

## EXPLANATORY STATEMENT

### MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO. 2) 1986

#### No. 6, 1986

Sub-section 211(1) of the Motor Traffic Ordinance ('the Principal Ordinance') provides that the drivers of certain emergency vehicles are, when responding to an emergency call, exempted from all of the provisions of the Principal Ordinance, with the exception of section 115C. That section provides that no person (other than the driver of a local services omnibus) may drive or park upon a public transport route.

Sub-section 211(2) of the Principal Ordinance provided that notwithstanding sub-section 211(1), the drivers of certain emergency and maintenance vehicles would not need to comply, in certain situations, with section 115C of that Ordinance.

The operation of section 211 of the Principal Ordinance was unsatisfactory in that it did not exempt all types of Fire Brigade vehicles from the relevant sections of the Principal Ordinance, nor did it exempt the drivers of emergency vehicles who were responding in good faith to a 'hoax' call.

The Motor Traffic (Amendment) Ordinance (No.2) 1986 ('the Amending Ordinance') amends the Principal Ordinance to clarify the circumstances in which the driver of an emergency vehicle is exempted from complying with the provisions of the Principal Ordinance. In particular the Amending Ordinance makes it clear that all Fire Brigade vehicles on emergency calls will receive the exemption conferred by section 211 of the Principal Ordinance, as will the drivers of emergency vehicles responding in good faith to 'hoax' calls.

An explanation of sections is attached.

## EXPLANATION OF SECTIONS

Sections 1 and 2 deal with the short title and interpretation.

Section 3 repeals section 115C of the Principal Ordinance and inserts a new section 115C. The new section 115C provides that only a local services motor omnibus may use a public transport route with the following exceptions:

- (I) a Fire Brigade vehicle (including a vehicle used for a purpose connected with fires or rescues) or an ambulance may use a public transport route if the driver reasonably believes that the use of the route is necessary for a purpose connected with an emergency;
- (II) any vehicle may use a public transport route if the driver of the vehicle reasonably believes that the use of the route is necessary for a purpose connected with a vehicle breakdown or an emergency on or near to the route;
- (III) any vehicle may use a public transport route if the vehicle is conveying:
  - (a) a police officer on official business;
  - (b) a person performing duties connected with the provision of motor omnibus services under the Motor Omnibus Services Ordinance 1955; or
  - (c) a person engaged in maintenance work on the route, or on equipment associated with the route, on ACT Electricity Authority equipment near to the route (if that person is employed by the Authority), on Telecom equipment near to the route (if that person is employed by Telecom) or on equipment associated with gas, water or another service near the route.

Section 4 repeals section 211 of the Principal Ordinance and inserts a new section 211. The new section 211 provides that:

- (I) none of the provisions of the Principal Ordinance (except sections 115C and 139) apply in relation to Fire Brigade vehicles, ambulances or vehicles used by the Police, where those vehicles are being used for an "approved purpose" and the driver gives adequate warning to other vehicles to enable those other vehicles to make way. (Section 139 provides in essence that a driver shall comply with the direction of a police officer.)

- (II) a driver of a vehicle that is being used for an "approved purpose" must only comply with a direction given under section 139 where the direction relates to public safety and where compliance with the direction will not unduly affect the discharge of the driver's duties;
- (III) a vehicle is being used for an "approved purpose" where it is:
  - (a) a Fire Brigade vehicle the driver of which reasonably believes the vehicle is proceeding to or is otherwise engaged with a fire or other emergency; or
  - (b) an ambulance which is conveying a person to a hospital or is (or the driver of which reasonably believes is) proceeding to an accident or is engaged in connection with an emergency; or
  - (c) (i) a vehicle which is conveying a police officer engaged on urgent business concerning the prevention or investigation of an offence or suspected offence, or the apprehension of an offender or suspected offender; or
    - (ii) a vehicle which is conveying a police officer who reasonably believes he or she is engaged in connection with an emergency.