

AUSTRALIAN CAPITAL TERRITORY.

No. 6 of 1956.

AN ORDINANCE

To amend the Motor Traffic Ordinance 1936-1955.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government (Administration) Act* 1910-1955, as follows:—

1.—(1.) This Ordinance may be cited as the *Motor Traffic Ordinance* 1956.* Short title and citation.

(2.) The *Motor Traffic Ordinance* 1936-1955† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Motor Traffic Ordinance* 1936-1956.

2.—(1.) Subject to this section, this Ordinance shall come into operation on the date on which it is notified in the *Gazette*. Commencement.

(2.) Sections twenty-nine, thirty and thirty-one of this Ordinance shall come into operation upon the expiration of three months after the date upon which this Ordinance is notified in the *Gazette*.

(3.) Paragraphs (d), (e), (f) and (h) of section four and sections five, six, thirteen, fourteen, fifteen, sixteen, nineteen, twenty-one, twenty-eight, thirty-six, thirty-eight and thirty-nine of this Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.

(4.) For the purpose of enabling the amendments of the Principal Ordinance made by the sections referred to in the last preceding sub-section to come into operation on the date specified in that sub-section—

(a) the Registrar may, before that date, grant licences as if the amendments made by those sections had come into operation on the date on which the making of this Ordinance is notified in the *Gazette*, but a licence so granted shall not have any force or effect until the date specified in the last preceding sub-section; and

* Notified in the *Commonwealth Gazette* on 19th April, 1956.

† Ordinance No. 45, 1936, as amended by Nos. 25 and 41, 1938; No. 16, 1941; No. 14, 1942; Nos. 2 and 13, 1943; No. 3, 1945; Nos. 6 and 13, 1947; No. 7, 1950; No. 17, 1951; and Nos. 1 and 7, 1955.

(b) regulations may be made under the Principal Ordinance as amended by this Ordinance before the date so specified, but those regulations shall not come into operation until the date so specified.

3. Section three of the Principal Ordinance is repealed and the following section inserted in its stead:—

Parts.

“3. This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary (sections 1–6).

Part II.—Registration of, and Licences to Drive, Motor Vehicles (sections 7–23).

Part III.—Public Motor Vehicles and Private Hire Cars (sections 24–30).

Part IV.—Traders’ Plates (sections 31–41).

Part IVA.—Insurance (sections 41A–41AX).

Part V.—General Provisions relating to Motor Vehicles (sections 42–55).

Part VI.—Rules of the Road (section 56).

Part VII.—Offences (sections 57–80).

Part VIII.—Miscellaneous (sections 81–103).”.

Definitions.

4. Section four of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the definition of “certificate of registration” and inserting in its stead the following definition:—

“‘certificate of registration’ means a certificate of registration granted under this Ordinance in respect of a motor vehicle or trailer;”;

(b) by inserting in sub-section (1.), after the definition of “motor omnibus” the following definition:—

“‘motor omnibus licence’ means a licence granted by the Registrar to use a motor vehicle as a motor omnibus;”;

(c) by omitting from sub-section (1.) the definition of “owner’s certificate”;

(d) by omitting from sub-section (1.) the definition of “private hire car” and inserting in its stead the following definitions:—

“‘private hire car’ means a motor vehicle (other than a taxi or motor omnibus) which—

(a) does not stand or ply for hire in a public street for the conveyance of passengers; and

(b) is used, or is intended to be used, for the conveyance of passengers under a contract which gives the hirer the exclusive use of the vehicle;

‘private hire car licence’ means a licence granted by the Registrar to use a motor car as a private hire car;”;

- (e) by omitting from sub-section (1.) the definition of “public hire car”;
- (f) by omitting from the definition of “public motor vehicle” in sub-section (1.) the words “motor taxicab” and inserting in their stead the word “taxi”;
- (g) by inserting in sub-section (1.), after the definition of “public street”, the following definition:—

