



New South Wales

Road Transport Legislation Amendment (Road Safety) Bill 2018

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Road Transport Act 2013*:

- (a) to include cocaine as a prescribed illicit drug, and
- (b) to bring the consequences for driving a motor vehicle while under the influence of drugs into line with those for doing so with a high range prescribed concentration of alcohol, and
- (c) to authorise a police officer to prevent a person suspected of being under the influence of alcohol or another drug from using a vehicle, and
- (d) to authorise the use of devices for the enforcement of offences relating to the use of a mobile phone by drivers of motor vehicles, and
- (e) to make other amendments of a minor, miscellaneous or consequential nature.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 July 2018.

Schedule 1 Amendment of Road Transport Act 2013 No 18

Provisions relating to inclusion of cocaine as prescribed illicit drug

Schedule 1 [1]–[3] and [18] extend existing provisions prohibiting a person from driving a motor vehicle with prescribed illicit drugs (such as cannabis, ecstasy and speed) in the person's oral

fluid, blood or urine to include prohibiting a person from driving with cocaine in the person's oral fluid, blood or urine.

Provisions relating to consequences for driving motor vehicle while under influence of drugs or alcohol

Schedule 1 [4] brings the penalties that apply for a person who, while under the influence of alcohol or another drug, drives or attempts to drive a motor vehicle or occupies the seat next to a learner driver who is driving a motor vehicle into line with the penalties for a person who does so with a high range prescribed concentration of alcohol in the person's breath or blood.

Schedule 1 [16] and [17] make similar amendments with respect to the period of disqualification applicable to, and the immediate suspension of the driver licence of, a person who drives or attempts to drive a motor vehicle while under the influence of alcohol or another drug.

Provisions relating to mobile phone use offence cameras

Schedule 1 [5] allows the Governor to approve devices to photograph drivers of motor vehicles for the purpose of enforcing an offence against the statutory rules involving the use of a mobile phone by the driver of a motor vehicle.

Schedule 1 [6]–[12], [14] and [15] make consequential amendments including amendments relating to the information to be included in or with such photographs and the admissibility of those photographs in evidence.

Provision relating to prevention of driving by persons suspected of being under influence of drugs

Schedule 1 [13] allows a police officer to prohibit a person from driving for 48 hours if the police officer is of the opinion that a person is under the influence of alcohol or any other drug, or a combination of drugs, and the person has been arrested after failing to undergo or pass a sobriety assessment.

Schedule 2 Amendment of other Acts

Schedule 2.1 amends the *Marine Safety Act 1998*, which currently prohibits persons from operating vessels with prescribed illicit drugs in the person's oral fluid, blood or urine, as a consequence of the amendments made by Schedule 1 [1]–[3] and [18].

Schedule 2.2 amends the *Transport Administration Act 1988* to provide that fines and penalties recovered for offences relating to the use of a mobile phone by the driver of a motor vehicle captured by approved traffic enforcement devices are payable to the Community Road Safety Fund and may only be used for the purposes of that Fund.