

AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC ORDINANCE 1960.

EXPLANATORY MEMORANDUM

No. 11 of 1960

With the application of modern traffic engineering principles to road design, increasing use is made of signs, traffic islands and road markings to guide the motorist. At present section 27 of the Traffic Ordinance is used to authorise signs while road markings are not specifically authorised and are valuable only insofar as failure to comply with them is evidence of negligence. The provisions of section 27 are not adequate to provide for all the signs which are now being used or will be used while it is desirable that road markings should have legal significance in themselves.

Clause 4 of this Ordinance introduces a new Part VA under which the Minister is empowered to authorise traffic signs and road markings which then of themselves impose a duty on the motorist. The Minister is given power to suspend or revoke any authorisation. To avoid the need in every prosecution to prove that the sign was properly authorised and erected, under new Section 55C the presence of the sign is evidence of its lawful erection. Under Section 55D it is an offence to erect a sign without authority or to interfere with a sign or road marking.

The introduction of this new principle of control by signs and markings affects a number of the provisions in the existing law and by clause 5 the whole of the existing rules of the road have been repealed so that they may be remade in conformity with the new principle. Signs and road markings will supplement the rules of the road but in some cases will over-ride them in which case it is the sign or road marking which must be obeyed.

In the new Part VI the signs dealt with below are described and the duties of the motorist with regard to them, set out :-

- (a) A motorist must drive to the left of a KEEP LEFT sign. (Section 56(3.)).
- (b) Where there is a ONE WAY sign a motorist may not drive except in the direction indicated by the arrow. (Section 56A(1).)
- (c) A right turn may not be made when there is a NO RIGHT TURN sign at an intersection. (Section 56H(4).)
- (d) When there is a GIVE WAY sign at an intersection a motorist must give way to all other traffic whether it is coming from his left or his right. (Section 56K).
- (e) The existing provisions with regard to pedestrian crossings, school crossings and STOP signs are substantially re-enacted.
- (f) A motorist may not drive on a bridge where his vehicle exceeds the weight shown on a LOAD LIMIT ON BRIDGE sign. (Section 56U).

The new Part VI introduces the following new principles:-

- (a) a motorist is prohibited from driving on any part of the street other than the carriageway or an entrance drive. This covers footpaths, nature strips, plantations and traffic islands. Under the present law the only specific prohibition is against driving on a footpath. (Section 56(2)).
- (b) a motorist is required to keep his vehicle wholly within a marked traffic lane (i.e. he may not drive on or straddle a lane line) except when changing lanes. (Section 56B).
- (c) a motorist may not cross an unbroken single line nor an unbroken double line. He may cross a double line where one line is broken and one is unbroken if the broken line is on the left of the unbroken line. (Section 56C).
- (d) a motorist may pass on the right or left in a laned carriageway. (Section 56E(2).)
- (e) a motorist may not overtake another vehicle on the approach side of a pedestrian or school crossing. (Section 56E(6).)
- (f) a motorist must be on the left side of the carriageway or in a lane marked for a LEFT HAND TURN if he wishes to turn to the left. (Section 56G.)
- (g) in making a right hand turn, a motorist may approach the intersection or junction as at present, but, in addition, he may approach in any lane marked as a RIGHT HAND TURN lane. The present requirement that he should drive his vehicle parallel with the left side of the carriageway he is leaving until he is as near as practicable to the far side of the carriageway he is entering is being omitted. He must keep to the left of a traffic dome, follow any road marking, and not cross an unbroken line, but in the absence of any road markings he is free to follow any course subject to the general requirement that when he has entered the other carriageway he shall keep as near as practicable to the left hand side of it. He may not make his turn across the path of traffic coming from the opposite direction. (Section 56H).
- (h) a motorist must make way for a police, ambulance, or fire brigade vehicle which is sounding a siren. The use of sirens is prohibited except on police, ambulance and fire brigade vehicles. (Section 56L).

SPEED LIMITS are now dealt with in a new Part VIA. The speed limit past a school has been increased from 10 to 15 miles per hour and extended to cover times when the children are entering the school as well as those when the children are leaving. Speed limits may be fixed by signs anywhere in the Territory. Unless another speed is fixed by sign, the limit of 30 miles per hour is retained in the City Area and the village of Hall. In other respects the law is unchanged.

PARKING is dealt with in a new Part VIB. Kerbside parking will be regulated by signs while Sections 56AQ and 56AR deal with parking in general where there are no signs. New restrictions which have been introduced are that a person shall not stop or park –

- (a) within 3 feet of another vehicle;
- (b) where a kerb is constructed, other than on the carriageway or a part reserved for parking;
- (c) alongside a red kerb;

- (d) upon a pedestrian crossing, or within 20 feet of it;
- (e) at a school crossing between the signs or within 50 feet of either of them;
- (f) in such a way as to be likely to cause danger, obstruction or unreasonable inconvenience to other persons.

The following parking restrictions have been omitted as unnecessary :-

- (a) within 25 feet of a crosswalk
- (b) within 10 feet of the tangent point of the kerb at an intersection,
- (c) within 20 feet of a fire hydrant.

Under the existing law a person convicted of reckless or dangerous driving, or of driving under the influence of intoxicating liquor is automatically disqualified from driving and his licence is restored only after a subsequent application to the Court. Under sections 80 and 80A as redrafted, automatic disqualification for these offences is being retained, but the Court must fix the period at the time of the conviction, and the minimum period is 3 months for a first offence and 12 months for a subsequent offence. A new offence of driving while disqualified has been added. The provision empowering the Court to order an endorsement on a licence has been omitted.