



Victoria Government Gazette

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Road Safety Act 1986

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

I, Terry Mulder, Minister for Roads, 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: 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47A of the **Road Safety Act 1986** defines corresponding law as being a law of another State or Territory, including a repealed or expired law, that the Minister declares, by Order published in the Government Gazette, to be a corresponding law for the purposes of Part 5 of that Act.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. Commencement

This Order comes into operation on the date on which it is published in the Victoria Government Gazette.

4. Revocation

The Order entitled 'Order declaring laws of other States and Territories to be corresponding laws' published in the Victoria Government Gazette (Special Gazette No. S 24) on 25 January 2013 is revoked.

5. Declaration of Corresponding Laws

The laws set out in column 1 of Schedules 1 to 7 to this Order are declared to be corresponding laws for the purposes of Part 5 of the **Road Safety Act 1986**.

6. Additional Information

The information set out in column 2 of Schedules 1 to 7 to this Order is provided for information only, and does not extend, limit or otherwise affect the operation of this Order.

Dated 11 September 2013

TERRY MULDER MP
Minister for Roads

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 Act 2013 –</p> <p>Chapter 5, Part 5.1, Division 2</p> <p>Schedule 3, Part 2, Division 2</p> <p>Schedule 3, Part 2, Division 3</p>	<p>Chapter 5 and Schedule 3 contain offence provisions concerning alcohol and drugs and testing for the presence of alcohol or drugs in breath, blood, oral fluid or urine, including –</p> <ul style="list-style-type: none"> ● Sections 110(1)(a) and (b), (2)(a) and (b), (3)(a) and (b), (4)(a) and (b) and (5)(a) and (b): <div style="padding-left: 20px;">Drive, or occupy driving seat of motor vehicle and attempt to put motor vehicle in motion with prescribed concentration of alcohol in breath or blood; and</div> ● Sections 111(1)(a) and (b) and (3)(a) and (b): <div style="padding-left: 20px;">Drive or occupy driving seat of motor vehicle and attempt to put motor vehicle in motion with prescribed illicit drug in oral fluid, blood or urine or morphine or cocaine in blood or urine; and</div> ● Sections 112(1)(a) and (b): <div style="padding-left: 20px;">Drive vehicle, or occupy driving seat of vehicle and attempt to put vehicle in motion while under the influence of alcohol or any other drug.</div> ● Clause 3(4): <div style="padding-left: 20px;">Fail to comply with request or signal of police officer to stop vehicle to undergo a random breath test.</div> ● Clause 6(3): <div style="padding-left: 20px;">Fail to comply with request or signal of police officer to stop vehicle to undergo an oral fluid test for prescribed illicit drugs.</div>

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
<p>Schedule 3, Part 2, Division 6 (excluding sections 19 and 20)</p> <p>The following provisions of the Road Transport (Safety and Traffic Management) Act 1999 as in force prior to 1 July 2013 –</p> <p>(a) Division 1AA of Part 2; and</p> <p>(b) Division 1A of Part 2; and</p>	<ul style="list-style-type: none"> ● Clauses 16(1)(a) and (b): Refuse or fail to comply with requirement of police officer to submit to a breath test or breath analysis under Division 2; and ● Clause 16(1)(c): Refuse or fail to comply with requirement of police officer to submit to an oral fluid test under Division 3; and ● Clause 16(1)(d): Refuse or fail to comply with requirement of police officer to submit to a sobriety assessment under Division 5; and ● Clause 17(1): Refuse or fail to comply with direction of police officer to submit to taking of a blood sample or provide an oral fluid sample or urine sample under Part 2; and ● Clause 17(2): Prevent sample taker from taking blood sample under clause 11; and ● Clause 18(1): Wilfully alter concentration of alcohol in blood or breath or introduce or alter amount of a prescribed illicit drug in person's oral fluid, blood or urine. <p>Division 1AA of Part 2 contains a number of offence provisions involving driving with prescribed concentrations of alcohol in blood, including –</p> <ul style="list-style-type: none"> ● Sections 9(1A), (1), (2), (3) and (4): Drive motor vehicle with 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 motor vehicle with a prescribed illicit drug present in one's oral fluid, blood or urine; and ● Section 11B(3): Drive motor vehicle with morphine or cocaine present in blood or urine.

