

Road Safety (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 states the purpose of the Bill.

Clause 2 provides for the Act to come into operation on the day it receives Royal Assent.

Clause 3

- (i) amends section 56 of the **Road Safety Act 1986** by deleting the definition and subsequent references to “designated place” and substitutes the “place for examination and treatment”. The effect of the amendment is to remove the need for gazetting particular places at which blood samples are taken from accident victims and to require a sample to be taken from a victim at any place which the victim attends or to which he or she is taken for examination or treatment;
- (ii) amends section 56 by deleting the ability to challenge blood sample evidence on the ground that it was taken other than at a designated place at which the code of Practice for Taking Blood Samples from Road Accident Victims had been adopted. The ground for challenge is now that there is a reasonable possibility that the Code had not been followed.

Clause 4 makes identical amendments to the blood sample provisions in the **Marine Act 1988**.

Clause 5 makes identical amendments to the blood sample provisions of the **Transport Act 1983**.

Clause 6 deems a place to have been a designated place for the purposes of section 56 if, at the relevant time, it was a public hospital within the meaning of the **Health Services Act 1988**, or an Order in Council published in the Government Gazette reasonably identified the place as the location of a hospital, clinic or facility bearing a specified name. Any inaccuracy in name, spelling or description of the place, or change of its name or its relocation does not affect the deeming provision.

Clause 7 preserves the rights of the parties in a particular prosecution, the decision in which was the reason for this Bill being introduced into Parliament.

