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Australian Road Transport
Industrial Organisation

New South Wales Branch

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Road Transport Legislation Amendment (Road Safety) Bill 2018

Background

On 2 May, the NSW Parliament passed the *Road Transport Legislation Amendment (Road Safety) Bill 2018* ('**the Bill**'). The Bill now awaits Royal Assent before it becomes law.

Object

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

- To include cocaine as a prescribed illicit drug.
- 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.
- To authorise a police officer to prevent a person suspected of being under the influence of alcohol or another drug from using a vehicle.
- To authorise the use of devices for the enforcement of offences relating to the use of a mobile phone by drivers of motor vehicles.
- To make other amendments of a minor, miscellaneous or consequential nature.

Key Amendments

Provisions Relating to Inclusion of Cocaine as a Prescribed Illicit Drug

Existing provisions are extended to prohibit 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 the Influence of Drugs or Alcohol

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.

Similar amendments are made 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

Amendments allow for the approval of 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.

Consequential amendments, including amendments relating to the information to be included in or with such photographs and the admissibility of those photographs in evidence are also contained in the Bill.

Provision Relating to Prevention of Driving by Persons Suspected of being under the Influence of Drugs

Amendments also allow 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.

Further Information

Please contact Hugh McMaster, tel: 0412 880861, or email hughmc@artionsw.com.au if further information is required.