

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Osborne)

**Motor Traffic (Alcohol and Drugs)
Amendment Bill 1999**

A BILL

FOR

**An Act to amend the *Motor Traffic (Alcohol and
Drugs) Act 1977***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Motor Traffic (Alcohol and Drugs) Amendment Act*
5 1999.

2 Commencement

This Act commences on the day it is notified in the *Gazette*.

3 Act amended

This Act amends the *Motor Traffic (Alcohol and Drugs) Act 1977*.

Job No: 1999/99

4 Cancellation of driving licence

Section 31 is amended by omitting from subsection (1) "the Court may cancel the person's driving licence" and substituting "the licence is cancelled by force of this subsection".

5 Driving licence disqualification—first offenders, s 19

Section 32 is amended—

(a) by omitting from subsection (2) all the words after "section," and substituting "then, by force of this subsection, the person is disqualified from holding a driving licence—

(a) for the period specified in the 4th column of the table opposite that level; or

(b) if the court specifies a shorter period of disqualification that is at least as long as the period specified in the 3rd column of the table opposite that level—for the shorter period."; and

(b) by omitting from subsection (3) all the words after "4," and substituting "then, by force of this subsection, the person is disqualified from holding a driving licence—

(a) for the period specified in the 4th column of the table at the end of this section opposite the relevant level; or

(b) if the court specifies a shorter period of disqualification that is at least as long as the period specified in the 3rd column of the table opposite the relevant level—for the shorter period."; and

(c) by omitting the table at the end of the section and substituting the following table:

| item | blood alcohol concentration level | minimum disqualification | default disqualification |
|------|-----------------------------------|--------------------------|--------------------------|
| 1 | Level 1 | 1 month | 3 months |
| 2 | Level 2 | 2 months | 6 months |
| 3 | Level 3 | 3 months | 12 months |
| 4 | Level 4 | 6 months | 3 years |

6 Driving licence disqualification—repeat offenders, s 19

Section 33 is amended by omitting subsections (2) and (3) and the table at the end of the section and substituting the following subsections and table:

“(2) Where a court convicts a special driver of an offence against subsection 19 (1) and finds that the concentration of alcohol in the person’s blood was at a level specified in the 2nd column of the table at the end of this section, then, by force of this subsection, the person is disqualified from holding a driving licence—

- (a) for the period specified in the 4th column of the table opposite that level; or
- (b) if the court specifies a shorter period of disqualification that is at least as long as the period specified in the 3rd column of the table opposite that level—for the shorter period.

“(3) Where a court convicts a person other than a special driver of an offence against subsection 19 (1) and finds that the concentration of alcohol in the person’s blood was at level 2, 3 or 4, then, by force of this subsection, the person is disqualified from holding a driving licence—

- (a) for the period specified in the 4th column of the table at the end of this section opposite the relevant level; or
- (b) if the court specifies a shorter period of disqualification that is at least as long as the period specified in the 3rd column of the table opposite the relevant level—for the shorter period.

| item | blood alcohol concentration level | minimum disqualification | default disqualification |
|------|-----------------------------------|--------------------------|--------------------------|
| 1 | Level 1 | 3 months | 12 months |
| 2 | Level 2 | 3 months | 12 months |
| 3 | Level 3 | 6 months | 3 years |
| 4 | Level 4 | 12 months | 5 years |

7 Driving licence disqualification—offences other than s 19

Section 34 is amended—

- (a) by omitting from subsection (1) all the words after “19 (1),” and substituting “then, by force of this subsection, the person is disqualified from holding a driving licence—
 - (a) for 3 years; or
 - (b) if the court specifies a shorter period of disqualification that is at least 6 months—for the shorter period.”; and
- (b) by omitting from subsection (2) all the words after “19 (1),” and substituting “then, by force of this subsection, the person is disqualified from holding a driving licence—

- (a) for 5 years; or
- (b) if the court specifies a shorter period of disqualification that is at least 12 months—for the shorter period.”.

8 Timing of licence cancellation and disqualification

- 5 Section 35 is amended by omitting from subsections (1) and (2) “under” (wherever occurring) and substituting “by force of”.

9 Disqualification subject to grant of special licence

Section 36 is amended—

- (a) by omitting “under” and substituting “by force of”; and
- 10 (b) by adding at the end the following subsection:

“(2) However, a person who is a repeat offender other than because of having been convicted of an offence mentioned in subparagraph 25 (4) (c) (ii) or (iii), may not be granted a special licence during the period of his or her disqualification.”.

15 **10 Disqualification etc—further special licence**

Section 37 is amended—

- (a) by omitting from subsection (1) “under” and substituting “by force of”; and
- 20 (b) by omitting from subsection (2) “under” and substituting “by force of, or under,”.

Endnote

Act amended

- 1 Republished as in force on 2 March 1998. See also Acts 1999 Nos 11 and 18.