



ANNO TRICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1986

No. 53 of 1986

An Act to amend the Road Traffic Act, 1961.

[Assented to 11 September 1986]

The Parliament of South Australia enacts as follows:

Short title.

1. (1) This Act may be cited as the "Road Traffic Act Amendment Act (No. 2), 1986".

(2) The Road Traffic Act, 1961, is in this Act referred to as "the principal Act".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
s. 47a—
Interpretation.

3. Section 47a of the principal Act is amended by inserting in subsection (1) after the definition of "alcotest" the following definition:

"analyst" means—

(a) a person appointed by the Minister as an analyst for the purposes of this Act;

or

(b) a person holding an office of a class approved by the Minister for the purposes of this Act.

Amendment of
s. 47g—
Evidence, etc.

4. Section 47g of the principal Act is amended by striking out from subsection (4) the passage "the Government Analyst, or an analyst authorized by the Government Analyst to sign such a certificate" and substituting the passage "an analyst".

Amendment of
s. 47i—
Compulsory
blood tests.

5. Section 47i of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (7) and substituting the following paragraph:

(a) shall make available to a member of the police force—

(i) one of the containers marked with an identification number distinguishing the sample of blood from other samples of blood taken under this section;

and

(ii) a certificate signed by the medical practitioner containing the information required under subsection (10);;

and

(b) by striking out subsections (10), (11), (12) and (13) and substituting the following subsections:

(10) The certificate referred to in subsection (7) (a) must be signed by the medical practitioner by whom the sample of blood was taken and contain the following information:

(a) the identification number of the sample of blood marked on the container referred to in subsection (7) (a);

(b) the name and address of the person from whom the sample of blood was taken;

(c) the name of the medical practitioner by whom the sample of blood was taken;

and

(d) the date, time and hospital at which the sample of blood was taken.

(11) After analysis of the sample of blood in a container made available to a member of the police force pursuant to subsection (7) (a), the analyst who performed or supervised the analysis shall sign a certificate containing the following information:

(a) the identification number of the sample of blood marked on the container;

(b) the name and professional qualifications of the analyst;

(c) the date on which the sample of blood was received in the laboratory in which the analysis was performed;

(d) the concentration of alcohol or other drug found to be present in the blood;

(e) any factors relating to the blood sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis;

and

(f) any other information relating to the blood sample or analysis or both that the analyst thinks fit to include.

(12) On completion of an analysis of a sample of blood, the certificate of the medical practitioner by whom the sample of blood was taken and the certificate of the analyst who performed or supervised the analysis must be sent to the Minister or retained on behalf of the Minister and, in either event, copies of the certificates shall be sent—

(a) to the Commissioner of Police;

(b) to the medical practitioner by whom the sample of the blood was taken;

and

(c) to the person from whom the sample of blood was taken or, if the person is dead, a relative or personal representative of the deceased.

(13) If the whereabouts of the person from whom the sample of blood is taken, or (that person being dead) the identity or whereabouts of a relative or personal representative of the deceased, is unknown, there shall be no obligation to comply with subsection (12) (c) but copies of the certificates shall, upon application made within 3 years after completion of the analysis, be furnished to any person to whom they should, but for this subsection, have been sent.

(13a) Subject to subsection (13c), an apparently genuine document purporting to be a certificate, or copy of a certificate, of a medical practitioner or analyst under this section shall be admissible in proceedings before a court and shall, in the absence of proof to the contrary, be proof of the matters stated in the certificate.

(13b) Where certificates of a medical practitioner and analyst are received as evidence in proceedings before a court and contain the same identification number for the samples of blood to which they relate, the certificates shall be presumed, in the absence of proof to the contrary, to relate to the same sample of blood.

(13c) A certificate referred to in subsection (13a) shall not be received as evidence in proceedings for an offence under section 47 (1) or 47b (1)—

(a) unless a copy of the certificate proposed to be put in evidence at the trial of a person for the offence has, not less than 7 days before the commencement of the trial, been served on that person;

(b) if the person on whom a copy of the certificate has been served has, not less than 2 days before the commencement of the trial, served written notice on the complainant requiring the attendance at the trial of the person by whom the certificate was signed;

or

(c) if the court, in its discretion, requires the person by whom the certificate was signed to attend at the trial.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor