

ROAD SAFETY (ALCOHOL AND DRUGS) AMENDMENT BILL 2008
(No.18)

Second Reading

Mr COX (Bass - Minister for Police and Emergency Management - 2R) - I move –

That the bill be now read the second time.

The purpose of this bill is to provide for the use of trace particle detection devices for random drug testing of drivers, and authority for police to enter a vehicle to enforce offences under the Road Safety (Alcohol and Drugs) Act 1970.

Random drug testing of drivers for the presence of illicit drugs commenced on 1 July 2005. Since this time 280 drivers have been charged for driving with a prescribed illicit drug in their blood. The legislation enables police to conduct oral fluid tests to screen for the presence of illicit drugs. Drivers who return a positive oral fluid test are directed to provide a blood sample for laboratory analysis.

Drivers are charged with an offence if any of 13 drug types which have been prescribed by regulation are detected in the blood sample. The current oral fluid test devices, suitable for roadside testing, are a significant burden on financial resources, and cost for the devices vary from approximately \$30 to \$40 per device. An oral fluid test takes approximately five minutes to conduct and devices are disposed of after each test.

An examination of alternative methods of screening drivers for the presence of illicit drugs has been undertaken. That examination included the feasibility of using trace particle detection devices as a pre-cursor to oral fluid testing. The trace particle detection device will be used to perform various functions including random driver testing, general drug detection investigations and explosive substance detection, however the use of the device under this legislation will be specifically for road safety and not drug law enforcement.

The cost of each trace particle detection test is approximately 15 cents and the average time taken for an analysis is 15 seconds. This is considerably more cost and time effective than the disposable oral fluid test devices.

This bill provides an alternate method to screen for the presence of illicit drugs, without the restrictive cost of conducting an oral fluid test. The bill also authorises police officers to intercept motorists and collect a sample from the steering wheel of a motor vehicle for the purpose of conducting a trace particle detection test to screen for the presence of illicit drugs.

The inability to access a motor 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. Police have previously encountered situations where drivers have locked themselves in their vehicles and ignored lawful directions to avoid alcohol or drug testing, and these are documented in case law.

The bill will provide police officers with the authority to enter a motor vehicle, using such force as is reasonably necessary, for the purpose of performing any function or exercising any authority under the Road Safety (Alcohol and Drugs) Act 1970.

This bill will assist in improving road safety enforcement and strengthen the Road Safety (Alcohol and Drugs) Act 1970 to make Tasmanian roads safer and reinforce the Tasmania Together goal of 'confident, friendly and safe communities'. I commend the bill to the House