

FIRST PRINT

**GENERAL TRAFFIC (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 the General Traffic Act 1900 so as—

- (a) to restate the offence against that Act of driving or riding a vehicle while under the influence of intoxicating liquor or a drug;
- (b) to limit the application of the offence under that Act of driving or riding while under the influence to the driving or riding of vehicles which are not motor vehicles; and
- (c) to enable certificate evidence relating to a blood analysis carried out under section 4G of the Motor Traffic Act 1909 to be given in proceedings for that offence.

Driving or riding a motor vehicle while under the influence is an offence against the Motor Traffic Act 1909 and that offence is also intended to be varied by the proposed Motor Traffic (Road Safety) Amendment Act 1987.

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 states that the General Traffic Act 1900 is referred to in the proposed Act as the Principal Act.

General Traffic (Road Safety) Amendment 1987

Clause 4 substitutes section 9A of the Principal Act with a proposed new section 9A (Driving or riding while under the influence) which—

- (a) omits the present reference to “intoxicating liquor” and treats alcohol as a drug;
- (b) limits the offence under that Act of driving or riding under the influence to vehicles which are not motor vehicles;
- (c) declares that a person may be charged with having been under the influence of more than one drug and that the offence may be proved if a person is found to have been under the influence of a combination of drugs; and
- (d) enables certificate evidence to be given, in proceedings for that offence, with respect to an analysis of blood carried out under section 4G of the Motor Traffic Act 1909 for the purpose of detecting alcohol in the blood.

Clause 5 declares that the amendment to be made by the proposed Act does not apply in respect of offences alleged to have been committed before it commences.

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**GENERAL TRAFFIC (ROAD SAFETY) AMENDMENT BILL
1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the General Traffic Act 1900 with respect to the offence of driving or riding a vehicle while under the influence.

General Traffic (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 "General Traffic (Road Safety) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence when Schedule 1 to the Motor Traffic (Road Safety) Amendment Act 1987 commences.

Principal Act

15 3. The General Traffic Act 1900 is referred to in this Act as the Principal Act.

Amendment of Act No. 8, 1900

4. The Principal Act is amended by omitting section 9A and by inserting instead the following section:

20 Driving or riding while under the influence

9A. (1) Any person who drives or rides any vehicle (not being a motor vehicle) on a public street while under the influence of alcohol or any other drug is guilty of an offence against this Act.

(2) Where a person is charged with an offence under this section—

25 (a) the information may allege the person was under the influence of more than one drug and is not liable to be dismissed on the ground of uncertainty or duplicity if each of those drugs is described in the information; and

30 (b) the offence is proved if the court is satisfied beyond reasonable doubt that the defendant was under the influence of—

(i) a drug described in the information; or

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(ii) a combination of drugs any one or more of which was or were described in the information.

(3) In proceedings for an offence under this section—

5 (a) evidence may be given of the concentration of alcohol present in the blood of the person charged, as determined pursuant to an analysis under section 4G of the Motor Traffic Act 1909 of a portion of a sample of that person's blood; and

10 (b) the concentration of alcohol so determined shall be deemed to be the concentration of alcohol in the blood of that person at the time of the occurrence of the alleged offence,

where the sample of blood was taken within 2 hours after that event, unless the defendant proves otherwise.

15 (4) In proceedings for an offence under this section, a certificate referred to in section 4G (9), (10) or (11) of the Motor Traffic Act 1909 may be tendered in evidence and shall have the same effect for the purposes of those proceedings as it would have if tendered in evidence in proceedings for an offence under section 4E of that Act.

(5) In this section, "drug" and "motor vehicle" have the same meanings as in the Motor Traffic Act 1909.

20 **Application of Principal Act**

5. The Principal Act applies to and in respect of any offence alleged to have been committed before the commencement of this Act as if this Act had not been enacted.