“‘reflector’ means a reflector, reflecting lens, or reflective material, capable of throwing back a red reflection of light from the headlights of a vehicle approaching from the rear so that when the headlights of the approaching vehicle are dipped the reflection can be seen by the driver of the approaching vehicle when the approaching vehicle is not less than one hundred and fifty feet from the reflector;”;

- (h) by inserting in sub-section (1.), after the definition of “repealed Ordinance”, the following definitions:—

“‘taxi’ means a motor vehicle (other than a motor omnibus) which stands or plies in a public street for hire for the conveyance of passengers and includes a motor vehicle which is intended to so stand or ply for hire;

‘taxi licence’ means a licence granted by the Registrar to use a motor vehicle as a taxi;”.

- (i) by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-section:—

“(2.) In this Ordinance a reference to a Schedule shall be read as a reference to a Schedule to this Ordinance.”.

5. Section nine of the Principal Ordinance is amended—

- (a) by inserting in sub-section (5.) after the word “drive” the words “a taxi, a private hire car or”; and
- (b) by inserting after sub-section (5.) the following sub-section:—

“(5A.) The Registrar may refuse to grant a licence to drive a taxi or a private hire car unless the applicant produces evidence to the satisfaction of the Registrar that he is—

- (a) a fit and proper person to hold the licence; and
- (b) able to speak, read and write the English language.”.

Granting of licences.

6. After section nine of the Principal Ordinance the following section is inserted:—

Refusal of licence to certain persons.

“ 9A. The Registrar may refuse a licence, or the renewal of a licence, to drive a taxi or a private hire car to any person—

- (a) if that person has, at any time, been convicted under the laws in force in the Territory or elsewhere of driving, or being in charge of, any vehicle whilst drunk or whilst under the influence of intoxicating liquor, or of driving any vehicle furiously or recklessly or at a speed or in a manner dangerous to the public;
- (b) if he has been convicted of an offence punishable by imprisonment for a period exceeding six months; or
- (c) if he previously held a licence to drive a taxi or to drive a private hire car and it was suspended or cancelled.”.

7. Section ten of the Principal Ordinance is repealed and the following section inserted in its stead:—

Medical examination of applicants for and persons holding driver's licences.

“ 10.—(1.) The Registrar may require a person who is an applicant for a licence or for the renewal of a licence or any person who is licensed to drive a motor vehicle to submit himself for examination by a medical testing officer and, unless the medical testing officer, after such examination as he considers necessary, certifies that, in his opinion, that person is a medically fit and proper person to drive a motor vehicle, the Registrar shall refuse to grant or renew the licence or shall cancel the licence.

“ (2.) The Registrar may require a person who is an applicant for a licence or for the renewal of a licence or any person who is licensed to drive an omnibus, a taxi, or a private hire car to submit himself for examination by a medical testing officer and, unless the medical testing officer, after such examination as he considers necessary certifies that he has on the date of the certificate personally examined that person, knowing him to be an applicant for, or the holder of, a licence to drive a vehicle of that class, and that, in his opinion, having proper regard to the health and safety of passengers and of the public generally, that person is a medically fit and proper person to be employed as the driver of an omnibus, a taxi or a private hire car, the Registrar shall refuse to grant or renew the licence or shall cancel the licence.”.

Fees.

8. Section twelve of the Principal Ordinance is amended by omitting the proviso to sub-section (1.).

9. Section thirteen of the Principal Ordinance is repealed and the following sections inserted in its stead:—

Driving licence to be signed.

“ 13. The person to whom a licence to drive a motor vehicle has been granted shall sign his name in the place set apart on the licence for the signature of the licensee.

Penalty: Five pounds.

“13A. When a motor vehicle is registered under this Ordinance, the Registrar shall grant to the owner of the motor vehicle a certificate of registration.”

Certificates of registration.

10. Section nineteen of the Principal Ordinance is amended—

Sale or disposal of registered motor vehicles.

