIC ORDINANCE 1974

1. (1) This Ordinance may be cited as the *Motor Traffic Ordinance 1974*.*

Short title
and citation.

(2) The *Motor Traffic Ordinance 1936-1973*† is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Motor Traffic Ordinance 1936-1974*.

2. After section 133 of the Principal Ordinance the following section is inserted:—

“ 133A. (1) In this section—

‘exempt vehicle’ means—

- (a) a motor lorry used for the collection of garbage or waste;
- (b) a motor lorry the property of Australia; or
- (c) a motor lorry being used in connexion with the repair of a public street;

‘load limit sign’ means a sign bearing the words ‘LOAD LIMIT’ and an inscription indicating a weight expressed in tons, whether with or without an inscription specifying a part of a public street.

Load limits
in public
streets.

* Notified in the *Australian Government Gazette* on 15 March 1974.

† 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; No. 27, 1970; Nos. 13, 17, 37 and 39, 1971; Nos. 3 and 10, 1972; and Nos. 1, 32, 38, 41, 42 and 57, 1973.

“ (2) Where the Minister is satisfied that—

- (a) in the interests of the safety of persons residing near a public street; or
- (b) in order to prevent undue disturbance to persons residing near a public street,

it is necessary to restrict the driving of motor lorries upon that public street or a part of that public street, the Minister may cause load limit signs to be erected in that public street.

“ (3) Subject to sub-section (4), where load limit signs are erected in a public street, a load limit equal to the weight indicated on those signs is applicable to that public street.

“ (4) Where—

- (a) load limit signs are erected in a public street; and
- (b) those signs carry an inscription specifying a part of that public street,

a load limit equal to the weight indicated on those signs is applicable to that part of that public street.

“ (5) Where a load limit is applicable to a public street or a part of a public street, a person shall not drive upon that public street or part a motor lorry having a laden weight exceeding that load limit.

“ (6) In a prosecution for an offence against sub-section (5) arising out of the driving of a lorry upon a public street or a part of a public street, it is a defence for the defendant to prove—

- (a) that the driving of the motor lorry upon that public street or part was solely for the purpose of—
 - (i) gaining access to land to which no other means of vehicular access was reasonably available; or
 - (ii) leaving land by the only route reasonably available;
- (b) that the driving of the motor lorry upon that public street or part was such as was necessary for the purpose of crossing the public street or part at an intersection;
- (c) that the driving of the motor lorry upon that public street or part was such as was reasonably necessary to enable goods to be delivered to, or collected from, premises to which no other means of vehicular access is reasonably available; or
- (d) the motor lorry was an exempt vehicle.

“ (7) Nothing in this section affects the operation of section 133.”.

Offences relating to equipment, &c., of motor vehicles.

3. Section 189 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

“ (2) For the purposes of sub-paragraph (1) (d) (i), where a trailer is, by virtue of the Regulations, required to be equipped with a safety chain, the trailer shall be deemed not to be securely fastened to the motor vehicle at any time at which the safety chain is not attached to the rear of the motor vehicle.”.

4. Section 200 of the Principal Ordinance is amended—Weight of
vehicles.

- (a) by omitting from sub-section (2) the word and figures “section 133” and substituting the word and figures “section 133, 133A”; and
- (b) by omitting from sub-section (4) the word and figures “section 133” and substituting the word and figures “section 133, 133A”.

5. Section 216 of the Principal Ordinance is amended by omitting the words “three days” and substituting the words “seven days”.Temporary
licences.