

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) ORDINANCE 1985

MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO. 6) 1985

No. 50 of 1985

EXPLANATORY STATEMENT

The Motor Traffic (Alcohol and Drugs) Ordinance 1977 (the Principal Ordinance) establishes a framework for the breath analysis of persons suspected of driving with more than the prescribed concentration of alcohol in their blood. The Motor Traffic (Alcohol and Drugs) (Amendment) Ordinance 1985 corrects a number of technical defects to which attention has been drawn by decisions of the Canberra Court of Petty Sessions and the ACT Supreme Court. In particular the amendments -

- . redefine 'drug' so as to include prescription drugs such as tranquilizers as well as narcotic drugs;
- . provide for proof of the approval of breathalyzing instruments by certificate rather than by production of the particular machine used in each case;
- . clarify the operation of provisions designed to lessen the likelihood of an unmeritorious acquittal because of some technical defect in the procedures followed by the breathalyzer operator or analyst;
- . permit the approved operators to use their breath rather than room air in carrying out the prescribed test sequences using the 'Model 1000' breathalyzer instrument.

The Motor Traffic (Amendment) Ordinance (No. 6) 1985 makes an amendment to the Motor Traffic Ordinance 1936 consequential upon the Motor Traffic (Alcohol and Drugs) (Amendment) Ordinance 1985.

The effect of each of the provisions in the Ordinances is outlined in the Attachments.

ORD 7/85

ORD 8/85

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Section 1 is an interpretation provision.

Section 2 omits the definition of 'drug' from sub-section 4(1) of the Motor Traffic Ordinance 1936 as the definition of drug in the Motor Traffic Ordinance 1936 would be redundant following the amendment of the Principal Ordinance by the Motor Traffic (Alcohol and Drugs) (Amendment) Ordinance 1985.

Ord. 8/85