

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT)
ORDINANCE 1987

No 9, 1987

ISSUED BY AUTHORITY OF THE MINISTER

OF STATE FOR TERRITORIES

The Motor Traffic (Alcohol and Drugs) Ordinance 1977 (the "Principal Ordinance") establishes a framework for the detection and detention of persons who drive motor vehicles after consuming alcohol or drugs. Section 47 of the Principal Ordinance gives an arrested person a right to request a medical examination in certain circumstances. A recent prosecution in the ACT Magistrates Court failed because the Court's interpretation was that the right existed notwithstanding that the defendant's medical condition was not relevant to the offence with which he was charged. This is not intended. The Motor Traffic (Alcohol and Drugs) (Amendment) Ordinance 1987 amends the Principal Ordinance to include the offence of escaping from custody (section 46) among those provisions specifically excluded from the operation of the statutory right to medical examination.

The effect of each of the provisions in the amending Ordinance is as follows:

Section 1 cites the short title of the Ordinance as the Motor Traffic (Alcohol and Drugs) (Amendment) Ordinance 1987.

Section 2 amends section 47 of the Motor Traffic (Alcohol and Drugs) Ordinance 1977 to provide that a person arrested for the offence of escaping from custody under section 46 is not to have the right of an arrested person to request a medical examination.