



Australian Capital Territory

Road Safety Legislation Amendment Act 2024

A2024-20

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Australian Capital Territory

Road Safety Legislation Amendment Act 2024

A2024-20

An Act to amend legislation about road safety, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Road Safety Legislation Amendment Act 2024*.

2 Commencement

- (1) This Act (other than the provisions mentioned in subsection (2)) commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) The following provisions commence on 1 January 2025:

- section 5
- section 41
- section 63.

3 Legislation amended

This Act amends the following legislation:

- [Road Transport \(Alcohol and Drugs\) Act 1977](#)
- [Road Transport \(Alcohol and Drugs\) Regulation 2000](#)
- [Road Transport \(Driver Licensing\) Regulation 2000](#)
- [Road Transport \(General\) Act 1999](#)
- [Road Transport \(Offences\) Regulation 2005](#)
- [Road Transport \(Road Rules\) Regulation 2017](#)
- [Road Transport \(Safety and Traffic Management\) Act 1999](#).

Note This Act also amends other legislation (see sch 1).

Part 2 Road Transport (Alcohol and Drugs) Act 1997

4 Offences against Act—application of Criminal Code etc Section 4, note 1, new dot point

insert

- s 21 (Prescribed concentration of alcohol and prescribed drug in bodily fluid)

5 Meaning of *first offender* and *repeat offender* New section 4F (2) (d)

insert

- (d) at any time before the disqualifying offence was committed, the person has—
- (i) been issued with an infringement notice for a relevant offence other than a corresponding offence; and
 - (ii) not disputed the infringement notice within the time allowed for the person to dispute the notice.

6 Power to enter premises for alcohol screening test Section 10A (1) (b)

substitute

- (b) suspects on reasonable grounds that the person has committed an offence against one of the following provisions:
- (i) section 19 (Prescribed concentration of alcohol in blood or breath);
 - (ii) section 20 (Prescribed drug in oral fluid or blood—driver or driver trainer);
 - (iii) section 21 (Prescribed concentration of alcohol and prescribed drug in bodily fluid);

- (iv) section 24 (Driving under the influence of intoxicating liquor or a drug); and

7 Power to enter premises for drug screening test Section 13CA (1) (b)

substitute

- (b) suspects on reasonable grounds that the person has committed an offence against one of the following provisions:
 - (i) section 19 (Prescribed concentration of alcohol in blood or breath);
 - (ii) section 20 (Prescribed drug in oral fluid or blood—driver or driver trainer);
 - (iii) section 21 (Prescribed concentration of alcohol and prescribed drug in bodily fluid);
 - (iv) section 24 (Driving under the influence of intoxicating liquor or a drug); and

8 Prescribed concentration of alcohol in blood or breath Section 19 (1), new penalty

insert

Maximum penalty:

- (a) for a first offender—the penalty mentioned in table 19, column 3 for the concentration of alcohol at a level specified in column 2; or
- (b) for a repeat offender—the penalty mentioned in table 19, column 4 for the concentration of alcohol at a level specified in column 2.

Note A person other than a special driver does not commit an offence against s (1) if the concentration of alcohol in the person's blood or breath is at level 1 (see s 4C and s 4E).

9 Section 19 (3)*substitute*

- (3) A driver trainer convicted of an offence against subsection (1) is not punishable by imprisonment.

10 New table 19*after subsection (5), insert***Table 19**

column 1 item	column 2 alcohol concentration level	column 3 maximum penalty— first offender	column 4 maximum penalty—repeat offender
1	level 1	25 penalty units	50 penalty units, imprisonment for 6 months or both
2	level 2	25 penalty units	50 penalty units, imprisonment for 6 months or both
3	level 3	50 penalty units, imprisonment for 6 months or both	100 penalty units, imprisonment for 12 months or both
4	level 4	75 penalty units, imprisonment for 9 months or both	150 penalty units, imprisonment for 18 months or both

11 Section 19A heading*substitute***19A Defence if person did not intend to drive motor vehicle—
s 19**

12 Section 19A

omit

establishes

substitute

proves

13 Section 19A, new note

insert

Note The defendant has a legal burden in relation to the matters mentioned in this section (see [Criminal Code](#), s 59).

14 Section 19B heading

substitute

19B Defence if special driver with lower concentration of alcohol from allowable source—s 19**15 Prescribed drug in oral fluid or blood—driver or driver trainer
Section 20 (1), penalty**

substitute

Maximum penalty:

- (a) for a first offender—25 penalty units; or
- (b) for a repeat offender—
 - (i) if the offender is the driver—50 penalty units, imprisonment for 6 months or both; and
 - (ii) if the offender is the driver trainer—50 penalty units.

16 Section 20 (6), definition of *relevant period*

omit

may

substitute

could

17 New sections 21 to 21C

insert

21 Prescribed concentration of alcohol and prescribed drug in bodily fluid

- (1) A person commits an offence if the person—
- (a) has been—
 - (i) the driver of a motor vehicle on a road or road related area;
or
 - (ii) the driver trainer in a motor vehicle on a road or road related area; and
 - (b) has, within the relevant period, the prescribed concentration of alcohol in the person's blood or breath; and
 - (c) has, within the relevant period, a prescribed drug in the person's oral fluid or blood.

Maximum penalty:

- (a) for a first offender—the penalty mentioned in table 21, column 3 for the concentration of alcohol at a level specified in column 2; or

- (b) for a repeat offender—the penalty mentioned in table 21, column 4 for the concentration of alcohol at a level specified in column 2.

Note A person other than a special driver does not commit an offence against s (1) if the concentration of alcohol in the person’s blood or breath is at level 1 (see s 4C and s 4E).

- (2) Strict liability applies to subsection (1).
- (3) A driver trainer convicted of an offence against subsection (1) is not punishable by imprisonment.
- (4) A defendant in a prosecution for an offence against this section cannot rely on the [Criminal Code](#), section 36 (Mistake of fact—strict liability) in relation to the identity of the prescribed drug if the defendant claims to have—
- (a) considered, and been under a mistaken belief about, the identity of the prescribed drug; and
 - (b) believed that the prescribed drug was a controlled drug.
- (5) A defendant in a prosecution for an offence against this section cannot rely on the [Criminal Code](#), section 36 (Mistake of fact—strict liability) in relation to having delta-9-tetrahydrocannabinol in the defendant’s oral fluid or blood if the defendant’s mistake relates to the effect of consumption of a cannabis food product on the presence of delta-9-tetrahydrocannabinol in the defendant’s oral fluid or blood.
- (6) In a proceeding for an offence against subsection (1), evidence may be given of the concentration of alcohol in the person’s blood or breath based on—
- (a) for proof of the concentration of alcohol in the person’s blood or breath—an analysis of a sample of the person’s breath carried out in accordance with this Act; or
 - (b) for proof of the concentration of alcohol in the person’s blood—an analysis of a sample of the person’s blood carried out at an approved laboratory and certified accurate by an analyst.

