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**NOTES**

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A BILL

to amend the Road Safety Act 1986, the Road Safety (Amendment) Act 1990, the Road Safety (Drivers) Act 1991, the Road Safety (Further Amendment) Act 1998, the Marine Act 1988, the Transport Act 1983 and for other purposes.

Road Safety (Amendment) Act 2000

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purposes

The main purposes of this Act are—

(a) to amend the Road Safety Act 1986 to—

(i) prohibit driving while impaired by a drug other than alcohol;
(ii) enable blood samples to be taken by approved health professionals in drink-driving cases;

(iii) permit councils to, by resolution, fix a penalty, up to a maximum of $50, for parking infringements committed against regulations made under the Road Safety Act 1986 within their municipal districts;

(iv) validate certain resolutions made by councils, fixing a penalty up to a maximum of $50, for parking infringements committed against regulations made under the Road Safety Act 1986 within their municipal districts;

(v) make certain local laws in relation to the parking of vehicles have force and effect despite being inconsistent with regulations made under the Road Safety Act 1986;

(vi) empower protective services officers to prosecute drivers for certain parking offences;

(vii) provide for the introduction of digital cameras and digital speed cameras;

(b) to amend the Marine Act 1988 and the Transport Act 1983 to enable approved health professionals to take blood samples in relation to certain offences involving alcohol;

(c) to repeal certain unproclaimed amendments.
2. Commencement

(1) This Part and sections 16, 19, 20, 21, 22, 23, 24, 25, 26 and 36 come into operation on the day on which this Act receives the Royal Assent.

(2) Section 35 is deemed to have come into operation on 4 November 1998.

(3) Subject to sub-section (4), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

(4) If a provision referred to in sub-section (3) does not come into operation before 1 December 2000, it comes into operation on that day.

3. Principal Act

In this Act, the Road Safety Act 1986 is called the Principal Act.
PART 2—DRIVING WHILE IMPAIRED BY A DRUG

4. Definitions

(1) In section 3(1) of the Principal Act, in the definition of "accredited drink-driving education program" for "drink-driving" substitute "driver".

(2) In section 3(1) of the Principal Act, for the definition of "drug" substitute—

"drug" means a substance that is a drug for the purposes of this Act by virtue of a declaration under sub-section (3) or any other substance (other than alcohol) which, when consumed or used by a person, deprives that person (temporarily or permanently) of any of his or her normal mental or physical faculties;'.

(3) In section 3(1) of the Principal Act, insert the following definitions—

"approved health professional" means—

(a) a registered nurse, within the meaning of the Nurses Act 1993, registered in division 1 of the register kept under that Act;

(b) a person approved under sub-section (4) to take a blood sample for the purposes of Part 5;

"dentist" means a dentist within the meaning of the Dentists Act 1972;

"Director of the Victorian Institute of Forensic Medicine" means the Director within the meaning of the Coroners Act 1985;
"permissible non-prescription drug" means—

(a) a Schedule 2 poison within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981** that is listed in Appendix K of Part 5 of the Commonwealth standard within the meaning of that Act; or

(b) a Schedule 3 poison within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**;

"pharmacist" means a pharmacist within the meaning of the **Pharmacists Act 1974**;

"prescription drug", in relation to a person, means a Schedule 4 poison or Schedule 8 poison within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981** which that person is authorised or licensed by or under that Act to have in his or her possession;

"substance" means substance in any form (whether gaseous, liquid, solid or other) and includes material, preparation, extract and admixture;'.

(4) In section 3 of the Principal Act, after sub-section (2) insert—

"(3) The Minister may, by Order published in the Government Gazette, declare any substance to be a drug for the purposes of this Act.

(4) The Director of the Victorian Institute of Forensic Medicine may, in writing, approve a person to take blood samples for the purposes of Part 5 if the Director is of the opinion that the person has the appropriate
5. Interpretative provisions

(1) In section 48(1) of the Principal Act, after paragraph (a) insert—

"(ab) if it is established that at any time within 3 hours after an alleged offence against paragraph (ba) of section 49(1), a certain drug was present in the body of the person charged with the offence it must be presumed, until the contrary is proved, that that drug was present in the person's body at the time at which the offence is alleged to have been committed; and".

(2) In section 48 of the Principal Act, after subsection (1AB) insert—

"(1AC) For the purposes of an alleged offence against paragraph (ba) of section 49(1) it must be presumed that a drug found by an analyst to be present in the sample of blood or urine taken from the person charged was not due solely to the consumption or use of that drug after driving or being in charge of a motor vehicle unless the contrary is proved by the person charged on the balance of probabilities by sworn evidence given by him or her which is corroborated by the material evidence of another person.

