

FIRST PRINT

CRIMES (RAILWAY 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 Transport Authorities (Railway Safety) Amendment Bill 1987.

The object of this Bill is 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 alcohol or any other drug in the blood or urine of certain employees of the State Rail Authority.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence when related amendments are made to the Transport Authorities Act 1980.

Clause 3 amends section 414A of the Crimes Act 1900 to give effect to the object stated above.

CRIMES (RAILWAY SAFETY) AMENDMENT BILL 1987

NEW SOUTH WALES



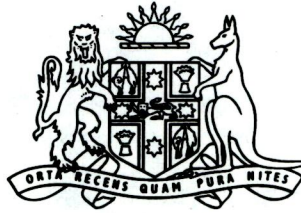
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CRIMES (RAILWAY SAFETY) AMENDMENT BILL 1987

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Crimes Act 1900 with respect to the giving of evidence relating to analyses.

Crimes (Railway Safety) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Crimes (Railway Safety) Amendment Act 1987.

5 Commencement

2. This Act shall commence on the commencement of the Transport Authorities (Railway Safety) Amendment Act 1987.

Amendment of Act No. 40, 1900, s. 414A (Certificates to be evidence)

3. The Crimes Act 1900 is amended by inserting at the end of section 10 414A the following subsections:

15 (7) A certificate which would, by virtue of Division 5 of Part IVA of the Transport Authorities Act 1980, be prima facie evidence of the particulars certified in and by the certificate in proceedings for an offence under Part IVA of that Act shall be prima facie evidence of those particulars—

(a) at any inquest; or

(b) where a person is charged before a Magistrate or before any Court with an indictable offence.

20 (8) Where any certificate under section 55T of the Transport Authorities Act 1980 is admitted in evidence by virtue of subsection (7), evidence of the condition of a breath analysing instrument or the manner in which it was operated shall not be required unless evidence that the instrument was not in proper condition or was not properly operated has been adduced.



CRIMES (RAILWAY SAFETY) AMENDMENT ACT 1987
No. 294

NEW SOUTH WALES



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THE UNIVERSITY OF CHICAGO PRESS



CRIMES (RAILWAY SAFETY) AMENDMENT ACT 1987 No. 294

NEW SOUTH WALES



Act No. 294, 1987

An Act to amend the Crimes Act 1900 with respect to the giving of evidence relating to analyses. [Assented to 16 December 1987]

Crimes (Railway Safety) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Crimes (Railway Safety) Amendment Act 1987.

Commencement

2. This Act shall commence on the commencement of the Transport Authorities (Railway Safety) Amendment Act 1987.

Amendment of Act No. 40, 1900, s. 414A (Certificates to be evidence)

3. The Crimes Act 1900 is amended by inserting at the end of section 414A the following subsections:

(7) A certificate which would, by virtue of Division 5 of Part IVA of the Transport Authorities Act 1980, be prima facie evidence of the particulars certified in and by the certificate in proceedings for an offence under Part IVA of that Act shall be prima facie evidence of those particulars—

(a) at any inquest; or

(b) where a person is charged before a Magistrate or before any Court with an indictable offence.

(8) Where any certificate under section 55r of the Transport Authorities Act 1980 is admitted in evidence by virtue of subsection (7), evidence of the condition of a breath analysing instrument or the manner in which it was operated shall not be required unless evidence that the instrument was not in proper condition or was not properly operated has been adduced.