

FACT SHEET

ROAD SAFETY (ALCOHOL AND DRUGS) AMENDMENT BILL 2009

The Government has introduced legislation into Parliament to amend the *Road Safety (Alcohol and Drugs) Act 1970* to increase the penalties for drug driving and to provide penalties for second and subsequent drug driving offences.

The Bill introduces legislation which is consistent with the Tasmania *Together* Community Goal, 'to have confident, friendly and safe communities'.

The background to this matter is that in June 2009, the Tasmanian Institute of Law Enforcement Studies released the *Review of the Road Safety (Alcohol and Drugs) Amendment Act 2005* (the review). One of many of the comments made, was that the penalties for drug driving (section 6A) are lenient in comparison to those for drink driving (section 6).

Further, on 5 August 2009 a report appeared in 'the Mercury' newspaper citing Magistrate Chris Webster. While dealing with a drug driving matter in the Hobart Magistrates Court, Mr Webster commented that in relation to the penalty for driving with drugs in the body of a person, 'the maximum penalty is three months suspension – one of the few penalties I think is too low'.

The *Road Safety (Alcohol and Drugs) Act 1970* currently only prescribes a penalty for drug driving of a fine not exceeding 2 penalty units (\$240). If a person is convicted and a fine imposed, the person must be also disqualified from driving for a period not exceeding 3 months. There are currently no increased penalties for second or subsequent drug driving offences, and there is no provision to impose a term of imprisonment for drug driving.

The ***Road Safety (Alcohol and Drugs) Amendment Bill 2009*** will amend the *Road Safety (Alcohol and Drugs) Act 1970* to increase the penalties:

- a) for a first offence of drug driving (section 6A) to a minimum fine of 2 penalty units (\$240) and a maximum fine of 10 penalty units (\$1200), and/or imprisonment for a term not exceeding 3 months (or both), and a minimum period of disqualification of 3 months and a maximum period of disqualification of 12 months; and
- b) for a second and subsequent drug driving offence, increase the penalty to a minimum fine of 4 penalty units (\$480) and a maximum fine of 20 penalty units (\$2400), and/or imprisonment for a term not exceeding 6 months (or both), and a minimum period of disqualification of 6 months and a maximum period of disqualification of 24 months.

In line with the provisions relating to drink driving, the Bill will also provide that a person who commits any alcohol or drug driving related offence, will be deemed to have committed a subsequent offence, if that person has previously been convicted of an alcohol or drug driving related offence.

The provisions contained in the Bill provide a response to the comments made in the Review and by Mr Webster; they more closely align the penalties for drug driving with the penalties for drink driving, and will enhance the road safety benefits associated with the government's drug driving initiatives.