

South Australia

Road Traffic (Miscellaneous) (Transport Portfolio) Amendment Regulations 2022

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) (Transport Portfolio) Amendment Regulations 2022*.

2—Commencement

These regulations come into operation on the day on which section 64 of the *Statutes Amendment (Transport Portfolio) Act 2021* comes into operation.

Part 2—Amendment of *Road Traffic (Miscellaneous) Regulations 2014*

3—Amendment of regulation 22—Procedures for voluntary blood test (section 47K(1a) of Act)

- (1) Regulation 22—after "medical practitioner" wherever occurring insert:
 - or registered nurse
-

- (2) Regulation 22(f)—delete "in the form set out in Schedule 1 Form 6 (being a form provided as part of the blood test kit) by inserting the particulars required by the form" and substitute:

that includes the information set out in Schedule 1 Form 6

4—Insertion of regulation 24A

After regulation 24 insert:

24A—Use of sample of oral fluid or blood taken for prescribed purpose (Schedule 1 clause 8 of Act)

For the purposes of Schedule 1 clause 8(1)(b) of the Act, the following purposes are prescribed:

- (a) research for the purpose of identifying trends in drug use, with a view to informing the following:
 - (i) the list of prescribed drugs in regulation 16;
 - (ii) education campaigns to deter drug driving;
- (b) research for the purposes of the validation, development and furtherance of forensic research and methodologies.

5—Insertion of regulation 66A

After regulation 66 insert:

66A—Prescribed electronic devices for the fixing of fees for parking

An electronic device that is built-in or mounted in or on a vehicle, or wearable or portable, and that is capable of facilitating the payment of parking fees electronically is a device of a prescribed kind for the purposes of section 176(1a)(c) of the Act.

6—Amendment of regulation 68—Prohibition on dogs on certain bicycle paths

Regulation 68(2)—delete "complaint" and substitute:
information

7—Amendment of regulation 70—Proof of GTM

Regulation 70—delete "a complaint" and substitute:
an information

8—Amendment of Schedule 1—Forms

- (1) Schedule 1, Form 4, Part A—delete "preceding two hours" and substitute:
preceding 3 hours
- (2) Schedule 1, Form 4, Part A—delete "or medical practitioner" and substitute:
, medical practitioner or registered nurse
- (3) Schedule 1, Form 4, Part A—delete "[*Alternatively, you may have the sample taken by a registered nurse.]"

- (4) Schedule 1, Form 4, Part A—delete "[*or registered nurse]" wherever occurring and substitute in each case:
- or registered nurse
- (5) Schedule 1, Form 4, Part A—delete "*Advice as to the alternative of a registered nurse is to be given only if the breath analysis was conducted outside Metropolitan Adelaide."
- (6) Schedule 1, Form 4, Part B, clause 3—delete "preceding 2 hours" and substitute:
- preceding 3 hours
- (7) Schedule 1, Form 4, Part B, item headed "Procedures for optional blood test", 3—delete "or a medical practitioner [*or registered nurse]" and substitute:
- , medical practitioner or registered nurse
- (8) Schedule 1, Form 4, Part B, item headed "Procedures for optional blood test", 6, 7 and 9—delete "[*or registered nurse]" wherever occurring and substitute in each case:
- or registered nurse
- (9) Schedule 1, Form 4, Part B, item headed "Procedures for optional blood test"—delete "* The alternative of a registered nurse applies only if the breath analysis was conducted outside Metropolitan Adelaide."
- (10) Schedule 1, Form 6—delete Form 6 and substitute:

Form 6—Certificate

(Section 47K(1a) of Act and regulation 22)

Part A—Blood test for alcohol (Certificate of medical practitioner or registered nurse)

The certificate signed by the medical practitioner or registered nurse that accompanies a sample of blood pursuant to section 47K of the Act must include the following information:

- (a) the name of the medical practitioner or registered nurse who took the sample;
- (b) the place at which the sample was taken (*the name of the hospital/surgery/medical institution*);
- (c) the time at which the sample was taken;
- (d) the date on which the sample was taken;
- (e) the name and address of the patient from whom the sample was taken;
- (f) the identifying number for the sample;
- (g) the signature of the medical practitioner or registered nurse who took the sample.

The following statement must be included on the certificate immediately above the signature block of the medical practitioner or registered nurse:

I placed the sample of blood, in approximately equal portions, 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 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.

Part B—Patient's container

Patient's container

On receipt of the sealed container of blood (being 1 of the 2 containers provided as part of the blood test kit that was delivered to a medical practitioner or registered nurse who takes the patient's blood sample) the patient must mark their signature to acknowledge receipt of the sealed container containing part of the blood sample.

Part C—Police container

Police container

The medical practitioner or registered nurse who took a sample of blood pursuant to section 47K of the Act must—

- (a) indicate that they delivered 1 of the sealed containers containing part of the blood sample to a police officer or an approved courier by—
 - (i) placing the container in a secured blood box (*include blood box number*); or
 - (ii) giving the container to a police officer or an approved courier; and
- (b) mark their signature to acknowledge that they have provided the sealed container containing part of the blood sample to a police officer or an approved courier.

Note—

This form may be combined with a form required for the purposes of section 73(2) of the *Harbors and Navigation Act 1993* and section 20(2) of the *Rail Safety National Law (South Australia) Act 2012*.

- (11) Schedule 1, Form 7—delete "complaint" and substitute:
information

Editorial Note—

As required by section 10AA(2) of the *Legislative Instruments 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's Deputy

with the advice and consent of the Executive Council
on 24 November 2022

No 102 of 2022