

AUSTRALIAN CAPITAL TERRITORY

No. 37 of 1980

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

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

Dated this twelfth day of October 1980.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

R. ELLICOTT
Minister of State for the Capital Territory

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) ORDINANCE 1980

Short title

1. This Ordinance may be cited as the *Motor Traffic (Alcohol and Drugs) (Amendment) Ordinance 1980*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Motor Traffic (Alcohol and Drugs) Ordinance 1977*.²

Interpretation

3. Section 4 of the Principal Ordinance is amended by omitting "of a type" from the definition of "approved breath analysing instrument" in sub-section (1).

Approval of instruments and types of devices

4. Section 5 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

"(1) Where the Minister is of opinion that an instrument—

(a) has been designed and constructed for the purpose of analysing the concentration of alcohol in a sample of a person's breath and showing

or recording a result that represents the concentration, in grams per 100 millilitres of blood, of alcohol in the blood of that person; and

(b) is suitable for use in analyses under Part II,

the Minister may, by notice in accordance with the form set out in the Schedule and affixed to the instrument, approve the instrument for the purposes of this Ordinance.”.

Certificates to be evidence

5. Section 41 of the Principal Ordinance is amended—

(a) by inserting before paragraph (a) the following paragraph:

“(aa) a notice in accordance with the form set out in the Schedule, being a notice that purports to be signed by the Minister and that is affixed, by any means, to an instrument is *prima facie* evidence of the matters stated in the notice and of the facts on which they are based;”;

(b) by omitting sub-paragraph (a) (iii) and substituting the following sub-paragraph:

“(iii) the instrument used in the analysis and that the instrument so used was an approved breath analysing instrument;”;

(c) by omitting sub-paragraph (b) (iii) and substituting the following sub-paragraph:

“(iii) the instrument available for the purpose of the analysis and that the instrument so available was an approved breath analysing instrument;”.

Schedule

6. The Principal Ordinance is amended by adding at the end thereof the following Schedule:

“SCHEDULE

Sub-section 5 (1)

AUSTRALIAN CAPITAL TERRITORY

Motor Traffic (Alcohol and Drugs) Ordinance 1977

NOTICE OF APPROVAL OF BREATH ANALYSING INSTRUMENT

In pursuance of sub-section 5 (1) of the *Motor Traffic (Alcohol and Drugs) Ordinance 1977*, I,, the Minister of State for the Capital Territory, being of opinion—

(a) that the instrument to which this notice is affixed has been designed and constructed for the purpose of analysing the concentration of alcohol in a sample of a person’s breath and showing or recording a result that represents the concentration, in grams per 100 millilitres of blood, of alcohol in the blood of that person; and

(b) that the instrument is suitable for use in analyses under Part II of that Ordinance,

HEREBY APPROVE the instrument for the purposes of the *Motor Traffic (Alcohol and Drugs) Ordinance 1977*.

Dated this

day of

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Minister of State for
the Capital Territory

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 14 October 1980.
2. Ordinance No. 17, 1977 as amended by No. 52, 1977; No. 46, 1978.