

## ROAD SAFETY (ALCOHOL AND DRUGS) AMENDMENT BILL 2008

### FACT SHEET

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- The Government has introduced legislation into Parliament to amend the *Road Safety (Alcohol and Drugs) Act 1970*.
- The Bill introduces legislation to accord with the policy of 'Safer Communities' and the Tasmania Together Community Goal, 'confident, friendly and safe communities'. It introduces contemporary legislation to assist police in making Tasmanian roads safer.
- The Bill:
  - (a) provides authority for police to intercept a vehicle for the purpose of conducting a trace particle detection test to detect drugs;
  - (b) provides authority for police to enter a vehicle (using reasonable force, if necessary) to perform functions under the Act; and
  - (c) provides authority to collect a sample from the steering wheel of a vehicle, using reasonable force if necessary, to analyse for illicit drugs.

#### **Authority for police to intercept a vehicle for the purpose of conducting a trace particle detection test.**

- This amendment allows police to intercept a motor vehicle for the purpose of conducting a trace particle detection test, similar to sections 7A and 7B of the current Act, which relate to police authority to intercept a motor vehicle for the purpose of conducting a breath test and an oral fluid test to detect drugs.
- This direction may be made by a police officer whether or not he or she has grounds for suspecting that a person may have a prescribed illicit drug in his or her blood.

#### **Authority for police to enter a vehicle to perform functions under the Act.**

- The ability to conduct a trace particle detection test requires police to enter the vehicle to obtain a sample. Currently the Road Safety (Alcohol and Drugs) Act 1970 does not provide police with the authority to enter a vehicle to perform any functions under the Act.
- The inability to access a vehicle if the driver or other person locks the doors, to obstruct alcohol or drug testing, prevents police enforcing the road safety legislation and impedes the intent of the legislation and the public interest.
- This provision will allow police to enter a vehicle, using reasonable force if necessary, for the purpose of performing duties under the Road Safety (Alcohol and Drugs) Act 1970.

**Authority to collect a sample from the steering wheel of a vehicle to analyse for illicit drugs.**

- To random drug test drivers, it is proposed that a trace particle detection test will be conducted on the steering wheel of a vehicle. If this test is positive the driver will then be directed to undergo an oral fluid test. A negative result from a trace particle detection test does not negate a drivers responsibility to submit to an oral fluid test if required by a police officer.
- This amendment provides an alternate method to screen for the presence of illicit drugs, without the restrictive cost of conducting an oral fluid test. The cost of a trace particle detection test is approximately 15 cents, compared with \$30 -\$40 for an oral fluid test. The results of the trace particle test are available 15 seconds after obtaining the sample, whereas an oral fluid test result takes approximately 5 minutes. This will dramatically increase the number of people who will be subject to random testing for the presence of illicit drugs. A trace particle detection test is also physically less invasive as it does not require a swab to be taken from a persons tongue.
- This provision will allow an officer to take a sample from the steering wheel, using reasonable force if necessary, for the purpose of conducting a trace particle detection test.