- (7) In a proceeding for an offence against subsection (1), evidence may be given that a person has a prescribed drug in the person's oral fluid or blood based on—
- (a) for proof of the presence of a prescribed drug in the person's oral fluid—an analysis of a part of a sample of the person's oral fluid under section 13G (Oral fluid—confirmatory analysis) that indicates that a prescribed drug is present in the sample; or
 - (b) for proof of the presence of a prescribed drug in the person's blood—an analysis of a part of a sample of the person's blood under section 15A (Analysis of blood samples) that indicates that a prescribed drug is present in the sample.

- (8) In this section:

cannabis food product—see the [Drugs of Dependence Act 1989](#), section 6.

controlled drug—see the [Criminal Code](#), section 600.

relevant period means the period beginning when the person stopped being the driver of the vehicle or the driver trainer in the vehicle and ending at the latest time when—

- (a) both of the following could be carried out under this Act:
 - (i) a breath analysis of the person;
 - (ii) an oral fluid analysis of the person; or
- (b) if a sample of the person's blood was taken under section 15 (Taking blood samples from people in custody) or section 15AA (Taking blood samples from people in hospital)—a sample of the person's blood could be taken under the section.

Table 21

column 1 item	column 2 alcohol concentration level	column 3 maximum penalty— first offender	column 4 maximum penalty—repeat offender
1	level 1	50 penalty units	100 penalty units, imprisonment for 12 months or both
2	level 2	50 penalty units	100 penalty units, imprisonment for 12 months or both
3	level 3	75 penalty units, imprisonment for 9 months or both	150 penalty units, imprisonment for 18 months or both
4	level 4	100 penalty units, imprisonment for 12 months or both	200 penalty units, imprisonment for 2 years or both

21A Defence if person did not intend to drive motor vehicle— s 21

If a person charged with an offence against section 21 was the driver of a motor vehicle only for the reason that the person was in, and in charge of, a motor vehicle on a road or road related area, it is a defence if the person charged proves that—

- (a) the person had not started, or attempted to start, the motor vehicle and had not put, or attempted to put, the motor vehicle in motion; and
- (b) the person did not intend to drive the motor vehicle until a time when the concentration of alcohol in the person's blood or breath was no longer the prescribed concentration for the person.

Note The defendant has a legal burden in relation to the matters mentioned in this section (see [Criminal Code](#), s 59).

21B Defence if special driver with lower concentration of alcohol from allowable source—s 21

- (1) This section applies if—
 - (a) a person is a special driver charged with an offence against section 21; and
 - (b) the concentration of alcohol in the person's blood or breath within the relevant period was less than 0.02g in 100mL of the person's blood or 210L of the person's breath.
- (2) It is a defence to a prosecution for the offence if the defendant proves that the concentration of alcohol in the defendant's blood or breath was caused by—
 - (a) the consumption of an alcoholic beverage that formed part of a religious observance; or
 - (b) the consumption or use of a substance that was not, entirely or partly, consumed or used for its alcohol content.

Example—substance

food or medicine that contains alcohol

Note A defendant has a legal burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 59).

21C Alternative verdicts—prescribed concentration of alcohol and prescribed drug in bodily fluid

- (1) This section applies if, in a prosecution for an offence against section 21, the trier of fact—
 - (a) is satisfied beyond reasonable doubt that the defendant committed an offence against—
 - (i) section 19; or
 - (ii) section 20; but

- (b) is not satisfied that the defendant committed an offence against section 21.
- (2) The trier of fact may find the defendant guilty of an offence against section 19 or section 20 but not guilty of an offence against section 21, but only if the defendant has been given procedural fairness in relation to that finding of guilt.

**18 Refusing to provide breath sample
Section 22**

omit

punishable, on conviction, by a maximum fine of 30 penalty units

19 Section 22, new penalty

insert

Maximum penalty:

- (a) for a first offender—100 penalty units, imprisonment for 12 months or both; or
- (b) for a repeat offender—200 penalty units, imprisonment for 2 years or both.

20 New section 22 (2)

insert

- (2) It is a defence to a prosecution for an offence against subsection (1) (d) if the defendant proves that the failure or refusal was based on medical grounds or on another reasonable excuse.

**21 Refusing to provide oral fluid sample
Section 22A (2), penalty**

substitute

Maximum penalty:

- (a) for a first offender—100 penalty units, imprisonment for 12 months or both; or
- (b) for a repeat offender—200 penalty units, imprisonment for 2 years or both.

22 Section 22A (4), except note

substitute

- (4) It is a defence to a prosecution for an offence against subsection (2) (b) if the defendant proves that the failure was based on medical grounds or on another reasonable excuse.

**23 Failing to stay for screening test
Section 22B (1), penalty**

substitute

Maximum penalty: 100 penalty units.

**24 Refusing to undergo screening test
Section 22C (1), penalty**

substitute

Maximum penalty:

- (a) for a first offender—100 penalty units, imprisonment for 12 months or both; or
- (b) for a repeat offender—200 penalty units, imprisonment for 2 years or both.

25 Section 22C (3), except note

substitute

- (3) It is a defence to a prosecution for an offence against this section if the defendant proves that the failure was based on medical grounds or on another reasonable excuse.

**26 Refusing blood test etc
Section 23 (1), penalty**

substitute

Maximum penalty:

- (a) for a first offender—100 penalty units, imprisonment for 12 months or both; or
- (b) for a repeat offender—200 penalty units, imprisonment for 2 years or both.

27 New section 23 (1A)

insert

- (1A) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the failure or refusal was based on religious or other conscientious grounds, on medical grounds or on another reasonable excuse.

Note The defendant has a legal burden in relation to the matters mentioned in s (1A) (see [Criminal Code](#), s 59).

28 Section 23 (2)

omit

punishable, on conviction, by a maximum fine of 30 penalty units

29 Section 23 (2), new penalty

insert

Maximum penalty:

- (a) for a first offender—100 penalty units, imprisonment for 12 months or both; or
- (b) for a repeat offender—200 penalty units, imprisonment for 2 years or both.

