ROAD TRAFFIC AMENDMENT (BLOOD ALCOHOL CONTENT) BILL 2019

Second Reading

Resumed from an earlier stage of the sitting.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [3.24 pm] — in reply: I thank those members who were here in the chamber this afternoon and those who are now away on urgent parliamentary business for their contribution to the debate on the Road Traffic Amendment (Blood Alcohol Content) Bill 2019. A couple of members in particular have raised some issues that I would like to address in my reply.

Hon Michael Mischin requested information about the sorts of evidence and the standard of proof that might be satisfactory to rebut the presumption that a person's blood alcohol content as recorded by the evidentiary test is the same as the person's actual blood alcohol at the material time while driving. In order to rebut the presumption, the accused would be expected to prove on the balance of probabilities that at the time of the alleged offence, the concentration of alcohol in their breath or blood was less than that alleged by the prosecution. The type of evidence will turn on the facts of the case, and even if it were possible, it would not be wise to provide a recipe for evading a conviction. However, interstate experience is able to provide some guidance on the matter. In particular, a substantial body of case law exists on section 48(1)(a) of the Victorian Road Safety Act 1986 and section 80G of the repealed Motor Car Act 1958, which substantially mirror section 71(2) of the Road Traffic Act 1974, as proposed in clause 4 of the bill.

Drawing on the Victorian experience, the first point is that a person must produce evidence that not only was their blood alcohol concentration at the time of driving not the same as at the time of the test, but also that it was a different percentage being either some other precise percentage or, at the very least, a percentage lower than is significant for any relevant purpose as in Holdsworth v Fox, followed by Caughey v McClaer and the DPP v Mitchell. Drawing on the Victorian experience again, the second point is that appropriate sworn evidence will be required, as in DPP v Mitchell and McArthur v McRae. The third point is that even when the person is able to produce acceptable evidence of the quantity of alcohol consumed whether before driving, or after driving and before the test, this alone will not be sufficient to rebut the presumption. As per Caughey v McClaer, the effect of alcohol consumption on blood alcohol concentration cannot be held as a matter of common knowledge and nor is a magistrate entitled to rely on evidence of past cases, or his or her knowledge from writings, or his or her experience of possible inaccuracies in the use of a breath analysing instrument, as in McArthur v McRae. The fourth point is that without expert evidence, either by the calling of an expert witness or by eliciting evidence from the prosecution expert witness, a resumption is unlikely to be rebutted, as in Caughey v McClaer and DPP v Mitchell.

Considering markedly different legislation, but still of relevance to the type of evidence required, the South Australian Supreme Court in Douglas v Police accepted the result of the a blood test taken within the relevant time period combined with the evidence of an experienced toxicologist.

Hon Michael Mischin further expressed concern that provisions of section 71(2) and (3), which provide that when there is uncertainty about when the person last consumed alcohol the back calculation shall be done in the way that produces the most favourable result for the person, are being replaced with provisions that do not offer a let-out of this nature. The provisions of the bill seek to give the accused more ability to dispute his or her presumed blood alcohol level at the material time than the existing provisions do.

Subsections (2) and (3) of section 71 must be read in conjunction with the following subsection (4), which provides that once the calculation has been performed, the resulting concentration of alcohol shall be conclusively presumed to have been present in the blood of that person at that time. This is a non-rebuttable presumption. Even if there is irrefutable evidence to show that the calculated blood alcohol concentration is incorrect, that evidence cannot be considered in determining the charge. I refer members to Casson v Johnston, Edwardes v van den Dungen and Whiteman v Keady. The bill seeks to remove the non-rebuttable presumption currently found in section 71(4) and replace it with a rebuttable presumption instead. A number of members raised concerns about a hypothetical situation that has the potential to fine a driver whose blood alcohol content was below .05g/100ml at the time of driving —

Hon Michael Mischin: Sorry, minister. I didn't catch something you said there about section 74(1)(4).

Hon STEPHEN DAWSON: Let me go back to it, honourable member. The last point I made was that the bill seeks to remove the non-rebuttable presumption currently found in section 71(4) and replace it with a rebuttable presumption instead.

I will go back to the concern that was raised about a hypothetical situation with the potential to fine a driver whose blood alcohol content was below .05g/100ml at the time of driving. Let us hypothesise that a person has been out drinking moderately. They quickly finish their last drink and take the short five-minute drive home. They get pulled over on the way home and test positive to the preliminary test due to mouth alcohol. They wait 15 minutes for an evidential test. In the 15-minute wait, their blood alcohol content is rising, and they subsequently test positive in the evidential test. State Traffic, of the WA Police Force, examined this hypothesis and found that it was extremely

unlikely to occur, given the precise knowledge the hypothetical driver had to have of their blood alcohol content—between .046 and .048—at the time they decided to drive. If the blood alcohol content was at or below .45, the blood alcohol content would not rise to .05 in 20 minutes. If the blood alcohol content was at or above .049, the driver would be over the limit before they arrived home. The rate that the alcohol enters the bloodstream is .016g per hour. Another reason this hypothesis is unlikely is the sophistication of the evidential breath machines in differentiating mouth alcohol, coughing and alcohol generated from the lungs. A further reason is the inbuilt error margins in the breath-testing machines of 10 per cent, which is rounded in favour of the driver. These factors would ensure that this hypothetical driver would almost certainly be found to have a legal blood alcohol content below .05. In contrast, the current legislation allows people to lie to avoid detection, and inflates the measured blood alcohol content of drivers who have waited almost four hours to drive since their last drink.

Hon Charles Smith indicated in his comments that he supported the bill and also suggested that people should not drive if they had had any alcohol. He said that the bill missed the point in dealing with drug-driving.

These are my comments in relation to the questions. The only question I had from Hon Martin Aldridge was around that hypothetical scenario. If I have missed anything further that that member asked for in his contribution, we intend to go into the Committee of the Whole House now. The member may want to ask those questions again and I will provide an answer in the committee. With that, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Matthew Swinbourn) in the chair; Hon Stephen Dawson (Minister for Environment) in charge of the bill.

Clause 1: Short title —

Hon MARTIN ALDRIDGE: I have some questions about the application of blood alcohol testing once this short amendment bill passes. I would like to canvas them and the hypothetical issue that the minister addressed in the second reading reply. At the outset, I want to put on the record that I have managed this bill on behalf of my Nationals WA colleagues and it has been quite a difficult bill because of the way the government has approached the passage of this bill.

This bill was first introduced into the Legislative Council on 21 March 2019. The second reading speech commenced on 5 June 2019 and I made a contribution on 27 June 2019 in the absence of the Minister for Environment, the minister responsible for the bill, who was away on urgent parliamentary business. I understand it was the decision of the Leader of the House to continue the second reading debate of this bill without the presence of the minister responsible, which I found a little unusual, but, nevertheless, that is what occurred. It resulted in the bill being brought back on for debate today and we were awaiting the minister's response. Then, of course, the issues followed that resulted in the house being temporarily adjourned whilst the government decided what agenda it would pursue this afternoon in the Legislative Council. Earlier this week, the government threatened to bring in sleeping bags for us to settle in for some extended sittings of the house. It is rather interesting that it cannot quite keep the house sitting on a Thursday afternoon.

Turning to the bill, I wanted to get an understanding of the police procedure once this change happens. I understand the report, which I canvassed in the second reading debate—I think it was the Monash study report—and the reasons the government seeks to abolish the blood alcohol content calculation method. What I want to know from the minister is how it is going to work when somebody who is pulled over by a police officer indicates a positive reading on a preliminary breath test. I understand that they have to wait before the evidentiary breath test gets taken. I think a minimum period of time is typically applied by police. I want to know whether that is changing and to what extent it is changing before I ask a few more questions.

Hon STEPHEN DAWSON: I am told that the proposed procedure is yet to be finalised; however, it will deviate only a little from the current processes. There will be no change to the preliminary breath-testing procedure. There will be only two main changes to the evidentiary breath-testing procedure, which includes asking the driver additional questions that may assist in disproving a rebuttal defence if mounted and removing the process for BAC calculation of the blood alcohol content to the time of occurrence. Essentially the process will not change, other than those two small things.

Hon MARTIN ALDRIDGE: Once this bill passes, what will be the maximum time between a driver indicating on a preliminary breath test and taking an evidentiary breath test, and what will be the maximum time applied between a PBT and an evidentiary breath test?

Hon STEPHEN DAWSON: I am told that there will not be any change at all.

Hon Martin Aldridge: What is it?

