

ROAD SAFETY (ALCOHOL AND DRUGS) AMENDMENT BILL 2008

CLAUSE NOTES

Background:

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 provides for the creation of one new section and amends two existing sections of the Road Safety (Alcohol and Drugs) Act 1970.

Clause 1: Short title

Specifies the name of the proposed Act.

Clause 2: Commencement

Specifies this Act commences on a day to be proclaimed.

Clause 3: Principal Act

Specifies that in this Act the Road Safety (Alcohol and Drugs) Act 1970 is referred to as the Principal Act.

Clause 4: Section 2 amended

This clause amends section 2 by inserting the following definition:

“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.

Clause 5: Section 5 amended

This clause provides the authority for a police officer to enter a motor vehicle, using such force as is necessary and reasonable, for the purpose of performing any function or exercising any power under the Act.

This authority will allow police to enter a motor vehicle to obtain a sample to conduct a trace particle detection test, and to deal with situations where drivers lock themselves in a vehicle and ignore or fail to obey lawful directions given by police, preventing the enforcement of the road safety legislation.

Clause 6: Section 7D inserted

This amendment provides for the inclusion of section 7D. This section allows police officers to direct any person driving a motor vehicle on a public street to be intercepted for the purpose of conducting a trace particle detection test. The direction to intercept a driver may be given by a police officer whether or not the police officer has grounds for suspecting that a person may have a prescribed illicit drug in his or her blood.

This section provides police officers with the authority to collect a sample from the steering wheel of a motor vehicle for the purpose of conducting a trace particle detection test, and allows the officer to use such force as is necessary and reasonable to collect such a sample.