30 Section 23 (3)

omit

this section

substitute

subsection (2)

31 Section 23 (3)

omit

or on medical grounds

substitute

, on medical grounds or on another reasonable excuse

**32 Driving under the influence of intoxicating liquor or a drug
Section 24 (1), penalty**

substitute

Maximum penalty:

- (a) for a first offender—100 penalty units, imprisonment for 12 months or both; or
- (b) for a repeat offender—200 penalty units, imprisonment for 2 years or both.

33 Part 4 heading

substitute

Part 4 Automatic driver licence disqualification

Note The effect of disqualification is set out in the *Road Transport (General) Act 1999*, s 66.

34 Sections 26 to 34

substitute

26 Automatic disqualification taken to be court order

For the *Magistrates Court Act 1930*, section 208 (1) (g) an automatic disqualification from holding or obtaining a driver licence under this part is taken to be an order of the court to disqualify a person from holding or obtaining a driver licence.

27 Automatic driver licence disqualification—first offenders, s 19

- (1) This section applies to a person who is convicted of an offence against section 19 (1) and is a first offender in relation to the offence.
- (2) The person is automatically disqualified from holding or obtaining a driver licence for—
 - (a) the period mentioned in table 27, column 4 for the concentration of alcohol at a level specified in column 2; or
 - (b) if the convicting court orders a shorter period of disqualification that is not less than the period mentioned in column 3 for that level—the shorter period.

Table 27

column 1 item	column 2 alcohol concentration level	column 3 minimum disqualification	column 4 default disqualification
1	level 1	3 months	6 months
2	level 2	3 months	6 months
3	level 3	6 months	12 months
4	level 4	9 months	18 months

28 Automatic driver licence disqualification—repeat offenders, s 19

- (1) This section applies to a person who is convicted of an offence against section 19 (1) and is a repeat offender in relation to the offence.
- (2) The person is automatically disqualified from holding or obtaining a driver licence for—
 - (a) the period mentioned in table 28, column 4 for the concentration of alcohol at a level specified in column 2; or
 - (b) if the convicting court orders a shorter period of disqualification that is not less than the period mentioned in column 3 for that level—the shorter period.

Table 28

column 1 item	column 2 alcohol concentration level	column 3 minimum disqualification	column 4 default disqualification
1	level 1	6 months	12 months
2	level 2	6 months	12 months
3	level 3	12 months	2 years
4	level 4	18 months	3 years

- 29 Automatic driver licence disqualification—first offenders, s 20**
- (1) This section applies to a person who is convicted of an offence against section 20 (1) and is a first offender in relation to the offence.
 - (2) The person is automatically disqualified from holding or obtaining a driver licence for—
 - (a) 6 months; or
 - (b) if the convicting court orders a shorter period of disqualification that is not less than 3 months—the shorter period.
- 30 Automatic driver licence disqualification—repeat offenders, s 20**
- (1) This section applies to a person who is convicted of an offence against section 20 (1) and is a repeat offender in relation to the offence.
 - (2) The person is automatically disqualified from holding or obtaining a driver licence for—
 - (a) 12 months; or
 - (b) if the convicting court orders a shorter period of disqualification that is not less than 6 months—the shorter period.
- 31 Automatic driver licence disqualification—first offenders, s 21**
- (1) This section applies to a person who is convicted of an offence against section 21 (1) and is a first offender in relation to the offence.
 - (2) The person is automatically disqualified from holding or obtaining a driver licence for—
 - (a) the period mentioned in table 31, column 4 for the concentration of alcohol at a level specified in column 2; or

- (b) if the convicting court orders a shorter period of disqualification that is not less than the period mentioned in column 3 for that level—the shorter period.

Table 31

column 1 item	column 2 alcohol concentration level	column 3 minimum disqualification	column 4 default disqualification
1	level 1	6 months	12 months
2	level 2	6 months	12 months
3	level 3	9 months	18 months
4	level 4	12 months	2 years

32 Automatic driver licence disqualification—repeat offenders, s 21

- (1) This section applies to a person who is convicted of an offence against section 21 (1) and is a repeat offender in relation to the offence.
- (2) The person is automatically disqualified from holding or obtaining a driver licence for—
- (a) the period mentioned in table 32, column 4 for the concentration of alcohol at a level specified in column 2; or
 - (b) if the convicting court orders a shorter period of disqualification that is not less than the period mentioned in column 3 for that level—the shorter period.

Table 32

column 1 item	column 2 alcohol concentration level	column 3 minimum disqualification	column 4 default disqualification
1	level 1	12 months	2 years
2	level 2	12 months	2 years

column 1 item	column 2 alcohol concentration level	column 3 minimum disqualification	column 4 default disqualification
3	level 3	18 months	3 years
4	level 4	2 years	4 years

33 Automatic driver licence disqualification—first offenders, s 24

- (1) This section applies to a person who is convicted of an offence against section 24 (1) and is a first offender in relation to the offence.
- (2) The person is automatically disqualified from holding or obtaining a driver licence for—
 - (a) 2 years; or
 - (b) if the convicting court orders a shorter period of disqualification that is not less than 12 months—the shorter period.

34 Automatic driver licence disqualification—repeat offenders, s 24

- (1) This section applies to a person who is convicted of an offence against section 24 (1) and is a repeat offender in relation to the offence.
- (2) The person is automatically disqualified from holding or obtaining a driver licence for—
 - (a) 4 years; or
 - (b) if the convicting court orders a shorter period of disqualification that is not less than 2 years—the shorter period.

34A Automatic driver licence disqualification—other disqualifying offences

- (1) This section applies to a person who is convicted of an offence against section 22, section 22A, section 22C or section 23.

- (2) If the person is a first offender in relation to the offence mentioned in subsection (1), the person is automatically disqualified from holding or obtaining a driver licence for—
- (a) 2 years; or
 - (b) if the court orders a shorter period of disqualification that is not less than 6 months—the shorter period.
- (3) If the person is a repeat offender in relation to the offence mentioned in subsection (1), the person is automatically disqualified from holding or obtaining a driver licence for—
- (a) 4 years; or
 - (b) if the court orders a shorter period of disqualification that is not less than 12 months—the shorter period.

**35 Automatic driver licence disqualification—immediate suspension period
Section 35 (2)**

omit

(including any period of minimum disqualification under section 32 or section 33)

**36 Evidence for insurance purposes
Section 41A (5), definition of *relevant offence*,
paragraph (a)**

substitute

- (a) an offence against section 19 (Prescribed concentration of alcohol in blood or breath);

37 Section 41A (5), definition of *relevant offence*, new paragraph (ba)

insert

(ba) an offence against section 21 (Prescribed concentration of alcohol and prescribed drug in bodily fluid);

38 Dictionary, definition of *disqualifying offence*, new paragraph (ba)

insert

(ba) section 21 (Prescribed concentration of alcohol and prescribed drug in bodily fluid); or

39 Dictionary, definition of *prescribed drug*

substitute

prescribed drug means a drug prescribed by regulation.

