
Motor Traffic (Alcohol and Drugs) (Amendment) Ordinance 1982

No. 94 of 1982

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 9 December 1982.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

MICHAEL HODGMAN
Minister of State for the Capital Territory

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

Short title

1. This Ordinance may be cited as the *Motor Traffic (Alcohol and Drugs) (Amendment) Ordinance 1982*.¹

Principal Ordinance

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

Power to require screening test where a vehicle not involved in an accident

3. Section 8 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) "and the member of the Police Force has reasonable cause to suspect that the person has alcohol or a drug in his body";
- (b) by omitting from sub-paragraph (b) (i) "and"; and
- (c) by omitting sub-paragraph (b) (ii).

4. After section 10 of the Principal Ordinance the following section is inserted:

Written statement relating to screening test

"10A. (1) As soon as possible after a person has undergone a screening test in pursuance of a requirement made by a member of the Police Force under

section 8, 9 or 10 and in accordance with the directions of the member, the member shall give to the person a written statement, signed by the member, containing details of—

- (a) the date and time when the test was carried out;
- (b) the place where the test was carried out;
- (c) the results of the test; and
- (d) the name, rank and identification number of the member of the Police Force who carried out the test.

“(2) As soon as possible after a person has refused or failed to undergo a screening test in pursuance of a requirement made by a member of the Police Force under section 8, 9 or 10 and in accordance with the directions of the member, the member shall give to the person a written statement, signed by the member, stating that the person has so refused or failed to undergo a screening test and containing details of—

- (a) the date and time when the requirement was made;
- (b) the place where the requirement was made; and
- (c) the name, rank and identification number of the member of the Police Force who made the requirement.”.

Breath analysis

5. Section 12 of the Principal Ordinance is amended by omitting from sub-section (1) “the member of the Police Force by whom the requirement under section 8, 9 or 10 was made” and substituting “a member of the Police Force”.

Requirement to undergo screening test or breath analysis not to be made in certain circumstances

6. Section 14 of the Principal Ordinance is amended by omitting from sub-paragraph (2) (c) (iii) all words after “making the” and substituting “requirement has followed the motor vehicle while it was being driven on the public street”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 17 December 1982.
2. No. 17, 1977 as amended by No. 52, 1977; No. 46, 1978; No. 37, 1980; Nos. 16 and 29, 1981.