

NORTHERN TERRITORY OF AUSTRALIA

TRAFFIC AMENDMENT (MISCELLANEOUS) REGULATIONS 2011

Subordinate Legislation No. 22 of 2011

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 22 of 2011*

Traffic Amendment (Miscellaneous) Regulations 2011

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Traffic Act*.

Dated 10 May 2011

T. I. PAULING
Administrator

By His Honour's Command

C. B. Burns
Minister for Education and Training
acting for
Minister for Transport

* Notified in the *Northern Territory Government Gazette* on 18 May 2011.

1 Citation

These Regulations may be cited as the *Traffic Amendment (Miscellaneous) Regulations 2011*.

2 Regulations amended

These Regulations amend the *Traffic Regulations*.

3 Regulation 3 amended

- (1) Regulation 3(1)

omit

, unless the contrary intention appears

- (2) Regulation 3(1)

insert (in alphabetical order)

AFP means the Australian Federal Police constituted by the *Australian Federal Police Act 1979* (Cth).

member of the AFP means a member of the Australian Federal Police, as defined in section 4(1) of the *Australian Federal Police Act 1979* (Cth).

- (3) Regulation 3(1), definition **emergency vehicle**, paragraphs (a) to (ca), at the end

insert

or

- (4) Regulation 3(1), definition **emergency vehicle**, paragraph (d)

omit

all words after "purposes of"

insert

the AFP and in the control of the AFP; or

- (5) After regulation 3(3)

insert

- (3A) A reference in the *Australian Road Rules* to another law of this jurisdiction includes these Regulations other than the *Australian*

Road Rules.

4 Regulation 11 amended

(1) Regulation 11

omit

, unless the contrary intention appears

(2) Regulation 11, definition ***provisional driver***, paragraphs (a) to (c), at the end

insert

or

(3) Regulation 11, definition ***provisional driver***, paragraph (e)

omit, insert

(e) a member of the AFP;

5 Regulation 81CA inserted

After regulation 81C

insert

81CA Meaning of *police officer* in *Australian Road Rules*

The following are police officers for the *Australian Road Rules*:

(a) a member of the Police Force;

(b) a member of the AFP.

6 Regulation 90 amended

Regulation 90(1)

omit

all words after "a class of"

insert

persons from the application of the provisions of these Regulations that the Registrar considers appropriate.

7 Regulation 90A inserted

After regulation 90

insert

90A Exemption for driver of vehicle used for police driver training

A provision of these Regulations does not apply to a member of the police force driving a vehicle being used for police driver training if:

- (a) the police driver training is approved by the Commissioner of Police; and
- (b) the vehicle displays markings identifying it as a police vehicle; and
- (c) the driver is taking reasonable care; and
- (d) in the circumstances it is reasonable that the provision should not apply.

8 Schedule 2 amended

Schedule 2, Form 3

omit, insert

NORTHERN TERRITORY OF AUSTRALIA

TRAFFIC REGULATIONS

FORM 3

BLOOD TEST FOR FORENSIC ANALYSIS

For completion by a medical practitioner, registered nurse, a member of staff of a hospital under direct supervision of a medical practitioner or registered nurse or, if at a health centre, a qualified person.

Name of person liable to give sample of blood:

If identity of person unknown, enter Health Registration Number (HRN)

Person's address (if known):

PART 1 – REASON FOR TEST

Please indicate with an "x" in the appropriate box:

A police officer required this person to give a sample of blood (s 29AAG).
Blood to be tested for Drugs Alcohol Drugs & Alcohol

or

This person entered this hospital/health centre for examination or treatment of injuries which may have been received in a crash. (s 29AAK)
Blood to be tested for drugs and alcohol.

PART 2 – STATEMENT BY HEALTH PROFESSIONAL TO PERSON

"You are required by law to give a sample of your blood for the purpose of analysis. Failure to do so is an offence under the *Traffic Act* (s 29AAH). Do you consent to me taking a sample of your blood?"
Person's answer:

Yes(record person's comment if any)

No – "What is the reason for your refusal?"

or

I did not make the statement to the person because the person was unconscious or otherwise apparently incapable of giving or refusing consent to the taking of a sample

(Record factors which may affect the person's ability to understand the nature of the request, eg: shock, influence of alcohol/drugs, injury, loss of consciousness, mental state, language etc.)

PART 3 – CERTIFICATE OF HEALTH PROFESSIONAL

I,, a person who may take a sample of blood under the *Traffic Act*, certify that:

I took a sample of blood from the person identified above at (*Name of Hospital/Health Centre*) at am/pm on (*date*)..... 20..... and I placed the sample of blood, in approximately equal portions, in separate containers and secured the caps. I then sealed each container with an adhesive seal bearing the identification number . I placed container(s) into the secured blood box and gave to the person / left with the person's personal effects / placed in collection box (*delete as required*) with a copy of this completed and signed form. (*Approximately half may be made available to the person from whom the sample was taken – s 29AAK(7)*).

or

I did not take a sample of blood from the person because the person refused consent.

or

I was not required to take a sample because I believed on reasonable grounds that: (*s 29AAK(5) – indicate which one or more is applicable*)

- the concentration of alcohol in the person's blood is already known;
- the taking of the sample would be detrimental to the person's medical condition;
- the injuries of the person were not received in a motor vehicle accident or the motor vehicle accident happened more than 12 hours before the person entered the hospital or health centre;
- a period of more than 4 hours has elapsed since the person entered the hospital or health centre.

I declare that to the best of my knowledge, the information contained in this form is true and correct.

Signature of health professional:

Date:

Qualification:

NOTE: A COPY OF THIS CERTIFICATE MUST BE GIVEN TO THE PERSON OR LEFT WITH THEIR PERSONAL EFFECTS

9 Regulations further amended

The Schedule has effect.

Schedule Regulations further amended

regulation 9

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
regulation 3(1), definition these Regulations	Schedule 3	Schedule 3 to these Regulations
regulation 35	drive a:	drive:
regulation 35(a)	vehicle;	a vehicle;
regulation 35(b)	attached,	attached;
regulation 39(1), definition offence , paragraph (b)	Schedule 1	Schedule 1 to these Regulations
regulation 44	Schedule 1, columns 1 and 2, is the amount specified opposite in Schedule 1, column 3	columns 1 and 2 of Schedule 1 to these Regulations is the amount specified opposite in column 3
regulation 54A	Schedule 1	Schedule 1 to these Regulations
regulation 55(1)(d)	whole paragraph	(d) a member of the AFP;
regulation 55A(1)	Schedule 1A, Part A	Part A of Schedule 1A to these Regulations
regulation 55A(2)	Schedule 1A, Part B	Part B of Schedule 1A to these Regulations
regulation 61	Schedule 2	Schedule 2 to these Regulations
regulation 71(1) and (2)	Schedule 3	Schedule 3 to these Regulations
regulation 75	Passengers	Passenger

regulation 81C(1)(e)	whole paragraph	(e) a member of the AFP;
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