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LEGISLATIVE SCRUTINY COMMITTEE

Public Briefing Transcript

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

9.30 am – 10.15 am, Monday 31 August 2026

Litchfield Room, Level 3, Parliament House

Members: Mr Clinton Howe MLA, Deputy Chair, Member for Drysdale
Justine Davis MLA, Member for Johnston
Mr Dheran Young MLA, Member for Daly
Mrs Laurie Zio MLA, Member for Fannie Bay

Substitution: Mr Andrew Mackay MLA, Member for Goyder, for Mrs Oly Carlson MLA,
Chair, Member for Wanguri

Witnesses: *Department of Logistics and Infrastructure*

Gemma Lake: Chief Executive Officer

Fotis Papdakis: Chief Operating Officer

**INQUIRY INTO THE TRAFFIC LEGISLATION AMENDMENT
(DRINK AND DRUG DRIVING AND HOONING) BILL 2026
Department of Logistics and Infrastructure**

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public briefing into the Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026.

I welcome to the table to give evidence to the committee from the Department of Logistics and Infrastructure, Gemma Lake, Chief Executive Officer; and Fotis Papadakis, Chief Operating Officer. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public briefing and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public, you may ask that the committee go into a closed session and take your evidence in private.

Could you please each state your name and the capacity in which you are appearing.

Ms LAKE: My name is Gemma Lake. I am appearing as the Chief Executive Officer for the Department of Logistics and Infrastructure.

Mr PAPADAKIS: Fotis Papadakis, Chief Operating Officer for the Department of Logistics and Infrastructure.

Mr DEPUTY CHAIR: Ms Lake, would you like to make an opening statement?

Ms LAKE: Yes, thank you, Chair.

Thank you to the Legislative Scrutiny Committee for the opportunity to brief you today on the Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026.

The purpose of the Bill is to amend the *Traffic Act* and the Traffic Regulations to enhance capability and enforcement practices of the Northern Territory Police Force as they relate to drink and drug driving and hoon behaviour. The Bill makes amendments to drink and drug-driving provisions and to hoon behaviour provisions. I propose to provide the committee with an overview of the amendments, and I will first outline the amendments as they relate to drink and drug-driving.

The Bill makes amendments to the *Traffic Act* to allow for the use of passive breath tests in addition to current breath-testing mechanisms. The handheld Alcolizer LE5, which police currently use, has a function where police can conduct a passive breath test. A passive breath test allows for a person to talk near the machine to gain an appreciation of whether there is alcohol present in a person's breath. If the person returns a positive result, they will then be required to submit to a breath test using the plastic straw and breath analysis. This makes the testing process more efficient for both the police in conducting the test and the driver.

Clause 7 of the Bill provides for a new drink and drug-driving offence with higher penalties which are to reflect the increased level of impairment of a driver when under the influence of both alcohol and drugs. The elements for the new offence are high-range drink-driving and driving with drugs in the body. The penalty that applies for a first offence is 30 penalty units or 18 months' imprisonment, and for a second or subsequent offence, 50 penalty units or two years' imprisonment. There is also a mandatory minimum licence disqualification period for this offence. For a first offence it is 18 months. For a second and subsequent offence it is two years.

We have included a statutory alternative provision in the Bill. This means that if only one element in the charge can be proven—for example, a high-range drink-driving offence, but not the driving with a certain drug, then the person can be found guilty of the high-range drink-driving offence. The offence has been included to recognise that when a person has both a high degree of blood alcohol content and they have drugs in their system, they present a higher risk on our roads. This achieves that with a single offence with higher penalties.

Clauses 25, 26 and 27 of the Bill include additional penalties for second or subsequent offenders of either high-range drink-driving offences or the new combined high-range drink and drug-driving offence. The

additional penalty is immediate police impounding of the vehicle for 14 days. Advice from police is that for some repeat offenders, this additional penalty will act as a deterrent from the offending behaviour.

The Bill also makes provision for taking into account findings of guilt from interstate. Currently, interstate findings of guilt for similar offending are not counted when assessing whether the offender is a second or subsequent offender for drink and drug-driving offences. The Bill proposes to include interstate findings of guilt for similar offending in the repeat offender counting provisions across all drink and drug-driving offences. This ensures that an offender's behaviour across Australia is considered during sentencing for an offence against the NT *Traffic Act*. There is a number of clauses that address this amendment as repeat offender counting is listed in each individual offence provision.

