

Explanatory Statement

Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026

SERIAL NO. 76
LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

MINISTER FOR LOGISTICS AND INFRASTRUCTURE

GENERAL OUTLINE

This Bill amends the *Traffic Act 1987* and *Traffic Regulations 1999*.

The purpose of this Bill is to provide the Northern Territory Police Force with enhanced capability and enforcement practices as they relate to drink and drug driving and hoon behaviour.

NOTES ON CLAUSES

Clause 1. Short Title

This is a formal clause which provides for the citation of the Bill. The Bill when passed will be cited as the *Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Act 2026*.

Clause 2. Commencement

This clause sets out how the amendment Act will be commenced. In this case this will be done by notice given by the Administrator in the Northern Territory Government Gazette.

Clause 3. Act amended

This is a formal clause that provides amendment to the *Traffic Act 1987* (the Act).

Clause 4. Section 3 amended (Interpretation)

This clause amends section 3 to include a definition of passive breath test and reference to several new definitions defined elsewhere in the Act.

This definition of passive breath test is included to allow Northern Territory Police Force to conduct an additional breath test without a single use plastic straw and packaging to gain an appreciation if there is alcohol on that person's breath and will be referenced in various sections in the Act (see Schedule).

The definition of traffic infringement notice is included to provide clarity.

Clause 5. Section 19 amended (Interpretation)

This clause clarifies the definition of immediate suspension offences to make clear which offences are immediate suspension offences in which an immediate suspension notice under section 29AN applies. The definition includes a note on which sections to refer to.

In addition, this clause removes subsection 19(4) and (5). Section 19(4) is no longer required as the offences to which this relates are sufficient in how they are worded and offences for repeat offender counting are now listed by section number. Section 19(5) is removed and now referenced in Section 29AAA, refer clause 16.

CABINET-IN-CONFIDENCE

Clause 6. Section 19D and Part V, Division 2 heading replaced

This clause repeals section 19D and Part V, Division 2, heading and replaces with a new section 19D and Division 2 heading.

Section 19D is being repealed as this Bill make amendments to specifically reference a law of another jurisdiction or a repealed law that substantially corresponds with the list of previous offences for repeat offender counting under relevant offence provisions. This means this section is no longer needed.

A new section 19D is included 'traffic infringement notice counted as offence' as a tidy up provision so it does not need to be referenced in individual sections as it currently is.

A new Division 2 heading is included as a result of the new combined drink and drug offence. The Act will no longer have separate Divisions for drink driving offences and drug driving offences. They will now be included in the same Division.

Clause 7. Sections 20A and 20B inserted

This clause inserts two new sections into the Act to create a new combined drink and drug driving offence and provide for alternative verdicts.

Section 20A establishes a new combined drink and drug driving offence which elements are the person had a high range breath or blood alcohol content and there is a prohibited drug in the person's body. This offence attracts higher penalties to reflect to additional impairment when a person is under the influence of both alcohol and drugs.

Section 20B establishes alternate verdicts for the new combined drink and drug driving offence so that if only one element can be proven, the person can be found guilty of that relevant offence.

Clause 8. Section 21 amended (High range breath of blood alcohol content)

This clause amends section 21 to list repeat offender counting provisions by section number rather than in narrative form. This amendment is being made to simplify the reading of which offences are relevant as a second or subsequent offence. In addition, this clause ensures that the offences listed for repeat offender counting are categorised based on their penalty.

It also includes recognition of prior findings of guilt from another jurisdiction or repealed law that corresponds to offences mentioned in the section for repeat offender counting.

Clause 9. Section 22 amended (Medium range breath of blood alcohol content)

This clause amends section 22 to list repeat offender counting provisions by section number rather than in narrative form. This amendment is being made to simplify the reading of which offences are relevant as a second or subsequent offence.

It also includes recognition of prior findings of guilt from another jurisdiction or repealed law that corresponds to offences mentioned in the section for repeat offender counting.

Clause 10. Section 23 amended (Low range breath of blood alcohol content)

This clause amends section 23 to list repeat offender counting provisions by section number rather than in narrative form. This amendment is being made to simplify the reading of which offences are relevant as a second or subsequent offence.

The reference to 2007 in section 23(2)(a)(iii) is being removed as it has been redundant for some time. The amendment will ensure that a low range drink driving offence committed within three years of the current offence will still be captured for repeat offender counting.

It also includes recognition of prior findings of guilt from another jurisdiction or repealed law that corresponds to offences mentioned in the section for repeat offender counting.

Clause 11. Section 24 amended (Some drivers to be zero alcohol)

This clause amends section 24 to list repeat offender counting provisions by section number rather than in narrative form. This amendment is being made to simplify the reading of which offences are relevant as a second or subsequent offence.

It also includes recognition of prior findings of guilt from another jurisdiction or repealed law that corresponds to offences mentioned in the section for repeat offender counting.

Clause 12. Section 25 amended (Driver of certain vehicles to be zero alcohol)

This clause amends section 25 to list repeat offender counting provisions by section number rather than in narrative form. This amendment is being made to simplify the reading of which offences are relevant as a second or subsequent offence.