Part 3 Road Transport (Alcohol and Drugs) Regulation 2000

40 New section 5A

insert

5A Prescribed drugs—Act, dict, def *prescribed drug*

The following are prescribed:

- (a) delta-9-tetrahydrocannabinol;
- (b) methylamphetamine;
- (c) N, α -Dimethyl-3,4-(Methylenedioxy)phenylethylamine.

41 Prescribed drugs—Act, dict, def *prescribed drug* New section 5A (d)

insert

- (d) cocaine.

Part 4 Road Transport (Driver Licensing) Regulation 2000

42 Eligibility to apply to Magistrates Court for order authorising issue of restricted licence Section 45 (2), note 1, 3rd dot point

substitute

- s 67A (which is about disqualification of first offenders)

43 Section 45 (2), note 2

omit

44 Definitions—div 3.14 Section 73K, definition of *drug-related disqualifying offence*, new paragraph (aa)

insert

- (aa) section 21 (Prescribed concentration of alcohol and prescribed drug in bodily fluid);

45 Mandatory interlock condition New section 73T (1) (a) (i) (AA)

insert

- (AA) section 21 (Prescribed concentration of alcohol and prescribed drug in bodily fluid); or

46 New section 73T (1) (a) (i) (E)

insert

- (E) section 24 (Driving under the influence of intoxicating liquor or a drug) to the extent that the offence is related to alcohol; or

47 Dictionary, definition of *alcohol related disqualifying offence*, new paragraph (a) (ia)

insert

- (ia) the *Road Transport (Alcohol and Drugs) Act 1977*, section 21 (Prescribed concentration of alcohol and prescribed drug in bodily fluid); or

Part 5 Road Transport (General) Act 1999

48 Regulations about infringement notice offences New section 23 (6)

insert

- (6) If a regulation prescribes an offence that has a different penalty for a first offender or a repeat offender in relation to the offence the regulation may only prescribe the offence in relation to a first offender.

49 Infringement notices New section 24 (2A)

insert

- (2A) If an authorised person reasonably believes that a person has committed an offence and section 23 (6) applies to the offence—
- (a) the administering authority need not consider whether the person would, if convicted, be a first offender or a repeat offender in relation to the offence; and
 - (b) for the purposes of the infringement notice, the person is presumed to be a first offender.

50 Meaning of *first offender* and *repeat offender*—s 60 Section 60A (2) (a)

after 1st mention of

failing to identify or stop offence

insert

that was committed

51 **Definitions—div 4.2**
Section 61A, definition of *automatic disqualification provision*, paragraphs (d) to (f)

substitute

- (d) the *Road Transport (Alcohol and Drugs) Act 1977*, section 27 (which is about automatic disqualification for first offender drivers for having the prescribed concentration of alcohol in their blood or breath);
- (e) the *Road Transport (Alcohol and Drugs) Act 1977*, section 28 (which is about automatic disqualification for repeat offender drivers for having the prescribed concentration of alcohol in their blood or breath);
- (f) the *Road Transport (Alcohol and Drugs) Act 1977*, section 29 (which is about automatic disqualification for first offender drivers for having a prescribed drug in their oral fluid or blood);
- (fa) the *Road Transport (Alcohol and Drugs) Act 1977*, section 30 (which is about automatic disqualification for repeat offender drivers for having a prescribed drug in their oral fluid or blood);
- (fb) the *Road Transport (Alcohol and Drugs) Act 1977*, section 31 (which is about automatic disqualification for first offender drivers for having the prescribed concentration of alcohol in their blood or breath and a prescribed drug in their bodily fluid);
- (fc) the *Road Transport (Alcohol and Drugs) Act 1977*, section 32 (which is about automatic disqualification for repeat offender drivers for having the prescribed concentration of alcohol in their blood or breath and a prescribed drug in their bodily fluid);
- (fd) the *Road Transport (Alcohol and Drugs) Act 1977*, section 33 (which is about automatic disqualification for first offender drivers for driving under the influence of intoxicating liquor or a drug);

- (fe) the *Road Transport (Alcohol and Drugs) Act 1977*, section 34 (which is about automatic disqualification for repeat offender drivers for driving under the influence of intoxicating liquor or a drug);
- (ff) the *Road Transport (Alcohol and Drugs) Act 1977*, section 34A (which is about automatic disqualification for other offences against that Act);

52 Section 61A, definition of *driver trainer*

substitute

driver trainer—see the *Road Transport (Alcohol and Drugs) Act 1977*, section 4BA.

53 Section 61A, definition of *immediate suspension offence*, paragraph (b)

substitute

- (b) the following, if the person to whom the offence relates is not a driver trainer:
 - (i) the *Road Transport (Alcohol and Drugs) Act 1977*, section 19 (Prescribed concentration of alcohol in blood or breath);
 - (ii) the *Road Transport (Alcohol and Drugs) Act 1977*, section 20 (Prescribed drug in oral fluid or blood—driver or driver trainer);
 - (iii) the *Road Transport (Alcohol and Drugs) Act 1977*, section 21 (Prescribed concentration of alcohol and prescribed drug in bodily fluid);

54 Section 61A, definition of *special driver*

substitute

special driver—see the *Road Transport (Alcohol and Drugs) Act 1977*, section 4B.

**55 Immediate suspension of licence
Section 61B (5) and (6)**

omit

56 New sections 61BA to 61BC

insert

61BA When a suspension notice ceases to have effect

- (1) This section applies if an immediate suspension notice is served on a person for an immediate suspension offence under section 61B (1).
- (2) The suspension notice ceases to have effect if—
 - (a) the maximum suspension time has elapsed since the day the suspension notice was served; or
 - (b) the Magistrates Court orders a stay of the suspension notice; or
 - (c) the chief police officer or the DPP gives the person written notice that no proceeding will be brought for the offence; or
 - (d) the offence is found proved, dismissed or taken into account by a court; or
 - (e) if a proceeding was brought for the offence—any of the following happens:
 - (i) the chief police officer or the DPP gives the person written notice that the proceeding is to be withdrawn or discontinued;

- (ii) the proceeding is withdrawn or discontinued other than under section 53 (3); or
 - (f) if an infringement notice was given for the offence and the person has not disputed the notice under section 51—the infringement notice is withdrawn; or
 - (g) if an infringement notice was given for the offence and the person has disputed the notice under section 51—any of the following happens:
 - (i) the administering authority tells the person under section 53 (5) that no further action will be taken against the person for the offence;
 - (ii) the administering authority has not brought a proceeding within the time allowed under section 53; or
 - (h) if the offence is an infringement notice offence—the administering authority gives the person written notice that no infringement notice will be given for the offence.
- (3) In this section:

maximum suspension time means—

- (a) if an infringement notice was given for the offence and the person does not dispute the notice under section 51—180 days; or
- (b) if a proceeding is discontinued under section 53 (3) and 90 days have not elapsed since the day the suspension notice was served—180 days; or
- (c) in any other case—90 days.

bring, in relation to a proceeding for an offence, includes lay an information.