Clause 36 provides a bit of a technical amendment, which is an amendment around the evidence certificate form for breath analysis results. This is being made to ensure clarity and avoid any confusion between breath analysis measurements and blood analysis measurements which are currently on the one form. The form is prescribed for in the Traffic Regulations and is used by police once they have completed a breath analysis test. The form currently contains three measurement options; however, the breath analysis machine only provides one. The updated form reflects the measurement provided by the breath analysis machine.

To complement this amendment, clause 22 repeals section 29AAV regarding the timeframe to call the witness relating to the evidence certificate. This provision existed to save police members being summonsed for court when their evidence can be provided by way of an evidence certificate. Over time, this has become prohibitive to the Office of the Director of Public Prosecutions when they need to call that particular witness and the appropriate notice has not been provided. Removing this provision aligns with how NT police are summonsed for other criminal matters without notice having to be provided to the court.

I will now outline the proposed amendments as they relate to hooning behaviour.

Additional offences will be included as prescribed offences for which the hoon behaviour provisions in the Act apply. In addition to this, the Bill creates a two-tier scheme for immediate police impounding. The existing offences, which are already in the Act and which are less serious offences, are now tier 1 and are street racing, burnouts and driving a vehicle in a manner that damages the road surface. The impounding timeframe determinations for those that will apply are for a first offence, 48 hours; for a second offence, seven days; and for a subsequent offence, 14 days.

Clause 35 of the Bill provides for the additional offences, which are more serious and will now be tier 2 offences and they are dangerous driving, as outlined in section 30 of the *Traffic Act*; driving at dangerous speed; and dangerous driving in pursuit, outlined in 174FB of the Criminal Code. The impounding determination timeframes that will apply to these offences are for a first offence, seven days; for a second offence, 14 days; and for a subsequent offence, 28 days.

The additional offences have been identified by police as prevalent offences in which the ability to impound vehicles is vital as a deterrent measure. Currently, the impounding determination can only be made for 48 hours. The amended impounding determination timeframes reflect the seriousness of the offending.

It is important to note there is an existing mechanism within the *Traffic Act* to ensure that a vehicle can be returned to the rightful owner if it has been stolen, is a rental car or has been used without permission as it relates to the hooning and impounding provisions. This mechanism will also apply to impounding determinations for drink and drug-driving offences, which I have already spoken about.

Clause 30 of the Bill makes an amendment to section 29AR to reduce the timeframe for disposal of a vehicle that has been impounded or forfeited to police to ensure police can dispose of vehicles in an efficient manner. The amendment reduces the timeframe from 28 days to seven days. Disposal can include either the sale or the destruction of the vehicle.

The Bill also makes some technical amendments which include repeal of provisions that are no longer relevant due to being covered elsewhere in the *Traffic Act* or they had a review period that was expiring or had expired; and listing relevant offences by section number rather than words for repeat offending counting; and ensuring the offences listed for repeat offender counting are categorised based on their penalty.

I also highlight that the Bill will make consequential amendments to the *Motor Vehicles Act* and the Youth Justice Regulations at clauses 37 to 41 to include the new combined drink and drug-driving offence in provisions where high-range drink-driving and/or driving with drug in body are already referenced.

In relation to the *Motor Vehicles Act*, these amendments include where the registrar is considering granting a licence with an alcohol ignition lock and what course a person must undertake to get their licence back.

In relation to the Youth Justice Regulations, the amendment is to include the new combined drink and drug-driving offence as an offence to which diversion is available. Diversion is already available to high-range drink-driving offence and driving with drug in the body. This makes it available for the new offence.

The department has worked closely with the Northern Territory Police Force in the development of this Bill. This Bill is about ensuring safety on our roads and ensuring offenders are held accountable for their offending, noting harsher penalties for repeat offenders. In addition, the increased powers to impound vehicles for hooning are intended as a deterrent for offenders.

I hope this has provided a sufficient overview of the Bill for the committee. I thank you for the opportunity to appear before you this morning to brief you on the Bill.

J DAVIS: Thank you for that briefing. I have a couple of questions.

In terms of the vehicle disposal timeframe, the cut from 28 days to seven days, obviously that is a significant change for vehicle owners, particularly in regional and remote areas. What happens to an owner who cannot get there in time?

Ms LAKE: The provisions in the Bill around owners of vehicles that have been stolen or are rental cars have not changed. They remain as they are; it is only the timeframes that have changed. There is a provision and a period of time for the owner to contact police. Police also have a requirement to make reasonable efforts to contact the registered owner or, if the vehicle is not registered, police are required to make reasonable efforts to identify and locate the owner. That applies regardless, but the timeframes are there. As long as someone can contact the police, then the matter can be considered by police.

