



ROAD SAFETY (ALCOHOL AND DRUGS)

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 No. 83 of 1978
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ANALYSIS

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AN ACT to amend the Road Safety (Alcohol and Drugs) Act 1970 and the Traffic Act 1925.

[31 January 1979]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Road Safety (Alcohol and Drugs) Act 1978*. Short title.

Commencement. **2**—(1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Sections 4 and 8 shall commence on 1st February 1979 and expire on the 1st February 1981.

Principal Act. **3**—In this Act, the *Road Safety (Alcohol and Drugs) Act 1970** is referred to as the Principal Act.

4—After section 17 of the Principal Act the following section is inserted:—

Requirement for drink-drivers to attend prescribed course.

18—(1) Subject to subsection (4), where a person—

(a) who has never held an authority to drive;

(b) who is the holder of a learner's licence; or

(c) who has not held an authority to drive for a period that exceeds, or any periods that in the aggregate exceed, 12 months,

is convicted of an offence under section 4, section 6, or section 7 the court shall, in addition to any other order it may make under section 17, order the person to attend a prescribed course.

(2) For the purposes of subsection (1) (a) and (c) a person shall be deemed to hold an authority to drive only while he holds a licence or other authority (not being a learner's licence), issued or granted in this State or elsewhere, authorizing him to drive a motor vehicle on a public street.

(3) The court, when making an order under subsection (1), shall notify the person convicted in a form approved by the Director of Road Safety of the time and place at which he is required to attend the prescribed course.

(4) The court may in its discretion exempt a person from the requirement to attend a prescribed course.

(5) Section 36A of the *Traffic Act 1925* applies to a person in respect of whom an order is made under this section.

(6) In this section "prescribed course" means a course—

(a) arranged by the Director of Road Safety;

(b) conducted by the Tasmania Police Division of Road Safety at such times and at such places as the Minister may from time to time determine; and

(c) which is comprised of discussions and lectures relating to—
(i) the effect of the consumption of alcohol on driving and its contribution to accidents;

* No. 77 of 1970. For this Act as amended to 1976, see Appendix C of the Annual Volume of Statutes for 1976. Subsequently amended by Nos. 67 and 96 of 1976 and No. 51 of 1977.

- (ii) drink-driving laws and the operation of the breathalyser; and
- (iii) such other matters relating to the effect of the consumption of alcohol on driving as the Minister may consider appropriate.

(7) A person ordered to attend a prescribed course shall, on the completion of that course, be issued with a certificate in a form approved by the Director of Road Safety certifying that, in the opinion of the person conducting the course, he has satisfactorily attended and completed the course.

(8) The person in charge of conducting a prescribed course shall, as soon as practicable after completion of the course, forward to the Registrar of Motor Vehicles a copy of a certificate issued under this section in respect of every person who has attended and satisfactorily completed the course pursuant to an order under this section.

5—Section 24 of the Principal Act is amended by omitting from paragraph (b) of subsection (3) all the words after the word “out” and substituting the words “that he was not a person referred to in section 6 (3) or did not, on inquiry made to him by the operator, inform the operator that he was such a person”.

Restrictions on admission of evidence of breath analysis.

6—Section 30 of the Principal Act is amended by omitting from subsection (3) the words “operation of that subsection” and substituting the words “the operation of this section”.

Evidence as to analysis, &c., inadmissible in certain proceedings.

7—Section 31 of the Principal Act is amended by omitting from paragraph (g) the word “prescribing” and substituting the word “prescribe”.

Regulations.

8—After section 36 of the *Traffic Act 1925* the following section is inserted:—

Amendment of *Traffic Act 1925*.

36A—(1) Subject to subsection (2), a person in respect of whom an order is made under section 18 of the *Road Safety (Alcohol and Drugs) Act 1970* requiring that person to attend a prescribed course is not entitled to obtain or hold a learner’s licence or an authority to drive (within the meaning of that section) until the Registrar of Motor Vehicles has in his possession a copy of a certificate issued under that section.

Restriction placed on re-issue of certain licences.

(2) Nothing in subsection (1) prejudices the granting of a restricted licence in accordance with section 36 to a person to whom section 18 of the *Road Safety (Alcohol and Drugs) Act* 1970 applies.