

EXPLANATORY STATEMENT

No.49 of 1982

AUSTRALIAN CAPITAL TERRITORY  
MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO. 2) 1982

The Motor Traffic (Amendment) Ordinance (No. 2) 1982 (the amending Ordinance) amends the Motor Traffic Ordinance 1936 (the Principal Ordinance). The amending Ordinance:

- extends to public places the requirements that motor cyclists, pillion passengers, and sidecar passengers wear safety helmets and that motor cyclists comply with certain conditions when carrying pillion passengers;
- provides that drivers of motor cycles can automatically carry pillion passengers after having been licenced to drive a motor cycle for 12 months; and
- expressly permits the wearing of safety helmets complying with Australian Standard 1698.

Sections 1 and 2 of the amending Ordinance deal with interpretation provisions.

Section 3 of the amending Ordinance inserts references to sections 190A and 191 (relating to the wearing of safety helmets and the carrying of pillion passengers respectively) in section 4(5) of the Principal Ordinance so that sections 190A and 191 apply to public places as well as to public streets.

Section 4 of the amending Ordinance inserts a new paragraph 190A(4)(ba) in the Principal Ordinance to provide that safety helmets which comply with Australian Standard 1698 are an approved type for the purposes of section 190A.

Section 5 of the amending Ordinance amends section 191 of the Principal Ordinance by omitting sections 191(2), 191(3)(d) and 191(3)(e) and inserting a new section 191(3)(d). Section 191(2) of the Principal Ordinance provided that the Registrar, being satisfied that a person is capable of driving a motor cycle with safety to the public while carrying another person on the motor cycle, may endorse the driver's licence to that effect. Section 191(3)(e) of the Principal Ordinance provided that the driver of a motor cycle shall not carry a passenger without holding such an endorsed licence. New section 191(3)(d) re-inserts section 191(3)(d) of the Principal Ordinance with some minor drafting changes. The amendments to section 191 have the effect that drivers of motor cycles can automatically carry pillion passengers after they have held a licence to drive a motor cycle for 12 months.

Ord. No. 20/82