J DAVIS: If that is not the case—and we know the realities in the Northern Territory—is there any alternative?

Ms LAKE: No. The Bill is drafted as it is drafted, and really it is a matter for police discretion as to what action they take once the timeframe has passed. If they are having trouble identifying the owner, I understand operationally they may delay or make other efforts, and that is a matter for the police, but the timeframes in the Bill are the timeframes.

J DAVIS: Do you have an idea of the number of vehicles that will now be disposed of more quickly?

Ms LAKE: No, I do not have that information on me about the number of vehicles. That would be a question for Police.

J DAVIS: Do you know whether it is significant?

Ms LAKE: Sorry; I am not able to answer that.

J DAVIS: My understanding is that the impetus for this change came from the police; is that right?

Ms LAKE: Yes.

J DAVIS: Was that because there was a backlog of cars needing to be disposed of? What was the rationale?

Ms LAKE: No, my understanding of the rationale is to allow—for example, there is a car, it is hooning and it has done it two nights in a row. It gives the police not only the ability to go and apprehend the drivers of the vehicle, but to then impound that vehicle to take that vehicle off the road to reduce the risk of that offending occurring again.

J DAVIS: I am interested more specifically in the car being destroyed within seven days rather than 30 days, so not being removed from the road. What is the impetus for the shorter period of getting rid of them altogether?

Ms LAKE: Can you ask the question again? I want to make sure I get the right answer.

J DAVIS: I was wondering what the rationale is for making the destroying time from 30 days to seven days. What is the reason or need for that?

Ms LAKE: It is not destroying; it is just disposal. You may not destroy and crush a car; they move it from the impound to another ...

J DAVIS: Thank you—disposal.

Ms LAKE: It was a request that came through from police who requested that it be reduced. I think it is about efficiency from their perspective; that is my understanding.

Mr DEPUTY CHAIR: Member for Fannie Bay, do you have any questions?

Mrs ZIO: I do not have any questions. I would like to go further with this Bill with the removal of cars. I would love to see them removed from people's hands for a longer period of time, but I am happy that it is being extended. Thank you.

Mr YOUNG: Will any training be required for the new passive breath testing for police?

Ms LAKE: That would be a question for police because it is operational, but my understanding is that it is fairly straightforward. At the moment, if you have been to an RBT, there is a straw that you have to blow into for a period of time. Rather than having to get the straw out and do that, it is a matter of talking or blowing near the machine and that detects if there is alcohol or not, which then triggers to the next phase which is if it is a yes, then you go to the straw. My understanding is that it is quite straightforward operationally, and it is just about making the process more efficient.

Mr MACKAY: With the passive testing, are these used commonly in other states and territories?

Ms LAKE: Yes.

Mr MACKAY: For clarification, our blood alcohol limit levels of low, mid-range and high range, are they consistent nationally?

Ms LAKE: Through working on this Bill, we have examined other jurisdictions, and certainly the combined drink and drug-driving offence that has been included—the new offence—is one that exists in other jurisdictions.

Correct; they are consistent with other jurisdictions.

Mr MACKAY: What determined what was a tier 1 hooning offence versus tier 2 hooning offence? Was that determined by police or was it the department? Where did that come from?

Ms LAKE: We worked with police to work through that. Effectively, the offences that already exist are now tier 1 and the new offences are tier 2. That was so there was a distinction between the more serious offences that we have included as the new ones and the existing ones. We introduced the tiers to provide a distinction between the new, additional, offences and the original ones. The original ones are tier 1, and we worked with Police to do that.

Mr MACKAY: You said this in your opening statement, apologies, but for clarification: what is the threshold for that immediate impounding of an offender's vehicle? Someone gets pulled over for speeding, they are doing 10 kilometres over and obviously their car will not be impounded then and there, but if they are doing 100 kilometres over, will their car be immediately impounded? What is the threshold for when the impounding will kick in?

Ms LAKE: It is effectively for the hooning-type behaviour which is listed in the Act as burnouts, dangerous driving, driving that might damage the road surface, driving at dangerous speed—10 kilometres they would not be, but if it was at a dangerous speed they would be—and dangerous driving in pursuit. They would be the circumstances where police would be able to impound.

Mr MACKAY: With the combination of the combined drink and drug offending, is it common that you have that separate class rather than just saying that you will be charged for drink-driving or drug-driving? Other states have it as an aggravating factor for other offences. If you hit someone and crash, if you were drinking or it was drugs, it is aggravating. What is the purpose of having it a combined offence rather than just increasing the penalties for the two individual offences, assuming you get charged for both?

