

No. 57 of 1973

## AN ORDINANCE

### Relating to Motor Traffic.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1972*.

Dated this eighteenth day of December, 1973.

PAUL HASLUCK  
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT  
Minister of State for the Capital Territory.

### MOTOR TRAFFIC ORDINANCE (No. 6) 1973

1. (1) This Ordinance may be cited as the *Motor Traffic Ordinance* (No. 6) 1973.\* Short title and citation.

(2) The *Motor Traffic Ordinance 1936-1972*,† as amended by the *Motor Traffic Ordinance 1973*,‡ the *Motor Traffic Ordinance* (No. 2) 1973,§ the *Motor Traffic Ordinance* (No. 3) 1973,|| the *Motor Traffic Ordinance* (No. 4) 1973¶ and the *Motor Traffic Ordinance* (No. 5) 1973,\*\* is in this Ordinance referred to as the Principal Ordinance.

(3) Section 1 of the *Motor Traffic Ordinance* (No. 5) 1973 is amended by omitting sub-section (4).

(4) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Motor Traffic Ordinance 1936-1973*.

2. Section 139c of the Principal Ordinance is amended by omitting sub-sections (1), (2) and (3) and substituting the following sub-sections:— Evidence of alcohol in blood by breath or blood test.

“ (1) In any proceedings in a court in relation to an alleged offence or an accident, evidence of the result of a breath test of a sample of the breath of a person expressed as a percentage of alcohol in blood is evidence that, at the time of the alleged offence or accident, the person had a concentration of alcohol in his blood in grammes of alcohol per one hundred millilitres of blood equal to that percentage.

\* Notified in the *Australian Government Gazette* on 19 December 1973.

† Ordinance No. 45, 1936, as amended by Nos. 25 and 41, 1938; No. 16, 1941; No. 14, 1942; Nos. 2 and 13, 1943; No. 3, 1945; Nos. 6 and 13, 1947; No. 7, 1950; No. 17, 1951; Nos. 1 and 7, 1955; No. 6, 1956; No. 19, 1957; Nos. 10 and 15, 1958; Nos. 7 and 21, 1959; No. 11, 1960; Nos. 16 and 17, 1962; No. 21, 1963; No. 8, 1964; Nos. 9 and 13, 1965; No. 19, 1966; No. 2, 1968; Nos. 27 and 29, 1969; No. 27, 1970; Nos. 13, 17, 37 and 39, 1971; and Nos. 3 and 10, 1972.

‡ Ordinance No. 1, 1973.

§ Ordinance No. 32, 1973.

|| Ordinance No. 38, 1973.

¶ Ordinance No. 41, 1973.

\*\* Ordinance No. 42, 1973.

“(2) Where, in any proceedings in a court, evidence is given that a person submitted to more than one breath test in respect of an alleged offence or accident and that the results of those breath tests expressed as percentages of alcohol in blood differed, sub-section (1) applies as if that person had submitted to only one breath test and the result of that test expressed as a percentage of alcohol in blood had been the lower or lowest of the percentages represented by the results of the breath tests to which the person submitted.

“(3) In any proceedings in a court in relation to an alleged offence or accident, evidence of the concentration of alcohol in blood as ascertained by a blood test of a sample of the blood of a person is evidence that, at the time of the commission of the alleged offence or the occurrence of the accident, as the case may be, the person had the concentration of alcohol in his blood as so ascertained.”.

**Breath tests.****3. Section 139E of the Principal Ordinance is amended—**

- (a) by omitting from sub-section (16) the words “in which evidence of the result of a breath test is relevant”;
- (b) by omitting from sub-paragraph (v) of paragraph (c) of sub-section (16) the word “and” (where last occurring);
- (c) by omitting sub-paragraph (vi) of paragraph (c) of sub-section (16) and substituting the following sub-paragraphs:—
  - “(vi) the device showed as the result of the breath test the percentage of alcohol in blood specified in the certificate; and
  - “(vii) as soon as practicable after the breath test had been carried out, he signed and delivered to the person named in the certificate a statement in writing stating the matters referred to in sub-section (13),”; and
- (d) by omitting from sub-section (17) the words “in which evidence of the result of a breath test is relevant”.

**Blood tests.****4. Section 139G of the Principal Ordinance is amended—**

- (a) by omitting from sub-section (2) the words “the blood test to be carried out at the hospital in accordance with this section” and substituting the words “a sample of the person’s blood to be obtained at the hospital”; and
- (b) by omitting from sub-section (4) the words “the blood test to be carried out at a hospital or at a police station in accordance with this section” and substituting the words “a sample of the person’s blood to be obtained”.