

Serial 121
Traffic Legislation Amendment Bill 2024
Mr Turner

A Bill for an Act to amend the *Traffic Act 1987* and the *Traffic Regulations 1999*

NORTHERN TERRITORY OF AUSTRALIA

TRAFFIC LEGISLATION AMENDMENT ACT 2024

Act No. [] of 2024

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2024

An Act to amend the *Traffic Act 1987* and the *Traffic Regulations 1999*

[Assented to [] 2024]
[Introduced [] 2024]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Traffic Legislation Amendment Act 2024*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

Part 2 Amendment of Traffic Act 1987

3 Act amended

This Part amends the *Traffic Act 1987*.

4 Section 3 amended (Interpretation)

Section 3(1), definition ***prohibited drug***

omit

19A.

insert

19(1).

5 Section 19 amended (Interpretation)

Section 19(1), definition ***prohibited drug***

omit, insert

prohibited drug means a drug prescribed by regulation as a prohibited drug.

6 Section 19A repealed (Prohibited drug)

Section 19A

repeal

7 Section 28 amended (Driving with certain drugs in body)

After section 28(3)

insert

(3A) It is a defence to a prosecution for an offence against subsection (1) if the defendant satisfies the court that:

- (a) the defendant was, at the time of the alleged offence, under treatment by a medical practitioner and took the drug as part of that treatment; and
- (b) the defendant took the drug in accordance with the directions of the medical practitioner.

8 Section 29 repealed (Defence for certain drugs)

Section 29

repeal

9 Part XI inserted

After section 63

insert

Part XI Transitional matters for Traffic Legislation Amendment Act 2024**64 Application of amended provision**

- (1) Section 28(3A) also applies in relation to an offence committed before the commencement if proceedings in relation to that offence had not been finalised before the commencement.
- (2) In this section:

commencement means the commencement of section 7 of the *Traffic Legislation Amendment Act 2024*.

Part 3 Amendment of Traffic Regulations 1999**10 Regulations amended**

This Part amends the *Traffic Regulations 1999*.

11 Regulation 55A replaced

Regulation 55A

repeal, insert

55A Prohibited drugs

For section 19(1) of the Act, definition **prohibited drug**, the drugs specified in Schedule 1A are prohibited drugs.

12 Regulation 55B amended (Licence suspension for up to 24 hours)

- (1) Regulation 55B(a) and (b)

omit, insert

- (a) a saliva test gave a positive indication of the presence of:
 - (i) morphine and the person denies consuming morphine;
or

- (ii) a prohibited drug and the person satisfies the police officer that:
 - (A) the person is under treatment by a medical practitioner and took the drug as part of that treatment; and
 - (B) the person took the drug in accordance with the directions of the medical practitioner; and
 - (b) the saliva test did not give a positive indication of the presence of any prohibited drug other than a drug in relation to which paragraph (a)(i) or (ii) applies; and
- (2) Regulation 55B, note, after "Note"
- insert*
- for paragraph (a)(i)*

13 Schedule 1A amended (Drugs prescribed for section 19A of Act)

- (1) Schedule 1A, heading
- omit, insert*

Schedule 1A Prohibited drugs

regulation 55A

- (2) Schedule 1A
- omit*

Part A

The following drugs are prescribed for section 19A(a) of the Act:

- (3) Schedule 1A
- omit*

Part B

The following drugs are prescribed for section 19A(b) of the Act:

Part 4 Repeal of Act

14 Repeal of Act

This Act is repealed on the day after it commences.