(a) by omitting from paragraph (b) of sub-section (1.) the words “the owner’s certificate and”;

(b) by omitting from that paragraph the word “each” and inserting in its stead the word “the”; and

(c) by omitting sub-section (5.) and inserting in its stead the following sub-section:—

“(5.) If the Registrar approves of the transfer, he shall, on payment by the applicant to the Commonwealth of a fee of Two shillings and sixpence, transfer the registration of the motor vehicle to the applicant.”

11. Section nineteen A of the Principal Ordinance is repealed.

Sale or disposal of an unregistered motor vehicle.

12. Section twenty-two of the Principal Ordinance is amended—

Alteration in description of motor vehicle or trailer.

(a) by omitting from sub-section (1.) the words “the owner’s certificate or”;

(b) by omitting from sub-section (1.) the word “certificates” and inserting in its stead the word “certificate”;

(c) by omitting from sub-section (2.) the word “certificates” and inserting in its stead the word “certificate”; and

(d) by omitting from sub-section (2.) the word “them” and inserting in its stead the word “it”.

13. Section twenty-four of the Principal Ordinance is amended—

Licences of public motor vehicles.

(a) by omitting sub-section (1.) and inserting in its stead the following sub-sections:—

“(1.) The Registrar may grant to a person—

(a) who intends to use a motor vehicle as a taxi a licence to use the vehicle as a taxi; or

(b) who intends to use a motor vehicle as a motor omnibus a licence to use the vehicle as a motor omnibus.

“(1A.) Subject to this Ordinance, the Registrar may, from time to time, renew a taxi licence or motor omnibus licence and may transfer such a licence.”;

- (b) by omitting from sub-section (2.) the words “public hire car” (wherever occurring) and inserting in their stead the word “taxi”;
- (c) by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“ (3.) A taxi licence or a motor omnibus licence granted in respect of a public motor vehicle and every renewal of such a licence shall specify the number of passengers the vehicle may carry.”;
- (d) by omitting from sub-section (7.) the words “public hire car licence” and inserting in their stead the words “taxi licence or a motor omnibus licence”;
- (e) by omitting from sub-section (9.) the words “public hire car” and inserting in their stead the word “taxi”.

Licence to use motor car as private hire car.

14. Section twenty-five of the Principal Ordinance is amended—

- (a) by omitting sub-section (1.) and inserting in its stead the following sub-sections—

“ (1.) The Registrar may grant to a person who intends to use a motor car as a private hire car a licence to use the motor car as a private hire car.

“ (1A.) Subject to this Ordinance, the Registrar may, from time to time, renew a private hire car licence and may transfer such a licence.”;

- (b) by omitting from paragraph (a) of sub-section (2.) the words “public car” and inserting in their stead the word “taxi”; and
- (c) by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“ (3.) A private hire car licence and a renewal of such a licence shall specify the number of passengers the vehicle may carry.”.

Licences for the carriage of tourists.

15. Section twenty-five A of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “licensed public” and inserting in their stead the word “taxi”;
- and
- (b) by omitting sub-section (3.).

16. After section twenty-five A of the Principal Ordinance the following sections are inserted:—

Suspension or cancellation of taxi licence or private hire car licence.

“ 25B. The Registrar may suspend for any period or cancel a taxi licence or a private hire car licence at any time during the currency of the licence where—

- (a) the Registrar is satisfied that the vehicle has been used for an illegal purpose; or

- (b) the licence or any transfer of the licence was obtained by any false statement or misrepresentation; or
- (c) the vehicle is not an insured motor vehicle for the purposes of Part IVA of this Ordinance.

“25c.—(1.) Without limiting the powers conferred by the last preceding section, the Registrar may cancel a taxi licence or a private hire car licence in the name of any person in any case where he is not satisfied that that person has the use, control and management of the vehicle.

Cancellation or refusal of licence where licensee or applicant has not the use, control and management of vehicle.

“(2.) The Registrar may refuse an application by a person for a licence or for the renewal of a licence for a taxi or a private hire car where he is not satisfied that that person has the use, control and management of the vehicle.”.