It also includes recognition of prior findings of guilt from another jurisdiction or repealed law that corresponds to offences mentioned in the section for repeat offender counting.

Clause 13. Section 26 amended (Driving Instructor)

This clause amends section 26 to list repeat offender counting provisions by section number rather than in narrative form. This amendment is being made to simplify the reading of which offences are relevant as a second or subsequent offence.

It also includes recognition of prior findings of guilt from another jurisdiction or repealed law that corresponds to offences mentioned in the section for repeat offender counting.

Clause 14. Part V, Division 3 heading and section 27 repeal

This clause omits Part V, Division 3 heading and repeals section 27 due to combining the drink and drug driving Divisions per clause 6. This heading is no longer required, and section 27 is already provided for at current Section 20.

Clause 15. Section 28 amended (Driving with certain drugs in body)

This clause amends section 28 to list repeat offender counting provisions by section number rather than in narrative form. This amendment is being made to simplify the reading of which offences are relevant as a second or subsequent offence.

It also includes recognition of prior findings of guilt from another jurisdiction or repealed law that corresponds to offences mentioned in the section for repeat offender counting.

Clause 16. Section 29AAA amended (Driving under influence)

This clause amends section 29AAA to list repeat offender counting provisions by section number rather than in narrative form. This amendment is being made to simplify the reading of which offences are relevant as a second or subsequent offence.

It also includes recognition of prior findings of guilt from another jurisdiction or repealed law that corresponds to offences mentioned in the section for repeat offender counting.

In addition, this clause includes an amendment to reference words provided for in section 19(5) which will be removed, refer clause 5.

Clause 17. Section 29AAB amended (When police can pull driver over at random)

This clause amends section 29AAB to include the ability for a police officer to pull a person to submit to a passive breath test in addition to a breath test or a saliva as currently provided for.

This clause also makes amendments to list repeat offender counting provisions by section number rather than in narrative form. This amendment is being made to simplify the reading of which offences are relevant as a second or subsequent offence. In addition, this clause ensures that the offences listed for repeat offender counting are categorised based on their penalty.

It also includes recognition of prior findings of guilt from another jurisdiction or repealed law that corresponds to offences mentioned in the section for repeat offender counting.

Clause 18. Section 29AAE amended (Offence of failing to submit to breath analysis)

This clause amends section 29AAE to list repeat offender counting provisions by section number rather than in narrative form. This amendment is being made to simplify the reading of which offences are relevant as a second or subsequent offence. In addition, this clause ensures that the offences listed for repeat offender counting are categorised based on their penalty.

It also includes recognition of prior findings of guilt from another jurisdiction or repealed law that corresponds to offences mentioned in the section for repeat offender counting.

Clause 19. Section 29AAFA amended (Offence of failing to submit to saliva test)

This clause amends section 29AAFA to list repeat offender counting provisions by section number rather than in narrative form. This amendment is being made to simplify the reading of which offences are relevant as a second or subsequent offence.

It also includes recognition of prior findings of guilt from another jurisdiction or repealed law that corresponds to offences mentioned in the section for repeat offender counting.

Clause 20. Section 29AAH amended (Offence of failing to provide blood sample)

This clause amends section 29AAH to list repeat offender counting provisions by section number rather than in narrative form. This amendment is being made to simplify the reading of which offences are relevant as a second or subsequent offence. In addition, this clause ensures that the offences listed for repeat offender counting are categorised based on their penalty.

It also includes recognition of prior findings of guilt from another jurisdiction or repealed law that corresponds to offences mentioned in the section for repeat offender counting.

Clause 21. Section 29AAR amended (Further disqualification for certain drivers)

This clause amends section 29AAR to provide consistency across the Act with listing offences by section number rather than in narrative form and include new section 20A.

Clause 22. Section 29AAV repealed (If witness to be called)

This clause repeals section 29AAV so that a witness whose evidence may be received by way of certificate under section 29AAU can be called to give evidence without notice needing to be provided to ensure their evidence can be received if required.

Clause 23. Part VA heading replaced (Hoon behaviour)

This clause replaces the heading of Part VA 'hoon behaviour' and replaces with 'impounding and forfeiture of vehicles' as the impounding determination provisions will now apply some drink and drug driving provisions, not just hooning offences.

Clause 24. Section 29AA amended (Object of part)

This clause amends the object of the part to include 'high range drink driving' as some impounding provisions will now apply to high range drink driving offences.

Clause 25. Section 29AB amended (Definitions)

This clause amends the definitions that apply to this part of the Act to provide clarity on the offences and the subsequent sanctions that apply.

Two tiers of hooning offences will be established per clause 34. The definition of 'hooning offence' is updated to reflect the two tiers.

A definition of 'high range drink driving offence' is included to establish which offences attract vehicle sanctions of immediate impounding outlined in clauses 26 and 27.

Definitions of 'tier 1 hooning offence' and 'tier 2 hooning offence' are included to distinguish which impounding timeframes apply to which hooning offences.

