

1998

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT)
BILL 1998** (NO 7)

EXPLANATORY MEMORANDUM

Circulated by authority of

**Brendan Michael Smyth MLA
Minister for Urban Services**

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EXPLANATORY MEMORANDUM

Outline

The objective of the Bill is to amend the *Motor Traffic (Alcohol and Drugs) Act 1977* to reinsert imprisonment provisions for certain offences which were inadvertently omitted as a result of the *Motor Traffic (Alcohol and Drugs) (Amendment) Act 1997*. The offences are those for refusing to provide a breath sample, refusing a blood test and driving under the influence of intoxicating liquor or a drug.

Financial Implications

There are no direct costs associated with the amendments.

Commencement and Citation

Clauses 2 and 3 provide that the amendment will take effect upon notice in the *Gazette*, and that reference in the Bill to "Principal Act" means the *Motor Traffic (Alcohol and Drugs) Act 1977*.

Clause 4 amends section 27 (Imprisonment- section 22, 23 and 24 offences).

Clause 4 inserts a new section 27 which specifies that offences under sections 22 (Refusing to provide a breath sample), 23 (Refusing blood test) and 24 (Driving under the influence of intoxicating liquor or a drug), are offences for which the Court may consider a term of imprisonment in addition to, or in place of, a pecuniary penalty.

The imprisonment terms inserted by the amendment are commensurate with the Schedule of Penalties available for exceeding the prescribed concentration of alcohol (in section 26), which is the offence avoided by a person who commits the offences in sections 22, 23 and 24.