

REPUBLIC OF NAURU
MOTOR TRAFFIC (AMENDMENT) BILL 2020

SECOND READING SPEECH

Honourable Martin Hunt, MP

22 October 2020

Mr. Speaker Sir,

I introduce to the House today a Bill for an Act to amend the *Motor Traffic Act 2014*.

Road safety is the responsibility of every person using public roads. Unfortunately, traffic offences do occur at times. Some offences result in damage to property, injury to persons and worse still, the tragic loss of one of ours. The consequences of such offences become economic and social issues for the community and the Government. Families and children lose their loved ones and breadwinners. In other cases, the family, community and the Government have to take care of the victims of such accidents. A common cause of serious motor vehicle accidents and consequential results occur, when a person is driving or is in charge of a motor vehicle while under the influence of alcohol.

Mr Speaker, this Bill seeks to implement and enforce the provisions of the *Motor Traffic Act 2014* by ensuring that persons under the influence of alcohol are neither driving nor in charge of motor vehicles.

This Bill introduces the impairment or sobriety test to be conducted by police officers. This impairment test includes a walk and turn assessment, an eye assessment, pupillary assessment, balance assessment, a finger to nose assessment and a one leg assessment. The objectivity of this test will be provided for in a Code of Conduct for the officers who will be authorised to carry out the test.

In addition, the Police will now be able to actively conduct road side breathalyser tests with some meaningful consequences. The results of road side impairment or sobriety test and the subsequent testing of alcohol in breath will

be tendered as evidence. This is easy to do with advanced technology giving an accurate result of the proportion of alcohol in a person's breath.

Further, where an alleged offender disputes the result of the breathalyser test, he or she has a right to elect to have a blood test. The result of the blood test will override the breathalyser test. In other words, if the blood test shows that the content of blood alcohol is less than the prescribed limit, the blood test will take precedence. The responsibility will be on the alleged offender to request for his or her blood test.

Mr Speaker, the Bill also makes it an offence for any person to decline to undergo a breathalyser test, to fail to give sufficient sample or to follow the directions of a police officer. This Bill now clearly prescribes the limits of the amount of alcohol in a person's breath or blood or both, which constitutes an offence. Additionally, the results of the impairment, breath or blood tests are admissible against a person who is charged with the following offences:

- dangerous driving;
- dangerous driving occasioning death;
- dangerous driving occasioning grievous bodily harm;
- driving or in charge of vehicle while under the influence of intoxicating liquor; and
- negligently causing harm under the Crimes Act 2016.

Mr Speaker, the explanatory memorandum details the provisions of the Bill. Sir, I request that the explanatory memorandum be read and recorded in the Hansard Reports.

I commend the Bill to the House.