

# AUSTRALIAN CAPITAL TERRITORY

## MOTOR TRAFFIC ORDINANCE 1965

### EXPLANATORY MEMORANDUM

No. 9 of 1965

The Motor Traffic Ordinance 1936-1964 was last reprinted in 1959 at the time of the production of the volumes of the Laws of the Australian Capital Territory. As there have been numerous amendments to the Ordinance since that date the Attorney-General's Department is arranging for a reprint of the Ordinance. The result will be that the Ordinance will be produced as a single document.

The reprinting of the Ordinance will not obviate the need for constant examination and review in the light of uniform principles agreed upon at meetings of the National Road Traffic Code Committee. However, in view of the necessity of having the Ordinance available to the public in a composite form, it is thought desirable that it be reprinted at this stage. To this end, the amending Ordinance will provide for the renumbering of the principal Ordinance to put it in order for reprinting.

There are a number of new matters to be introduced relating to minimum standards for equipment on motor vehicles. These amendments will bring the legislation more into accordance with basic approvals for uniformity agreed at meetings of the National Road Traffic Code Committee.

The opportunity has been taken to effect several minor amendments in order to remedy some defects and make more comprehensive provision on certain matters outlined hereunder. These amendments are designed to put the Ordinance in order preparatory to reprinting.

At present there is no definition of the term "dipped" in the Ordinance and there is, therefore, some uncertainty as to the effect of the requirements, in section 74, that headlights be dipped upon the approach of another vehicle. The definition of "dipped" inserted by the amendment will specify that lights, when dipped, should be projected downwards (section 4, sub-section (a)).

The term "headlamp" is defined and specifies the basic characteristics of a headlamp with a requirement that the lamp will have a minimum effective range of 80' when dipped (section 4, sub-section (c)).

Section 74 will be amended to require that headlamps on a motor vehicle will be of approximately equal candle-power, the same height from the ground and equidistant from the centre of the vehicle. The section will also require that tail lights

be visible on a clear night at a distance of 200 yards and that number plates be so illuminated as to be distinguishable on a clear night at a distance of twenty yards.

The Ordinance will provide that it will not be necessary to burn parking lights on a vehicle parked at night under a street lamp if it is clearly visible at a distance of 200 yards. It has been resolved on the basis of expert advice that there is no necessity for lighted parking lights on a vehicle which is clearly visible at this distance.

The Ordinance currently makes provision for the refusal, cancellation or suspension of registration in respect of a vehicle which is defective and is, therefore, unsafe. However, no provision is made creating an offence for driving a vehicle in an unsafe condition. The existing provisions are, therefore, deficient in that they do not provide adequate machinery for enforcing the minimum standards required for registration purposes. It is, therefore, proposed to insert a requirement that vehicles should comply with such standards at all times while being used on a public street or public place.

There are many provisions in the Ordinance relating to the use of motor vehicles which should properly relate to trailers, but do not do so. The amending ordinance will contain provisions extending the application of sections of the Principal Ordinance to trailers.

In order to secure comprehensive provisions relating to registration the provisions in the Regulations relating to registration of trailers will be included in the Ordinance. The relevant Regulations will be repealed.

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