

GENERAL TRAFFIC (ROAD SAFETY) AMENDMENT BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Motor Traffic (Road Safety) Amendment Bill 1987.

The object of this Bill is to amend the General Traffic Act 1900 so as—

- (a) to restate the offence against that Act of driving or riding a vehicle while under the influence of intoxicating liquor or a drug;
- (b) to limit the application of the offence under that Act of driving or riding while under the influence to the driving or riding of vehicles which are not motor vehicles; and
- (c) to enable certificate evidence relating to a blood analysis carried out under section 4G of the Motor Traffic Act 1909 to be given in proceedings for that offence.

Driving or riding a motor vehicle while under the influence is an offence against the Motor Traffic Act 1909 and that offence is also intended to be varied by the proposed Motor Traffic (Road Safety) Amendment Act 1987.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that, with minor exceptions, the proposed Act will commence when corresponding amendments are made to the Motor Traffic Act 1909.

Clause 3 states that the General Traffic Act 1900 is referred to in the proposed Act as the Principal Act.

General Traffic (Road Safety) Amendment 1987

Clause 4 substitutes section 9A of the Principal Act with a proposed new section 9A (Driving or riding while under the influence) which—

- (a) omits the present reference to “intoxicating liquor” and treats alcohol as a drug;
- (b) limits the offence under that Act of driving or riding under the influence to vehicles which are not motor vehicles;
- (c) declares that a person may be charged with having been under the influence of more than one drug and that the offence may be proved if a person is found to have been under the influence of a combination of drugs; and
- (d) enables certificate evidence to be given, in proceedings for that offence, with respect to an analysis of blood carried out under section 4G of the Motor Traffic Act 1909 for the purpose of detecting alcohol in the blood.

Clause 5 declares that the amendment to be made by the proposed Act does not apply in respect of offences alleged to have been committed before it commences.
