

FIRST PRINT

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.

Crimes (Road Safety) Amendment 1987

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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CRIMES (ROAD SAFETY) AMENDMENT BILL 1987

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 40, 1900

SCHEDULE 1—AMENDMENTS TO THE CRIMES ACT 1900

CRIMES (ROAD 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 (Road Safety) Amendment 1987

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

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

Commencement

2. (1) Except as provided by subsections (2) and (3), this Act shall
10 commence on the date of assent to this Act.

(2) Schedule 1 (1), and section 3 in its application to that provision, shall commence when Schedule 1 to the Motor Traffic (Road Safety) Amendment Act 1987 commences.

(3) Schedule 1 (2), and section 3 in its application to that provision, shall
15 commence when Schedule 2 to the Motor Traffic (Road Safety) Amendment Act 1987 commences.

Amendment of Act No. 40, 1900

3. The Crimes Act 1900 is amended in the manner set forth in Schedule
1.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE CRIMES ACT 1900

Section 414A (**Certificates to be evidence**)—

5 (1) Section 414A (3A)—

After section 414A (3), insert:

10 (3A) A certificate which would, by virtue of section 5AB of the Motor Traffic Act 1909 (Evidence of presence of drugs), be prima facie evidence of the particulars certified in and by the certificate in proceedings for an offence under section 5 (2) of that Act shall be prima facie evidence of those particulars—

(a) at any inquest; or

15 (b) where a person is charged before a Magistrate or before any Court with an indictable offence which involved the use of a motor vehicle on a public street.

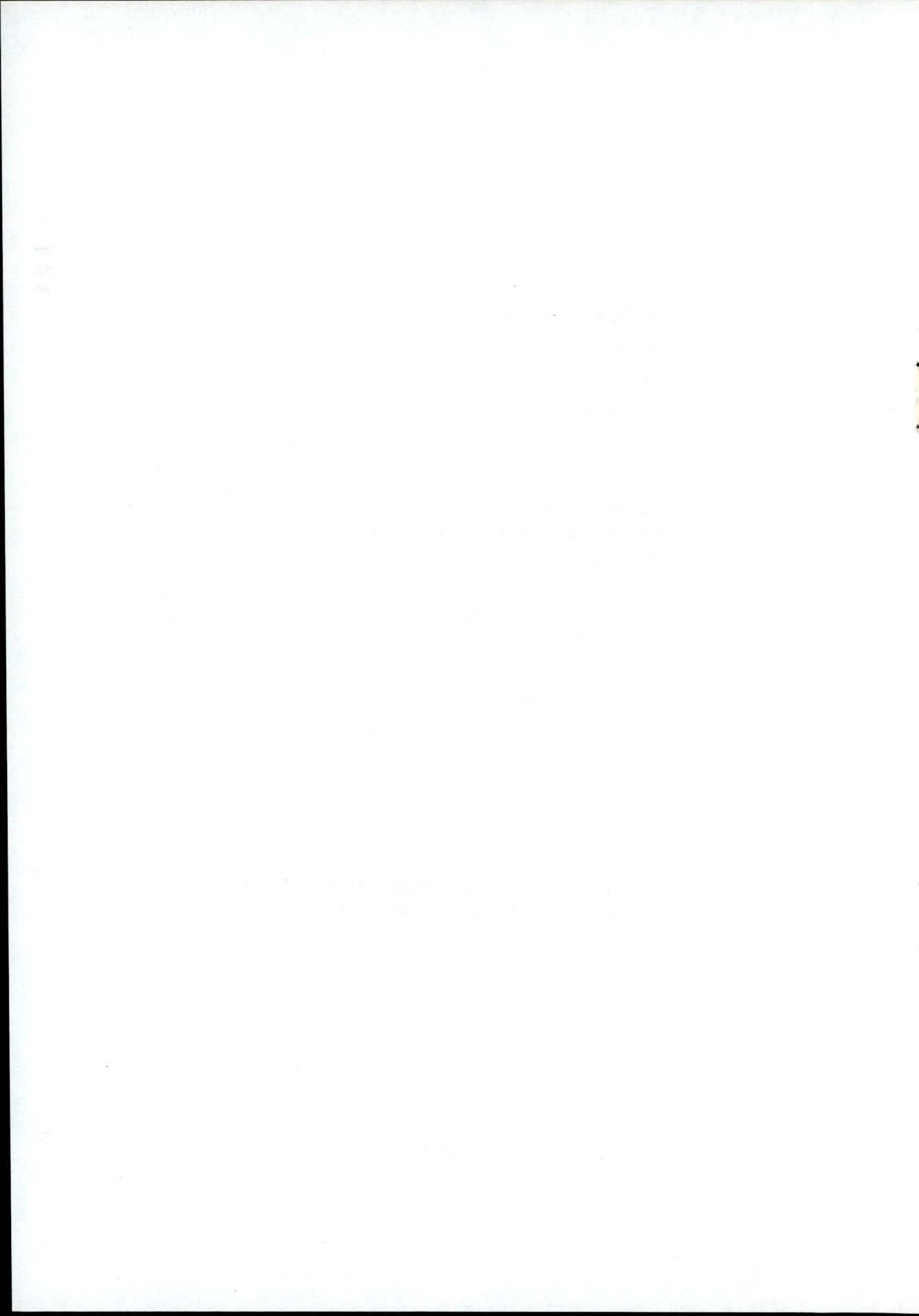
15 (2) Section 414A (3B)—

Before section 414A (4), insert:

20 (3B) A certificate which would, by virtue of section 9A of the General Traffic Act 1900 (Driving or riding while under the influence), be prima facie evidence of the particulars certified in and by the certificate in proceedings for an offence under that section shall be prima facie evidence of those particulars—

(a) at any inquest; or

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



CRIMES (ROAD SAFETY) AMENDMENT ACT 1987 No. 45

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 40, 1900

SCHEDULE 1—AMENDMENTS TO THE CRIMES ACT 1900



CRIMES (ROAD SAFETY) AMENDMENT ACT 1987 No. 45

NEW SOUTH WALES



Act No. 45, 1987

An Act to amend the Crimes Act 1900 with respect to the giving of evidence relating to analyses. [Assented to 21 May 1987]

Crimes (Road Safety) Amendment 1987

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

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

Commencement

2. (1) Except as provided by subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Schedule 1 (1), and section 3 in its application to that provision, shall commence when Schedule 1 to the Motor Traffic (Road Safety) Amendment Act 1987 commences.

(3) Schedule 1 (2), and section 3 in its application to that provision, shall commence when Schedule 2 to the Motor Traffic (Road Safety) Amendment Act 1987 commences.

Amendment of Act No. 40, 1900

3. The Crimes Act 1900 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE CRIMES ACT 1900

Section 414A (Certificates to be evidence)—

(1) Section 414A (3A)—

After section 414A (3), insert:

(3A) A certificate which would, by virtue of section 5AB of the Motor Traffic Act 1909 (Evidence of presence of drugs), be prima facie evidence of the particulars certified in and by the certificate in proceedings for an offence under section 5 (2) 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 which involved the use of a motor vehicle on a public street.

(2) Section 414A (3B)—

Before section 414A (4), insert:

(3B) A certificate which would, by virtue of section 9A of the General Traffic Act 1900 (Driving or riding while under the influence), be prima facie evidence of the particulars certified in and by the certificate in proceedings for an offence under that section 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.



