



ANNO OCTODECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 22 of 1969

**An Act to Amend the Traffic Act 1949–1968 in certain
particulars**

[ASSENTED TO 17TH DECEMBER, 1969]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *Traffic Act Amendment Act 1969*.

(2) The *Traffic Act 1949–1968* is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Traffic Act 1949-1969*.

2. Commencement. This Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the Gazette.

3. Amendment of s. 9—Interpretation. Section 9 of the Principal Act is amended by inserting in subsection (1) after the definition "Police station" the following definition:—

" "Provisional license"—A driver's license issued or renewed as a provisional license pursuant to section 14 of this Act;".

4. Amendment of s. 14 (1)—Issue and renewal of drivers' licenses. Section 14 of the Principal Act is amended by inserting in subsection (1) after the words "drivers' licenses (other than learners' permits)" the words "either provisionally or otherwise".

5. Amendment of s. 16A. Provision, as respects alcohol, for breath tests and for laboratory tests for evidentiary purposes. Section 16A of the Principal Act is amended by inserting in subsection (12) after the words "of such person shall", the words ", save where the license is cancelled under subsection (1) of section 16B of this Act,".

6. New section 16B. The Principal Act is amended by inserting after section 16A of this Act the following section:—

" **16B. Cancellation of provisional license.** (1) Where—

(a) a certificate given under paragraph (a) of subsection (8) of section 16A of this Act setting out the matters specified in paragraph (b) of that subsection of the analysis by means of a breath analysing instrument of a specimen of breath of a person required by a member of the Police Force to be provided pursuant to paragraph (a) or (b) of subsection (6) of that section indicates that the concentration of alcohol in that person's blood equals or exceeds 80 milligrams of alcohol to 100 millilitres of blood; or

(b) a person so required fails to provide such specimen, then by virtue of that fact, where the driver's license of that person is a provisional license, the provisional license is cancelled as from the time when the analysis was made or, as the case may be, the requisition was made.

The member of the Police Force who required the specimen shall sign and deliver to the person concerned or to another person on behalf of that person at the request of that other person, a statement in writing that the provisional license of the person concerned is cancelled under this subsection.

(2) Where—

(a) a certificate given under subsection (9) of section 16A of this Act setting out the matters specified in paragraph (b) of that subsection of a laboratory test of a specimen of blood of a person required by a member of the Police Force to be provided pursuant to paragraph (a) or (b) of subsection (6) of that section indicates that the concentration of alcohol in that person's blood at the time when he provided the specimen equals or exceeds 80 milligrams of alcohol to 100 millilitres of blood; or

(b) a person so required fails to provide such specimen,

then by virtue of that fact, where the driver's license of that person is a provisional license, the provisional license is cancelled as from the time:—

(c) in a case to which paragraph (a) of this subsection applies, when a copy of the certificate is served on that person;

(d) in a case to which paragraph (b) of this subsection applies, when the requisition was made.

In a case to which paragraph (a) of this subsection applies, there shall be served with the copy of the certificate a statement in writing that the provisional license of the person concerned is cancelled under this subsection.

In a case to which paragraph (b) of this subsection applies, the member of the Police Force who required the specimen shall sign and deliver to the person concerned or to another person on behalf of that person at the request of that other person, a statement in writing that the provisional license of the person concerned is cancelled under this subsection.

(3) Where a person who at the time he is convicted of an offence under section 16 of this Act is the holder of a provisional license then the provisional license of that person is cancelled by such conviction without any specific order as from the time of the conviction.

(4) No appeal lies in respect of the cancellation of a provisional license by reason of any provision of this section.

(5) This section does not prejudice or affect in any way any other provision of this Act, or the power to make regulations hereunder, with respect to suspension or cancellation of drivers' licenses, or disqualification of persons from holding or obtaining a driver's license by reason of being convicted of an offence."

7. Amendment of s. 39—Driver to stop and supply name, etc., when required. Section 39 of the Principal Act is amended by inserting in subsection (3) after the words "driver's license" the words "(other than a provisional license)".

8. Amendment of The Schedule—Subject Matter for Regulations. The Schedule to the Principal Act is amended by inserting in clause 6, after the words “ learner’s permit ” in the penultimate paragraph (being the paragraph commencing with the words “ Prescribing notices, letters.”), the words “ or provisional license ”.