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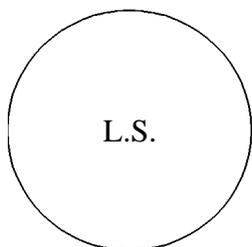## SPECIAL SUPPLEMENT

New South Wales

Proclamation

under the

Road Transport (Safety and Traffic Management) Amendment (Blood Sampling) Act 2000 No 78

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Road Transport (Safety and Traffic Management) Amendment (Blood Sampling) Act 2000*, do, by this my Proclamation, appoint 15 April 2005 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 6th day of April 2005.

By Her Excellency's Command,

L.S.

MICHAEL COSTA, M.L.C.,
Minister for Roads

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Road Transport (Safety and Traffic Management) Amendment (Blood Sampling) Act 2000*. That Act amends certain other Acts and statutory instruments in relation to the analysis of blood samples.

New South Wales

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Blood Sampling) Regulation 2005

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

MICHAEL COSTA, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to recast a provision dealing with the security of blood samples taken under certain provisions of the *Road Transport (Safety and Traffic Management) Act 1999* (**the Act**) in consequence of the amendments made to those provisions by the *Road Transport (Safety and Traffic Management) Amendment (Blood Sampling) Act 2000*. Those amendments commence on the same day as this Regulation.

The provisions previously required blood samples to be divided into two portions with one to be used for any analysis required by the Act and the other to be made available for the use and benefit of the person from whom the sample was taken. The provisions as amended provide, instead, for the entire sample to be submitted to a laboratory for analysis but confer on the person from whom the sample was taken the right to apply to the laboratory for a portion of the sample to be sent, for analysis at the person's own expense, to a medical practitioner or laboratory nominated by the person.

As was previously the case, the Regulation provides that it is an offence to destroy or otherwise interfere or tamper with a sample (or portion of a sample) of blood taken under the relevant provisions of the Act.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power).

Clause 1   Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Blood Sampling) Regulation 2005

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Blood Sampling) Regulation 2005

under the

Road Transport (Safety and Traffic Management) Act 1999

1   Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Blood Sampling) Regulation 2005*.

2   Commencement

This Regulation commences on 15 April 2005.

3   Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Blood Sampling) Regulation 2005

Amendment   Schedule 1

Schedule 1   Amendment

(Clause 3)

Clause 130

Omit the clause. Insert instead:

130   Security of blood samples taken under Divisions 3, 4 and 5 of Part 2 of Act

(1)   After a sample of blood taken under Division 3, 4 or 5 of Part 2 of the Act is dealt with in accordance with section 18 (3), 23 (1) or 27 (2A) of the Act (as the case may require), the sample must be placed immediately in a locked security box of a type approved by the Commissioner of Police. It is to be kept in the security box until it is submitted to the laboratory in accordance with section 18 (4), 23 (2) or 27 (2B) of the Act.

(2)   A person must not destroy or otherwise interfere or tamper with a sample, or a portion of a sample, of a person's blood taken under Division 3, 4 or 5 of Part 2 of the Act except as follows:

(a)   after the expiration of 12 months commencing on the day the sample was taken,

(b)   in the case of a sample—by or at the direction of an analyst:

(i)   so as to permit a portion of the sample to be sent for analysis by a medical practitioner or laboratory nominated, under section 18 (5), 23 (3) or 27 (2C) of the Act, in an application made under the relevant section by the person from whom the sample was taken, or

(ii)   in the course of, or on completion of, an analysis of the sample,

(c)   in the case of a portion of a sample—by or at the direction of the medical practitioner or laboratory nominated under section 18 (5), 23 (3) or 27 (2C) of the Act by the person from whom the sample was taken.

Maximum penalty (subclause (2)): 20 penalty units.

LOCAL GOVERNMENT ACT 1993

ORDER UNDER SECTION 318B

I, the Hon. Tony Kelly, M.L.C., Minister for Local Government, in pursuance of section 318B (1) (a) (iii) of the Local Government Act 1993, do hereby order that the election requirements of the Act in relation to by-elections of the Strathfield Municipal Council be postponed from 14 May 2005 until 31 December 2005 by reason of the Council being the subject of an investigation by an authority.

Dated: 5 April 2005

TONY KELLY, M.L.C.,
Minister for Local Government

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