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
(c) Division 2 of Part 2; and	Division 2 of Part 2 contains the following offence provision – <ul style="list-style-type: none"> ● Section 12(1): Drive motor vehicle while under the influence of alcohol or any other drug.
(d) Division 3 of Part 2; and	Division 3 of Part 2 contains a number of offence provisions concerning breath testing and breath analysis, including – <ul style="list-style-type: none"> ● Section 13(2): Refuse or fail to undergo breath test; and ● Section 13(5): Fail to comply with request of police officer to stop for breath test; and ● Section 15(4): Refuse to undergo breath analysis following arrest; and ● Section 16: Wilfully alter blood alcohol concentration prior to breath test or breath analysis.
(e) Division 3A of Part 2 (excluding sections 18G(4), 18G(6), 18G(7) and 18H); and	Division 3A of Part 2 contains offence provisions regarding random oral fluid testing and blood analysis for prescribed illicit drugs, including – <ul style="list-style-type: none"> ● Section 18B(2): Refuse oral fluid test for prescribed illicit drug; and ● Section 18B(5): Fail to comply with request of police officer to stop for oral fluid test; 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): Wilfully alter blood or oral fluid concentration of prescribed illicit drug 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	Division 4 of Part 2 contains the following offence provision – <ul style="list-style-type: none"> ● Section 22(2): After accident, prevent health professional from taking blood sample or wilfully alter blood alcohol concentration prior to taking of blood sample.

Column 1 Corresponding Laws	Column 2 Summary of corresponding laws
<p>(g) Division 4A of Part 2 (excluding sections 24D(4) and 24D(6)); and</p> <p>(h) Division 5 of Part 2 (excluding sections 27(2A), 27(2B), 29(5) and 29(7)).</p> <p>Part 3 of the Traffic Act 1909, as in force prior to 1 December 1999 (excluding sections 4, 4AA, 4A, 4AD, 4AE, 4B, 4BA, 4D, 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>	<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. <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 ● Section 29(2): Refuse to provide blood or urine sample or wilfully introduce or 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): Fail to stop vehicle at request of police officer for breath test; and ● Section 4E(6): Refuse to undergo breath test; and ● Section 4E(7): Refuse to undergo breath analysis or wilfully alter concentration of alcohol in the person’s blood before breath test or breath analysis; and ● Sections 4F(7): Prevent medical professional from taking blood sample after accident or wilfully alter concentration of alcohol in the person’s blood before blood sample taken; and ● Section 5(2): Drive vehicle 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 introduce or 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 to the extent that the offence provisions in that Part apply to a motor vehicle or a motor bike (excluding sections 78(1), 78(5), 79(2D), 79(7), 80A(1), 83, 84(1), 84(2), 85(1), 85(5) and 87(10))</p> <p>Section 60 of the Police Powers and Responsibilities Act 2000</p> <p>Section 328A(2) of the Criminal Code Act 1899</p> <p>Section 328A(4) of the Criminal Code Act 1899</p> <p>Part 3 of the Traffic Act 1949, as in force prior to 1 December 1999 (excluding sections 15(1), 15(2), 16(2D), 16(7), 17, 18, 19 and 20A(10))</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(1F), (2), (2A), (2B), (2J), (2K) and (2L): Drive motor vehicle or motor bike while over the prescribed alcohol limit in blood or breath; and • Section 79(2AA): Drive motor vehicle 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. • Section 60(2): Fail to stop vehicle for breath test or saliva test when signalled by police. • Section 328A(2)(a): Operate, or interfere with operation of, a vehicle dangerously while adversely affected by an intoxicating substance. • Section 328A(4)(b)(i): Operate, or interfere with operation of, a vehicle dangerously and cause death or bodily harm to another person while adversely affected by an intoxicating substance. <p>Part 3 contains a number of offence provisions, including –</p> <ul style="list-style-type: none"> • Section 16(1): Drive motor vehicle while under the influence of liquor or a drug; and • Sections 16(2), (2A), (2B) and (2J): Drive motor vehicle 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 for analysis or laboratory test.