61BB Additional suspension notice—discontinued infringement notice proceedings

- (1) This section applies if—
 - (a) an immediate suspension notice is served on a person for an immediate suspension offence; and
 - (b) an infringement notice is given for the offence; and
 - (c) the person disputes the infringement notice under section 51; and
 - (d) 90 days or more have elapsed since the day the immediate suspension notice was served; and
 - (e) a proceeding for the offence is discontinued under section 53 (3).
- (2) A police officer may serve an additional immediate suspension notice on the person.
- (3) An additional immediate suspension notice is taken to have been served under section 61B (1).

Note The maximum suspension time for an additional suspension notice is 90 days (see s 61BA (3), def *maximum suspension time*, par (c)).

61BC Road transport authority to return surrendered licence

If a person has surrendered their driver licence under an immediate suspension notice and the suspension notice ceases to have effect, the road transport authority must return the driver licence to the person as soon as practicable.

**57 Eligibility of disqualified first offender for restricted licence—automatic disqualification provisions
Section 67A (2) (a)**

substitute

- (a) the person is disqualified from holding or obtaining a driver licence under the *Road Transport (Alcohol and Drugs) Act 1977*, section 27 (Automatic driver licence disqualification—first offenders, s 19); and

58 Section 67A (4)

omit

section 32

substitute

section 27

59 Section 67A (5), example 2

substitute

- 2 For the *Road Transport (Alcohol and Drugs) Act 1977*, s 34A, the minimum disqualification period is 6 months (see that Act, s 34A (2) (b)).

60 Section 67A (5), note

substitute

- Note* The *Road Transport (Alcohol and Drugs) Act 1977*, s 27 applies to first offenders and only applies for this section if the offender has a limited concentration of alcohol in their blood or breath. That Act, s 28 applies to repeat offenders.

61 Section 67A (6)

omit

Part 6 Road Transport (Offences) Regulation 2005

62 Schedule 1, part 1.3

substitute

Part 1.3 Road Transport (Alcohol and Drugs) Act 1977

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
1	15 (5)	doctor/nurse refuse to take blood sample permitted by person/requested by police officer	10	-	-
2	16 (4)	doctor/nurse practitioner not carry out medical examination within 2 hours	10	-	-

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column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
3	16 (5)	doctor/nurse practitioner not take body sample within 2 hours	10	-	-
4	16 (6)	nurse not take body sample within 2 hours	10	-	-
5	19 (1)				
5.1	<ul style="list-style-type: none"> special driver, level 1, first offender—driver 	special driver drive motor vehicle on road/related area with level 1 alcohol in blood or breath—first offender	25	-	-
5.2	<ul style="list-style-type: none"> special driver, level 1, first offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 1 alcohol in blood or breath—first offender	25	-	-
5.3	<ul style="list-style-type: none"> special driver, level 1, repeat offender—driver 	special driver drive motor vehicle on road/related area with level 1 alcohol in blood or breath—repeat offender	50pu/ 6 months prison/both	-	-

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
5.4	<ul style="list-style-type: none"> special driver, level 1, repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 1 alcohol in blood or breath—repeat offender	50	-	-
5.5	<ul style="list-style-type: none"> special driver, level 2, first offender—driver 	special driver drive motor vehicle on road/related area with level 2 alcohol in blood or breath—first offender	25	-	-
5.6	<ul style="list-style-type: none"> special driver, level 2, first offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 2 alcohol in blood or breath—first offender	25	-	-
5.7	<ul style="list-style-type: none"> special driver, level 2, repeat offender—driver 	special driver drive motor vehicle on road/related area with level 2 alcohol in blood or breath—repeat offender	50pu/ 6 months prison/both	-	-
5.8	<ul style="list-style-type: none"> special driver, level 2, repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 2 alcohol in blood or breath—repeat offender	50	-	-

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column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
5.9	<ul style="list-style-type: none"> special driver, level 3, first offender—driver 	special driver drive motor vehicle on road/related area with level 3 alcohol in blood or breath—first offender	50pu/ 6 months prison/both	-	-
5.10	<ul style="list-style-type: none"> special driver, level 3, first offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 3 alcohol in blood or breath—first offender	50	-	-
5.11	<ul style="list-style-type: none"> special driver, level 3, repeat offender—driver 	special driver drive motor vehicle on road/related area with level 3 alcohol in blood or breath—repeat offender	100pu/ 12 months prison/both	-	-
5.12	<ul style="list-style-type: none"> special driver, level 3, repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 3 alcohol in blood or breath—repeat offender	100	-	-
5.13	<ul style="list-style-type: none"> special driver, level 4, first offender—driver 	special driver drive motor vehicle on road/related area with level 4 alcohol in blood or breath—first offender	75pu/ 9 months prison/both	-	-

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
5.14	<ul style="list-style-type: none"> special driver, level 4, first offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 4 alcohol in blood or breath—first offender	75	-	-
5.15	<ul style="list-style-type: none"> special driver, level 4, repeat offender—driver 	special driver drive motor vehicle on road/related area with level 4 alcohol in blood or breath—repeat offender	150pu/ 18 months prison/both	-	-
5.16	<ul style="list-style-type: none"> special driver, level 4, repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 4 alcohol in blood or breath—repeat offender	150	-	-
5.17	<ul style="list-style-type: none"> person other than special driver, level 2, first offender 	drive motor vehicle on road/related area with level 2 alcohol in blood or breath—first offender	25	-	-
5.18	<ul style="list-style-type: none"> person other than special driver, level 2, repeat offender 	drive motor vehicle on road/related area with level 2 alcohol in blood or breath—repeat offender	50pu/ 6 months prison/both	-	-