GENERAL TRAFFIC (ROAD SAFETY) AMENDMENT ACT 1987
GENERAL TRAFFIC (ROAD SAFETY) AMENDMENT ACT
1987 No. 46

NEW SOUTH WALES

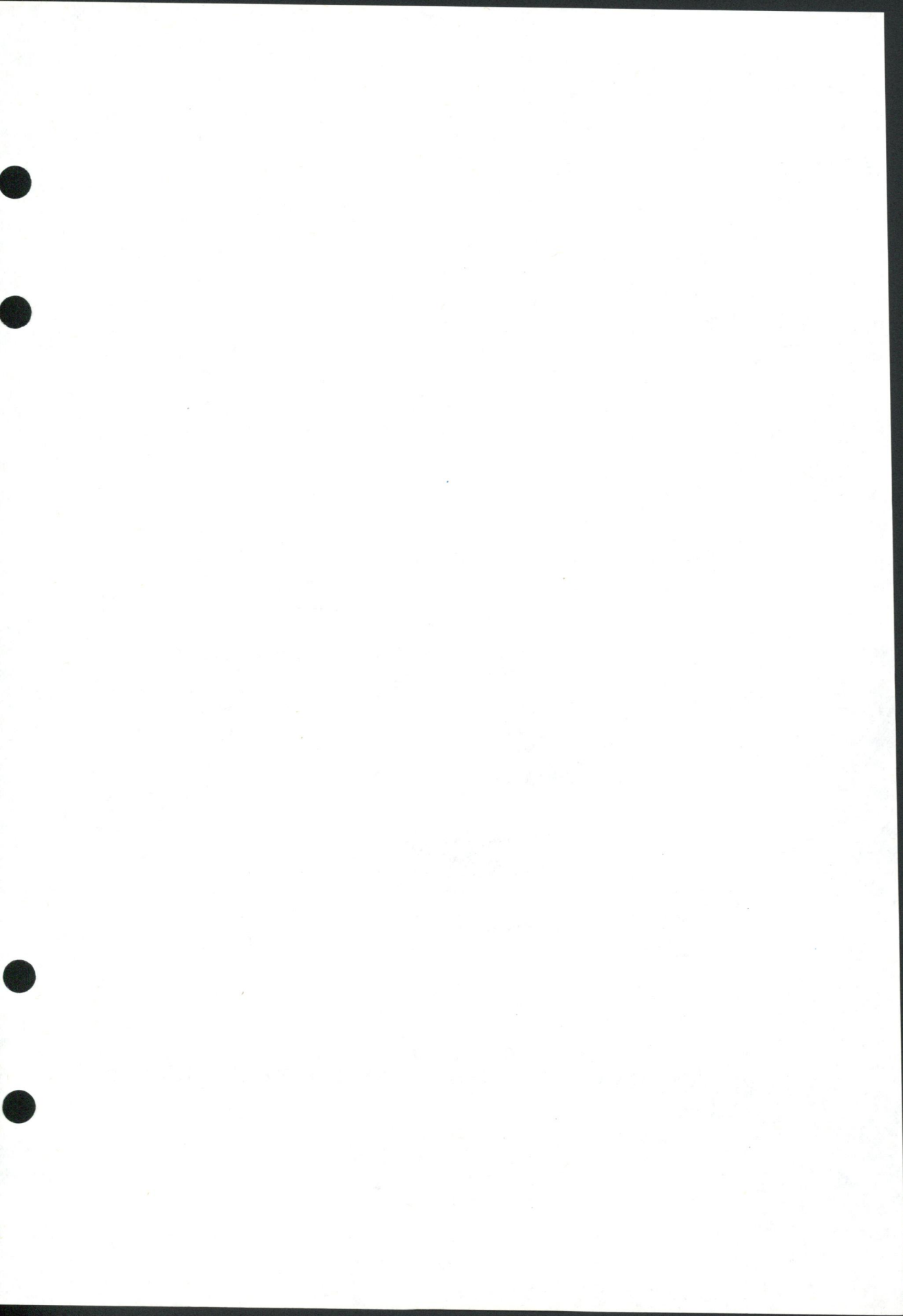


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Act No. 46, 1987

An Act to amend the General Traffic Act, 1900 with respect to the offence of driving or riding a vehicle while under the influence. [Assented to 21 May 1987]



GENERAL TRAFFIC (ROAD SAFETY) AMENDMENT ACT 1987
No. 46

NEW SOUTH WALES



Act No. 46, 1987

An Act to amend the General Traffic Act 1900 with respect to the offence of driving or riding a vehicle while under the influence. [Assented to 21 May 1987]

General Traffic (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 "General Traffic (Road Safety) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence when Schedule 1 to the Motor Traffic (Road Safety) Amendment Act 1987 commences.

Principal Act

3. The General Traffic Act 1900 is referred to in this Act as the Principal Act.

Amendment of Act No. 8, 1900

4. The Principal Act is amended by omitting section 9A and by inserting instead the following section:

Driving or riding while under the influence

9A. (1) Any person who drives or rides any vehicle (not being a motor vehicle) on a public street while under the influence of alcohol or any other drug is guilty of an offence against this Act.

(2) Where a person is charged with an offence under this section—

- (a) the information may allege the person was under the influence of more than one drug and is not liable to be dismissed on the ground of uncertainty or duplicity if each of those drugs is described in the information; and
- (b) the offence is proved if the court is satisfied beyond reasonable doubt that the defendant was under the influence of—
 - (i) a drug described in the information; or

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(ii) a combination of drugs any one or more of which was or were described in the information.

(3) In proceedings for an offence under this section—

- (a) evidence may be given of the concentration of alcohol present in the blood of the person charged, as determined pursuant to an analysis under section 4G of the Motor Traffic Act 1909 of a portion of a sample of that person's blood; and
- (b) the concentration of alcohol so determined shall be deemed to be the concentration of alcohol in the blood of that person at the time of the occurrence of the alleged offence,

where the sample of blood was taken within 2 hours after that event, unless the defendant proves otherwise.

(4) In proceedings for an offence under this section, a certificate referred to in section 4G (9), (10) or (11) of the Motor Traffic Act 1909 may be tendered in evidence and shall have the same effect for the purposes of those proceedings as it would have if tendered in evidence in proceedings for an offence under section 4E of that Act.

(5) In this section, "drug" and "motor vehicle" have the same meanings as in the Motor Traffic Act 1909.

Application of Principal Act

5. The Principal Act applies to and in respect of any offence alleged to have been committed before the commencement of this Act as if this Act had not been enacted.