(1AD) For the purposes of sections 55A and 55B, a driver is not to be taken to be impaired unless his or her behaviour or appearance is such as to give rise to a reasonable suspicion that he or she is unable to drive properly.".

(3) In section 48(3) of the Principal Act, after "55" insert "or 55A(3)".
6. New offences relating to driving while impaired by a drug

(1) In section 49(1) of the Principal Act—

(a) after paragraph (b) insert—

"(ba) drives a motor vehicle or is in charge of a motor vehicle while impaired by a drug; or";

(b) after paragraph (c) insert—

"(ca) refuses to undergo an assessment of drug impairment in accordance with section 55A when required under that section to do so or refuses to comply with any other requirement made under section 55A(1); or";

(c) after paragraph (e) insert—

"(ea) refuses to comply with a requirement made under section 55B(1); or".

(2) In section 49(3) of the Principal Act—

(a) after "(b)," insert "(ba),";

(b) after "(c)," insert "(ca),";

(c) after "(e)," insert "(ea),".

(3) In section 49 of the Principal Act, after sub-section (3) insert—

'(3A) In proceedings for an offence under paragraph (ba) of sub-section (1), proof that—

(a) the person drove or was in charge of a motor vehicle; and

(b) one or more drugs were present in the person's body at the time at which he or she drove or was in charge of the motor vehicle; and
(c) the behaviour of the person on an assessment of drug impairment carried out under section 55A was consistent with the behaviour usually associated with a person who has consumed or used that drug or those drugs; and

(d) the behaviour usually associated with a person who has consumed or used that drug or those drugs would result in the person being unable to drive properly—is, in the absence of evidence to the contrary but subject to sub-sections (3B) and (3C), proof that the defendant drove or was in charge of a motor vehicle while impaired by a drug.

(3B) If on an analysis carried out in accordance with this Part, no drug other than a permissible non-prescription drug or a prescription drug was found present in the person's body, it is a defence to a charge under paragraph (ba) of sub-section (1) for the person charged to prove that—

(a) he or she did not know and could not reasonably have known that the permissible non-prescription drug or the prescription drug, or the combination of those drugs, so found would impair driving if consumed or used in accordance with advice given to him or her by a registered medical practitioner, a dentist or a pharmacist in relation to the drug or combination of drugs; and

(b) he or she consumed or used that drug or combination of drugs in accordance with that advice.
(3C) In sub-section (3B), "advice" means written or oral advice and includes anything written on a label accompanying the drug.'.

(4) In section 49 of the Principal Act, after sub-section (7) insert—

"(8) If on a prosecution for an offence under paragraph (a) of sub-section (1), the court is not satisfied that the defendant is guilty of that offence but is satisfied that the defendant is guilty of an offence under paragraph (ba) of that sub-section, the court may find the defendant guilty of an offence under paragraph (ba) and punish the defendant accordingly.".

7. Licence cancellation and disqualification

(1) In section 50 of the Principal Act, after sub-section (1B) insert—

"(1C) On convicting a person, or finding a person guilty of an offence under section 49(1)(ba), the court must, if the offender holds a driver licence or permit, cancel that licence or permit and, whether or not the offender holds a driver licence or permit, disqualify the offender from obtaining one for such period as the court thinks fit, not being less than—

(a) in the case of a first offence, 12 months; and

(b) in the case of a subsequent offence, 2 years.

(1D) On convicting a person, or finding a person guilty of an offence under section 49(1)(ca) or (ea), the court must, if the offender holds a driver licence or permit, cancel that licence or permit and, whether or not the offender holds a driver licence or permit, disqualify
the offender from obtaining one for such period as the court thinks fit, not being less than—

(a) in the case of a first offence, 2 years; and

(b) in the case of a subsequent offence, 4 years."

(2) In section 50(4A)(b) of the Principal Act—

(a) after "(a)," insert ",(ba),";

(b) after ",(c)," insert ",(ca),";

(c) for "or (e)" substitute ", (e) or (ea)."

(3) In section 50(4B)(a) of the Principal Act, after "months" insert "(or, if the offence in respect of which the person was disqualified was an offence under section 49(1)(ba), (ca) or (ea), at least 6 months)".

(4) In section 50(4D) of the Principal Act, omit "of 12 months".

(5) In section 50A(1) of the Principal Act, for "drink-driving" substitute "driver".

(6) In section 50A of the Principal Act, after subsection (1) insert—

"(1A) The Corporation must not issue a driver licence or permit to a person whose driver licence or permit is cancelled, or who is disqualified from obtaining a driver licence or permit, on conviction, or on being found guilty, of an offence under section 49(1)(ba), (ca) or (ea) and who, at the time of the offence, was under 25 years old unless it is satisfied that the person has, if the offence is a first offence, completed an accredited driver education program.".
(7) In section 50A(2), (3) and (4) of the Principal Act, for "drink-driving" substitute "driver".