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))	<p>Division 2 of Part V contains a number of offence provisions, including –</p> <ul style="list-style-type: none"> • Section 63(1): Drive motor vehicle while under influence of alcohol and/or drugs; and • Sections 64(1), 64AA(1) and 64A(1): Drive motor vehicle with more than prescribed concentration of alcohol in blood; and • Section 64AAA(1) and (2): Drive motor vehicle with any alcohol content in blood – certain persons; and • Section 64AB(1): Drive motor vehicle while impaired by drugs; and • Section 64AC(1): Drive motor vehicle with illicit drug present in oral fluid or blood; and • Sections 67(2), 67AA(2) and 67AB(2): Fail to comply with requirement to undergo driver assessment or fail to comply with requirement to provide breath, blood, oral fluid or urine sample for analysis; and • Section 67A(1): Fail to comply with requirement of a member of the Police Force to undergo breath or oral fluid test or submit sample of breath, oral fluid, blood or urine for analysis.

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 after accident. <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 the prescribed concentration of alcohol in blood; and ● Section 47BA(1): Drive with prescribed drug in oral fluid or blood; and ● Section 47E(2a): Fail to comply with direction to stop motor vehicle to facilitate alcotest or breath analysis; and ● Section 47E(3): Refuse to provide breath sample for analysis; and ● Section 47EAA(4): Fail to comply with direction for drug screening test, oral fluid analysis or blood test; 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 (excluding section 14(1B) and (1C)).</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 • Sections 6(1) and (2): Drive with more than the prescribed concentration of alcohol in blood or breath; and • Section 6A(1): 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"> • Sections 14(1), (1A), (2), (3), (4), (5), (6) and (7): Fail to comply with requirements for testing for alcohol or drug in breath, oral fluid or blood and 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))	<p>Part 3 contains a number of offence provisions, including –</p> <ul style="list-style-type: none"> ● Section 19(1): Have prescribed concentration of alcohol in blood or breath in the relevant period after being the driver of a motor vehicle; and ● Section 20(1): Drive motor vehicle with prescribed drug in oral fluid or blood; and ● Section 22: Refuse to provide breath sample; and ● Section 22A(2): Refuse to provide sample of oral fluid for analysis on direction of police officer; and ● Section 22B(1): Fail to undergo drug screening test or remain at place where test being carried out; and ● Section 23(1): Refuse to permit blood sample to be taken; and ● Section 23(2): Behave so as to make taking blood sample impossible or impractical; and ● Section 23(3): Refuse to undergo medical examination or to provide bodily sample; and ● Section 24(1): Drive motor vehicle 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
<p>Divisions 1 to 5 of Part 5 of the Traffic Act (excluding section 26) as in force from the date of commencement of the Transport Legislation (Drug Driving) Amendment Act 2008 on 1 July 2008</p>	<p>Part 5 contains a number of offence provisions, including –</p> <ul style="list-style-type: none"> ● Section 21(1): Drive motor vehicle with high range breath or blood alcohol content; and ● Section 22(1): Drive motor vehicle with medium range breath or blood alcohol content; and ● Section 23(1): Drive motor vehicle with low range breath or blood alcohol content; and ● Section 24(2): Certain classes of drivers drive motor vehicle with any breath or blood alcohol content; and ● Section 25(3): Certain classes of drivers drive motor vehicle with any breath or blood alcohol content; and ● Section 28(1): Drive motor vehicle with prohibited drug in blood; and ● Section 29AAA(1): Drive under influence of alcohol or drug so as to be incapable of driving; and ● Section 29AAB(2): Fail to comply with direction to pull over for breath or drug test; and ● Section 29AAE(1): Fail to submit to breath analysis; and ● Section 29AAH(1): Fail to provide sample.
<p>Part 5 of the Traffic Act as in force immediately before the commencement of the Transport Legislation (Drug Driving) Amendment Act 2008 on 1 July 2008</p>	<p>Part 5 contained a number of offence provisions, including –</p> <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.
 - Order made by the Minister for Roads and Ports on 6 March 2008 entitled ‘Order declaring laws of other States and Territories to be corresponding laws’ published in the Victoria Government Gazette (Special Gazette No. S 61) on 11 March 2008, p. 1.
 - Order made by the Minister for Roads on 22 January 2013 entitled ‘Order declaring laws of other States and Territories to be corresponding laws’ published in the Victoria Government Gazette (Special Gazette No. S 24) on 25 January 2013, p. 1.
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