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Road Safety Act 1986

ORDER DECLARING LAWS OF OTHER STATES AND TERRITORIES TO BE CORRESPONDING LAWS

I, Tim Pallas, Minister for Roads and Ports, make the following Order under section 47A(2) of the **Road Safety Act 1986**.

1. Purpose

The purpose of this Order is to declare drink-driving and drug-driving laws of other States and Territories to be corresponding laws for the purpose of Part 5 of the **Road Safety Act 1986**.

Notes: Section 48(2) of the **Road Safety Act 1986** establishes when a drink-driving or drug-driving offence is a "subsequent offence" for the purposes of Part 5 of that Act. This includes where the person has already been convicted or found guilty of an offence against any "corresponding law" (section 48(2)(e)). Higher financial penalties and disqualification periods apply for these subsequent offences, and for some subsequent offences terms of imprisonment may be imposed. In addition, where a person has been disqualified from driving as the result of a subsequent drink-driving offence an alcohol interlock condition may be required.

Section 47A of the **Road Safety Act 1986** defines "corresponding law" as being a law of another State or Territory that the Minister declares, by Order published in the Government Gazette, to be a corresponding law for the purposes of Part 5 of that Act.

2. Declaration of Corresponding Laws

The laws set out in column 1 of each of the Schedules to this Order are declared to be corresponding laws for the purposes of Part 5 of the **Road Safety Act 1986**.

3. Additional Information

The information set out in column 2 of each of the Schedules to this Order is provided for information only, and does not extend, limit or otherwise affect the operation of this Order.

Dated 11 July 2007

TIM PALLAS MP
Minister for Roads and Ports

SPECIAL

Schedule 1

Corresponding laws of New South Wales

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
<p>The following provisions of the Road Transport (Safety and Traffic Management) Act 1999 –</p> <p>(a) Division 1 of Part 2; and</p> <p>(b) Division 1A of Part 2; and</p> <p>(c) Division 2 of Part 2; and</p> <p>(d) Division 3 of Part 2; and</p>	<p>Division 1 of Part 2 contains a number of offence provisions involving prescribed concentrations of alcohol in blood or on breath, including –</p> <ul style="list-style-type: none"> ● Section 9(1A): Drive with more than prescribed concentration of alcohol in blood if holder of a learner licence; and ● Section 9(2): Drive with more than low range concentration of alcohol in blood; and ● Section 9(3): Drive with more than middle range concentration of alcohol in blood; and ● Section 9(4): Drive with more than high range concentration of alcohol in blood. <p>Division 1A of Part 2 contains offence provisions involving certain drugs (other than alcohol) in oral fluid, blood or urine, including –</p> <ul style="list-style-type: none"> ● Section 11B(1): Drive with a prescribed illicit drug present in one's oral fluid, blood or urine; and ● Section 11B(3): Drive with morphine or cocaine present in bloodstream. <p>Division 2 of Part 2 contains the following offence provision –</p> <ul style="list-style-type: none"> ● Section 12: Driving under the influence of alcohol and other drugs. <p>Division 3 of Part 2 contains a number of offence provisions concerning breath testing and breath analysis, including –</p> <ul style="list-style-type: none"> ● Section 13(2): Refuse preliminary breath test; and ● Section 13(5): Refuse to stop at a preliminary breath testing station; and ● Section 15(4): Refuse breath analysis when arrested; and ● Section 16: Wilful alteration of blood concentration for breath test or breath analysis.

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
(e) Division 3A of Part 2; and	Division 3A of Part 2 contains offence provisions regarding random oral fluid testing for prescribed illicit drugs, including – <ul style="list-style-type: none"> ● Section 18B(2): Refuse oral fluid test; and ● Section 18C(1): Refuse to undergo oral fluid test.
(f) Division 4 of Part 2; and	Division 4 of Part 2 contains the following offence provision – <ul style="list-style-type: none"> ● Section 22: Hinder or obstruct health professional from taking blood sample.
(g) Division 5 of Part 2.	Division 5 of Part 2 contains a number of offence provisions concerning sobriety assessments and related drug analysis, including – <ul style="list-style-type: none"> ● Section 29(1): Refuse to submit sample for assessment; and ● Section 29(2): Refuse to provide blood or urine sample; and ● Section 29(7): Hinder the collection of a sample.

