

House of Representatives
Supplementary Order Paper

Tuesday, 13 October 2009

**Land Transport (Enforcement Powers)
Amendment Bill**

Proposed amendments

Hon Steven Joyce, in Committee, to move the following amendments:

Clause 2

To insert the following subclause after *subclause (1)* (after line 9 on page 3):

- (1A) **Sections 4(2) and (3), 4A, 12AA to 12AAD, 27AA, and 28(2) come into force on 1 November 2009.**

Clause 4

To add the following subclauses as subclauses (2) and (3) (after line 20 on page 4):

- (2) Section 2(1) is amended by repealing the definition of **controlled drug**.
- (3) Section 2(1) is amended by inserting the following definition in its appropriate alphabetical order:
- “**qualifying drug**—
- “(a) means any substance, preparation, mixture, or article containing—
- “(i) a controlled drug specified in Schedule 1 (except thalidomide), Schedule 2, or Part 1, 4, or 7 of Schedule 3 of the Misuse of Drugs Act 1975; and
- “(ii) any of the following drugs:
- “(A) Alprazolam:
- “(B) Bromazepam:
- “(C) Brotizolam:
- “(D) Camazepam:
- “(E) Chlordiazepoxide:
- “(F) Clobazam:
- “(G) Clonazepam:

“(H) Clotiazepam:
 “(I) Cloxazolam:
 “(J) Delorazepam:
 “(K) Diazepam:
 “(L) Estazolam:
 “(M) Ethyl loflazepate:
 “(N) Fludiazepam:
 “(O) Flunitrazepam:
 “(P) Flurazepam:
 “(Q) Halazepam:
 “(R) Haloxazolam:
 “(S) Ketazolam:
 “(T) Loprazolam:
 “(U) Lorazepam:
 “(V) Lormetazepam:
 “(W) Medazepam:
 “(X) Midazolam:
 “(Y) Nimetazepam:
 “(Z) Nitrazepam:
 “(ZA) Nordazepam:
 “(ZB) Oxazepam:
 “(ZC) Oxazolam:
 “(ZD) Pinazepam:
 “(ZE) Prazepam:
 “(ZF) Temazepam:
 “(ZG) Tetrazepam:
 “(ZH) Triazolam; and

- “(b) includes—
- “(i) any controlled drug analogue (within the meaning of controlled drug analogue in section 2(1) of the Misuse of Drugs Act 1975); and
 - “(ii) any prescription medicine; but
- “(c) excludes any substance, preparation, mixture, or article specified in **paragraph (a) or (b)(i)** if it is excluded by regulations made under this Act”.

New clause 4A

To insert the following clause after *clause 4* (after line 20 on page 4):

- 4A Persons may not drive or attempt to drive while impaired and their blood contains evidence of use of controlled drug or prescription medicine**
- (1) The heading to section 11A is amended by omitting “**controlled drug or prescription medicine**” and substituting “**qualifying drug**”.
 - (2) Section 11A is amended by repealing paragraph (b) and substituting the following paragraph:

“(b) that person’s blood contains evidence of the use of a qualifying drug.”

New clauses 12AA to 12AAD

To insert the following clauses after *clause 12* (after line 36 on page 10):

12AA Driving while impaired and with blood that contains evidence of use of controlled drug or prescription medicine

- (1) The heading to section 57A is amended by omitting “**controlled drug or prescription medicine**” and substituting “**qualifying drug**”.
- (2) Section 57A(1) is amended by repealing paragraph (b) and substituting the following paragraph:

“(b) the person’s blood, as ascertained from an analysis of a blood specimen subsequently taken under section 72 or 73, contains evidence of the use of a qualifying drug.”

12AAB Causing injury or death in circumstances to which section 61 does not apply

Section 62(1B) is amended by repealing paragraph (c) and substituting the following paragraph:

“(c) the person’s blood, as ascertained from an analysis of a blood specimen subsequently taken under section 72 or 73, contains evidence of the use of a qualifying drug.”

12AAC Defences

- (1) Section 64(1A) is amended by omitting “controlled drug or prescription medicine” and substituting “qualifying drug”.
- (2) Section 64(1A)(a)(ii) is amended by omitting “drug or medicine” and substituting “qualifying drug”.

12AAD Circumstances in which certificate not admissible in proceedings

Section 79(4)(e) is amended by omitting “controlled drug or any prescription medicine” in each place where it appears and substituting in each case “qualifying drug”.

New clause 27AA

To insert the following clause after *clause 27* (after line 34 on page 22):

27AA Regulations

Section 167(1)(mc) is amended by omitting “controlled” and substituting “qualifying”.

Clause 28

To omit this clause (lines 30 to 32 on page 23) and substitute the following clause:

28 Acts consequentially amended

- (1) The Acts specified in **Part 1 of Schedule 1** are consequentially amended in the manner set out in that schedule.
- (2) The Act specified in **Part 2 of Schedule 1** is consequentially amended in the manner set out in that schedule.

Schedule 1

To insert the following heading above the item relating to the Land Transport Amendment Act 2009 (above line 3 on page 25):

Part 1

Amendments that come into force on 1 December
2009

To add the following Part (after line 14 on page 25):

Part 2

Amendments that come into force on 1 November
2009

Land Transport Act 1998 (1998 No 110)

Section 99(1)(b)(x): to insert “or (1B)” after “section 62(1)”.

Section 167(2)(a)(ii): to omit “and 62(1)” and substitute “62(1), and 62(1B)”.

Land Transport Amendment Act 2009 (2009 No 17)

Section 12(2): omit “(1A)” and substitute “(1B)”.

Section 13: new section 64(1A): omit “62(1A)” and substitute “62(1B)”.

Summary Proceedings Act 1957 (1957 No 87)

Item relating to section 62(1A) of the Land Transport Act 1998 in Part 2 of Schedule 1: omit.

Item relating to section 62(1B) of the Land Transport Act 1998 in Part 2 of Schedule 1: omit “drugs or prescription medicine” and substitute “qualifying drug”.

Explanatory note

This Supplementary Order Paper amends the Land Transport (Enforcement Powers) Amendment Bill. The amendments, which are to come into force on 1 November 2009, replace the definition of controlled drug in the Land Transport Act 1998 with the definition of qualifying drug. As a consequence,

the amendments also replace the references to controlled drug and prescription medicine in the Land Transport Act 1998 with references to qualifying drug. In addition, the definition of qualifying drug includes the family of tranquillisers and anti-anxiety medications known as benzodiazepines, which was not included in the definition of controlled drug.