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column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
5.19	<ul style="list-style-type: none"> person other than special driver, level 3, first offender 	drive motor vehicle on road/related area with level 3 alcohol in blood or breath—first offender	50pu/ 6 months prison/both	-	-
5.20	<ul style="list-style-type: none"> person other than special driver, level 3, repeat offender 	drive motor vehicle on road/related area with level 3 alcohol in blood or breath—repeat offender	100pu/ 12 months prison/both	-	-
5.21	<ul style="list-style-type: none"> person other than special driver, level 4, first offender 	drive motor vehicle on road/related area with level 4 alcohol in blood or breath—first offender	75pu/ 9 months prison/both	-	-
5.22	<ul style="list-style-type: none"> person other than special driver, level 4, repeat offender 	drive motor vehicle on road/related area with level 4 alcohol in blood or breath—repeat offender	150pu/ 18 months prison/both	-	-

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
6	20 (1)				
6.1	<ul style="list-style-type: none"> first offender 	drive motor vehicle on road/related area with prescribed drug in oral fluid or blood—first offender	25	-	-
6.2	<ul style="list-style-type: none"> repeat offender—driver 	drive motor vehicle on road/related area with prescribed drug in oral fluid or blood—repeat offender	50pu/ 6 months prison/both	-	-
6.3	<ul style="list-style-type: none"> repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with prescribed drug in oral fluid or blood—repeat offender	50	-	-
7	21 (1)				
7.1	<ul style="list-style-type: none"> special driver, level 1, first offender—driver 	special driver drive motor vehicle on road/related area with level 1 alcohol and prescribed drug—first offender	50	-	-

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column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
7.2	<ul style="list-style-type: none"> special driver, level 1, first offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 1 alcohol and prescribed drug—first offender	50	-	-
7.3	<ul style="list-style-type: none"> special driver, level 1, repeat offender—driver 	special driver drive motor vehicle on road/related area with level 1 alcohol and prescribed drug—repeat offender	100pu/ 12 months prison/both	-	-
7.4	<ul style="list-style-type: none"> special driver, level 1, repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 1 alcohol and prescribed drug—repeat offender	100	-	-
7.5	<ul style="list-style-type: none"> special driver, level 2, first offender—driver 	special driver drive motor vehicle on road/related area with level 2 alcohol and prescribed drug—first offender	50	-	-
7.6	<ul style="list-style-type: none"> special driver, level 2, first offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 2 alcohol and prescribed drug—first offender	50	-	-

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
7.7	<ul style="list-style-type: none"> special driver, level 2, repeat offender—driver 	special driver drive motor vehicle on road/related area with level 2 alcohol and prescribed drug—repeat offender	100pu/ 12 months prison/both	-	-
7.8	<ul style="list-style-type: none"> special driver, level 2, repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 2 alcohol and prescribed drug—repeat offender	100	-	-
7.9	<ul style="list-style-type: none"> special driver, level 3, first offender—driver 	special driver drive motor vehicle on road/related area with level 3 alcohol and prescribed drug—first offender	75pu/ 9 months prison/both	-	-
7.10	<ul style="list-style-type: none"> special driver, level 3, first offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 3 alcohol and prescribed drug—first offender	75	-	-
7.11	<ul style="list-style-type: none"> special driver, level 3, repeat offender—driver 	special driver drive motor vehicle on road/related area with level 3 alcohol and prescribed drug—repeat offender	150pu/ 18 months prison/both	-	-

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column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
7.12	<ul style="list-style-type: none"> special driver, level 3, repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 3 alcohol and prescribed drug—repeat offender	150	-	-
7.13	<ul style="list-style-type: none"> special driver, level 4, first offender—driver 	special driver drive motor vehicle on road/related area with level 4 alcohol and prescribed drug—first offender	100pu/ 12 months prison/both	-	-
7.14	<ul style="list-style-type: none"> special driver, level 4, first offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 4 alcohol and prescribed drug—first offender	100	-	-
7.15	<ul style="list-style-type: none"> special driver, level 4, repeat offender—driver 	special driver drive motor vehicle on road/related area with level 4 alcohol and prescribed drug—repeat offender	200pu/ 2 years prison/both	-	-
7.16	<ul style="list-style-type: none"> special driver, level 4, repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 4 alcohol and prescribed drug—repeat offender	200	-	-

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
7.17	<ul style="list-style-type: none"> person other than special driver, level 2, first offender 	drive motor vehicle on road/related area with level 2 alcohol and prescribed drug—first offender	50	-	-
7.18	<ul style="list-style-type: none"> person other than special driver, level 2, repeat offender 	drive motor vehicle on road/related area with level 2 alcohol and prescribed drug—repeat offender	100pu/ 12 months prison/both	-	-
7.19	<ul style="list-style-type: none"> person other than special driver, level 3, first offender 	drive motor vehicle on road/related area with level 3 alcohol and prescribed drug—first offender	75pu/ 9 months prison/both	-	-
7.20	<ul style="list-style-type: none"> person other than special driver, level 3, repeat offender 	drive motor vehicle on road/related area with level 3 alcohol and prescribed drug—repeat offender	150pu/ 18 months prison/both	-	-
7.21	<ul style="list-style-type: none"> person other than special driver, level 4, first offender 	drive motor vehicle on road/related area with level 4 alcohol and prescribed drug—first offender	100pu/ 12 months prison/both	-	-

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column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
7.22	<ul style="list-style-type: none"> person other than special driver, level 4, repeat offender 	drive motor vehicle on road/related area with level 4 alcohol and prescribed drug—repeat offender	200pu/ 2 years prison/both	-	-
8	22 (c)				
8.1	<ul style="list-style-type: none"> first offender—driver 	refuse to provide breath sample—first offender	100pu/ 12 months prison/both	-	-
8.2	<ul style="list-style-type: none"> first offender—driver trainer 	refuse to provide breath sample—first offender	100pu/ 12 months prison/both	-	-
8.3	<ul style="list-style-type: none"> repeat offender—driver 	refuse to provide breath sample—repeat offender	200pu/ 2 years prison/both	-	-

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
8.4	<ul style="list-style-type: none"> repeat offender—driver trainer 	refuse to provide breath sample—repeat offender	200pu/ 2 years prison/both	-	-
9	22 (d)				
9.1	<ul style="list-style-type: none"> first offender—driver 	fail/refuse to provide breath sample in accordance with reasonable directions of police officer—first offender	100pu/ 12 months prison/both	-	-
9.2	<ul style="list-style-type: none"> first offender—driver trainer 	fail/refuse to provide breath sample in accordance with reasonable directions of police officer—first offender	100pu/ 12 months prison/both	-	-
9.3	<ul style="list-style-type: none"> repeat offender—driver 	fail/refuse to provide breath sample in accordance with reasonable directions of police officer—repeat offender	200pu/ 2 years prison/both	-	-