Ms LAKE: We identified that there was not so much a gap in the legislation, but an opportunity. Working with police, we identified—this is a part of our Towards Zero action plan for road safety—that there was an increasing prevalence of people with drugs and alcohol in their system. Presently, you could be charged with high-range drink-driving and drug in the body, and there are penalties for those. This offence then provides, for ease for police and prosecution purposes, one offence. The consideration is that when someone is driving with high-range alcohol in their blood and drugs, they are a significant danger to the road with both those factors in play. That was the premise for this offence and the additional penalties, which are quite significant compared to the two individual offences.

Mr MACKAY: The passive alcohol test intent is that you pull up at a roadside, they wave the magic wand and if there is no alcohol detected, presumably you can be sent on your way, but if there is, then you would do the normal blow or blood or whatever. It replaces the first step, but if you are found, then the passive reading is not enough; you still do a real test.

Ms LAKE: That is correct. If you do the passive test and it indicates there is alcohol in the blood, then you will move on to the straw test. The efficiency is—in theory, and I will leave that to Police—you can breath test more people because it is quicker. Anyone who does not present a reading can be moved on.

Mr DEPUTY CHAIR: Out of curiosity, how many straws do we use each year with breath testing?

Ms LAKE: I do not have an answer to that question. That would be a question for Police. There would be a slight saving measure and environmental impact as well from using less straws.

Mrs ZIO: My question is about when police can pull a person over. I am assuming that police have provided information to you about random pulling over and how they can make that decision, whether it is do with believing a person is a risk to the road or that there are reasons to believe that the person may have drug or alcohol in their blood. Can you quickly talk me through the changes from the previous legislation to this legislation and what is impacted in relation to when police can pull somebody over?

Ms LAKE: Nothing in that regard has changed. We have the new offence for the drink and drug-driving. What police can do, leading up to apprehension of an offender has not changed under this Bill; it remains as is. What has changed is the new offence for drink and drug-driving and the higher penalty. It would still be a matter for police. It might be there is accident and that is what causes them to test the driver. It might be that they see or have reported erratic driving behaviour. None of that has changed under this Bill. Those steps that police can take up to apprehending a person are the same; they are not impacted.

Mrs ZIO: I am looking at clause 17. It says:

This clause amends section 29AAB to include the ability for a police officer to pull a person to submit to a passive breath test ...

It might be in police standing orders or whatever, but they do not have to have a reason to believe; they can just do it at random.

Ms LAKE: Correct. For a random breath test, yes, they can do it at random, and that has not changed. This is just making it really clear that they can pull someone over for a passive breath test as well as the proper with-the-straw breath test. They still have the ability, as they did before the Bill, to pull over someone if they have a suspicion.

J DAVIS: I think you said that one of the changes is that there is no requirement to give notice before calling a witness whose evidence would otherwise go in by certificate; is that right? What is the rationale for that change?

Ms LAKE: That change is really a process or a technical change. Previously, the way that it worked was the evidence certificate was provided. It had three separate measurements on the form, so sometimes there could be a bit of confusion created. There is a blood offence, a breath offence and another one, so we have created a form with just the breath test and there is a separate form for the blood test. That is what provides the information from police to the court and to the Director of Public Prosecutions to continue. It just makes that process a bit simpler and a bit more efficient. You can still call a police officer to give evidence, as you can in any other criminal matter; it has not changed under this Bill.

J DAVIS: But the difference is there is no longer a requirement to give notice; is that right?

Ms LAKE: That is correct.

J DAVIS: If the defence objected or wanted to seek an adjournment if a witness is called without warning, how would that play out?

Mrs ZIO: It also says there that the evidence is given by way of certificate, so the information and the evidence is already provided; is that correct?

J DAVIS: I think this replaces it. I might be misreading it; I am not sure.

Ms LAKE: I will see if I can explain it.

The provision already existed to minimise the need for police members to attend court when their evidence can be provided by way of a certificate. However, through working with police and prosecutions, practical experience has demonstrated that it can impede prosecutions where the witness becomes necessary, but the technical notice requirements have not been met. The amendment aligns these matters with ordinary criminal proceedings where witnesses can be called without that additional procedural step of the certificate. Basically, removing that aligns with how NT police are summonsed for other criminal matters without the notice having to be provided to the court. It just takes an additional administrative step out of the process.

J DAVIS: Thank you.

Mr DEPUTY CHAIR: Thank you for coming in today. If the committee has any further questions we will write them, but otherwise thank you.

The committee suspended.
