



AUSTRALIAN CAPITAL TERRITORY

## **Motor Traffic (Alcohol and Drugs) (Amendment) Act 1993**

No. 22 of 1993

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

*[Notified in ACT Gazette S47: 5 April 1993]*

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

#### **Short title**

1. This Act may be cited as the *Motor Traffic (Alcohol and Drugs) (Amendment) Act 1993*.

#### **Principal Act**

2. In this Act, “Principal Act” means the *Motor Traffic (Alcohol and Drugs) Act 1977*.<sup>1</sup>

**Substitution**

3. Sections 19 and 20 of the Principal Act are repealed and the following section is substituted:

**Prescribed blood alcohol concentration exceeded**

“19. (1) A person who—

- (a) has been the driver of a motor vehicle on a public street or in a public place; and
- (b) has, within the relevant period, a concentration of alcohol in his or her blood equal to or more than the prescribed concentration;

is guilty of an offence.

“(2) In proceedings for an offence against subsection (1), evidence may be given of the concentration of alcohol in the person’s blood as determined by—

- (a) an analysis of a sample of the person’s breath or blood carried out in accordance with this Act; or
- (b) any other analysis.

“(3) In paragraph (1) (b)—

‘relevant period’ means the period commencing when the person ceased to be the driver of the vehicle and ending at the latest time at which—

- (a) a breath analysis of the person may be carried out in accordance with this Act; or
- (b) where section 15 applies—a sample of the person’s blood may be taken in accordance with that section.”.

**Evidence for insurance purposes**

4. Section 41A of the Principal Act is amended—

- (a) by omitting from paragraphs (1) (e), (f), (g) and (h) “an offence against subsection 20 (2) in relation to the blood” and substituting “a relevant offence”;
- (b) by omitting from paragraphs (1) (g) and (h) “Crimes Act” and substituting “*Crimes Act 1900*”; and

- (c) by omitting subsection (6) and substituting the following subsection:

“(6) In subsection (1)—

‘relevant offence’ means an offence against section 19 in respect of a sample of blood taken from a person under subsection 15 (4).”.

### **Further amendments**

**5. (1)** The following provisions of the Principal Act are amended by omitting “or 20”:

Section 21, subsection 25 (1) (definition of “traffic infringer”) and paragraphs 26A (a), 28 (2) (a), 31 (2) (a) and 32 (5) (a) and (6) (a).

**(2)** The following provisions of the Principal Act are amended by omitting “20,”:

Sections 26 and 27 and paragraph 28 (1) (a).

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### **NOTE**

1. Reprinted as at 30 September 1991. See also Act No. 63, 1992.

*[Presentation speech made in Assembly on 25 February 1993]*