8. Immediate suspension of driver licence or permit

(1) In section 51 of the Principal Act, after subsection (1) insert—

"(1A) If a person is charged by a member of the police force with an offence under paragraph (ba), (ca) or (ea) of section 49(1), any member of the police force may, at any time after the making of the charge until the charge has been determined, give to the accused a notice containing the prescribed particulars informing the accused that his or her driver licence or permit is immediately suspended until the charge has been determined and requiring the accused to surrender immediately to the person who gave the notice the licence document or permit document.".

(2) In section 51(3), (4), (5) and (10) of the Principal Act, after "(1)" insert "or (1A)".

9. New sections 55A, 55B and 55C inserted

After section 55 of the Principal Act insert—

'55A. Drug assessment

(1) A member of the police force may at any time require—

(a) any person he or she finds driving a motor vehicle or in charge of a motor vehicle; or

(b) the driver of a motor vehicle that has been required to stop at a preliminary breath testing station under section 54(3); or
(c) any person who he or she believes on reasonable grounds has within the last 3 preceding hours driven or been in charge of a motor vehicle when it was involved in an accident; or

(d) any person who he or she believes on reasonable grounds was, within the last 3 preceding hours, an occupant of a motor vehicle when it was involved in an accident, if it has not been established to the satisfaction of the member of the police force which of the occupants was driving or in charge of the motor vehicle when it was involved in the accident; or

(e) any person whom he or she has required under section 53 to undergo a preliminary breath test; or

(f) any person required under section 55 to furnish a sample of breath or from whom a sample of blood was required to be taken under section 55(9A)—

to undergo an assessment of drug impairment if, in the opinion of the member, that person’s behaviour or appearance indicates that he or she may be impaired for a reason other than alcohol alone and for that purpose may further require the person to accompany a member of the police force to a place where the assessment is to be carried out and to remain there until the assessment has been carried out or until 3 hours after the driving, being an occupant of or being in charge of the motor vehicle, whichever is sooner.
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(2) A person is not obliged to undergo an assessment of drug impairment if more than 3 hours have passed since the person last drove, was an occupant of or was in charge of a motor vehicle.

(3) An assessment of drug impairment must be carried out by a member of the police force authorised to do so by the Chief Commissioner of Police.

(4) An assessment of drug impairment must be carried out in accordance with the procedure specified in a notice under sub-section (5).

(5) The Corporation may, by notice published in the Government Gazette, specify the procedure to be followed in assessing drug impairment.

(6) The carrying out of an assessment of drug impairment must be video-recorded unless the prosecution satisfies the court that a video-recording has not been made because of exceptional circumstances.

(7) If the person on whom an assessment of drug impairment was carried out is subsequently charged with an offence under paragraph (ba) of section 49(1), a copy of the video-recording, if any, must be served with the summons or, if a summons is not issued, within 7 days after the making of the charge.

(8) Subject to sub-section (9), the video-recording of the carrying out of an assessment of drug impairment on a person is only admissible in a proceeding against that person for an offence against this Act for the purpose of establishing that the assessment of drug impairment was carried
out in accordance with the procedure specified in a notice under sub-section (5).

(9) Evidence obtained as a result of an assessment of drug impairment carried out on a person is inadmissible as part of the prosecution case in proceedings against that person for any offence if the video-recording of the assessment and any related material and information should have been but has not been destroyed as required by section 55C.

(10) In any proceeding under this Act—

(a) the statement of any member of the police force that on a particular date he or she was authorised by the Chief Commissioner of Police under sub-section (3) to carry out an assessment of drug impairment; or

(b) a certificate purporting to be signed by the Chief Commissioner of Police that a member of the police force named in it is authorised by the Chief Commissioner under sub-section (3) to carry out an assessment of drug impairment—

is admissible in evidence and, in the absence of evidence to the contrary, is proof of the authority of that member.

55B. Blood and urine samples

(1) If a person undergoes an assessment of drug impairment when required under section 55A to do so and the assessment, in the opinion of the member of the police force carrying it out, indicates that the person may be impaired by a drug or drugs, any member
of the police force may require the person to do either or both of the following—

(a) allow a registered medical practitioner or an approved health professional nominated by that member to take from the person a sample of that person's blood for analysis;

(b) furnish to a registered medical practitioner or an approved health professional nominated by that member a sample of that person's urine for analysis—

and for that purpose may further require the person to accompany a member of the police force to a place where the sample is to be taken or furnished and to remain there until the sample has been taken or furnished or until 3 hours after the driving, being an occupant of or being in charge of the motor vehicle, whichever is sooner.

