

# LEGISLATIVE ASSEMBLY

(As sent to the Legislative Council.)

## A BILL

INTITULED

## AN ACT

To amend Section 408A of the *Crimes Act* 1958 and Schedule Seven A thereto and for Purposes connected therewith.

5 **B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. (1) This Act may be cited as the *Crimes (Breath Test Evidence) Act* 1969. Short title.

(2) The *Crimes Act* 1958 is in this Act referred to as the Principal Act.

Principal Act No. 6231—reprinted to No. 7407 and subsequently amended by Nos. 7546, 7577, 7645, 7651, 7696, 7782.

10 2. After sub-section (2A) of section 408A of the Principal Act there shall be inserted the following sub-section:—

Amendment of No. 6231 s. 408A.

15 “(2B) A statement in writing on any document purporting to be a copy of any certificate given as aforesaid and purporting to be signed by the person giving the certificate that he delivered the certificate at a stated time to the person whose breath was analysed shall be *prima facie* evidence in proceedings for any offence referred to in sub-section (1) of the delivery of the certificate at such time.”

Statement of delivery of certificate to be evidence.

Amendment of No. 6231 Schedule Seven A.

3. In the form of certificate in Schedule Seven A to the Principal Act paragraph 5 is repealed.

Construction of certificates given prior to commencement of this Act.

4. (1) A certificate given prior to the commencement of this Act in the form set forth in Schedule Seven A to the Principal Act as then in force shall be a valid and effectual certificate for the purposes of the Principal Act as amended by this Act notwithstanding the inclusion of paragraph 5 therein but shall be read and construed in all respects as if paragraph 5 were omitted and the certificate were a certificate given with respect to a breath analysis made after the commencement of this Act.

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Endorsement of copy certificates &c.

(2) A document purporting to be a copy of any certificate referred to in sub-section (1) may be endorsed after the commencement of this Act with a statement in writing in accordance with sub-section (2B) of section 408A of the Principal Act and any document so endorsed shall have effect as if it were a copy of a certificate given with respect to a breath analysis made after the commencement of this Act.

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