



AUSTRALIAN CAPITAL TERRITORY

Traffic (Amendment) Act 1997

No. 54 of 1997

An Act to amend the *Traffic Act 1937*

[Notified in ACT Gazette S264: 19 September 1997]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Traffic (Amendment) Act 1997*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, “Principal Act” means the *Traffic Act 1937*.¹

Insertion

4. After section 35 of the Principal Act the following section is inserted:

Taking of blood samples from persons involved in accidents

“36. (1) In this section—

‘accident’ means an accident on a public street or in a public place, whether within or outside the Territory;

‘applied provision’ means a provision of the *Motor Traffic (Alcohol and Drugs) Act 1977* referred to in subsection (3).

“(2) This section applies to a person who appears to have attained the age of 15 years and attends, or is admitted to, a hospital for the purpose of examination or treatment as a consequence of an accident—

- (a) involving a vehicle that he or she was driving or attempting to drive;
- (b) involving an animal that he or she was riding, driving or attempting to ride or drive; or
- (c) in which he or she was involved as a pedestrian.

“(3) Sections 15AA, 15A, 15B, 16, 16A, 17, 23 and 41A of the *Motor Traffic (Alcohol and Drugs) Act 1977* apply to, or in relation to, a person to whom this section applies or a sample taken from the body of such a person as if such a person were a person who is a driver involved in an accident for the purposes of that Act.

“(4) A medical practitioner or nurse who, for the purposes of an applied provision, takes a sample or carries out a medical examination, is entitled to the same indemnity as he or she would be entitled to under section 18 of the *Motor Traffic (Alcohol and Drugs) Act 1977* for carrying out a procedure referred to in subsection 18 (5) of that Act.

“(5) In proceedings under an applied provision, a certificate referred to in paragraph 41 (1) (c), (cb), (cc) or (d) of the *Motor Traffic (Alcohol and Drugs) Act 1977* has the same validity and effect as it would have in proceedings under that Act.”.

Penalties for offences

5. Section 40 of the Principal Act is amended by adding at the end the following subsection:

“(2) This section does not apply to an offence against, or a contravention of, a provision of the *Motor Traffic (Alcohol and Drugs) Act 1977* that applies by virtue of section 36.”.

NOTE

Principal Act

1. Reprinted as at 31 January 1994. See also Act No. 60, 1994.

[Presentation speech made in Assembly on 19 June 1997]