

1989

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC AMENDMENT BILL (No.3) 1989

TRAFFIC (AMENDMENT) BILL 1989

EXPLANATORY MEMORANDUM

Circulated by authority of the Minister for Housing and Urban Services

Ms Elnor Grassby MLA

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Traffic (Amendment) Bill 1989

Clause 1 will cite the Bill, when enacted, as the Traffic (Amendment) Act 1989.

Clause 2 will provide that the Principal Act means the Traffic Act 1937.

Clause 3 will amend section 4 of the Principal Act which is an interpretation provision.

Paragraph 3(a) will omit the definition of a bicycle path which is defined as a path, declared by the Minister by notice published in the Gazette, to be a bicycle path for the purposes of the Principal Act. No declarations have been made under this provision nor is it considered necessary for safety purposes to do so. Persons using bicycle paths will therefore be required to regulate their behaviour according to the general provisions of the Principal Act regarding pedestrians and cyclists.

Paragraph 3(b) will modify the definition of "driver", as a consequence of the amendment proposed by paragraph 3(f).

Paragraph 3(c) will ensure that references to "pedestrian" and to "pedestrian crossing" are to have the same meaning as in the Motor Traffic Act 1936.

Paragraph 3(d) will ensure that a reference to "wheelchair" has the same meaning as in the Motor Traffic Act 1936.

Paragraph 3(e) will omit the definition of "pedestrian" which will be unnecessary as a consequence of the amendment proposed by paragraph 3(c).

Paragraph 3(f) will insert a new definition of "vehicle" to mean a bicycle and a carriage drawn by an animal.

Clause 4 will repeal section 5 of the Principal Act and substitute a new section 5. New section 5 will provide that a person shall not walk or use a wheelchair on a public street without due care and attention or without reasonable consideration for other users. A penalty of \$100 is proposed.

Clause 5 will repeal sections 12 and 13 and substitute a new section 12 into the Principal Act. New section 12 will create an offence where the driver of a vehicle or motor vehicle knowingly permits a cyclist or a bicycle being ridden by a person to be attached to the vehicle while it is in motion on a public street. New section 12 will also create an offence where a cyclist permits his or her bicycle to remain attached to a vehicle or motor vehicle while it is in motion. A penalty of \$100 is proposed in each case.

Clause 6 will further amend the Principal Act as proposed in the Schedule to the Bill. The amendments are minor in nature and consequential on the substantive changes proposed in the clauses of the Bill.