

AUSTRALIAN CAPITAL TERRITORY

AMENDMENT OF MOTOR TRAFFIC ORDINANCE 1936

No. 32 of 1979

EXPLANATORY STATEMENT

The Motor Traffic (Amendment) Ordinance 1979 extends the requirement to wear a seat belt (or child restraint) to all persons of age one year and over and requires seat belts to be fitted to the front seats of older cars that were previously exempt.

Sections 1, 2 and 3 of the Ordinance introduce and deal with its commencement.

Section 4 adds to section 4 of the Principal Ordinance the definitions of the Australian minimum safety standards applying to motor vehicle seat belts as at 1.1.78.

Section 5 amends the Principal Ordinance by omitting the existing Part XA and inserting a new Part XA - Seat Belts, comprising the following sections:

Section 164A is a definition section. It re-enacts the existing section 164A and adds, namely,

- . "Australian Standard 1754-1975" means that standard as at 1 January 1978;
- . "child" means a person between ages 1 and 7 inclusive;
- . "child restraint" means a device to restrain children in a motor vehicle;
- . "young person" means a person between ages 8 and 13 inclusive.

The other definitions are not changed.

Sections 164B and 164C are unchanged from the previous sections 164B and 164C.

Section 164D requires that a young person use a seat belt where one is available and that a child use a seat belt or child restraint where one is available. If there is no seat belt or child restraint available, a child must be located in a rear seat if that is available. The section identifies the standard of child restraint and seat belt suitable for use.

In the event of a failure to comply with section 164D, the driver of the vehicle is guilty of an offence.

Section 164E continues the special defences contained in the previous section 164D, except that being of age less than 14 is no longer a defence to a prosecution. The section provides a defence to a prosecution of a driver for non-compliance by a young person or a child where the driver has taken reasonable steps to avoid the contravention.

Section 164F ensures that damages recoverable in litigation in respect of death or injury to a child or young person arising out of the use of a motor vehicle, will not be reduced by reason that the driver is guilty of an offence against section 164D.

Section 164G provides an appeal to the Administrative Appeals Tribunal where the Registrar refuses or revokes a certificate excusing the wearing of a seat belt.

Section 6 of the Ordinance amends Part 11 of the Second Schedule to the Principal Ordinance by adding the requirement that motor vehicles manufactured between 1.1.1965 and 1.1.1970 are to be equipped with seat belts for the driver and front seat passenger.