Schedule 2**Corresponding laws of Queensland**

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
Part 3 of Chapter 5 of the Transport Operations (Road Use Management) Act 1995	Part 3 of Chapter 5 contains a number of offence provisions including – <ul style="list-style-type: none"> ● Section 79(1): Drive under the influence of liquor or a drug; and ● Section 79(2), (2A), (2B) and (2J): Drive with more than the prescribed concentration of alcohol in blood; and ● Section 80(11): Fail to provide breath or blood specimen; and ● Section 80A: Obstruct taking of a blood sample.

Schedule 3**Corresponding laws of Western Australia**

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
Division 2 of Part V of the Road Traffic Act 1974	<p>Division 2 of Part V contains a number of offence provisions including –</p> <ul style="list-style-type: none"> ● Section 63(1): Drive under influence of alcohol and/or drugs; and ● Sections 64(1), 64A(1) and 64AA(1): Drive with more than prescribed concentration of alcohol in blood; and ● Section 67(2): Refuse to co-operate in testing procedures; and ● Section 67A(1): Fail to comply with requirements made by a member of the Police Force.

Schedule 4**Corresponding laws of South Australia**

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
Division 5 of Part 3 of the Road Traffic Act 1961	<p>Division 5 of Part 3 contains a number of offence provisions, including –</p> <ul style="list-style-type: none"> ● Section 47(1): Drive under the influence of liquor or drugs; and ● Section 47B(1): Drive with more than the prescribed concentration of alcohol in blood or breath; and ● Section 47BA(1): Drive with prescribed drug in oral fluid or blood; and ● Section 47E(3): Refuse to provide breath or blood sample for alcohol test; and ● Section 47EAA(9): Fail to comply with police request for blood sample or oral fluid for drug test; and ● Section 47EAB(4): Fail to comply with police request to leave motor vehicle; and ● Section 47I(14): Fail to comply with compulsory blood test when attending a hospital as a result of a car accident.

Schedule 5

Corresponding laws of Tasmania

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
<p>The following provisions of the Road Safety (Alcohol and Drugs) Act 1970 –</p> <p>(a) Division 1 of Part II; and</p> <p>(b) Division 2 of Part II.</p>	<p>Division 1 of Part II contains a number of offence provisions including –</p> <ul style="list-style-type: none"> ● Section 4: Drive under the influence of liquor or a drug; and ● Section 6: Drive with more than the prescribed concentration of alcohol in blood or breath; and ● Section 6A: Drive with prescribed illicit drug in blood; and ● Section 7: Drive and consume alcohol. <p>Division 2 of Part II contains a number of offence provisions related to the collection of samples, including –</p> <ul style="list-style-type: none"> ● Section 14: Refuse to co-operate in testing procedures.

Schedule 6

Corresponding laws of Australian Capital Territory

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
<p>Part 3 of the Road Transport (Alcohol and Drugs) Act 1977</p>	<p>Part 3 contains a number of offence provisions including –</p> <ul style="list-style-type: none"> ● Section 19(1): Drive with more than the prescribed concentration of alcohol in blood or breath; and ● Section 22: Refuse to provide breath sample; and ● Section 23(1): Refuse blood test; and ● Section 23(3): Refuse to provide bodily sample; and ● Sections 24 and 24A: Drive under the influence of liquor or a drug.

Schedule 7

Corresponding laws of Northern Territory

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
Part 5 of the Traffic Act 1995	Part 5 contains a number of offence provisions including – <ul style="list-style-type: none"> ● Section 19(1): Drive under influence of intoxicating liquor or drugs; and ● Section 19(2), (4), (6), (7) and (8): Drive with more than prescribed concentration of alcohol in blood; and ● Section 20(1): Refuse to provide breath test; and ● Section 20(3): Refuse to provide blood sample; and ● Section 23(2A): Refuse to stop at breath testing station.

Note: Previous relevant instruments:

- Order made by the Minister for Transport on 8 June 1988 titled “Order declaring laws of other States and Territories to be corresponding laws” and published in the Victoria Government Gazette No. G 22 on 15 June 1988, p. 1766.
- Order made by the Minister for Roads and Ports on 18 April 1996 titled “Order declaring laws of other States and Territories to be corresponding laws” and published in the Victoria Government Gazette No. G 17 on 2 May 1996, p. 1058.

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Level 2 1 Macarthur Street
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