

**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**

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

#### **5    2—Commencement**

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

#### **3—Amendment provisions**

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

### **10   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:

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

- 15     (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
- (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—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:

(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

(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:

(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

(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**

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**

- (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.

(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.