

# AUSTRALIAN CAPITAL TERRITORY

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## Motor Traffic (Amendment) Ordinance 1985

No. 2 of 1985

I, THE GOVERNOR-GENERAL of 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*.

Dated 31 January 1985.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

G. SCHOLES  
Minister of State for Territories

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An Ordinance to amend the *Motor Traffic Ordinance 1936*

### Short title

1. This Ordinance may be cited as the *Motor Traffic (Amendment) Ordinance 1985*.<sup>1</sup>

### Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Motor Traffic Ordinance 1936*.<sup>2</sup>

### Special licences to drive

3. Section 13A of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

"(1) Where a person's driving licence has been suspended for a period, or a person has been disqualified from holding a driving licence for a period,

whether the suspension or disqualification is under this Ordinance or under any other law of the Territory, the person may apply to the Court for a special licence to drive a motor vehicle.”.

### **Dangerous, &c., driving**

4. Section 129 of the Principal Ordinance is amended by adding at the foot of sub-section (1)—

“Penalty: \$2,000.”.

### **Driving at dangerous speeds**

5. Section 147A of the Principal Ordinance is amended by adding at the foot of sub-section (1)—

“Penalty: \$2,000.”.

### **Additional penalty of suspension or cancellation of driving licence**

6. Section 193 of the Principal Ordinance is amended by omitting sub-section (4) and substituting the following sub-sections:

“(4) Where a person is convicted of an offence against sub-section 129 (1) or section 147A, the Court shall—

- (a) suspend the person’s driving licence—
  - (i) in the case of a conviction of a first offence against that sub-section or section—for a period of 3 months or such longer period as the Court thinks fit; and
  - (ii) in the case of a conviction of a second or subsequent offence against that sub-section or section—for a period of 12 months or such longer period as the Court thinks fit; or
- (b) cancel the person’s driving licence.

“(4A) For the purposes of sub-section (4), where—

- (a) a person has been convicted of an offence against sub-section 129 (1) or section 147A;
- (b) the person is subsequently convicted of an offence against the same provision; and

- (c) a period exceeding 5 years has elapsed since the date of commission of the offence of which the person was previously so convicted,

the second or subsequent offence shall be deemed to be a first offence.”.

### **Suspension or cancellation of driving licence**

7. Section 193A of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1) “or under any other law of the Territory” after “under this Ordinance”;
- (b) by inserting in sub-section (2) “or under any other law of the Territory” after “under this Ordinance”; and
- (c) by omitting sub-section (6) and substituting the following sub-section:

“(6) Where a person’s driving licence is suspended or cancelled under this Ordinance or any other law of the Territory, the person shall, forthwith after the suspension or cancellation, as the case requires, return the licence to the Registrar.”.

### **Schedule 4**

8. Schedule 4 to the Principal Ordinance is amended by omitting—

“4 NO ENTRY”,

and substituting—

“4A NO ENTRY”.

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### **NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 8 February 1985.
2. 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 (as amended by No. 36, 1967); No. 2, 1968; Nos. 27 and 29, 1969; No. 27, 1970; Nos. 13, 17, 37 and 39, 1971; Nos. 3 and 10, 1972; Nos. 1, 32, 38, 41, 42 and 57, 1973; Nos. 4, 12, 23, 37, 48 and 49, 1974; Nos. 3, 16, 23, 31, 52 and 54, 1976; Nos. 16, 23, 30, 37, 51 and 59, 1977; Nos. 2, 31 and 46, 1978; No. 32, 1979; No. 33, 1980; Nos. 3, 8, 30, 31 and 33, 1981; No. 40, 1981 (as amended by No. 43, 1981); Nos. 6, 49, 50, 64 and 96, 1982; Nos. 14, 18 and 21, 1983; Nos. 1, 15, 44, 45 and 54, 1984.