17. Section twenty-seven of the Principal Ordinance is amended by omitting sub-sections (4.) and (12.).

Licensee to conduct motor omnibus service.

18. Section twenty-seven A of the Principal Ordinance is amended by omitting the words “in accordance with Form M in the First Schedule” and inserting in their stead the words “to use the motor omnibus as a motor omnibus in the Territory”.

Visiting motor omnibus licence.

19. After section twenty-eight of the Principal Ordinance the following sections are inserted:—

“28A. The maximum fares chargeable for the hiring of a taxi shall be as ascertained in accordance with the Regulations.

Taxi fares.

“28B. The Minister may, by notice published in the *Gazette*, fix the maximum fares chargeable for the conveyance of passengers in a motor omnibus.”.

Motor omnibus fares.

20. Section thirty-one of the Principal Ordinance is amended by omitting sub-section (2.).

Licensing of motor vehicle traders.

21. Section forty-one AM of the Principal Ordinance is amended by omitting from sub-sections (1.), (3.), (4.), (6.), (7.) and (9.) the words “public hire car” (wherever occurring) and inserting in their stead the word “taxi”.

Insurance of public motor vehicles against damage to property.

22. Section forty-one AP of the Principal Ordinance is amended by omitting from sub-section (2.) the words “this sub-section” and inserting in their stead the words “the last preceding sub-section”.

Payment by nominal defendant.

23. Section forty-one AX of the Principal Ordinance is amended—

Exemption of visiting motor vehicles.

- (a) by omitting from paragraph (d) the word “or”; and

(b) by adding after paragraph (e) the following word and paragraph:—

“ ; or (f) Part V. of the *Motor Vehicles Ordinance* 1949-1954 of the Northern Territory.”.

Change of address.

24. Section forty-five of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “owner’s certificate and” (wherever occurring); and
- (b) by omitting from sub-section (2.) the words “owner’s certificate and”.

Return of certificates, &c., upon cancellation of registration, &c.

25. Section forty-eight of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “the owner’s certificate in respect of the motor vehicle to which the certificate of registration relates and”;
- (b) by omitting sub-section (2.); and
- (c) by omitting from sub-section (3.) the words “the owner’s certificate and”.

Refusal, cancellation or suspension of licences, &c.

26. Section fifty-one of the Principal Ordinance is amended by inserting in sub-section (1.) the following paragraph:—

“ (a) cancel the registration of any motor vehicle which is not an insured motor vehicle for the purposes of Part IVA. of this Ordinance;”.

Visiting motor drivers.

27. Section fifty-four of the Principal Ordinance is amended—

- (a) by omitting from paragraph (b) of sub-section (1.) the words “for the time being a party to any convention relating to motor traffic to which the Commonwealth is a party”; and
- (b) by inserting in that paragraph after the word “permit” the words “or a licence”.

Authorized use of motor vehicles as taxis, &c.

28. Section sixty of the Principal Ordinance is amended by omitting paragraph (a) and inserting in its stead the following paragraph:—

“ (a) as a taxi, private hire car or motor omnibus;”.

Carriage of lamps, lights and reflectors.

29. Section seventy-four of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the word “and” (last occurring); and
- (b) by inserting after paragraph (b) of that sub-section the following word and paragraph:—
 - “ ; and (c) at least two reflectors are carried on opposite sides of the rear of the vehicle or, if a trailer is attached to the vehicle, on the rear of the trailer;”;

(c) by omitting from paragraph (b) of sub-section (2.) the word "and";

(d) by inserting after paragraph (b) of sub-section (2.) the following paragraph:—

“(ba) a reflector is carried upon the rear of the motor cycle”; and

(e) by inserting after paragraph (c) of sub-section (2.) the following word and paragraph:—

“; and (d) in the case of a motor cycle to which a side-car is attached, a reflector, in addition to that specified in paragraph (ba) of this sub-section, is carried upon the rear of the side-car.”.