(2) The registered medical practitioner or approved health professional who takes a sample of blood or is furnished with a sample of urine under this section must deliver a part of the sample to the member of the police force who required it to be taken or furnished and another part to the person from whom it was taken or by whom it was furnished.

(3) A person must not hinder or obstruct a registered medical practitioner or an approved health professional attempting to take a sample of the blood, or be furnished
with a sample of the urine, of any other person in accordance with this section.

Penalty: 12 penalty units.

(4) No action lies against a registered medical practitioner or an approved health professional in respect of anything properly and necessarily done by the practitioner or approved health professional in the course of taking any sample of blood, or being furnished with any sample of urine, which the practitioner or approved health professional believed on reasonable grounds was required to be taken from, or be furnished by, any person under this section.

(5) If the person on whom an assessment of drug impairment was carried out is subsequently charged with an offence under paragraph (ba) of section 49(1), a copy of a written report on that assessment prepared by the member of the police force who carried it out and containing the prescribed particulars must be served with the summons or, if a summons is not issued, within 7 days after the making of the charge.

55C. Destruction of identifying information

(1) In this section, "relevant offence" means—

(a) an offence under section 49(1)(ba) or (ea); or

(b) any other offence arising out of the same circumstances; or

(c) any other offence in respect of which the evidence obtained as a result of the
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assessment of drug impairment has probative value.

(2) If an assessment of drug impairment has been carried out on a person under section 55A and—

5  (a) the person has not been charged with a relevant offence at the end of the period of 12 months after the assessment; or

10  (b) the person has been so charged but the charge is not proceeded with or the person is not found guilty of the offence, whether on appeal or otherwise, before the end of that period—

15  the Chief Commissioner of Police must, subject to sub-section (4), destroy, or cause to be destroyed, at the time specified in sub-section (3) any video-recording made of the assessment and any related material and information.

20  (3) A video-recording and any related material and information referred to in sub-section (2) must be destroyed—

25  (a) in a case to which sub-section (2)(a) applies, immediately after that period of 12 months; or

30  (b) in a case to which sub-section (2)(b) applies—

(i) within 1 month after the conclusion of the proceeding and the end of any appeal period; or

(ii) if the proceeding has been adjourned under section 75 of the Sentencing Act 1991, within
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1 month after dismissal under that section.

(4) A member of the police force may, before the end of a period referred to in sub-section (3)(b), apply without notice to the Magistrates' Court for an order extending that period and, if the Court makes such an order, the reference to the period in sub-section (3) is a reference to that period as so extended.

(5) If the Magistrates' Court makes an order under sub-section (4), it must give reasons for its decision and cause a copy of the order to be served on the person on whom the assessment of drug impairment was carried out.

(6) If a video-recording or related material and information is required to be destroyed in accordance with this section, the Chief Commissioner of Police must, if the person on whom the assessment was carried out so requests, within 14 days after receiving the request, notify that person in writing whether the destruction has occurred.

(7) A person who knowingly—

(a) fails to destroy; or

(b) uses, or causes or permits to be used—a video-recording or related material and information required by this section to be destroyed is guilty of an offence punishable by a fine of not more than 120 penalty units or to imprisonment for a term of not more than 12 months.

(8) A person who at any time uses, or causes or permits to be used, or otherwise disseminates
information derived from any video-recording or related material and information required by this section to be destroyed except in good faith for the purposes of a relevant offence is guilty of an offence punishable by a fine of not more than 120 penalty units or to imprisonment for a term of not more than 12 months.'.

10. Evidentiary provisions—blood tests

(1) In section 57(1) of the Principal Act, after paragraph (a) insert—

'(ab) "properly qualified expert" means—

(i) an approved expert; or

(ii) a person who is considered by the court hearing the charge for the offence to have scientific qualifications, training and experience that qualifies him or her to express an opinion as to the facts and matters contained in a certificate under sub-section (4B); and'.

(2) In section 57(1) of the Principal Act, at the end of paragraph (b) insert—

'; and

(c) "approved expert" means a person who has been approved by Order of the Governor in Council published in the Government Gazette as a properly qualified expert for the purposes of this section.'.

(3) In section 57(1)(a)(ii) of the Principal Act, for "the opinion to which this section relates" substitute "an opinion as to the facts and matters contained in a certificate under sub-section (4)".

(4) In section 57(2) of the Principal Act, after "of analysis" insert "and, if a drug is present,
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evidence may be given by a properly qualified expert of the usual effect of that drug on behaviour when consumed or used (including its effect on a person's ability to drive properly)".

