

Act No. 45

CRIMES (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 section 414A of the Crimes Act 1900 so as to enable the giving, at inquests and in connection with indictable offences, of certificate evidence relating to analyses carried out for the purpose of detecting the presence of drugs or alcohol.

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) inserts into the Principal Act proposed section 414A (3A), which will enable a certificate relating to a blood or urine analysis (carried out under proposed section 5AA of the Motor Traffic Act 1909) in which certain drugs are detected in the blood or urine of a driver of a motor vehicle to be admissible as prima facie evidence—

- (a) at an inquest; or
- (b) in connection with an indictable offence which involved the use of a motor vehicle on a public street.

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Schedule 1 (2) inserts into the Principal Act proposed section 414A (3B), which will enable a certificate relating to a blood analysis (of a blood sample taken under section 4F of the Motor Traffic Act 1909, as proposed to be amended) in which alcohol is detected in the blood of the driver or rider of a vehicle which is not a motor vehicle to be admissible as prima facie evidence—

- (a) at an inquest; or
 - (b) in connection with any indictable offence.
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