



ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

No. 84 of 1984

An Act to amend the Road Traffic Act, 1961.

[Assented to 29 November 1984]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Road Traffic Act Amendment Act (No. 3), 1984". Short title.

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

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

3. Section 47d of the principal Act is amended—

(a) by striking out from subsection (1) the passage "subsection (1) of section 47 or subsection (1) of section 47b of this Act" and substituting the passage "section 47 (1), 47b (1) or 47e (3)"; Amendment of s. 47d—
Payment by convicted person of costs incidental to his apprehension, etc.

(b) by striking out the word "and" between paragraphs (c) and (d) of subsection (1);

and

(c) by inserting after paragraph (d) of subsection (1) the following word and paragraph:

and

(e) facilitating the taking of a sample of the defendant's blood and providing for the presence of a member of the police force pursuant to section 47f (2) and (2a).

4. Section 47da of the principal Act is amended by striking out from subsection (7) the passage "on the first day of January, 1985" and substituting the passage "on the thirtieth day of June, 1985". Amendment of s. 47da—
Commissioner of Police may authorize breath tests.

5. Section 47e of the principal Act is amended by striking out subsection (2) and substituting the following subsection: Amendment of s. 47e—
Police may require alcotest or breath analysis.

(2) An alcotest or breath analysis must be performed within two hours after the occurrence of the event giving rise to the belief referred to in subsection (1).

Amendment of
s. 47f—
Right of person
to request blood
test.

6. Section 47f of the principal Act is amended by striking out subsections (1) and (2) and substituting the following subsections:

(1) A person required in accordance with this Act to submit to a breath analysis may request of a member of the police force that a sample of his blood be taken by a medical practitioner.

(2) Where a request is made by a person under subsection (1), a member of the police force shall do all things reasonably necessary to facilitate the taking of a sample of the person's blood—

(a) by a medical practitioner nominated by the person;

or

(b) if—

(i) it becomes apparent to the member of the police force that there is no reasonable likelihood that a medical practitioner nominated by the person will be available to take the sample within one hour of the time of the request at some place not more than ten kilometres distant from the place of the request;

or

(ii) the person does not nominate a particular medical practitioner,

by any medical practitioner who is available to take the sample.

(2a) The taking of a sample of blood pursuant to this section—

(a) shall be carried out by the medical practitioner in the presence of a member of the police force;

and

(b) shall be at the expense of the person from whom the sample is taken.

Amendment of
s. 47g—
Evidence, etc.

7. Section 47g of the principal Act is amended—

(a) by striking out subsection (3c) and substituting the following subsection:

(3c) A certificate purporting to be signed by the Commissioner of Police and to certify that an authorization was issued by the Commissioner of Police under section 47da in the terms specified in the certificate shall, in the absence of proof to the contrary, be proof of the matters so certified;

(b) by striking out the word "and" occurring between paragraphs (b) and (c) of subsection (5);

(c) by inserting after paragraph (c) of subsection (5) the following word and paragraph:

and

(d) the person named in the certificate was informed and warned of the matters referred to in subsection (2a) in accordance with that subsection,;

and

(d) by striking out subsection (6) and substituting the following subsection:

(6) A certificate referred to in subsection (4) or (5) 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 seven 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 under paragraph (a) has, not less than two 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