Hon STEPHEN DAWSON: Is the member asking what the current system is?

Hon Martin Aldridge: Yes.

Hon STEPHEN DAWSON: At the moment people have to wait 20 minutes, and that will not change.

Hon Martin Aldridge: What is the maximum period of time?

Hon STEPHEN DAWSON: I am told that the maximum is four hours.

Hon MARTIN ALDRIDGE: When the minister addressed a hypothetical example in his second reading response, he talked about a period of 20 minutes. I am concerned about what could happen in the four hours the minister just mentioned. The Monash study that the government has relied on for introducing this change is around trying to prevent drivers intercepted by police in the metropolitan area from avoiding a charge or receiving a lesser charge than they would ordinarily be charged with. What will happen in the regions? If I am intercepted by a police officer on a highway and a preliminary breath test indicates that I am over the limit, but it is some time until I return to the closest police station or facility that has an evidentiary breath testing facility available—it could take a number of hours to get back to that police station—what will happen during that time? I assume that the police officers will use the evidentiary breath test to decide whether to charge someone. It could be two, three or four hours. Keeping in mind that the scientific formula that police have relied on to this point is that blood alcohol rises for two hours and then falls two hours after the last drink, are we fixing an issue in the metropolitan area but creating a regional one, which could result in a regional driver avoiding a charge altogether, receiving a lesser charge or indeed being charged with an offence or a higher offence simply because of the extended time between the interception of a person and them taking an evidentiary breath test?

Hon STEPHEN DAWSON: I am told that the Western Australia Police Force has a total of 280 Dräger Alcotest 9510 machines. All of the 170 police stations have at least one device; larger centres have more to be utilised on the highway. The machines are mobile and come with power cords for use on highways away from the officers' stations. Regional enforcement unit cars have one each—that is, six for the six vehicles plus two spare. The traffic enforcement group cars have access to up to 17 machines for use on their mobile patrols, and the four alcohol and drug–testing buses each have one on board during their deployment anywhere in the state. I am told that there is a significant number of machines right around the state and it would not take long for police to get a machine to a site if need be.

Hon MARTIN ALDRIDGE: I thank the minister. That is the advice that police have given me through the Minister for Police's office, but I find it difficult to accept, and I will tell the minister why. Certainly, I have tested this issue with regional police officers whom I have spoken with about this legislation. I accept that the TEG cars and the booze buses have these evidentiary breath testing units in them, but the regional enforcement unit vehicles that have them do not, for a range of reasons, often venture far beyond a 150 to 200–kilometre radius of Perth. I am speaking generally now. When I talk to officers in country police stations about their evidentiary breath testing machines, they tell me that although they have the capability to put these things in their vehicles, they rarely do. There are a number of reasons why. They say it is actually quite a clunky process to shift the machine out of the police station and into the vehicle. Once the machine is taken out of the police station, no-one else can use the evidentiary breath testing machine while it is on the road, and with all the other equipment that police officers now carry in their vehicles, it is just not something that they routinely do. I understand the numbers; I have been told the same number of machines are available, but can the minister address how many police officers doing traffic enforcement, or any other type of duty on the road when they are likely to intercept somebody suspected of a drink-driving offence, will have one of these evidentiary breath testing machines in the boot?

Hon STEPHEN DAWSON: I cannot comment on the conversations the honourable member has had with country police officers or others; I can only go on the advice that I am given by my advisers. Certainly, we believe there is a satisfactory number of machines right around the state. Those officers can and should be taking those machines with them, and that is an issue I will raise with the Commissioner of Police and indeed the minister following today's hearing, to make sure that the machines are actually being used. Every country station has a machine. In some cases, stations have mainly two-officer patrols, leaving no-one in the station, and they can take the machines with them and catch people while they are on the road.

Hon MARTIN ALDRIDGE: Can the minister anticipate a situation in which a driver in regional Western Australia is intercepted by the police but cannot undertake an evidentiary breath test within 20 minutes?

Hon STEPHEN DAWSON: I am told that it could happen but it would be extremely rare given the patrols happen close to or within a certain distance of a station.

Hon MARTIN ALDRIDGE: Police have run me through the procedure—I have seen it—and they record data such as the time of intercept, preliminary breath test and evidentiary breath test. Does the minister have any collated data available from the advisers at the table that would give me an appreciation of the times between a preliminary and an evidentiary breath test in regional Western Australia currently?

