

Queensland



ANNO TRICESIMO PRIMO

ELIZABETHAE SECUNDAE REGINAE

No. 52 of 1982

An Act to amend the Traffic Act 1949–1982 and the Traffic Act Amendment Act 1974–1977 each in certain particulars

[ASSENTED TO 8TH NOVEMBER, 1982]

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. This Act may be cited as the *Traffic Acts Amendment Act 1982*.

2. Commencement. (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) The Governor may by Proclamation—

(a) appoint a date on which this Act (other than section 1 and this section) shall commence; or

(b) appoint dates on which the provisions (other than section 1 and this section) of this Act specified in the Proclamation shall commence.

Such dates may be appointed in the one Proclamation or in different Proclamations.

This Act (other than section 1 and this section) or a provision thereof specified in the Proclamation shall commence on the date appointed by Proclamation made under this subsection for the commencement of this Act or, as the case may be, that provision.

3. Principal Act and citation as amended. (1) In this Act the *Traffic Act 1949–1982* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Traffic Act 1949–1982*.

4. Amendment of s. 16. Driving, etc., whilst under influence of liquor or drugs or with prescribed concentration of alcohol in blood. Section 16 of the Principal Act is amended by—

(a) in subsections (2), (4) and (6) omitting the expression “80” wherever occurring and substituting the expression “50” in each case;

(b) omitting subsection (12).

5. Amendment of s. 16A. Provisions with respect to breath tests and laboratory tests. Section 16A of the Principal Act is amended by, in subsections (6) and (22) omitting the expression “80” wherever occurring and substituting the expression “50” in each case.

6. Amendment of s. 16B. Cancellation of provisional license or learner's permit. Section 16B of the Principal Act is amended by, in subsections (1) and (2) omitting the expression “80” and substituting the expression “50” in each case.

7. New s. 16C. Offenders may be ordered to attend training programmes or driving courses. The Principal Act is amended by inserting after section 16B the following section:—

“ 16C. Offenders may be ordered to attend training programmes or driving courses. Where a person is convicted at a prescribed place—

- (a) of an offence defined in section 16 or 17; or
- (b) upon indictment or summarily of an offence defined in section 328A of *The Criminal Code*,

the Judge presiding at his trial or the justices before whom he is summarily convicted may in addition to any penalty or imprisonment imposed on him order that he, during the period he is disqualified by such conviction or order of the Judge or justices from holding or obtaining a driver's license, attend and complete—

- (i) in the case of a conviction of an offence defined in section 16, a training programme approved by the Minister; or
- (ii) in the case of a conviction of an offence defined in section 17 or in section 328A of *The Criminal Code*, a defensive driving course,

to be conducted by the Queensland Road Safety Council at a prescribed place, on such dates and at such times as are notified to him by notice in writing given by the Commissioner for Transport.”.

8. Amendment of s. 20. Disqualification of drivers of motor vehicles for certain offences. Section 20 of the Principal Act is amended by, in subsection (5A)—

(a) inserting after the word “ programme ” the words “ or defensive driving course ”;

(b) omitting the expression “ 16 (12) ” and substituting the expression “ 16C ”;

(c) omitting the word “ court ” where firstly occurring and substituting the words “ Magistrates Court constituted under the *Justices Act 1886-1982* ”;

(d) omitting the words “ order of the Court ” where four times occurring and substituting the words “ order of the Judge or justices ” in each case.

9. Amendment of Act of 1974 No. 18. (1) The *Traffic Act Amendment Act 1974-1977* is amended by—

(a) in section 9, omitting from provision (12) (b) of section 16A enacted by that section 9 the expression “ 80 ” and substituting the expression “ 50 ”;

(b) in section 10, omitting from provision (3) (a) of section 16B enacted by that section 10 the expression “ 80 ” and substituting the expression “ 50 ”.

(2) The *Traffic Act Amendment Act 1974–1977* as amended by this section may be cited as the *Traffic Act Amendment Act 1974–1982*.