

1997

LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY

TRAFFIC (AMENDMENT) BILL 1997

EXPLANATORY MEMORANDUM

**Circulated by the authority of the Minister for Urban Services
Trevor Kaine, MLA**

Outline

The *Traffic (Amendment) Bill 1997* (the Bill) amends the *Traffic Act 1937* (the Act) to provide for the compulsory blood testing of pedestrians, cyclists and riders of animals who attend hospital following an accident on a public street or in a public place. It will not matter that the accident occurred outside the ACT. This is an arrangement that applies in New South Wales.

The *Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No 2) 1997* makes similar provision with respect to drivers of motor vehicles.

The Bill will apply relevant provisions of the *Motor Traffic (Alcohol and Drugs) Act 1977* to pedestrians, cyclists and riders of animals who attend hospital following an accident (the patient).

The result will be that medical practitioners and nurses at a hospital will be obliged to take a blood sample from a patient within 2 hours of the patient presenting at the hospital. The sample will be analysed for alcohol and in limited circumstances other drugs. In limited circumstances the patient will be medically examined and a sample will be taken with a view to its being tested for the presence of drugs other than alcohol. Provision will be made so that a container of the sample will be available to the patient.

Provision will also be made so that samples need not be taken and medical examinations carried out if, for example, this would be detrimental to the patient's medical condition.

Financial implications

Taking blood samples from pedestrians, cyclists and riders of animals who attend hospital following an accident will result in some additional costs. It is anticipated these cost increases will be offset, at least in part, by efficiency measures implemented by the *Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No 2) 1997*.

Details of the Bill are as follows

Clauses 1, 2 and 3 - Short title; Commencement; Principal Act - these clauses are formal and provide for citation and commencement. The operative provisions of the Bill will commence when the Minister notifies a day in the Gazette. This is to allow time for necessary administrative measures to be put in place.

Clause 4 - Insertion - a new section 36 Taking blood samples from persons involved in accidents is inserted in the Act. The new section will apply various provisions relating to taking samples, primarily blood samples, from drivers involved in accidents that are to be inserted in the *Motor Traffic (Alcohol and Drugs) Act 1977* to pedestrians, cyclists and riders of animals who attend hospital following an accident.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Clause 5 - Penalties for offences - amends section 40 of the Act consequentially on the insertion of section 36