(5) In section 57 of the Principal Act, after sub-section (4) insert—

"(4A) A certificate containing the prescribed particulars purporting to be signed by an approved analyst as to the presence in any sample of blood analysed by the analyst of a substance that is, or is capable of being, a drug for the purposes of this Act is admissible in evidence in any proceedings referred to in sub-section (2) and, in the absence of evidence to the contrary, is proof of the facts and matters contained in it.

(4B) A certificate containing the prescribed particulars purporting to be signed by an approved expert as to the usual effect of a specified substance or substances on behaviour when consumed or used (including its effect on a person's ability to drive properly) is admissible in evidence in any proceedings referred to in sub-section (2) and, in the absence of evidence to the contrary, is proof of the facts and matters contained in it."

(6) In section 57(7A) of the Principal Act, after paragraph (b)(ii) insert—

"(iia) there is a reasonable possibility that the blood referred to in a certificate given by a registered medical practitioner or an approved health professional had become contaminated in such a way that a drug found on analysis would not have been
found had the blood not been contaminated in that way; or".

(7) In section 57(9) of the Principal Act, after "55(9A)" insert "55B".

11. New section 57A inserted

After section 57 of the Principal Act insert—

'57A. Evidentiary provisions—urine tests

(1) In this section—

"approved analyst" means a person who has been approved by Order of the Governor in Council published in the Government Gazette as a properly qualified analyst for the purposes of this section;

"approved expert" means a person who has been approved by Order of the Governor in Council published in the Government Gazette as a properly qualified expert for the purposes of this section;

"properly qualified analyst" means—

(a) an approved analyst; or

(b) a person who is considered by the court hearing the charge for the offence to have scientific qualifications, training and experience that qualifies him or her to carry out the analysis and to express an opinion as to the facts and matters contained in a certificate under sub-section (4);

"properly qualified expert" means—

(a) an approved expert; or
(b) a person who is considered by the court hearing the charge for the offence to have scientific qualifications, training and experience that qualifies him or her to express an opinion as to the facts and matters contained in a certificate under sub-section (5).

(2) If a question as to the presence of a drug in the body of a person at any time is relevant on a hearing for an offence against section 49(1) then, without affecting the admissibility of any evidence which might be given apart from the provisions of this section, evidence may be given—

(a) of the furnishing by that person, within 3 hours after that person drove or was in charge of a motor vehicle, of a sample of urine to a registered medical practitioner or an approved health professional;

(b) of the analysis of that sample of urine by a properly qualified analyst within twelve months after it was taken;

(c) of the presence of a drug in that sample of urine at the time of analysis;

(d) by a properly qualified expert of the usual effect of that drug on behaviour when consumed or used (including its effect on a person's ability to drive properly).

(3) A certificate containing the prescribed particulars purporting to be signed by a registered medical practitioner or an approved health professional is admissible in evidence in any hearing referred to in sub-
section (2) and, in the absence of evidence to the contrary, is proof of the facts and matters contained in it.

(4) A certificate containing the prescribed particulars purporting to be signed by an approved analyst as to the presence in any sample of urine analysed by the analyst of a substance that is, or is capable of being, a drug for the purposes of this Act is admissible in evidence in any hearing referred to in sub-section (2) and, in the absence of evidence to the contrary, is proof of the facts and matters contained in it.

(5) A certificate containing the prescribed particulars purporting to be signed by an approved expert as to the usual effect of a specified substance or substances on behaviour when consumed or used (including its effect on a person's ability to drive properly) is admissible in evidence in any hearing referred to in sub-section (2) and, in the absence of evidence to the contrary, is proof of the facts and matters contained in it.

(6) A certificate given under this section must not be tendered in evidence at a hearing referred to in sub-section (2) without the consent of the accused unless a copy of the certificate is proved to have been personally served on the accused more than 10 days before the day on which the certificate is tendered in evidence.

(7) An affidavit or statutory declaration by the person who has personally served a copy of the certificate on the accused is admissible in evidence at a hearing referred to in sub-section (2) and, as to the service of the copy,
is proof, in the absence of evidence to the contrary, of the facts and matters deposed to in the affidavit or stated in the statutory declaration.

(8) An accused who has been served with a copy of a certificate given under this section may, with the leave of the court and not otherwise, require the person who has given the certificate or any person employed, or engaged to provide services at, the place at which the sample of urine was furnished, to attend at all subsequent proceedings for cross-examination and that person must attend accordingly.