Hon STEPHEN DAWSON: Member, although it may be connected at a regional level, we do not have the information here and we are not sure that it is actually available in a centralised format. It would likely require an approach to individual stations or regional commands to gather the information. It is certainly not here, and we are not confident it is easily available.

Hon MARTIN ALDRIDGE: It may be something I will push the minister on after we have dealt with this bill, because I am not convinced.

Hon STEPHEN DAWSON: By all means, the member can push me on this after the passage of this bill. I am very happy to give the member an undertaking that I will go away and ask for that information. I do not propose to wait for it to be collated over weeks before the bill passes but I certainly give the member an undertaking that I will ask about it; and, if it is available, I will provide it to him and the house so we have it for future reference.

Hon MARTIN ALDRIDGE: In those rare circumstances in which somebody in regional or remote Western Australia is intercepted by police and gives a positive indication to a preliminary breath test, but for some reason the time to access an evidentiary breath test is greater than 20 minutes, will it be the case after these changes that a driver who just had their last drink before they were intercepted by police, so their alcohol level will be on the rise for the next two hours, will be charged with a higher offence than they would have recorded at the roadside?

Hon STEPHEN DAWSON: I am told that it is possible, but likely to be very rare, given the number of machines that are available around the state. I have a list of stations in the member's electorate, and there is a diverse spread. It is our belief that the machine will, in most cases, be there within 20 minutes.

Hon MARTIN ALDRIDGE: I hope that we will be able to get some further information on that, perhaps post–passage of the bill. From time to time, I struggle to get information from the Minister for Police, as I have previously raised with the Minister for Environment. I am asking this question not in any way to try to create a situation in which regional drivers are treated differently from anybody else. In my speech on the second reading, I outlined some of the significant road safety challenges we have in regional Western Australia. Statistics show that road trauma involving increased blood alcohol levels is much higher in regional parts of Western Australia compared with those in the metropolitan area. In some respects, there needs to be a greater focus on the regions. As technology improves and the cost and size of evidentiary breath-testing machines decreases, I would like to see more of them made available. It has been put to me today that they are readily available and carried by police in their work on our roads. However, I would like that to be tested and understood, because that is certainly not the feedback that I have had from the country police stations I have engaged with. That is the only issue I wanted to address today. I want to make sure that we do not resolve a metropolitan issue and create a regional issue at the same time.

Hon COLIN TINCKNELL: The act being amended by this bill has been in place for 40 years. Can the minister recap whether the numbers reflect the hardcore recidivists who have been caught before? What are the numbers of people who would have been found not guilty in that 40-year period because of the current law?

Hon STEPHEN DAWSON: I am sorry, but we do not have numbers of people who have been caught, let go or otherwise over the last 40 years of the existing law. I can tell the member that in 2018, there were a record number of 40 268 roadside drug tests. In 2018, there were over two million roadside alcohol tests. Of those, 9 946 returned positive results. There were 6 076 positive random breath tests and 1 685 250 negative tests. That is a total of 1 691 326 tests. There were 3 870 positive preliminary tests and 315 483 negative preliminary tests. The total number of preliminary tests was 319 353. Again, the number of positive results was 9 946 and the number of negative tests was 2 000 733, out of 2 010 679 tests. Millions of tests were done last year and roughly 10 000 were positive breath tests.

Hon COLIN TINCKNELL: I am trying to get a feeling for the people who have been gaming this law and getting away with it because they know the law. A lot of people would have benefited from this law who did not even know that it existed.

Hon STEPHEN DAWSON: I can provide some further information. A survey was undertaken by the Curtin–Monash Accident Research Centre in 2012, which was a few years ago, of Perth's night-time motorists. It looked at drivers' alcohol consumption. It surveyed over 8 000 drivers and found that seven per cent of them had consumed alcohol and that 1.4 per cent had a blood alcohol content over the legal limit. Of those who had BACs at or near the legal limit, 23 per cent had had favourable back calculations applied, which led to the charge faced as a consequence of their drinking being reduced or avoided. The study was published in 2014. Although I cannot give the member a figure about people gaming the system, as a result of that study we know that 23 per cent of the cases had favourable back calculations applied which led to them avoiding a charge or it being reduced.

