

Legislative Council—No 27

As introduced and read a first time, 30 May 2007

South Australia

**Motor Vehicles (Drug Testing of Learner Drivers)
Amendment Bill 2007**

A BILL FOR

An Act to amend the *Motor Vehicles Act 1959*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Motor Vehicles (Drug Testing of Learner Drivers) Amendment Act 2007*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 5—Interpretation

(1) Section 5(1)—after the definition of *District Court* insert:

15 *drug testing certificate* means a certificate signed by a legally qualified medical practitioner certifying—

- (a) that, on a date specified in the certificate, a person named in the certificate submitted to a test, conducted in a manner prescribed by regulation, to determine whether a prescribed drug was present in the person's blood or oral fluid; and
- 20 (b) the results of that test;

- (2) Section 5(1)—after the definition of *operator* insert:

oral fluid has the same meaning as in the *Road Traffic Act 1961*;

- (3) Section 5(1)—after the definition of *prescribed conditions* insert:

prescribed drug has the same meaning as in the *Road Traffic Act 1961*;

5 **5—Amendment of section 72A—Qualified supervising drivers**

Section 72A(4), definitions of *oral fluid* and *prescribed drug*—delete the definitions of *oral fluid* and *prescribed drug*

6—Amendment of section 75A—Learner's permit

- (1) Section 75A(1)(b)—delete paragraph (b) and substitute:

- 10 (b) forwards with the application—
- (i) the prescribed fee; and
 - (ii) a drug testing certificate certifying that the person—
 - (A) submitted to a test on a date not more than 1 month before the date of the application; and
 - 15 (B) recorded a negative test result in that test; and

- (2) Section 75A(3a), definitions of *oral fluid* and *prescribed drug*—delete the definitions of *oral fluid* and *prescribed drug*

7—Amendment of section 79A—Driving experience

Section 79A(1)(a)—after subparagraph (ii) insert:

- 20 (iia) produces to the Registrar drug testing certificates which, taken together, certify that the applicant has—
- (A) submitted to tests, at intervals of not more than 5 weeks, during the period of 6 months immediately preceding the date of the application; and
 - 25 (B) recorded a negative test result in each such test; and

8—Amendment of section 81A—Provisional licences

Section 81A(a1), definitions of *oral fluid* and *prescribed drug*—delete the definitions of *oral fluid* and *prescribed drug*

9—Amendment of section 81AB—Probationary licences

- 30 Section 81AB(7), definitions of *oral fluid* and *prescribed drug*—delete the definitions of *oral fluid* and *prescribed drug*

10—Insertion of section 135AA

After section 135 insert:

135AA—Offences relating to drug testing certificates

- 5
- (1) A legally qualified medical practitioner who makes a false or misleading statement in a drug testing certificate given or made under or for the purposes of this Act, is guilty of an offence.
Maximum penalty: \$2 500 or imprisonment for 6 months.
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- (2) A person who, not being a legally qualified medical practitioner, signs any document purporting to be a drug testing certificate given or made under or for the purposes of this Act in which the person describes himself or herself as, or pretends to be, such a medical practitioner or otherwise purports to act in the capacity of such a medical practitioner is guilty of an offence.
Maximum penalty: \$2 500 or imprisonment for 6 months.