(9) The court must not grant leave under sub-section (8) unless it is satisfied—

(a) that the informant has been given at least 7 days' notice of the hearing of the application for leave and has been given an opportunity to make a submission to the court; and

(b) that—

(i) there is a reasonable possibility that the urine referred to in a certificate given by an analyst under sub-section (4) was not that of the accused; or

(ii) there is a reasonable possibility that the urine referred to in a certificate given by a registered medical practitioner or an approved health professional had become contaminated in such a way that a drug found on analysis would not have been found had
the urine not been contaminated in that way; or

(iii) for some other reason the giving of evidence by the person who gave the certificate would materially assist the court to ascertain relevant facts.

(10) An accused who has been served with a copy of a certificate given under this section may not require the person who has given the certificate or any person employed, or engaged to provide services at, the place at which the sample of urine was furnished, to attend the court on the hearing of an application for leave under sub-section (8).

12. Power to enter motor vehicles

In section 63 of the Principal Act, for "or 55" substitute ", 55 or 55A".

13. New section 94B inserted

After section 94A of the Principal Act insert—

"94B. Supreme Court—limitation of jurisdiction

It is the intention of section 55B(4) to alter or vary section 85 of the Constitution Act 1975.".

14. Disallowance of Order and notice

In section 96(1) of the Principal Act—

(a) after paragraph (a) insert—

"(ab) an Order under section 3(3);".

(b) after paragraph (c) insert—

"(ca) a notice under section 55A(5);".
15. Regulations

(1) In item 52 of Schedule 2 to the Principal Act, after "blood samples" insert "or urine samples".

(2) After item 55 of Schedule 2 to the Principal Act insert—

"55A. The methods to be used by analysts in determining the presence of a substance in a blood or urine sample.".

(3) In items 56 and 57 of Schedule 2 to the Principal Act, after "blood" insert "or urine".
PART 3—OTHER AMENDMENTS TO ROAD SAFETY ACT 1986

16. Definitions

In section 3(1) of the Principal Act, in the definition of "parking infringement", paragraph (b) is repealed.

17. Approved health professionals to take blood samples

(1) In section 55(9A), (9D) and (10) of the Principal Act, after "practitioner" (wherever occurring) insert "or an approved health professional".

(2) In section 55(9B) of the Principal Act, after "practitioner" insert "or approved health professional".

(3) In section 55(9E) of the Principal Act—

(a) after "practitioner" (where first occurring) insert "or an approved health professional";

(b) after "practitioner" (where secondly and thirdly occurring) insert "or approved health professional".

(4) In section 57(2), (3) and (7A)(b)(ii) of the Principal Act, after "practitioner" (wherever occurring) insert "or an approved health professional".

(5) In section 57(8) of the Principal Act—

(a) after "practitioner" (where first occurring) insert "or an approved health professional";

(b) after "practitioner" (where secondly occurring) insert "or approved health professional".
(6) In section 94A of the Principal Act, at the end of the section insert—

"(2) It is the intention of sections 55(9E) and 57(8), as amended by section 17 of the Road Safety (Amendment) Act 2000, to alter or vary section 85 of the Constitution Act 1975.".

(7) In item 52 of Schedule 2 to the Principal Act, after "practitioners" insert "and approved health professionals".

18. Taking of blood samples

In section 55(9A) of the Principal Act, after paragraph (b) insert—

"—

and for that purpose may further require that person to accompany a member of the police force to a place where the sample is to be taken and to remain there until the sample has been taken or until 3 hours after the driving, being an occupant of or being in charge of the motor vehicle, whichever is sooner.".

19. Power to prosecute

(1) In section 77(2) of the Principal Act, after paragraph (a) insert—

"(ab) a protective services officer appointed under Part VIA of the Police Regulation Act 1958, if the offence occurs on land or premises that are, or are in the vicinity of—

(i) a place of public importance that the officer has been directed to protect; or

(ii) a place where there is present a person holding an official or public office,
whom the officer has been directed to protect;".

(2) In section 77(3) of the Principal Act—

(a) after "Infrastructure" insert "or a protective services officer"; and

(b) after "Department" (where secondly occurring) insert "or protective services officer".

20. Certain matters indicated by camera devices and speed camera devices

(1) In sections 80(b) and 81(b) of the Principal Act, after "section 66" (wherever occurring) insert "or by a prescribed process".

(2) In section 80A of the Principal Act, after "section 66" (where secondly occurring) insert ", or by a prescribed process,".

21. General evidentiary provisions

In section 84(3) of the Principal Act, for "the owner" substitute ", if that date is before 1 May 1999, the owner and in any other case the registered operator".