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column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
9.4	<ul style="list-style-type: none"> repeat offender—driver trainer 	fail/refuse to provide breath sample in accordance with reasonable directions of police officer—repeat offender	200pu/ 2 years prison/both	-	-
10	22A (2) (a)				
10.1	<ul style="list-style-type: none"> first offender—driver 	refuse to provide sample of oral fluid for analysis—first offender	100pu/ 12 months prison/both	-	-
10.2	<ul style="list-style-type: none"> first offender—driver trainer 	refuse to provide sample of oral fluid for analysis—first offender	100pu/ 12 months prison/both	-	-
10.3	<ul style="list-style-type: none"> repeat offender—driver 	refuse to provide sample of oral fluid for analysis—repeat offender	200pu/ 2 years prison/both	-	-

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
10.4	<ul style="list-style-type: none"> repeat offender—driver trainer 	refuse to provide sample of oral fluid for analysis—repeat offender	200pu/ 2 years prison/both	-	-
11	22A (2) (b)				
11.1	<ul style="list-style-type: none"> first offender—driver 	fail to provide sample of oral fluid in accordance with reasonable directions of police officer—first offender	100pu/ 12 months prison/both	-	-
11.2	<ul style="list-style-type: none"> first offender—driver trainer 	fail to provide sample of oral fluid in accordance with reasonable directions of police officer—first offender	100pu/ 12 months prison/both	-	-
11.3	<ul style="list-style-type: none"> repeat offender—driver 	fail to provide sample of oral fluid in accordance with reasonable directions of police officer—repeat offender	200pu/ 2 years prison/both	-	-

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column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
11.4	<ul style="list-style-type: none"> repeat offender—driver trainer 	fail to provide sample of oral fluid in accordance with reasonable directions of police officer—repeat offender	200pu/ 2 years prison/both	-	-
12	22B	fail to stay for alcohol or drug screening test	100	-	-
13	22C (1)				
13.1	<ul style="list-style-type: none"> first offender—driver 	fail to undergo alcohol or drug screening test—first offender	100pu/ 12 months prison/both	-	-
13.2	<ul style="list-style-type: none"> first offender—driver trainer 	fail to undergo alcohol or drug screening test—first offender	100pu/ 12 months prison/both	-	-
13.3	<ul style="list-style-type: none"> repeat offender—driver 	fail to undergo alcohol or drug screening test—repeat offender	200pu/ 2 years prison/both	-	-

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
13.4	<ul style="list-style-type: none"> repeat offender—driver trainer 	fail to undergo alcohol or drug screening test—repeat offender	200pu/ 2 years prison/both	-	-
14	23 (1)				
14.1	<ul style="list-style-type: none"> first offender—driver 	fail/refuse to permit blood sample to be taken—first offender	100pu/ 12 months prison/both	-	-
14.2	<ul style="list-style-type: none"> first offender—driver trainer 	fail/refuse to permit blood sample to be taken—first offender	100pu/ 12 months prison/both	-	-
14.3	<ul style="list-style-type: none"> repeat offender—driver 	fail/refuse to permit blood sample to be taken—repeat offender	200pu/ 2 years prison/both	-	-

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column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
14.4	<ul style="list-style-type: none"> repeat offender— driver trainer 	fail/refuse to permit blood sample to be taken—repeat offender	200pu/ 2 years prison/both	-	-
15	23 (2) (a)				
15.1	<ul style="list-style-type: none"> first offender—driver 	fail/refuse to submit to medical examination—first offender	100pu/ 12 months prison/both	-	-
15.2	<ul style="list-style-type: none"> first offender—driver trainer 	fail/refuse to submit to medical examination—first offender	100pu/ 12 months prison/both	-	-
15.3	<ul style="list-style-type: none"> repeat offender— driver 	fail/refuse to submit to medical examination—repeat offender	200pu/ 2 years prison/both	-	-

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
15.4	<ul style="list-style-type: none"> repeat offender—driver trainer 	fail/refuse to submit to medical examination—repeat offender	200pu/ 2 years prison/both	-	-
16	23 (2) (b)				
16.1	<ul style="list-style-type: none"> first offender—driver 	fail/refuse to give/permit taking of body sample—first offender	100pu/ 12 months prison/both	-	-
16.2	<ul style="list-style-type: none"> first offender—driver trainer 	fail/refuse to give/permit taking of body sample—first offender	100pu/ 12 months prison/both	-	-
16.3	<ul style="list-style-type: none"> repeat offender—driver 	fail/refuse to give/permit taking of body sample—repeat offender	200pu/ 2 years prison/both	-	-

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column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
16.4	<ul style="list-style-type: none">repeat offender— driver trainer	fail/refuse to give/permit taking of body sample—repeat offender	200pu/ 2 years prison/both	-	-
17	24 (1)				
17.1	<ul style="list-style-type: none">first offender	drive vehicle on road/related area under influence of intoxicating liquor/drug incapable of proper control of vehicle— first offender	100pu/ 12 months prison/both	-	-
17.2	<ul style="list-style-type: none">repeat offender	drive vehicle on road/related area under influence of intoxicating liquor/drug incapable of proper control of vehicle— repeat offender	200pu/ 2 years prison/both	-	-

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
18	24A (1)				
18.1	<ul style="list-style-type: none"> first offender 	drive vehicle/ride animal/be in charge of animal on road under influence of alcohol/drug, incapable of proper control of vehicle/animal—first offender	30pu/ 6 months prison/both	-	-
18.2	<ul style="list-style-type: none"> repeat offender 	drive vehicle/ride animal/be in charge of animal on road under influence of alcohol/drug, incapable of proper control of vehicle/animal—repeat offender	30pu/ 12 months prison/both	-	-
19	24A (2)	drive vehicle/ride animal/be in charge of animal on road related area under influence of alcohol/drug, incapable of proper control of vehicle/animal	20	-	-
20	25 (1)	drive or ride vehicle on road/related area while consuming alcohol	20	400	-

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column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
21	25 (2)	driver trainer in motor vehicle on road/related area while consuming alcohol	20	400	-
22	47B (4)	fail to comply with police officer's direction not to drive	10	-	-

