



AUSTRALIAN CAPITAL TERRITORY

## **Motor Traffic (Amendment) Act (No. 4) 1990**

**No. 38 of 1990**

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### **An Act to amend the *Motor Traffic Act 1936***

*[Notified in ACT Gazette S72: 30 October 1990]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

**1.** This Act may be cited as the *Motor Traffic (Amendment) Act (No. 4) 1990*.

#### **Commencement**

**2. (1)** Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

**(2)** The remaining provisions of this Act commence at the expiration of the period of 3 months commencing on the day referred to in subsection (1).

**Principal Act**

3. In this Act, “Principal Act” means the *Motor Traffic Act 1936*.<sup>1</sup>

**Interpretation**

4. Section 164A of the Principal Act is amended by omitting “has attained the age of 1 year but” from the definition of “child” in subsection (1).

**Children and young persons in prescribed vehicles**

5. Section 164D of the Principal Act is amended by inserting after subsection (3) the following subsections:

“(3A) Subject to this Part, if, at any time while a prescribed vehicle is being driven, or has its engine running, on a public street—

- (a) a child who has not attained the age of 1 year is occupying a position in the vehicle; and
- (b) the vehicle is not equipped with a child restraint suitable for use by that child;

the driver of the vehicle is guilty of an offence.

“(3B) Subsections (2), (3) and (3A) do not apply if a child who has not attained the age of 1 year is in a prescribed vehicle that—

- (a) is the subject of a taxi licence or a private hire car licence;
- (b) is not required to comply with the publication known as Australian Design Rule 34A, 2nd edition or Australian Design Rule 5/00, 3rd edition;
- (c) is registered in a State or another Territory in which there is not in force a law that corresponds generally with the provisions of this Part; or
- (d) is owned by the Commonwealth and the sequence of characters displayed on the number plate commences with ‘C\*’.

“(3C) Nothing in subsection (2) shall be taken to require that a child who has not attained the age of 1 year be restrained by means of a seat belt.”.

## Defences

6. Section 164E of the Principal Act is amended by omitting subsection (6) and substituting the following subsection:

“(6) Subsection (3) applies in relation to a prosecution for an offence against section 164D as if—

- (a) in the case of an offence relating to a young person, a reference in subsection (3) to the defendant were a reference to the young person;
- (b) in the case of an offence relating to a child—
  - (i) a reference in paragraph (3) (a) to the defendant were a reference to the child; and
  - (ii) paragraph (3) (d) were omitted; and
- (c) in the case of an offence against subsection 164D (2), a reference in subsection (3) to a seat belt were a reference to a seat belt or child restraint.”.

## Schedule 6

7. Schedule 6 to the Principal Act is amended by inserting in item 3—

“Sub-section 164D (3A)”

after—

“Sub-section 164D (3)”.

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### NOTE

1. Ordinance No. 45, 1936 as amended to date. For previous amendments see Note 1 to Act No. 4, 1990 and see also Acts Nos. 4, 14 and 37, 1990.

*[Presentation speech made in Assembly on 20 September 1990.]*

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