

1996

**AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY**

**MOTOR TRAFFIC (ALCOHOL AND DRUGS)
(AMENDMENT) BILL 1996**

EXPLANATORY MEMORANDUM

**Circulated by the authority of
Tony De Domenico MLA
Minister for Urban Services**

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1996
EXPLANATORY MEMORANDUM

Outline

The Motor Traffic (Alcohol and Drugs) Act 1977 prescribes a particular maximum blood alcohol limit for certain Commonwealth vehicles which is lower than the general limit. The particular provision is intended to apply to Commonwealth chauffeur driven vehicles. This Bill substitutes a new definition of "Commonwealth vehicle" which is consistent with the current practice for the actual physical identification of Commonwealth vehicles driven by chauffeurs.

This Bill is related to the Motor Traffic (Amendment) Bill 1996 which makes various amendments to the *Motor Traffic Act 1936*. The new definition of "Commonwealth vehicle" in this Bill is the same as the new definition of "Commonwealth vehicle" inserted by clause 13 of the related Bill. Clause 13 amends a provision in the Motor Traffic Act which exempts specified Commonwealth vehicles from the requirement to secure child passengers with a child restraint.

Financial Implications

There are no financial implications envisaged for the Territory.

Details of the bill are as follows:

Clause 1- Short title

Clause 1 provides for the citation of the Bill once enacted as the *Motor Traffic (Alcohol and Drugs) (Amendment) Act 1996*.

Clause 2- Commencement

Clause 2 provides for the commencement of the Act.

Clause 3 - Principal Act

Clause 3 provides that for the purposes of the Bill, the "Principal Act" is the *Motor Traffic (Alcohol and Drugs) Act 1977*.

Clause 4 - Interpretation

Existing subsection 4(1) defines the term "Commonwealth vehicle" as a vehicle which is owned by the Commonwealth and which has a number plate which commences with "C*". This definition is intended to apply to Commonwealth vehicles which are driven by chauffeurs.

The maximum blood alcohol concentration for drivers of Commonwealth vehicles as defined in existing subsection 4 (1) is 0.02 grams of alcohol per 100 millilitres of blood rather than the general limit of 0.05 grams. Refer to the definition of "prescribed concentration" in existing subsection 4(1). The same lower limit applies to other vehicles for hire and also to other specified vehicles which present a particular safety concern.

The above method of identifying relevant Commonwealth vehicles is now out of date as Commonwealth chauffeur driven vehicles are now identified not by a "C*" on the number plate but by a particular label on the windscreen.

Clause 4 repeals the existing definition of Commonwealth vehicle and substitutes a new definition which is consistent with current practice. Under the new definition, a "Commonwealth vehicle" is a vehicle owned by the Commonwealth and which either has attached to its windscreen a label of the type described or is a vehicle which belongs to a class of vehicles identified by the Minister by instrument published in the Gazette. This latter alternative provides for the Minister to take appropriate steps should the method of identifying Commonwealth vehicles change again.

The new definition of "Commonwealth vehicle" is the same as the new definition of the same term inserted by clause 13 of the *Motor Traffic (Amendment) Bill 1996*.