

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

Road Safety (Alcohol and Drugs) Amendment Act 2008
Act No. of

s. 4

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).