



Victoria Government Gazette

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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:

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: Part 5 of the **Road Safety Act 1986** sets out a range of drink-driving and drug-driving offences. Section 48(2) of the **Road Safety Act 1986** establishes when a drink-driving or drug-driving offence is a subsequent offence and/or a second offence for the purposes of Part 5 of that Act. Higher penalties may be imposed for subsequent offences and second offences.

The circumstance where a drink-driving or drug-driving offence will be a subsequent offence and/or a second offence include where the person has already been convicted or found guilty of an offence against any corresponding law (section 48(2)(e)).

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. Authorising Provision

This Order is made under section 47A(2) of the **Road Safety Act 1986**.

3. Revocation

The Order titled 'Order declaring laws of other States and Territories to be corresponding laws' published in the Victoria Government Gazette (Special Gazette No. S 175) on 20 July 2007 is revoked.

4. 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**.

5. 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 6 March 2008

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 1AA 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 1AA of Part 2 contains a number of offence provisions involving prescribed concentrations of alcohol in blood, including –</p> <ul style="list-style-type: none"> ● Section 9: Drive with more than prescribed 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 blood or urine. <p>Division 2 of Part 2 contains the following offence provision –</p> <ul style="list-style-type: none"> ● Section 12: Drive while under the influence of alcohol or any other drug. <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 to undergo breath test; and ● Section 13(5): Refuse to stop for breath test when signalled by police; and ● Section 15(4): Refuse to undergo breath analysis following arrest; and

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
(e) Division 3A of Part 2 (excluding sections 18G(4), 18G(6), 18G(7) and 18H); and	<ul style="list-style-type: none"> ● Section 16: Wilful alteration of blood concentration prior to breath test or breath analysis. <p>Division 3A of Part 2 contains offence provisions regarding random oral fluid testing and blood analysis for prescribed illicit drugs, including—</p> <ul style="list-style-type: none"> ● Section 18B(2): Refuse oral fluid test; and ● Section 18B(5): Refuse to stop for oral fluid test when signalled by police; and ● Section 18D(2): Refuse to provide oral fluid sample following arrest; and ● Section 18E(9): Refuse to provide blood sample for illicit drug analysis following arrest; and ● Section 18G(1): Wilful alteration of blood or oral fluid concentration prior to oral fluid test or blood analysis.
(f) Division 4 of Part 2 (excluding sections 21(1), 22(1), 22(3) and 23); and	<p>Division 4 of Part 2 contains the following offence provision –</p> <ul style="list-style-type: none"> ● Section 22(2): Prevent health professional from taking blood sample or wilfully alter blood alcohol concentration prior to taking of blood sample.
(g) Division 4A of Part 2 (excluding sections 24D(4) and 24D(6)); and	<p>Division 4A of Part 2 contains the following offence provision –</p> <ul style="list-style-type: none"> ● Section 24D(1): Refuse to provide blood or urine sample or wilfully alter concentration of a drug in blood or urine after fatal accident.
(h) Division 5 of Part 2 (excluding sections 27(2A), 27(2B), 29(5) and 29(7)).	<p>Division 5 of Part 2 contains a number of offence provisions concerning sobriety assessments and related drug analysis, including –</p> <ul style="list-style-type: none"> ● Section 29(1): Refuse to submit to a sobriety assessment; and

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
<p>Part 3 of the Traffic Act 1909, as in force prior to 1 December 1999 (excluding sections 4F(4), 4F(6), 4F(7A), 5(1), 5(1B), 5(1C), 5AC(6), 5AC(8), 6, 6B, 7A, 7B, 7C, 8, 8A, 8B, 8C, 9, 10, 10AA and 10C)</p>	<ul style="list-style-type: none"> ● Section 29(2): Refuse to provide blood or urine sample or wilfully alter the concentration of a drug in the person's blood or urine. <p>Part 3 contained a number of offence provisions, including –</p> <ul style="list-style-type: none"> ● Sections 4E(1D), (1E), (1F) and (1G): Drive with more than prescribed concentration of alcohol in blood; and ● Section 4E(2B): Refuse to stop vehicle for breath test; and ● Section 4E(6): Refuse to undergo breath test; and ● Section 4E(7): Refuse to undergo breath test or wilfully alter concentration of alcohol in the person's blood; and ● Sections 4F(7): Refuse to provide blood sample after accident or wilfully alter concentration of alcohol in the person's blood; and ● Section 5(2): Drive while under the influence of alcohol or any other drug; and ● Section 5AC(1): Refuse to submit to drug assessment; and ● Section 5AC(2): Refuse to provide blood or urine sample for drug assessment or wilfully alter the amount of a drug in the person's blood or urine.