Hon COLIN TINCKNELL: That is good. It means that people who have been taking advantage of that law will be sorted out if this bill is passed. It has been 40 years. How long has it been since the other states changed to the system we are now looking at? I am generalising; it is not all states.

Hon STEPHEN DAWSON: I am told that in some cases, the scheme we will have after passage of this bill has been in operation in other states or territories for 10 to 20 years. We will be the last Australian jurisdiction to bring this change into operation.

Hon MICHAEL MISCHIN: I have a few questions about the operation of the scheme. I am quite happy to deal with them as part of debate on the substantive amendment rather than as part of clause 1.

Hon Stephen Dawson: Do you have an amendment?

Hon MICHAEL MISCHIN: No. I am quite happy to deal with my questioning on clause 1 or the substantive amendment—whichever the minister finds convenient.

Hon Stephen Dawson: Feel free to ask the questions now. If we get bogged down at some stage, I might seek to move on.

Hon MICHAEL MISCHIN: By way of preliminary, is the proposed regime a reflection of those in other jurisdictions or is there some variation that is peculiar to Western Australia that makes it less or more stringent?

Hon STEPHEN DAWSON: I am told that the scheme is much the same across the country; however, there are some slight differences and our scheme is less stringent than South Australia's regime, but more stringent than Victoria's. They are generally the same across all jurisdictions.

Hon MICHAEL MISCHIN: Can the minister give us an idea of the variation from South Australia and Victoria? What is it about their regimes in those respective states that differs from what is being proposed and why that has not been adopted?

Hon STEPHEN DAWSON: I have not got a very fulsome answer for the member, but I can at least give him some elements of an answer.

Hon Michael Mischin: Just do the best you can do.

Hon STEPHEN DAWSON: I am told that in South Australia the evidence required to rebut the blood alcohol content reading is greater than it is here. Different time restrictions requiring someone to undertake a breath test are in place in other states. In New South Wales and Queensland, they give only two hours, Victoria gives three hours and, of course, we are giving four hours in our legislation.

Hon MICHAEL MISCHIN: Four hours have been selected here. Why is that?

Hon Stephen Dawson: It is consistent with our existing legislation.

Hon MICHAEL MISCHIN: Is that more or less favourable to the driver?

Hon STEPHEN DAWSON: I am told it is not about favour to the driver; it is a recognition of the size of our state and the distance in our state.

Hon Michael Mischin: And the availability of machines?

Hon STEPHEN DAWSON: Exactly. It is not about the driver itself; it is just about the situation we find ourselves in in Western Australia.

Hon MICHAEL MISCHIN: That brings me to the manner in which proposed section 71 will operate. Proposed section 71 consists of two proposed subsections, one of them deals with instructors. We will leave that aside because that is a particular case, but the regime overlaps as I understand it, so it is not material for the purposes that I want to explore. Let us take the more common-or-garden situation that will be covered by proposed section 71(2). That will be proceedings for offences against sections 63, 64, 64AA, 64A or 64AAA, and those respectively are offences of driving under the influence; under section 64, it is driving with a blood alcohol content of or above .08 grams per 100 millilitres; under section 64A, the limit is .05 or above; under section 64A, it is .02 and above; and under 64AAA, it is any content. Those would be the sorts of offences that the police would more commonly be interested in with a common-or-garden driver on the road. In the proceedings for an offence, let us say a driver is stopped at midnight and the samples are taken under section 66(8B) at any time within 12 hours after that event. Is that deemed to be the blood alcohol content at the time of driving? Is that right?

Hon Stephen Dawson: Yes.

Hon MICHAEL MISCHIN: Section 66(8B) is derived from a blood test—correct?

Hon Stephen Dawson: Yes.

Hon MICHAEL MISCHIN: There is some certainty to that. Subsection (2)(b) deals with any other case, and that would be the breath test. Is that correct?

Hon Stephen Dawson: Yes.

Hon MICHAEL MISCHIN: That is any time within four hours after the driver is picked up. If the driver is stopped by police while driving or attempting to drive at midnight and four hours later a breath test is taken, that is indicative of the level of blood at the time of driving, notwithstanding the blood alcohol level might have been less four hours before or greater four hours before; would that be right?

Hon STEPHEN DAWSON: We did not quite get what the member asked; will he ask that again, please?

