

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO.4) 1988

ORDINANCE NO. 15 OF 1988

The Motor Traffic Ordinance 1936 ("the Principal Ordinance") is an Ordinance relating to motor vehicles and motor traffic.

The Motor Traffic (Amendment) Ordinance (No.4) 1988 amends the Principal Ordinance to incorporate revised penalties in respect of certain offences contained in section 189. Section 189 makes it an offence, amongst other things, to drive a vehicle on a public road with an inadequately secured trailer, which is in a dangerous condition, or which has a load which is distributed, placed or carried so as to endanger other road users. As section 189 does not specify a penalty, the maximum penalty of \$500 under section 192 applies. This amount is considered to be inappropriate as such an offence can result in loss of life or serious injury. A maximum penalty of \$2,000 has been included for such an offence.

Details of the Ordinance are as follows:

Section 1 cites the short title of the Ordinance.

Section 2 amends section 189 of the Principal Ordinance by:

- omitting paragraph 189(1)(d) and substituting paragraphs 189(1)(d) and (da). Paragraph 189(1)(d) provides that it is an offence to have a trailer attached to a motor vehicle unless the trailer is securely fastened close to the rear of the motor vehicle. Paragraph 189(1)(da) provides that it is an offence to have a trailer attached to a motor vehicle unless the registration number of the trailer is in a position clearly visible from the rear or either side of the trailer;
- omitting from subsection 189(2) "sub-paragraph (1)(d)(i)" and substituting" paragraph (1)(d);
- adding at the end of section 189 subsection (3) which provides that a person who is guilty of an offence against paragraph (1)(b), (d), (i), (j) or (k) is punishable, on conviction, by a fine not exceeding \$2,000.

ISSUED BY THE AUTHORITY
OF THE MINISTER OF STATE
FOR THE ARTS AND TERRITORIES