



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.



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New South Wales

# Crimes Amendment (Off-road Fatal Accidents) Bill 2015

No. , 2015

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## **A Bill for**

An Act to amend the *Crimes Act 1900* and the *Road Transport Act 2013* to make further provision for evidence of intoxication in connection with dangerous driving and to provide for testing for alcohol and drug use in off-road accidents.

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**The Legislature of New South Wales enacts:**

1

**1 Name of Act**

2

This Act is the *Crimes Amendment (Off-road Fatal Accidents) Act 2015*.

3

**2 Commencement**

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This Act commences on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Crimes Act 1900 No 40</b>	1
<b>[1]</b>	<b>Section 52AA Dangerous driving: procedural matters</b>	2
	Omit “occurring at a place that is not a road” from section 52AA (2) and (3A) wherever occurring.	3 4
<b>[2]</b>	<b>Section 52AA (7)</b>	5
	Omit the definition of <i>road</i> .	6

<b>Schedule 2</b>	<b>Amendment of Road Transport Act 2013 No 18</b>	1
<b>[1] Schedule 3 Testing for alcohol and drug use</b>		2
Omit the definition of <i>accident participant</i> from clause 10 (1).		3
<b>[2] Schedule 3, clause 12</b>		4
Insert after clause 12 (5):		5
(6) In this clause:		6
<i>accident</i> means:		7
(a) an accident on a road involving a motor vehicle or other vehicle or a horse, or		8
(b) an accident not on a road involving a motor vehicle.		9
<i>accident participant</i> means a person who:		10
(a) at the time of an accident, was:		11
(i) driving a motor vehicle involved in the accident, or		12
(ii) occupying the driving seat of a motor vehicle involved in the accident and attempting to put the motor vehicle in motion, or		13
(iii) the holder of an applicable driver licence and occupying the seat in the motor vehicle next to a learner driver who was driving a motor vehicle involved in the accident, and		14
(b) is at least 15 years old.		15