



20 October 2010

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RB;rp

The Honourable Iain Evans MLC  
Parliament House  
North Terrace  
ADELAIDE SA 5000

Dear Mr Evans

**Road Traffic (Use of Test and Analysis Results) Amendment Bill**

I refer to your letter of 20 October 2010 and thank you for referring the above Bill to the Society for comment.

The Society's Civil Litigation Committee has previously considered this issue. It is the Society's view that the current legislative position is anomalous and requires correction. A certificate which could be used to prove a fact beyond reasonable doubt in a criminal matter should equally be able to prove that fact on the balance of probabilities in a civil matter. Further, the Society considers it is inappropriate, unnecessary and unreliable to exclude scientific evidence of blood alcohol concentration from proof of intoxication in civil cases. That exclusion has prevented proof of intoxication of drivers and passengers in damages cases.

The Bill appears to be confined to correcting this anomaly.

I trust this response is of assistance.

Yours sincerely

Ralph Bönig  
**PRESIDENT**