

No. 49 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 twenty-fourth day of October, 1974.

JOHN R. KERR  
Governor-General.

By His Excellency's Command,

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

### MOTOR TRAFFIC ORDINANCE (No. 6) 1974

1. (1) This Ordinance may be cited as the *Motor Traffic Ordinance (No. 6) 1974*.\* Short title and citation.

(2) The *Motor Traffic Ordinance 1936-1973*,† as amended by the *Motor Traffic Ordinance 1974*,‡ the *Motor Traffic Ordinance (No. 2) 1974*,§ the *Motor Traffic Ordinance (No. 3) 1974*,|| the *Motor Traffic Ordinance (No. 4) 1974*¶ and the *Motor Traffic Ordinance (No. 5) 1974*\*\* is in this Ordinance referred to as the Principal Ordinance.

(3) Section 1 of the *Motor Traffic Ordinance (No. 5) 1974* is amended by omitting sub-section (4).

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

2. The following section is inserted in Part VIII of the Principal Ordinance before section 113:—

“ 112k. In this Part—

‘local services motor omnibus’ has the same meaning as in Part X;

Definitions.

\* Notified in the *Australian Government Gazette* on 24 October 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.

‡ Ordinance No. 4, 1974.

§ Ordinance No. 12, 1974.

|| Ordinance No. 23, 1974.

¶ Ordinance No. 37, 1974.

\*\* Ordinance No. 48, 1974.

‘priority vehicle’ means—

- (a) a local services motor omnibus; or
- (b) a motor vehicle included in a class of motor vehicles declared by the Minister by notice published in the *Gazette* to be a priority vehicle.”.

3. The Principal Ordinance is amended by inserting after section 115 the following sections:—

Declaration  
of reserved  
carriageways.

“115A. (1) The Minister may, by notice published in the *Gazette*, declare the carriageway, or part of the carriageway, of a public street to be reserved for use by priority vehicles.

“(2) A declaration under sub-section (1) may be expressed to have effect—

- (a) at all times;
- (b) at all times on the days specified in the declaration; or
- (c) on the days, and during the times, specified in the declaration.

“(3) A declaration under sub-section (1) has effect according to its tenor.

Certain  
vehicles not  
to be driven  
upon  
reserved  
carriageways.

“115B. (1) In this section, ‘motor vehicle’ does not include a priority vehicle.

“(2) A person shall not drive a motor vehicle, or permit a vehicle to stand or be parked, upon a part of the carriageway of a public street at a time at which a declaration under sub-section 115A (1) has effect in relation to the whole of that carriageway or to that part of that carriageway.

“(3) In a prosecution for an offence against sub-section (2) arising out of the driving of a motor vehicle upon the carriageway of a public street at a time at which a declaration under sub-section 115A (1) had effect in relation to the whole of that carriageway, it is a defence for the defendant to prove—

- (a) that the driving of the motor vehicle upon that carriageway 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 vehicle upon that carriageway was such as was necessary for the purpose of crossing the carriageway at an intersection; or
- (c) that the driving of the motor vehicle upon that carriageway was such as was reasonably necessary to avoid a contravention of this Ordinance or of another law in force in the Territory.

“(4) In a prosecution for an offence against sub-section (2) arising out of the driving of a motor vehicle upon a part of the carriageway of a public street at a time at which a declaration under sub-section 115A (1) had effect in relation to that part of the carriageway it is a defence for the defendant to prove—

- (a) that the driving of the motor vehicle upon that part of the carriageway 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 vehicle upon that part of the carriageway was such as was reasonably necessary to enable the defendant to gain access to another part of the carriageway, being a part in relation to which no declaration under sub-section 115A (1) had effect at that time;
- (c) that the driving of the motor vehicle upon that part of the carriageway was such as was reasonably necessary to gain access to, or leave, another public street or to cross the carriageway at an intersection;
- (d) that the driving of the motor vehicle upon that part of the carriageway was such as was reasonably necessary for the purpose of avoiding danger or avoiding a collision with a vehicle, person or animal;
- (e) that the driving of the motor vehicle upon that part of the carriageway was such as was reasonably necessary to avoid a contravention of this Ordinance or of another law in force in the Territory;
- (f) that the driving of the motor vehicle upon that part of the carriageway was such as was reasonably necessary to permit a movement of the vehicle that, apart from this section, would not constitute an offence against this Ordinance; or
- (g) that the driving of the motor vehicle upon that part of the carriageway was such as was reasonably necessary for the purpose of enabling a person to enter, or alight from, the vehicle.

“(5) In a prosecution for an offence against sub-section (2) arising out of the standing of a vehicle upon the carriageway of a public street at a time at which a declaration under sub-section 115A (1) had effect in relation to the whole of that carriageway, it is a defence for the defendant to prove—

- (a) that—
  - (i) the standing of the vehicle upon that carriageway resulted from an accident or breakdown affecting the vehicle; and
  - (ii) the vehicle was not permitted to stand upon that carriageway for a period longer than was reasonable in all the circumstances; or

- (b) that the standing of the vehicle upon that carriageway was such as was reasonably necessary to avoid a contravention of this Ordinance or of another law in force in the Territory.

“(6) In a prosecution for an offence against sub-section (2) arising out of the standing of a vehicle upon a part of the carriageway of a public street at a time at which a declaration under sub-section 115A (1) had effect in relation to that part of the carriageway, it is a defence for the defendant to prove—

(a) that—

- (i) the standing of the vehicle upon that part of the carriageway resulted from an accident or breakdown affecting the vehicle; and
  - (ii) the vehicle was not permitted to stand upon that part of the carriageway for a period longer than was reasonable in all the circumstances;
- (b) that the standing of the vehicle upon that part of the carriageway was such as was reasonably necessary for the purpose of enabling a person to enter, or alight from, the vehicle; or
  - (c) that the standing of the vehicle upon that part of the carriageway was such as was reasonably necessary to avoid a contravention of this Ordinance or of another law in force in the Territory.”.