Schedule 2
Corresponding laws of Queensland

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
<p>Part 3 of Chapter 5 of the Transport Operations (Road Use Management) Act 1995 (excluding sections 78, 79(2D), 79(7), 80A, 83, 84, 85 and 87)</p> <p>Section 60 of the Police Powers and Responsibilities Act 2000</p>	<p>Part 3 of Chapter 5 contains a number of offence provisions, including –</p> <ul style="list-style-type: none"> ● Section 79(1): Drive under the influence of liquor or a drug; and ● Sections 79(2), (2A), (2B) and (2J): Drive with more than the prescribed concentration of alcohol in blood or breath; and ● Section 79(2AA): Drive while relevant drug present in blood or saliva; and ● Section 80(5A): Fail to provide specimen for breath test or saliva test; and ● Section 80(11): Fail to provide breath, saliva or blood specimen. <p>● Section 60: Fail to stop vehicle for breath test or saliva test when signalled by police.</p>
<p>Part 3 of the Traffic Act 1949, as in force prior to 1 December 1999 (excluding sections 15, 16(2D), 16(7), 17, 18, 19 and 20A(10))</p>	<p>Part 3 contains a number of offence provisions, including –</p> <ul style="list-style-type: none"> ● Section 16(1): Drive while under the influence of liquor or a drug; and ● Sections 16(2), (2A), (2B) and (2J): Drive with prescribed concentration of alcohol in blood; and ● Section 16A(5A): Fail to provide specimen for breath test; and ● Section 16A(11): Fail to provide specimen of breath or blood.

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 (excluding section 71A(2))	Division 2 of Part V contains a number of offence provisions, including — <ul style="list-style-type: none"> ● Section 63(1): Drive under influence of alcohol and/or drugs; and ● Sections 64(1), 64AA(1) and 64A(1): Drive with more than prescribed concentration of alcohol in blood; and ● Section 64AB(1): Drive while impaired by drugs; and ● Section 64AC(1): Drive with illicit drug present in oral fluid or blood; and ● Sections 67(2), 67AA(2) and 67AB(2): Refuse to co-operate in testing procedures; and ● Section 67A(1): Fail to comply with requirement of a member of the Police Force; and ● Section 71B(8): Fail to hand over motor vehicle keys or obstruct a police officer.

Schedule 4
Corresponding laws of South Australia

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
<p>The following provisions of the Road Traffic Act 1961 –</p> <p>(a) Division 2 of Part 3; and</p> <p>(b) Division 5 of Part 3 (excluding section 47IA(2)).</p>	<p>Division 2 of Part 3 contains the following offence provision –</p> <ul style="list-style-type: none"> ● Section 43(1): Fail to submit to blood or oral fluid test. <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; 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 analysis; and ● Section 47EAA(9): Fail to submit to drug screening test, oral fluid analysis, blood test, or an associated direction of a police officer; 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 (excluding section 7); 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. <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
Part 3 of the Road Transport (Alcohol and Drugs) Act 1977 (excluding section 24A(1))	Part 3 contains a number of offence provisions, including – <ul style="list-style-type: none">● Section 19(1): Drive with more than the prescribed concentration of alcohol in blood; and● Section 22: Refuse to provide breath sample; and● Section 23(1): Refuse blood test; and● Section 23(2): Refuse to provide blood sample; and● Section 23(3): Refuse to undergo medical examination or to provide bodily sample; and● Section 24(1): 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	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 ● Sections 19(2), (4), (6), (7) and (8): Drive with more than prescribed concentration of alcohol in blood; and ● Section 20(1): Refuse to submit to breath test; and ● Section 20(3): Refuse to provide blood sample; and ● Section 23(2A): Refuse to stop vehicle for breath test.

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.
- Order made by the Minister for Roads and Ports on 11 July 2007 titled ‘Order declaring laws of other States and Territories to be corresponding laws’ and published in the Victoria Government Gazette (Special Gazette No. S 175) on 20 July 2007, p. 1.

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