

Road Safety (Amendment) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1^o 1 March 1995

(Brought in by Mr Brown and Mr Gude)

A BILL

to amend the **Road Safety Act 1986** and for other purposes.

Road Safety (Amendment) Act 1995

The Parliament of Victoria enacts as follows:

1. Purpose

The purpose of this Act is to amend the law with respect to the places at which blood samples may be taken from persons involved in an accident.

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2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984.**)

N . 127/1986.
 Reprint d t
 N . 120/1993.
 Subsequ ntly
 amended by
 N 17/1994,
 23/1994,
 33/1994,
 60/1994,
 78/1994,
 84/1994 and
 101/1994.

3. Places where blood samples may be taken—Road Safety Act

- (1) In section 56 (1) of the **Road Safety Act 1986**, omit the definition of “designated place”.
- (2) In section 56 (2) of the **Road Safety Act 1986**, omit “designated” (where twice occurring). 5
- (3) In section 56 (4) (*d*) of the **Road Safety Act 1986**, for “designated place” substitute “place for examination or treatment”.
- (4) In section 56 (5) of the **Road Safety Act 1986**, for “designated place” substitute “place which he or she enters or to which he or she is brought for examination or treatment”. 10
- (5) For section 57 (7A) (*b*) (iii) of the **Road Safety Act 1986** substitute— 15
 - “(iii) there is a reasonable possibility that the sample was not taken in accordance with the Code of Practice for Taking Blood Samples from Road Accident Victims; or”.

No. 52/1988.
 R printed to
 No. 31/1994.

4. Places where blood samples may be taken—Marine Act 20

- (1) In section 31A (1) of the **Marine Act 1988**, omit the definition of “designated place”.
- (2) In section 31A (2) of the **Marine Act 1988**, omit “designated” (where twice occurring).
- (3) In section 31A (3) (*d*) of the **Marine Act 1988**, for “designated place” substitute “place for examination or treatment”. 25
- (4) In section 31A (4) of the **Marine Act 1988**, for “designated place” substitute “place which he or she enters or to which he or she is brought for examination or treatment”. 30
- (5) For section 32 (8) (*b*) (iii) of the **Marine Act 1988** substitute— 35
 - “(iii) there is a reasonable possibility that the sample was not taken in accordance with the Code of

Practice for Taking Blood Samples from Road Accident Victims; or”.

5. Places where blood samples may be taken—Transport Act

- 5 (1) In section 97 (1) of the **Transport Act 1983**, omit the definition of “designated place”.
- (2) In section 97 (2) of the **Transport Act 1983**, omit “designated” (where twice occurring).
- 10 (3) In section 97 (3) (d) of the **Transport Act 1983**, for “designated place” substitute “place for examination or treatment”.
- (4) In section 97 (4) of the **Transport Act 1983**, for “designated place” substitute “place which he or she enters or to which he or she is brought for examination or treatment”.
- 15 (5) For section 98 (8) (b) (iii) of the **Transport Act 1983** substitute—
- “ (iii) there is a reasonable possibility that the sample was not taken in accordance with the Code of Practice for Taking Blood Samples from Road Accident Victims; or”.
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No. 9921.
R printed to N . 81/1990. Subsequently amended by Nos 46/1991, 76/1991, 79/1991, 68/1992, 80/1992, 85/1992, 120/1993, 130/1993, 18/1994, 31/1994, 53/1994, 60/1994 and 82/1994.

6. Designated places

25 For the purposes of section 56 of the **Road Safety Act 1986**, a place is deemed to have been specified as a designated place at a particular time (whether before or after the commencement of this Act) if at that time—

- 30 (a) it was a public hospital within the meaning of the **Health Services Act 1988** as then in force; or
- (b) an Order made by the Governor in Council and published in the Government Gazette for the purposes of that section reasonably identified that place as the location of a hospital, clinic or other facility bearing a specified name, despite
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any inaccuracy in the name, spelling or description of that place or of the hospital, clinic or other facility and despite any change of name or relocation of the hospital, clinic or other facility since the making of the Order.

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7. Saving

Section 6 does not affect the rights of the parties in the proceeding known as *Coleman v Hannigan* heard and determined in the Magistrates' Court at Frankston on 19 September 1994.

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