

**MOTOR TRAFFIC (BLOOD SAMPLES) AMENDMENT
ACT 1988 No. 73**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Motor Traffic Act 1909 No. 5

SCHEDULE 1—AMENDMENTS

MOTOR TRAFFIC (BLOOD SAMPLES) AMENDMENT ACT 1988
No. 73

NEW SOUTH WALES



Act No. 73, 1988

An Act to amend the Motor Traffic Act 1909 with respect to blood samples taken after a road accident. [Assented to 23 November 1988]

*Motor Traffic (Blood Samples) Amendment 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Motor Traffic (Blood Samples) Amendment Act 1988.

Commencement

2. This Act commences on the date of assent.

Amendment of Motor Traffic Act 1909 No. 5

3. The Motor Traffic Act 1909 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 4F (Blood samples to be taken in certain cases)—

Section 4F (1), (11) (b)—

After “street” wherever occurring, insert “(whether in New South Wales or elsewhere)”.

(2) Section 4G (Analysis of samples of blood)—**(a) Section 4G (3A)—**

After section 4G (3), insert:

(3A) A medical practitioner who, in another State or Territory, takes a sample of blood—

(a) from a person attended by the medical practitioner in consequence of an accident in New South Wales; and

(b) in accordance with provisions of a law of that State or Territory that substantially correspond to the provisions of section 4F,

may arrange for a portion of the sample to be submitted for an analysis by an analyst to determine the concentration of alcohol in the blood.

(b) Section 4G (7)—

After “Any”, insert “power or”.

(c) Section 4G (7)—

Before “performed” wherever occurring, insert “exercised or”.

(d) Section 4G (11A)—

After section 4G (11), insert:

Motor Traffic (Blood Samples) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

(11A) In proceedings for an offence under section 4E (1D), (1E), (1F), (1G) or (1L) a certificate purporting to be signed by a person who, in another State or Territory—

- (a) took a blood sample; or
- (b) analysed a blood sample,

in accordance with provisions of a law of that State or Territory that substantially correspond to the provisions of section 4F or of this section is prima facie evidence of the particulars certified in and by the certificate, and an analysis to which any such certificate relates shall be taken to be an analysis under this section.

[*Minister's second reading speech made in—
Legislative Assembly on 19 October 1988
Legislative Council on 16 November 1988*]