22. Service of parking infringement notices

In section 87 of the Principal Act, for sub-section (4) substitute—

"(4) Despite sub-section (3), a municipal council may by resolution fix a penalty of an amount not greater than $50 for a parking infringement in contravention of a regulation under this Act in respect of which regulations under this Act prescribe a penalty of an amount not greater than the penalty to be fixed, and the penalty so fixed is the penalty prescribed for the purposes of this section in respect of such a parking
infringement occurring within the municipal district of that municipal council.”.

23. Service of notices

In section 93 of the Principal Act, after paragraph (c) insert—

"; or

(d) if the person has given to the Corporation as his or her address an address that is not his or her place of residence or business, by sending it addressed to the person at that address.”.

24. New sections 104 and 105 inserted

After section 103 of the Principal Act insert—

"104. Validation of certain resolutions fixing higher penalties for parking infringements

(1) A resolution purported to be made by a municipal council under section 87(4) on or after 1 October 1992, but before the commencement of section 22 of the Road Safety (Amendment) Act 2000, fixing a penalty of an amount not greater than $50 for a parking infringement in contravention of the Road Safety (Traffic) Regulations 1988 that would have validly fixed the amount had section 22 of that Act been in operation at the time the resolution was purportedly made is, on that commencement, deemed to have, and always to have had, the same force and effect as it would have had if section 22 of that Act had been in operation at the time the resolution was purportedly made."
(2) A resolution purported to be made by a municipal council under section 87(4) on or after 1 December 1999, but before the commencement of section 22 of the Road Safety (Amendment) Act 2000, fixing a penalty of an amount not greater than $50 for a parking infringement in contravention of the Road Safety (Road Rules) Regulations 1999 that would have validly fixed the amount had section 22 of that Act been in operation at the time the resolution was purportedly made is, on that commencement, deemed to have, and always to have had, the same force and effect as it would have had if section 22 of that Act had been in operation at the time the resolution was purportedly made.

105. Certain local laws to have force and effect despite inconsistency with regulations

(1) This section applies to a local law with respect to the parking or leaving standing of a vehicle on a highway—

(a) made by a municipal council before the commencement of section 24 of the Road Safety (Amendment) Act 2000; and

(b) that was in force on 1 October 1992 or at any time after 1 October 1992, (whether or not in force immediately before that commencement); and

(c) for which the municipal council has passed before that commencement a resolution under section 87(4) fixing a penalty of an amount not greater than $50 for a parking infringement under that local law—
to the extent that the local law relates to the parking or leaving standing of a vehicle on a highway at any time before that commencement.

(2) Section 100 of this Act, or section 111(2) and (3) of the Local Government Act 1989, is deemed not to cause, and never to have caused, a provision made by a local law to be of no force and effect only because the provision is inconsistent with the Road Safety (Traffic) Regulations 1988 or the Road Safety (Road Rules) Regulations 1999.”.

25. Subject matter for regulations

In Schedule 2 to the Principal Act—

(a) after item 37 insert—

“37A. Prohibiting employers of drivers, other employees of those employers, consignors of goods and other persons from requiring, requesting or permitting drivers to drive motor vehicles, or a class or classes of motor vehicles, in contravention of regulations relating to—

(a) the number of hours during which the motor vehicle may be driven; or

(b) the carrying of a log book on the motor vehicle and trailer; or

(c) the maximum speed for the motor vehicle.”;

(b) after item 39 insert—

“39A. The manner in which images or messages produced by devices referred to in item 39 are to be processed, stored, transferred, produced, reconfigured or used to produce other forms of images or messages.”;
(c) after item 49A insert—

"49B. The use of detection devices to detect offences committed against the Act, or regulations made with respect to the regulation and control of vehicular traffic on highways.

49C. The manner in which images or messages produced by detection devices referred to in item 49B are to be processed, stored, transferred, produced, re-configured or used to produce other forms of images or messages."

26. Statute law revision

(1) In section 3(1) of the Principal Act, in the definition of "traffic infringement", paragraph (f) is repealed.

(2) In section 84A of the Principal Act, for "Liquor Control Act 1987" substitute "Liquor Control Reform Act 1998".

PART 4—AMENDMENT OF OTHER ACTS

Division 1—Marine Act 1988

27. Approved health professionals to take blood samples

(1) In section 3(1) of the Marine Act 1988, insert the following definitions—

"approved health professional" means—

(a) a registered nurse, within the meaning of the Nurses Act 1993, registered in division 1 of the register kept under that Act;

(b) a person approved under sub-section (4) to take a blood sample for the purposes of Part 4;

"Director of the Victorian Institute of Forensic Medicine" means the Director within the meaning of the Coroners Act 1985;.

