

South Australia

Road Traffic (Miscellaneous) Variation Regulations 2009

under the *Road Traffic Act 1961*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on 1 February 2010.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

4—Variation of regulation 4—Interpretation

Regulation 4(1)—after the definition of *ADR* insert:

approved courier means a person approved by the Commissioner of Police as a courier for the purposes of Schedule 1 of the Act;

5—Variation of regulation 8C—Oral advice on refusal or failure to comply with drug screening test, oral fluid analysis or blood test direction

Regulation 8C—delete "or blood test" and substitute:

and blood test

6—Variation of regulation 9—Oral advice and written notice on recording of positive breath analysis reading

Regulation 9—delete "(Evidence etc)" wherever occurring and substitute in each case:

(Evidence)

7—Variation of regulation 10—Request for approved blood test kit

Regulation 10(1)—delete "(Evidence etc)" and substitute:

(Evidence)

8—Variation of regulation 11—Procedures for voluntary blood test

(1) Regulation 11—delete "(Evidence etc)" and substitute:

(Evidence)

(2) Regulation 11(a)—delete "(Evidence etc)" and substitute:

(Evidence)

(3) Regulation 11(j)—delete paragraph (j) and substitute:

(j) a copy of the signed certificate must be delivered by the medical practitioner together with the other sealed container containing part of the blood sample to a police officer or an approved courier;

(ja) a police officer to whom a copy of the signed certificate and the other sealed container is delivered under paragraph (j) must deliver the copy and container to Forensic Science SA or to an approved courier;

(jb) an approved courier to whom a copy of the signed certificate and the other sealed container is delivered under this regulation must deliver the copy and container to Forensic Science SA;

(4) Regulation 11(l)—delete "State Forensic Science" and substitute:

Forensic Science SA

- (5) Regulation 11(m)(i)—delete "State Forensic Science" and substitute:

Forensic Science SA

9—Substitution of regulation 13A

Regulation 13A—delete the regulation and substitute:

13A—Recurrent offenders—prescribed day

For the purposes of section 47J of the Act, the prescribed day is
1 February 2010.

10—Substitution of Schedule 3

Schedule 3—delete the Schedule and substitute:

Schedule 3—Form of certificate

(Section 47K(1a) and regulation 11)

Road Traffic Act 1961

Blood Test For Alcohol (Medical Practitioner's Or Nurse's Certificate)

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|--|-------|-------|----------|-------------------------------|
| <p>A. CERTIFICATE BY *MEDICAL PRACTITIONER/REGISTERED NURSE <i>Pursuant to section 47K of the Road Traffic Act 1961</i></p> <p>I, _____ a *medical practitioner/registered nurse, certify that at _____ at _____ am/pm on the _____ day</p> <p>Place (Name of Hospital/Surgery/Medical Institution) of _____ 20_____, I took a sample of blood from:</p> <p>PATIENT'S NAME & ADDRESS <i>Please print clearly for mailing</i></p> <table border="1"><tr><td>_____</td></tr><tr><td>_____</td></tr><tr><td>Postcode</td></tr></table> <p>I placed the sample of blood, in approximately equal proportions, in 2 containers (being the containers provided as part of the blood test kit that was delivered to me by the patient) and secured the caps. I then sealed each container by application of the adhesive seal (bearing the identifying number specified below) provided as part of the blood test kit. I delivered 1 of the sealed containers containing part of the blood sample by giving the container to the patient. I witnessed the patient's signature.</p> <p>_____</p> <p><i>Signature of *medical practitioner/registered nurse</i></p> <table border="1"><tr><td>IDENTIFYING NUMBER BARCODE</td></tr></table> | _____ | _____ | Postcode | IDENTIFYING NUMBER BARCODE |
| _____ | | | | |
| _____ | | | | |
| Postcode | | | | |
| IDENTIFYING NUMBER BARCODE | | | | |

| |
|--|
| <p>B. PATIENT'S CONTAINER</p> <p>PATIENT TO SIGN ON RECEIPT OF SAMPLE:</p> <p>I acknowledge receipt of 1 sealed container containing part of the blood sample:</p> <p>_____</p> <p><i>Signature of patient</i></p> |
|--|

| |
|--|
| <p>C. POLICE CONTAINER</p> <p>Please indicate by an "x" in the appropriate box:</p> <p>I delivered 1 of the sealed containers containing part of the blood sample to a police officer or an approved courier by:</p> <p><input type="checkbox"/> Placing the container in a secured blood box: Box number: _____</p> <p><input type="checkbox"/> Giving the container to *a police officer/an approved courier</p> <p>_____</p> <p><i>Signature of *medical practitioner/registered nurse</i></p> |
|--|

**delete as required*

NOTE: a blood sample may be taken by a registered nurse only if the breath analysis was conducted under the Road Traffic Act 1961 outside Metropolitan Adelaide.

Note—

This form may be combined with a form required for the purposes of section 73(2) of the *Harbours and Navigation Act 1993* and Schedule 2 clause 15(2) of the *Rail Safety Act 2007* and regulations under those Acts.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 10 December 2009

No 289 of 2009

MRS07/007CS & MRS08/004CS