

1990—No. 830

TRAFFIC ACT—REGULATION

(Relating to procedures for the collection and analysis of blood samples from drivers and the prohibition and mandatory surrender of radar detectors and jammers)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

WAL MURRAY
Minister for Roads.

Commencement

1. This Regulation commences on 1 January 1991.

Amendment

2. The Motor Traffic Regulations 1935 are amended:

- (a) by omitting Regulations 137 and 138 and by inserting instead the following Regulations:

Blood samples

137. (1) After a sample of blood taken under section 4F of the Act is dealt with in accordance with section 4G (1) of the Act, the portion of the sample referred to in section 4G (2) (a) of the Act must be placed immediately in a locked security box of a type approved by the Commissioner of Police. It is to be kept in such a security box until it is collected by a member of the police force.

(2) A person must not wilfully destroy a portion of a sample of a person's blood taken under section 4F or 5AA of the Act unless the portion is destroyed:

- (a) by or at the direction of an analyst in the course of or on completion of an analysis of the portion; or
- (b) in the case of a portion referred to in section 4G (2) (b) of the Act or a portion stored in a container referred to in section 5AA (7) (a) of the Act—by or at the direction of the person from whom the sample was taken or after the expiration of one month commencing on the day on which the sample was taken.

Institutions etc. prescribed in relation to the taking of blood samples

138. The premises, institutions or establishments listed below are prescribed as hospitals for the purposes of section 4F (12) of the Act and are prescribed places for the purposes of section 5AA (3) (b) of the Act:

- (a) the following premises, institutions or establishments of the Royal Australian Air Force:
 - (i) Medical Section, No. 1 Central Ammunition Depot, Kingswood;
 - (ii) No. 3 RAAF Hospital, RAAF Base, Richmond;
 - (iii) Medical Section, No. 2 Stores Depot, Regents Park;
 - (iv) Base Medical Flight, RAAF Base, Williamstown;
- (b) the following premises, institutions or establishments of the Australian Army:
 - (i) 2nd Military Hospital, Ingleburn'
 - (ii) 7th Camp Hospital, Kapooka;
- (c) the following premises, institutions or establishments of the Royal Australian Navy:
 - (i) Naval Hospital, HMAS Penguin, Balmoral;
 - (ii) Sick Bay, HMAS Harman, Canberra, ACT;
 - (iii) Sick Bay, HMAS Kuttabul, Garden Island;
 - (iv) Sick Bay, HMAS Creswell, Jervis Bay, ACT;
 - (v) Sick Bay, HMAS Platypus, Neutral Bay;

- (vi) Naval Hospital, HMAS Albatross. Nowra
 - (vii) Sick Quarters. HMAS Nirimba, Quakers Hill:
 - (viii) Sick Bay, HMAS Watson. Watson's Bay:
 - (ix) Sick Bay, HMAS Waterhen. Waverton:
 - (d) the Repatriation General Hospital. Concord.
 - (b) by inserting in Table B of Part 1 of Schedule K before the matter relating to section 5 (1) of the Act the following matter:

Section 4AD (1)	750
Section 4AD (2)	750
Section 4AD (3)	750
Section 4AE (3)	750
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EXPLANATORY NOTE

The object of this Regulation is to amend the Motor Traffic Regulations 1935 so as:

- (a) to prescribe revised procedures for the storage and disposal of blood samples obtained from drivers for analysis for the purposes of the drink-drive provisions of the Traffic Act 1909; and
 - (b) to prescribe more establishments where drivers' blood samples may be taken; and
 - (c) to prescribe a range of fixed penalties for the purposes of penalty notices to be issued in respect of offences concerning the sale, possession and use of radar detectors and jammers.
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