



AUSTRALIAN CAPITAL TERRITORY

Motor Traffic (Alcohol and Drugs) (Amendment) Act (No. 3) 1993

No. 58 of 1993

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

[Notified in ACT Gazette S172: 6 September 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 (No. 3) 1993*.

Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on the day on which the *Motor Traffic (Amendment) Act (No. 2) 1993* (other than sections 1 and 2) commences.

Principal Act

3. In this Act, “Principal Act” means the *Motor Traffic (Alcohol and Drugs) Act 1977*.¹

Interpretation

4. Section 4 of the Principal Act is amended—

- (a) by omitting “granted under section 10 of” from the definition of “experienced driver” in subsection (1) and substituting “, other than a learner licence, granted under”;
- (b) by omitting paragraphs (a) and (b) from the definition of “prescribed concentration” in subsection (1) and substituting the following paragraphs:
 - “(a) in the case of a person who holds a learner, provisional, probationary or special licence—.02 grams of alcohol per 100 millilitres of blood;
 - (b) in the case of any other driver of—
 - (i) a heavy motor vehicle;
 - (ii) a dangerous goods vehicle;
 - (iii) a Commonwealth vehicle;
 - (iv) a public motor vehicle; or
 - (v) a private hire car;.02 grams of alcohol per 100 millilitres of blood; or”;
- (c) by inserting in subsection (1) the following definition:
 - “ ‘Commonwealth vehicle’ means a motor vehicle—
 - (a) that is owned by the Commonwealth; and
 - (b) the number plate of which displays a sequence of characters that commences with ‘C*’;”.

Traffic infringement notice

5. Section 26A of the Principal Act is amended—

- (a) by omitting paragraph (b); and
- (b) by omitting all the words after paragraph (d) and substituting the following:

“sections 180A and 180NB of the *Motor Traffic Act 1936* apply to that offence as if—

 - (e) that offence were a prescribed offence for the purposes of each of those sections;

- (f) the prescribed penalty for that offence for the purposes of section 180A were the penalty prescribed by the Motor Traffic Regulations; and
- (g) the prescribed number of demerit points for that offence for the purposes of section 180NB were the number of demerit points prescribed by the Motor Traffic Regulations.”.

Cancellation and disqualification—previous offenders

6. Section 32 of the Principal Act is amended—

- (a) by omitting paragraph (6) (c); and
- (b) by omitting from paragraph (6) (e) “(b)” and substituting “(d)”.

Requirements to be complied with where licence suspended or cancelled

7. Section 35 of the Principal Act is amended by omitting from subsection (3) all the words after “refund of” and substituting “the fee or any part of the fee paid on the grant of the licence”.

Restoration of cancelled licences

8. Section 40 of the Principal Act is amended—

- (a) by omitting from subsection (1) “driving” (last occurring) and substituting “probationary”; and
- (b) by omitting from subparagraph (3) (b) (v), paragraph (4) (a) and subsections (5), (6) and (8) “driving” and substituting “probationary”.

4 *Motor Traffic (Alcohol and Drugs) (Amendment) (No. 3) No. 58, 1993*

NOTE

1. Reprinted as at 30 September 1991. See also Act No. 63, 1992; Nos. 22 and 50, 1993.

[Presentation speech made in Assembly on 17 June 1993]

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