30. After section seventy-four of the Principal Ordinance the following section is inserted:—

“74A.—(1.) The reflectors shall be so affixed to a motor vehicle other than a motor cycle that— Positioning of reflectors.

(a) each reflector—

(i) is at the same height from the ground, not being a height exceeding three feet six inches; or

(ii) in the case of a vehicle which is constructed solely or principally for the carriage of goods and so designed or constructed that it would be impracticable to comply with the requirement specified in the last preceding sub-paragraph without affixing the reflector in a position where it would be subject to possible damage in the course of the normal operations of the vehicle, is at the same height from the ground, not being a height exceeding five feet;

(b) where the width of the vehicle exceeds seven feet, no part of the vehicle or any loading or equipment on the vehicle, on the side to which the reflector is affixed, projects more than nine inches laterally from the reflector; and

(c) where the width of the vehicle is less than seven feet, no part of the vehicle or any loading or equipment on the vehicle, on the side to which the reflector is affixed, projects more than sixteen inches laterally from the reflector.

“(2.) A person who drives a motor vehicle—
 (a) to which reflectors are not affixed in accordance with the last preceding sub-section;
 (b) on the front of which a reflector is affixed; or
 (c) on which the reflectors are not kept clean and unobscured,
 shall be guilty of an offence.”.

Light to be shown after sunset.

31. Section seventy-six of the Principal Ordinance is amended—
 (a) by inserting, after the word “unless”, the words “reflectors and”; and
 (b) by omitting the proviso to that section.

Speed, equipment and loading of vehicles and trailers.

32. Section seventy-eight is amended by inserting, after paragraph (j), the following word and paragraph:—
 “; or (k) from which, or from a trailer attached to which, any article or thing falls to the roadway.”.

33. Section eighty-six of the Principal Ordinance is repealed and the following section inserted in its stead:—

Evidence of ownership of motor vehicles.

“86. A certificate of registration in respect of a motor vehicle or trailer shall, in all proceedings under this Ordinance, be *prima facie* evidence that the person last specified thereon as the owner or the new owner, as the case may be, is the owner of the vehicle or trailer.”.

Special licences for the carriage of workmen.

34. Section one hundred of the Principal Ordinance is amended by omitting from sub-section (1.) the words “, in accordance with Form K”.

Licence to ply for hire for the carriage of goods.

35. Section one hundred and one of the Principal Ordinance is amended by omitting from sub-section (1.) the words “, in accordance with Form L.”.

Regulations.

36. Section one hundred and three of the Principal Ordinance is amended—

(a) by omitting from paragraph (i) the words “and the amount which may be charged for any such carriage”;

(b) by omitting paragraphs (n), (o) and (p) and inserting in their stead the following paragraph:—

“(n) the payment of the fares fixed by or under this Ordinance for the hire or use of public motor vehicles and private hire cars;”.

First Schedule.

37. The First Schedule to the Principal Ordinance is repealed.

38. The Second Schedule to the Principal Ordinance is amended— Second
Schedule.

- (a) by omitting from sub-paragraph (b) of paragraph 4 the words "public hire car" and inserting in their stead the word "taxi"; and
- (b) by omitting from sub-paragraph (ii) of paragraph 5 the words "Public hire car" and inserting in their stead the word "Taxi".

39. The Third Schedule to the Principal Ordinance is amended— Third
Schedule.

- (a) by inserting after paragraph (1) the following paragraph:—
 - " (1A) *Taxis*—
 A metal plate coloured green with the letters A.C.T. TX and the figures of the number in white.'; and
- (b) by omitting from paragraph (2) the words "*Public Motor Vehicles other than Motor Omnibuses*" and inserting in their stead the words "*Private Hire Cars*".

Dated this eleventh day of April, 1956.

W. J. SLIM
Governor-General.

By His Excellency's Command,

ALLEN FAIRHALL
Minister of State for the Interior.