TASMANIA

ROAD SAFETY (ALCOHOL AND DRUGS)
AMENDMENT BILL 2008

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ROAD SAFETY (ALCOHOL AND DRUGS)
AMENDMENT BILL 2008

(Brought in by the Minister for Police and Emergency Management, the Honourable James Glennister Cox)

A BILL FOR

An Act to amend the Road Safety (Alcohol and Drugs) Act 1970

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the Road Safety (Alcohol and Drugs) Amendment Act 2008.

2. Commencement

This Act commences on a day to be proclaimed.

3. Principal Act

In this Act, the Road Safety (Alcohol and Drugs) Act 1970* is referred to as the Principal Act.

*No. 77 of 1970
4. **Section 2 amended (Interpretation)**

Section 2(1) of the Principal Act is amended as follows:

(a) by omitting “section 3(1).” from the definition of “supervising analyst” and substituting “section 3(1);”;

(b) by inserting the following definition after the definition of “supervising analyst”:

“**trace particle detection test**” means a test for the purpose of detecting traces of a prescribed illicit drug carried out by means of a device approved for the purpose of such a test by the Minister by notice in the *Gazette*.

5. **Section 5 amended (Powers of arrest, &c.)**

Section 5 of the Principal Act is amended by inserting after subsection (3) the following subsection:

(4) A police officer may, for the purpose of performing any function or exercising any power under this Act, enter a motor vehicle using such force as is necessary and reasonable.
6. Section 7D inserted

After section 7C of the Principal Act, the following section is inserted in Division 2:

7D. Trace particle detection tests

(1) A police officer may direct any person who is driving a motor vehicle on a public street to stop his or her vehicle for the purpose of conducting a trace particle detection test.

(2) A direction may be given under subsection (1) whether or not the police officer has grounds for suspecting that a person may have a prescribed illicit drug in his or her blood.

(3) For the purpose of performing a trace particle detection test, a police officer may collect a sample from the steering wheel of a motor vehicle directed to stop under subsection (1) or required or directed to stop under any other provision of this Act.

(4) A police officer may use such force as is necessary and reasonable to collect a sample referred to in subsection (3).