

“(4) Section thirty-six B of the *Traffic Act 1925* applies in relation to a conviction for a crime to which this section applies as it applies to such a conviction as is referred to in subsection (1) of that section and as if a reference in that section to a court were a reference to the trial judge.

“(5) An order under this section may be made in relation to any person who is convicted of a crime to which this section applies, whether at the time of the commission of the crime that person was the driver or person in charge of a motor vehicle or was being carried in or was travelling in a motor vehicle driven or operated by some other person.

“(6) In this section—

‘crime to which this section applies’ means—

(a) any crime arising out of the driving, operation, or use of a motor vehicle, or in the commission of which a motor vehicle was used, or the commission of which was facilitated by the use of a motor vehicle; and

(b) an offence against section thirty-two of the *Traffic Act 1925* that is a crime by virtue of subsection (4) of that section;

‘driver’s licence’ means a driver’s licence issued under the provisions of the *Traffic Act 1925*;

‘motor vehicle’ means a motor vehicle as defined in the *Traffic Act 1925*.”.

EVIDENCE.

No. 25 of 1966.

AN ACT to amend the *Evidence Act 1910*.

[20 July 1966.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Evidence Act 1966*.

(2) The *Evidence Act 1910*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on the day on which the *Traffic Act 1966* commences.

2 After section forty-three of the Principal Act the following Division is inserted:—

“*Division IIIA—Evidence of breath tests in certain cases.*

“43A—(1) Where in proceedings in respect of any crime or offence to which this section applies—

(a) the question—

(i) whether a person was or was not under the influence of intoxicating liquor; or

(ii) as to the percentage of alcohol in the blood of a person,

at the time of the commission of the crime or offence is relevant; and

(b) that person has, in accordance with the provisions of subsection (5) of section forty-one C of the *Traffic Act 1925*, been given such a statement as is mentioned in that subsection,

then, without affecting the admissibility of any other evidence that might be given apart from this section, evidence may be given of the percentage of alcohol indicated to be present in the blood of that person by an analysis of a sample of his breath made in accordance with that section, and the percentage of alcohol so indicated is evidence of the percentage of alcohol present in the blood of that person at the time when his breath was analysed in accordance with the provisions of that section.

“(2) A certificate signed by the Commissioner of Police certifying that a person named therein is, or was on a date specified therein, authorized pursuant to section forty-one C of the *Traffic Act 1925* to operate a breath analysing instrument (within the meaning of that section) is evidence that the person is, or as the case may be was, so authorized on the date specified in the certificate.

“(3) Evidence by a person who was at the relevant time authorized pursuant to section forty-one C of the *Traffic Act 1925* to operate a breath analysing instrument (within the meaning of that section)—

(a) that the apparatus used by him on any occasion pursuant to that section was a breath analysing instrument within the meaning of that section;

(b) that the breath analysing instrument was, on that occasion, in proper working order and properly operated by him; and

(c) that, in relation to the breath analysing instrument, all regulations made pursuant to that section with respect to breath analysing instruments and the manner of analysing breath for the purposes of that section were complied with,

his evidence of those facts.

Evidence of
breath tests
in certain
cases.
Cf. No. 6231
(Vic.), s.
408A.

“(4) This section applies to the following crimes and offences, namely:—

- (a) The crime of manslaughter arising out of the driving of a motor vehicle;
- (b) An offence against section thirty-two of the *Traffic Act 1925* that is a crime by virtue of subsection (4) of that section;
- (c) An offence under—
 - (i) section thirty-two of the *Traffic Act 1925*;
 - (ii) section forty-one of that Act;
 - (iii) section forty-one B of that Act; or
 - (iv) section forty-one C of that Act; and
- (d) An offence under section thirty-six of the *Police Offences Act 1935* (including an offence under that section that is a crime by virtue of subsection (2) thereof),

and the expression ‘crime or offence to which this section applies’ shall be construed accordingly.”.

TRAFFIC.

No. 26 of 1966.

AN ACT to amend the *Traffic Act 1925*.

[20 July 1966.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and citation.

1—(1) This Act may be cited as the *Traffic Act 1966*.

(2) The *Traffic Act 1925*, as subsequently amended, is in this Act referred to as the Principal Act.

2 After section eleven of the Principal Act the following section is inserted:—

“12—(1) No person shall, on or after the appointed day, drive a motor vehicle to which this section applies unless—

- (a) the vehicle is fitted as prescribed with such seat belts and anchorages for seat belts as are prescribed; and

Certain vehicles to be fitted with seat belts, &c. Cf. No. 59 of 1961 (S.A.), s. 162a.