



New South Wales

Crimes Amendment (Off-road Fatal Accidents) Bill 2015

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Crimes Act 1900* and the *Road Transport Act 2013* as follows:

- (a) to extend the existing powers of police to arrest and test any participant in a fatal road accident for alcohol and drug use (which currently apply only to accidents on roads) to motor vehicle accidents that occur off-road,
- (b) to make related amendments to the procedural provisions dealing with evidence of intoxication in proceedings for dangerous driving offences under the *Crimes Act 1900*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Crimes Act 1900 No 40

Schedule 1 [1] and [2] make amendments to section 52AA of the *Crimes Act 1900* that deal with procedural matters concerning dangerous driving offences under that Act. The amendments will omit references to the results of drug and alcohol testing in connection with off-road accidents that will be redundant as a result of the related amendments proposed to be made by Schedule 2.

Schedule 2 Amendment of Road Transport Act 2013 No 18

Schedule 2 [2] extends the power of police to arrest a participant in a fatal road accident for blood and urine testing for alcohol and drug use so that the power will apply to participants in off-road motor vehicle accidents (subject to the existing requirement that the accident must have been fatal or likely to be fatal within 30 days).

Schedule 2 [1] makes a consequential amendment.