Hon MICHAEL MISCHIN: Let us say a driver is stopped at midnight and they test positive on the preliminary test. Four hours later a breath test is taken and it provides a certain alcohol reading. That is then deemed to be the alcohol reading at the time that they were stopped four hours before. Is that the way it works?

Hon STEPHEN DAWSON: Yes, that is correct, honourable member.

Hon MICHAEL MISCHIN: Does that give rise to the potential for an injustice if in fact the blood alcohol level was significantly less than four hours before? I am concerned at the potential consequences, because we are told that blood alcohol level rises over a time then drops over a time. Here, we are looking four hours in retrospect. What is the potential that the blood alcohol reading may be above .08, when in fact it was well below .08 at the time of driving?

Hon STEPHEN DAWSON: I am told that they can rebut that, but I will give the member a typical example of a driver who is stopped within half an hour of driving. Within the two-hour journey they would always be back-calculated to a lower limit, and most drivers are home from driving after drinking at a pub within two hours. At the moment, virtually all receive a lower back-calculated level. If the driver can convince the officer that their last drink was not 45 minutes ago but two hours ago, they would back-calculate to .04 and they would not be convicted. But in the example that the member raised, in that case, the individual could rebut the argument and that would be taken into consideration by the court.

Hon MICHAEL MISCHIN: The part that I am interested in is the ability to rebut because there is a significant capacity, it seems to me, for someone who is under the limit to be significantly over the limit and suffer significant consequences as a result. Quite apart from the penalty units imposed, with each penalty unit being in the order of $50, there is the period of disqualification from driving, which may jeopardise their ability to earn a living and provide for their family, and the fact that they will have a criminal history. It has to be a realistic ability to rebut the argument. I understand entirely that it is undesirable that people "game" the system. People should be discouraged from having any level of blood alcohol content while they are on the roads. But I am also concerned that under a system that tends to give the benefit of the doubt to someone on the presumption of innocence until proven guilty, we are taking away that capacity, to allow for an innocent person to be convicted of a serious driving offence. The minister mentioned that there is an ability to rebut, but I understood the ability to rebut to be quite a stringent one and more than simply telling the truth about how much they consumed, what they consumed and all the rest of it. They have to show the percentage of alcohol in their blood at the time to rebut the presumption. How is a person supposed to do that in practical terms? If, for example, the minister was picked up at midnight and tested four hours later —

Hon Stephen Dawson: Honourable member, that would be unlikely because, one, I am never out at midnight, and, two, I do not drink and drive!

Hon MICHAEL MISCHIN: I will refer to a member who does not retire early! There must be someone in the chamber.

Hon Stephen Dawson: Use a hypothetical.

Hon MICHAEL MISCHIN: I will use a hypothetical and not name any particular minister or member.

Let us say that a person who has lunch at midday and is picked up and tested four hours later and they come in significantly over the limit. How in practical terms do they get their blood tested to determine what the percentage was at an earlier stage when they are in the control of the police for that period? How does one go about rebutting the presumption? From the examples provided by the minister, telling the truth and calling on evidence from colleagues, friends and other witnesses is not good enough; we must have more than that. How does one gather evidence to rebut that presumption?

Hon STEPHEN DAWSON: I will not tell the honourable member how someone would go about rebutting because that would be unwise and may well be a recipe for evading a conviction—not for the member but, indeed, for miscreants who drink and drive. The existing system catches some innocent people and the new system will most likely catch different people, but now innocent people will have an ability to rebut as a result of the changes before us in the legislation. I am not being obtuse and I am not trying to be unhelpful by not placing on the record the secrets of success in rebutting a blood alcohol level. The existing system catches some innocent people and the new system will likely catch others, but there is an opportunity for innocent people to rebut.

Hon MICHAEL MISCHIN: I appreciate that we do not want to reveal the tricks of the trade, if that is what they are. I suggest that there are few, if any, practical ways for an innocent person to rebut that presumption. I appreciate

the government's forthrightness in its admission that innocent people are being caught, charged and convicted at the moment and that in the future different sorts of innocent people will be convicted of serious driving offences involving alcohol. I am battling to see how in practical terms one can rebut that presumption, short of taking a kit with them so that the moment they are stopped by the police, they can take a sample of their own blood for the purpose of further analysis in the future.

Committee interrupted, pursuant to standing orders.

[Continued on page 5223.]

Sitting suspended from 4.15 to 4.30 pm