



ANNO VICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

No. 26 of 1977

An Act to amend the Traffic Act 1949–1975 and the Traffic Act Amendment Act 1974 each in certain particulars and to construe certain evidentiary certificates.

[ASSENTED TO 21ST APRIL, 1977]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *Traffic Acts Amendment Act 1977*.

(2) In this Act the *Traffic Act 1949–1975* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Traffic Act 1949–1977*.

2. Amendment of s. 9. Section 9 of the Principal Act is amended by, in the definition "vessel", inserting after the word "ferry," the words "air cushion vehicle".

3. Amendment of s. 16. Section 16 of the Principal Act is amended by omitting from each provision of that section specified in the Table following the expression “to 100 millilitres” wherever it occurs in that provision and substituting in each case the expression “per 100 millilitres”—

TABLE
subsection (2) (a)
subsection (3)
subsection (4) (b)
subsection (6) (a) (ii)
subsection (6) (b) (ii).

4. Further amendment of s. 16. Section 16 of the Principal Act is amended by—

(a) in subsection (9),

(i) omitting from paragraph (a) the general words commencing with the word “when” and concluding with the words “the justices shall—” and substituting the following words:—

“When any person charged with or arrested for an offence against any provision of subsection (1) or (2) in relation to a motor vehicle does not appear personally and is not represented by counsel or solicitor before the justices constituting the court at the first time and place when and where the complaint of the said offence is to be heard, the justices shall—

(i) adjourn the hearing of the complaint to a time specified by them on the day on which the court is to be next constituted at that place and if that person has been released on bail by recognizance or on deposit of money by way of bail, order that the bail be enlarged to the time specified by them and the bail shall thereby be enlarged accordingly to that time at that place;

(ii) order that any and every driver’s license held by that person shall on and from the date of such order be suspended until the time to which they adjourned the hearing of the complaint pursuant to provision (i).

In every case other than that referred to in the preceding subparagraph, when any person charged with or arrested for an offence against any provision of subsection (1) or (2) in relation to a motor vehicle does not appear personally before the justices constituting the court at the time and place when and where the complaint of the said offence is to be heard or to which such hearing has been adjourned, the justices shall—”;

(ii) omitting from provision (iii) of paragraph (a) the words “from the date” and substituting the words “on and from the date”;

(b) in subsection (10), omitting the words “subparagraph (i)”, the words “subparagraph (ii)” and the words “subparagraph (iii)” and substituting respectively the words “provision (i) of the second subparagraph”, the words “provision (ii) of the second subparagraph”, and the words “provision (iii) of the second subparagraph”.

5. Amendment of s. 16A. Section 16A of the Principal Act is amended by omitting subsection (25).

6. Further amendment of s. 16A. Section 16A of the Principal Act is further amended by omitting from each provision of that section specified in the Table following the expression “to 100 millilitres” wherever it occurs in that provision and substituting in each case the expression “per 100 millilitres”—

TABLE
subsection 6 (a)
subsection 16 (b) (iii)
subsection 22 (a) (i)
subsection 22 (a) (iii) (A)
subsection (24) (b) (iii).

7. Amendment of s. 16B. Section 16B of the Principal Act is amended by omitting from each provision of that section specified in the Table following the expression “to 100 millilitres” wherever it occurs in that provision and substituting in each case the expression “per 100 millilitres”—

TABLE
subsection (1) (a)
subsection (2) (a).

8. Amendment of s. 34. Section 34 of the Principal Act is amended by—

- (a) in subsection (1),
 - (i) inserting after the words “The Commissioner” the words “or the Commissioner for Transport”;
 - (ii) inserting after the words “Police Force” the words “or contained in a writing prepared by a member of the Police Force”;
- (b) in subsection (3), inserting after the words “Police Force,” the words “the Commissioner for Transport or any person acting under the authority of the Commissioner for Transport.”

9. Amendment of Act of 1974 No. 18. (1) The *Traffic Act Amendment Act 1974* is amended by—

(a) in section 9, omitting from each provision of section 16A enacted by that section 9 and specified in the Table following the expression “to 100 millilitres” wherever it occurs in that provision and substituting in each case the expression “per 100 millilitres”—

TABLE
subsection 12 (a) (iv)
subsection 12 (b)
subsection 17 (b) (iii);

(b) in section 10, omitting from subsection 3 (a) of section 16B enacted by that section 10 the expression “to 100 millilitres” and substituting the expression “per 100 millilitres”.

(2) The *Traffic Act Amendment Act 1974* as amended by this section may be cited as the *Traffic Act Amendment Act 1974–1977*.

10. Construction of evidentiary certificates. Where before the commencement of this Act there has been adduced in evidence in any proceeding (whether for the purposes of *The Traffic Act of 1949* as subsequently amended to the time of such proceeding or for other purposes) a certificate purporting to be signed by a medical practitioner, an analyst within the meaning of that Act amended as aforesaid or an authorized member of the Police Force, which certificate contains a statement of the concentration of alcohol or drug in the blood of any person expressed by reference to the number of milligrams of alcohol or drug in the blood per 100 millilitres of blood, it shall be deemed that the statement of such concentration is and always was expressed by reference to the number of milligrams of alcohol or drug in the blood to 100 millilitres of blood and conforms and always conformed to the requirements of that Act amended as aforesaid relating to the statement of such concentration and the certificate shall be given evidentiary effect as prescribed by that Act amended as aforesaid.