

**GENERAL TRAFFIC (ROAD SAFETY) AMENDMENT ACT
1987 No. 46**

NEW SOUTH WALES



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GENERAL TRAFFIC (ROAD SAFETY) AMENDMENT ACT 1987
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Act No. 46, 1987

An Act to amend the General Traffic Act 1900 with respect to the offence of driving or riding a vehicle while under the influence. [Assented to 21 May 1987]

General Traffic (Road Safety) Amendment 1987

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "General Traffic (Road Safety) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence when Schedule 1 to the Motor Traffic (Road Safety) Amendment Act 1987 commences.

Principal Act

3. The General Traffic Act 1900 is referred to in this Act as the Principal Act.

Amendment of Act No. 8, 1900

4. The Principal Act is amended by omitting section 9A and by inserting instead the following section:

Driving or riding while under the influence

9A. (1) Any person who drives or rides any vehicle (not being a motor vehicle) on a public street while under the influence of alcohol or any other drug is guilty of an offence against this Act.

(2) Where a person is charged with an offence under this section—

(a) the information may allege the person was under the influence of more than one drug and is not liable to be dismissed on the ground of uncertainty or duplicity if each of those drugs is described in the information; and

(b) the offence is proved if the court is satisfied beyond reasonable doubt that the defendant was under the influence of—

(i) a drug described in the information; or

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(ii) a combination of drugs any one or more of which was or were described in the information.

(3) In proceedings for an offence under this section—

- (a) evidence may be given of the concentration of alcohol present in the blood of the person charged, as determined pursuant to an analysis under section 4G of the Motor Traffic Act 1909 of a portion of a sample of that person's blood; and
- (b) the concentration of alcohol so determined shall be deemed to be the concentration of alcohol in the blood of that person at the time of the occurrence of the alleged offence,

where the sample of blood was taken within 2 hours after that event, unless the defendant proves otherwise.

(4) In proceedings for an offence under this section, a certificate referred to in section 4G (9), (10) or (11) of the Motor Traffic Act 1909 may be tendered in evidence and shall have the same effect for the purposes of those proceedings as it would have if tendered in evidence in proceedings for an offence under section 4E of that Act.

(5) In this section, "drug" and "motor vehicle" have the same meanings as in the Motor Traffic Act 1909.

Application of Principal Act

5. The Principal Act applies to and in respect of any offence alleged to have been committed before the commencement of this Act as if this Act had not been enacted.