(2) In section 3 of the Marine Act 1988, after sub-section (3) insert—

"(4) The Director of the Victorian Institute of Forensic Medicine may, in writing, approve a person to take blood samples for the purposes of Part 4 if the Director is of the opinion that the person has the appropriate qualifications, training and experience to take such samples.".

(3) In section 31(9A), (9D) and (10) of the Marine Act 1988, after "practitioner" insert "or an approved health professional".

(4) In section 31(9B) of the Marine Act 1988, after "practitioner" insert "or approved health professional".
(5) In section 31(9E) of the Marine Act 1988—
   (a) after "practitioner" (where first occurring) insert "or an approved health professional";
   (b) after "practitioner" (where secondly and thirdly occurring) insert "or approved health professional".

(6) In section 32(2)(c), (3) and (8)(b)(ii) of the Marine Act 1988, after "practitioner" insert "or an approved health professional".

(7) In section 32(9) of the Marine Act 1988—
   (a) after "practitioner" (where first occurring) insert "or an approved health professional";
   (b) after "practitioner" (where secondly occurring) insert "or approved health professional".

28. Taking of blood samples
   In section 31(9A) of the Marine Act 1988, after paragraph (b) insert—
   "—
   and for that purpose may further require that person to accompany a member of the police force to a place where the sample is to be taken and to remain there until the sample has been taken or until 3 hours after being in charge of or being an occupant of a vessel under way, whichever is sooner.".

29. New section 107C inserted
   After section 107B of the Marine Act 1988 insert—
   "107C. Supreme Court—limitation of jurisdiction
   It is the intention of sections 31(9E) and 32(9), as amended by section 27 of the Road
Road Safety (Amendment) Act 2000

Act No.

Safety (Amendment) Act 2000, to alter or vary section 85 of the Constitution Act 1975.”.

30. Regulations

In item 62C of Schedule 5 to the Marine Act 1988, after "practitioners" insert "and approved health professionals".

Division 2—Transport Act 1983

31. Approved health professionals to take blood samples

(1) In section 93(1) of the Transport Act 1983 insert the following definitions—

"approved health professional" means—

(a) a registered nurse, within the meaning of the Nurses Act 1993, registered in division 1 of the register kept under that Act;

(b) a person approved under sub-section (1A) to take a blood sample for the purposes of this Division;

"Director of the Victorian Institute of Forensic Medicine" means the Director within the meaning of the Coroners Act 1985.

(2) In section 93 of the Transport Act 1983, after sub-section (1) insert—

"(1A) The Director of the Victorian Institute of Forensic Medicine may, in writing, approve a person to take blood samples for the purposes of this Division if the Director is of the opinion that the person has the appropriate qualifications, training and experience to take such samples.".
(3) In section 96(8), (11) and (13) of the Transport Act 1983, after "practitioner" insert "or an approved health professional".

(4) In section 96(9) of the Transport Act 1983, after "practitioner" insert "or approved health professional".

(5) In section 96(12) of the Transport Act 1983—
   (a) after "practitioner" (where first occurring) insert "or an approved health professional";
   (b) after "the practitioner" (where secondly and thirdly occurring) insert "or approved health professional".

(6) In section 98(2), (3) and (8)(b)(ii) of the Transport Act 1983, after "practitioner" insert "or an approved health professional".

(7) In section 98(10) of the Transport Act 1983—
   (a) after "practitioner" (where first occurring) insert "or an approved health professional";
   (b) after "practitioner" (where secondly occurring) insert "or approved health professional".

32. Taking of blood samples

   In section 96(8) of the Transport Act 1983, after paragraph (b) insert—

   "—
   and for that purpose may further require that worker to accompany an authorised officer or a member of the police force to a place where the sample is to be taken and to remain there until the sample has been taken or until 3 hours after the carrying out of the safety work, whichever is sooner.".

33. Regulations
In section 102(1)(c) of the Transport Act 1983, after "practitioners" insert "and approved health professionals".

34. New section 255C inserted

After section 255B of the Transport Act 1983 insert—

"255C. Supreme Court—limitation of jurisdiction

It is the intention of sections 96(12) and 98(10), as amended by section 31 of the Road Safety (Amendment) Act 2000, to alter or vary section 85 of the Constitution Act 1975."

Division 3—Road Safety Act Amending Acts

35. Road Safety (Further Amendment) Act 1998

In section 7 of the Road Safety (Further Amendment) Act 1998, for "After section 95B" substitute "Before section 96".

36. Repeal of certain unproclaimed amendments

(1) Sections 14, 15(1), (2), (3), (6), (11) and (12) and 16 of the Road Safety (Amendment) Act 1990 are repealed.

(2) Sections 4(1)(a) and (c) and 19 of the Road Safety (Drivers) Act 1991 are repealed.