

Legislative Council—No 64

As introduced and read a first time, 9 September 2020

South Australia

**Road Traffic (Drug Screening) Amendment
Bill 2020**

A BILL FOR

An Act to amend the *Road Traffic Act 1961*.

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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 *Road Traffic (Drug Screening) Amendment Act 2020*.

2—Amendment provisions

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 *Road Traffic Act 1961*

3—Amendment of section 47IAA—Power of police to impose immediate licence disqualification or suspension

Section 47IAA(1)—after paragraph (b) insert:

- (ba) an offence against section 47BA;

4—Amendment of Schedule 1—Oral fluid and blood sample processes

- (1) Schedule 1, clause 8(1)—delete "subclause (2)(a)(ii)" and substitute:

subclause (2)(b)

- (2) Schedule 1, clause 8(2)—delete subclause (2) and substitute:

- (2) The results of a drug screening test, oral fluid analysis or blood test under Part 3 Division 5, an admission or statement made by a person relating to such a drug screening test, oral fluid analysis or blood test, or any evidence taken in proceedings relating to such a drug screening test, oral fluid analysis or blood test (or transcript of such evidence) will not be admissible in evidence against the person who submitted to the drug screening test, oral fluid analysis or blood test in any proceedings other than—

- (a) proceedings for—

- (i) an offence against this Act; or

- (ii) an offence against the *Motor Vehicles Act 1959*; or
 - (iii) a driving-related offence; or
 - (iv) an offence against the *Controlled Substances Act 1984*; or
- 5 (b) if the test or analysis occurred in connection with the person's involvement in an accident—civil proceedings in connection with death or bodily injury caused by or arising out of the use of a motor vehicle involved in the accident
- 10 (including proceedings under section 116 or 124A of the *Motor Vehicles Act 1959* for the recovery from the person of money paid or costs incurred by the nominal defendant or an insurer).