

Legislative Council—No 52

As received from the House of Assembly and read a first time, 26 October 2010

South Australia

**Road Traffic (Use of Test and Analysis Results)
Amendment Bill 2010**

A BILL FOR

An Act to amend the *Road Traffic Act 1961*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Road Traffic Act 1961*

- 3 Amendment of Schedule 1—Oral fluid and blood sample processes

Schedule 1—Transitional provision

- 1 Transitional provision
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Road Traffic (Use of Test and Analysis Results) Amendment Act 2010*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Road Traffic Act 1961*

3—Amendment of Schedule 1—Oral fluid and blood sample processes

- 10 (1) Schedule 1, Part 4, clause 8(1)—delete "that contemplated by this Act" and substitute:

a purpose contemplated by this Act (including the purpose of civil proceedings of a kind referred to in subclause (2)(a)(ii))

- (2) Schedule 1, Part 4, clause 8(2)(a)—delete paragraph (a) and substitute:

- 15 (a) will not be admissible in evidence against the person who submitted to the drug screening test, oral fluid analysis or blood test in any proceedings, other than—

- (i) proceedings for an offence against this Act or the *Motor Vehicles Act 1959* or a driving-related offence; or
- 20 (ii) if the test or analysis occurred in connection with the person's involvement in an accident—civil proceedings in connection with death or bodily injury caused by or arising out of the use of a motor vehicle involved in the accident (including proceedings under section 116 or 124A of the *Motor Vehicles Act 1959* for the recovery from the person of money paid or costs incurred by the nominal defendant or an insurer); and
- 25

- (3) Schedule 1, Part 4, clause 8(3)—before the definition of *proceedings for a driving-related offence* insert:

death or bodily injury caused by or arising out of the use of a motor vehicle—death or bodily injury will be regarded as being caused by or arising out of the use of a motor vehicle if the death or bodily injury is regarded as being caused by or arising out of the use of a motor vehicle for the purposes of Part 4 and Schedule 4 of the *Motor Vehicles Act 1959*;

nominal defendant has the same meaning as in Part 4 of the *Motor Vehicles Act 1959*;

Schedule 1—Transitional provision

1—Transitional provision

The amendments made by this Act to the *Road Traffic Act 1961* apply in respect of civil proceedings whether commenced before or after the commencement of this Act.