

1993

THE LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT)

BILL (NO.2) 1993

EXPLANATORY MEMORANDUM

**Circulated by the authority of the Minister for Urban Services
Terry Connolly MLA**

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL (NO.2) 1993

Explanatory Memorandum

The Motor Traffic (Alcohol and Drugs) Act 1977 (the Act) provides powers to examine the breath or blood of persons who drive motor vehicles for the presence of alcohol or drugs.

The Motor Traffic (Alcohol and Drugs) Amendment) Bill (No.2) 1993 amends the Act to remove the isolated traffic infringement penalty contained in paragraph 26A(f) of the Act to facilitate its transfer into regulations under the Motor Traffic Act 1936.

Financial Considerations

There are no direct costs associated with the Bill.

Details

Traffic Infringement Notices

Under section 26A of the Act a police officer may issue a traffic infringement notice carrying a penalty of \$500 to a person, being a first offender, who is subject to a prescribed concentration of .05 grams of alcohol per 100 millilitres of blood and whose blood alcohol concentration does not exceed .08 grams of alcohol per 100 millilitres of blood.

The Bill removes the penalty for traffic infringement notices from paragraph 26A(f) of the Act, so it can be transferred to the Motor Traffic Regulations. The inclusion of the penalty in the regulations will facilitate variations to the penalty whilst maintaining Legislative Assembly scrutiny and also enables all traffic infringement penalties to be located together.

This Bill is consequential upon the Motor Traffic (Amendment) Bill 1993 which amends the *Motor Traffic Act 1936* to enable regulations to be made under the Act in respect of penalties under the Motor Traffic (Alcohol and Drugs) Act 1977.

Clauses 1 to 3 provide for formal matters.

Clause 4 amends paragraph 26A(f) of the Act which specifies a \$500 penalty and provides that the penalty is as prescribed by the Motor Traffic Regulations.