

# House of Representatives

# Supplementary Order Paper

Tuesday, 23 November 2021

## Land Transport (Drug Driving) Amendment Bill

### *Proposed amendments*

Hon Michael Wood, in Committee, to move the following amendments:

#### *Clause 4*

In *clause 4(1)*, after the definition of **blood concentration level** (page 5, after line 14), insert:

**evidence of use of a qualifying drug** has the meaning set out in **section 11A(2)**

In *clause 4(1)*, definition of **oral fluid testing device**, replace “the notice” (page 6, line 12) with “a notice made under that section”.

#### *Clause 5: new section 11A*

In *clause 5*, replace *new section 11A(2)* (page 7, lines 25 and 26) with:

- (2) A person’s blood contains **evidence of use of a qualifying drug** if—
- (a) the blood concentration level of a listed qualifying drug exceeds the tolerance level for the drug; or
  - (b) the blood contains any level of an unlisted qualifying drug.

#### *Clause 6: new section 13(1)*

In *clause 6, new section 13(1)*, after “oral fluid tests,” (page 7, line 36), insert “compulsory impairment tests,”.

#### *Clause 8A*

Delete *clause 8A* (page 8, lines 10 to 18).

*Clause 9: new section 57D(4)*

In *clause 9, new section 57D(4)*, replace “**57A(1), 57B(1), or 57C(1)**” (page 16, line 15) with “**57A(1) or 57B(1)**”.

*Clause 10*

Replace *clause 10(2)* (page 16, line 33) with:

- (2) In section 58(3), replace “57A(1)” with “**57A(1), 57B(1), 57C(1)**”.

*Clause 11*

After *clause 11(1)* (page 16, after line 36), insert:

- (1A) In section 59(1)(c)(i), replace “breath test or a blood test or” with “breath test, an oral fluid test, a blood test, or”.

*Clause 15: new section 64(1AB)*

In *clause 15, new section 64(1AB)*, delete “the court is satisfied that” (page 18, line 39).

*Clause 16*

In *clause 16*, replace “**57C**” (page 19, line 22) with “**57C(1)**”.

*Clause 17: new section 67(1)(aa)*

In *clause 17, new section 67(1)(aa)(ii)*, replace “:” (page 19, line 32) with “; and”.

*Clause 20: new section 71A(4)(b)*

In *clause 20*, replace *new section 71A(4)(b)* (page 21, lines 18 to 22) with:

- (b) if the result of a blood test indicates the presence of alcohol, 1 or more qualifying drugs, or both alcohol and 1 or more qualifying drugs, the person may be issued with an infringement notice or charged with an offence, depending on—
- (i) the proportion of any alcohol in the person’s blood; and
  - (ii) the blood concentration level and type of the qualifying drugs (if any) in the person’s blood; and

*Clause 22*

Replace *clause 22(2A)* (page 28, line 19) with:

- (2A) In section 72(1A) and (1B), replace “Subsection (1)(e)” with “**Subsection (1)(h)**”.

*Clause 34: new section 167(2)(aaa)*

In *clause 34, new section 167(2)(aaa)*, replace “**section 57B(1) or 57C(1)**” (page 33, lines 24 and 25) with “**section 57B(2) or (3) or 57C(2), (3), or (4)**”.

*Clause 39 and cross-heading above clause 39*

Delete *clause 39* and the cross-heading above *clause 39* (page 38, lines 24 to 27).

*Schedule 1*

Delete *Schedule 1*.

### **Explanatory note**

This Supplementary Order Paper proposes amendments to the Land Transport (Drug Driving) Amendment Bill to—

- move the definition of evidence of use of a qualifying drug into *new section 11A* of the Land Transport Act 1998 (which provides for a person's general responsibility not to drive or attempt to drive while their blood contains evidence of, or their oral fluid indicates, use of a qualifying drug) and the general interpretation section of that Act; and
- delete *clause 39 and Schedule 1* (which provide for transitional provisions relating to the Legislation Act 2019 that are no longer needed); and
- make other minor and technical amendments and corrections.