**63 Road Transport (Alcohol and Drugs) Act 1977
Schedule 1, part 1.3, item 5**

substitute

5	19 (1)				
5.1	<ul style="list-style-type: none"> special driver, level 1, first offender—driver 	special driver drive motor vehicle on road/related area with level 1 alcohol in blood or breath—first offender	25	800	-
5.2	<ul style="list-style-type: none"> special driver, level 1, first offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 1 alcohol in blood or breath—first offender	25	800	-
5.3	<ul style="list-style-type: none"> special driver, level 1, repeat offender—driver 	special driver drive motor vehicle on road/related area with level 1 alcohol in blood or breath—repeat offender	50pu/ 6 months prison/both	-	-
5.4	<ul style="list-style-type: none"> special driver, level 1, repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 1 alcohol in blood or breath—repeat offender	50	-	-

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5.5	<ul style="list-style-type: none"> special driver, level 2, first offender—driver 	special driver drive motor vehicle on road/related area with level 2 alcohol in blood or breath—first offender	25	800	-
5.6	<ul style="list-style-type: none"> special driver, level 2, first offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 2 alcohol in blood or breath—first offender	25	800	-
5.7	<ul style="list-style-type: none"> special driver, level 2, repeat offender—driver 	special driver drive motor vehicle on road/related area with level 2 alcohol in blood or breath—repeat offender	50pu/ 6 months prison/both	-	-
5.8	<ul style="list-style-type: none"> special driver, level 2, repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 2 alcohol in blood or breath—repeat offender	50	-	-
5.9	<ul style="list-style-type: none"> special driver, level 3, first offender—driver 	special driver drive motor vehicle on road/related area with level 3 alcohol in blood or breath—first offender	50pu/ 6 months prison/both	-	-
5.10	<ul style="list-style-type: none"> special driver, level 3, first offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 3 alcohol in blood or breath—first offender	50	-	-

5.11	<ul style="list-style-type: none"> special driver, level 3, repeat offender—driver 	special driver drive motor vehicle on road/related area with level 3 alcohol in blood or breath—repeat offender	100pu/ 12 months prison/both	-	-
5.12	<ul style="list-style-type: none"> special driver, level 3, repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 3 alcohol in blood or breath—repeat offender	100	-	-
5.13	<ul style="list-style-type: none"> special driver, level 4, first offender—driver 	special driver drive motor vehicle on road/related area with level 4 alcohol in blood or breath—first offender	75pu/ 9 months prison/both	-	-
5.14	<ul style="list-style-type: none"> special driver, level 4, first offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 4 alcohol in blood or breath—first offender	75	-	-
5.15	<ul style="list-style-type: none"> special driver, level 4, repeat offender—driver 	special driver drive motor vehicle on road/related area with level 4 alcohol in blood or breath—repeat offender	150pu/ 18 months prison/both	-	-
5.16	<ul style="list-style-type: none"> special driver, level 4, repeat offender—driver trainer 	driver trainer in motor vehicle on road/related area with level 4 alcohol in blood or breath—repeat offender	150	-	-

Part 6

Road Transport (Offences) Regulation 2005

Section 63

5.17	<ul style="list-style-type: none"> person other than special driver, level 2, first offender 	drive motor vehicle on road/related area with level 2 alcohol in blood or breath— first offender	25	800	-
5.18	<ul style="list-style-type: none"> person other than special driver, level 2, repeat offender 	drive motor vehicle on road/related area with level 2 alcohol in blood or breath— repeat offender	50pu/ 6 months prison/both	-	-
5.19	<ul style="list-style-type: none"> person other than special driver, level 3, first offender 	drive motor vehicle on road/related area with level 3 alcohol in blood or breath— first offender	50pu/ 6 months prison/both	-	-
5.20	<ul style="list-style-type: none"> person other than special driver, level 3, repeat offender 	drive motor vehicle on road/related area with level 3 alcohol in blood or breath— repeat offender	100pu/ 12 months prison/both	-	-
5.21	<ul style="list-style-type: none"> person other than special driver, level 4, first offender 	drive motor vehicle on road/related area with level 4 alcohol in blood or breath— first offender	75pu/ 9 months prison/both	-	-
5.22	<ul style="list-style-type: none"> person other than special driver, level 4, repeat offender 	drive motor vehicle on road/related area with level 4 alcohol in blood or breath— repeat offender	150pu/ 18 months prison/both	-	-

Part 7 Road Transport (Road Rules) Regulation 2017

64 Dictionary, new definition of *mobile device*

insert

mobile device—

- (a) includes a mobile phone and any other wireless hand-held or wearable device designed or capable of being used for telecommunication; but
- (b) does not include a CB radio or any other two-way radio.

Examples—other wireless hand-held or wearable devices

tablet computer, smart watch

Part 8 Road Transport (Safety and Traffic Management) Act 1999

65 Meaning of *first offender* and *repeat offender*—div 2.1 Section 5AB (2) (a)

after 1st mention of

dangerous driving offence

insert

that was committed

66 Aggravated offence—furious, reckless or dangerous driving Section 7A (4), definition of *repeat offender*, paragraph (a)

after

(Culpable driving of motor vehicle)

insert

that was committed

67 Definitions—pt 6 Section 22A, definition of *mobile device*

substitute

mobile device—see the [Road Transport \(Road Rules\) Regulation 2017](#), dictionary.

68 Dictionary, definition of *mobile device*

substitute

mobile device, for part 6 (Traffic offence detection devices)—see the [Road Transport \(Road Rules\) Regulation 2017](#), dictionary.

Schedule 1 Consequential Amendments

(see s 3)

Part 1.1 Lakes Act 1976

[1.1] Section 73 (2) (d)

omit

19 to 20

substitute

19 to 21C

Part 1.2 Motor Accident Injuries Act 2019

[1.2] Section 41, definition of *driving offence*, new paragraph (c) (ia)

insert

- (ia) section 21 (Prescribed concentration of alcohol and prescribed drug in bodily fluid), if the convicting court finds that the concentration of alcohol in the person's blood or breath was at level 3; or

[1.3] Section 48 (6), definition of *serious offence*, new paragraph (b) (ia)

insert

- (ia) section 21 (Prescribed concentration of alcohol and prescribed drug in bodily fluid), if the convicting court finds that the concentration of alcohol in the person's blood or breath was at level 4; or

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 November 2023.

2 Notification

Notified under the [Legislation Act](#) on 24 May 2024.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Road Safety Legislation Amendment Bill 2024, which originated in the Legislative Assembly as the Road Safety Legislation Amendment Bill 2023 and was passed by the Assembly on 15 May 2024.

Clerk of the Legislative Assembly

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