Clause 26. Section 29AD amended (Power of police officer to impound vehicle)

This clause amends section 29AD and its heading to outline when police can impose an impounding determination. The amendments are made to establish that an impounding determination can be made for a hooning offence and a high range drink driving offence when the driver has previously been found guilty of a high range drink driving offence.

Clause 29AD(3) is included to ensure that the Registrar is notified for both hooning offences and high range drink driving offences.

Clause 29AD(4) is included to clarify the information required in the impounding determination.

Section 29AD(6) will be removed and provided for under new section 29ADA outlined in clause 27.

Clause 27. Section 29ADA inserted

This clause inserts a new section 'Period for which vehicle may be impounded' to replace current section 29AD(6). This section outlines the timeframes in which a vehicle can be subject to an impounding determination.

The Act currently legislates for impounding determinations for hooning offences however this clause amends this to increase the impounding determination timeframes for current hooning offences and to include timeframes for the additional hooning offences that this Bill includes (refer clause 34). The timeframes have been amended to reflect the seriousness of the offences and as a deterrent measure.

In addition, this clause includes impounding determination timeframes for a high range drink driving offence. Vehicle sanctions have been included for this type of offending as a deterrent measure for repeat offenders.

Clause 28. Section 29AE amended (Review and revocation of impounding determination)

This clause amends section 29AE to include that as far as reasonably practicable notice is to be given to the owner of a vehicle if an impounding determination is revoked.

Clause 29. Section 29AN amended (Registrar's obligations)

This clause amends section 29AN to ensure that the Registrar does not cancel or change the registration details of a motor vehicle during the impounding determination periods and 28 after the end of the initial period. This amendment is made to complement the amended impounding determination periods outlined at clause 27.

Clause 30. Section 29AR amended (Disposal of impounded vehicles)

This clause amends sections 29AR(1)(a) as a consequence of amended impounding determination timeframes as outlined in clause 27. The current disposal of vehicle timeframe of '28 days after a copy of the impounding determination is given to a person' does not allow for the owner to collect their vehicle if it has been impounded for 28 days. Therefore, the timeframe is being amended to 'within 7 days after the end of the initial period' to allow time for the owner to collect the vehicle.

In addition, this clause makes amendments to remove the timeframe of 28 days in section 29AR(2)(b), (c) and (d) and replace with 7 days. This allows to Commissioner to dispose of uncollected vehicles in an efficient manner.

Clause 31. Section 29AT amended (Impounding determination, impounding order and forfeiture order)

This clause simplifies and updates the offence in section 29AT(1) so that it applies in relation to any impounding determination. Subsection (1A) ensures the Commissioner of Police will not be prevented from exercising his powers of disposal under section 29AR. Terminology in subsections (2) and (4) is adjusted as these are only relevant to hooning offences

Clause 32. Section 29AX repealed (Review of Part)

This clause repeals section 29AX as this review period has expired.

Clause 33. Act further amended

This clause is a formal clause that provides that the Schedule to this Bill has effect.

Clause 34. Regulations amended

This clause is a formal clause that provides amendment to the *Traffic Regulations 1999*.

Clause 35. Regulation 91A replaced

This clause replaces regulation 91A to include additional offences as hooning offences and establish tier 1 and tier 2 hooning offences.

The additional offences to be included as hooning offences are:

- Dangerous Driving - Section 30 of the Act;
- Driving at a dangerous speed - Section 30A of the Act;
- Dangerous driving in pursuit - Section 174FB of the Criminal Code.

Tier 1 hooning offences are those which already exist and are classified as lower-level offences.

Tier 2 hooning offences are the additional offences and are classified as higher level offences.

Clause 36. Schedule 2 amended (Forms)

This clause amends Schedule 2, Form 1 to remove parts of the form relating to breath or blood alcohol content measurements which are not provided from the breath analysis machine when a breath analysis is conducted. The amendment simplifies the form by providing clarity on the measurement required in the form.

Clause 37. Act amended

This is a formal clause that provides amendment to the *Motor Vehicles Act 1949*.

Clause 38. Section 10 amended (Granting of licenses)

This clause amends section 10(4B)(a) to include the new combined drink and drug driving offence when the Registrar is deciding whether to grant an alcohol ignition lock licence.

Clause 39. Section 102AA amended

This clause amends the table in section 102AA to include the new combined drink and drug driving offence and what requirements apply when considering an application for a licence and to ensure wording is consistent across this section.

Clause 40. Regulations Amended

This is a formal clause that provides amendment to the *Youth Justice Regulations 2006*.

Clause 41. Regulation 3A amended (Prescribed offences)

This clause amends regulation 3A to include the new section 20A as a prescribed offence.

Clause 42. Repeal

This is a formal clause which provides that the Act is repealed on the day after it commences. As the function of this Act is to amend existing legislation upon its commencement and fulfilment of its purpose, the Act no longer serves a purpose.

Schedule. Act further amended

The Schedule outlines numerous amendments to sections in the Act. These amendments are technical amendments to insert or omit and insert wording throughout the Act to complement the amendments that this Bill will make.