



Legislative Assembly of the Northern Territory

Legislative Scrutiny Committee

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

October 2026



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



Legislative Assembly of the Northern Territory

Parliament House

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Chair's Preface

This report details the Committee's findings regarding its examination of the Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026 (the Bill). The Bill amends the *Traffic Act 1987* (the Act) and the Traffic Regulations 1999 (the Regulations) to strengthen the Northern Territory Police Force's capability and enforcement practices as they relate to drink and drug driving and hooning behaviour.

The Committee received 5 submissions to its inquiry. The Committee also had a public briefing on the Bill from the Department of Logistics and Infrastructure. While generally providing in-principle support of the Bill, submitters raised several concerns and made recommendations for how the Bill may be improved.

Following careful consideration of the Bill and advice from the Department of Logistics and Infrastructure regarding the concerns of stakeholders, the Committee is of the view that the Assembly should pass the Bill with the proposed amendments as set out in the recommendations.

The majority of the Committee's recommendations seek to address concerns raised by stakeholders. In particular, submitters raised concerns about the Bill's amendments to vehicle impounding and disposal processes, noting the significant impact that vehicle impoundment or disposal can have on individuals. These concerns were raised in the context of the Bill reducing the timeframe for an impounded vehicle to be disposed of from 28 days after the end of the impounding period to 7 days. Accordingly, the Committee recommends that the Bill expressly provides for the Police Commissioner to extend vehicle disposal periods as appropriate. Further, the Committee recommends that impounding determinations include additional information to ensure affected persons have a clear understanding of the impounding process and available options.

Given that the Bill substantially amends Part VA of the Act which relates to impounding and forfeiture of vehicles, the Committee recommends that the Department review the operation of the Part within 3 years of its commencement. The Committee also recommends that a number of minor and typographical errors are corrected in the Bill.

In relation to the Bill's proposed combined drink and drug driving offence, submitters noted a lack of clarity around whether impairment would be an element of the new combined offence and queried the application of an existing defence to the prosecution of the offence. Whilst noting these concerns, the Committee considered that the Bill, when read as a whole, is sufficiently legally clear.

However, submitters' concerns led the Committee to consider the scope of the existing defence and, in particular, the drugs to which it applies. Drawing on the experiences of other jurisdictions, the Committee considered the application of presence-based drug driving offences to medicinal cannabis. Whilst noting this issue is beyond the scope of the current Bill, the Committee considers that it merits further examination. Accordingly, the report recommends that the Government consider future amendments to the Act and Regulations to permit persons who hold a medicinal cannabis prescription to lawfully drive in the Northern Territory with THC present in their system, including relevant safeguards that should apply.

On behalf of the Committee, I would like to thank all submitters who contributed to the inquiry and the Department of Logistics and Infrastructure who briefed the Committee on the Bill. I also thank my fellow Committee members for their bipartisan commitment to legislative scrutiny.

A handwritten signature in black ink, appearing to read 'Oly Carlson', with a stylized, flowing script.

Mrs Oly Carlson MLA

Chair

Committee Members

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

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Acknowledgments

The Committee acknowledges all those who provided written submissions to its inquiry and thanks them for their contribution. The Committee also thanks the Department of Logistics and Infrastructure for briefing the Committee.

Acronyms and Abbreviations

AADANT	Association of Alcohol and Other Drug Agencies Northern Territory
Act	<i>Traffic Act 1987</i> (NT)
ACT	Australian Capital Territory
ADF	Alcohol and Drug Foundation
BAC	Blood alcohol content
Bill	Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026 (the Bill)
BrAC	Breath alcohol content
Committee	Legislative Scrutiny Committee
FARE	Foundation for Alcohol Research and Education
Menzies	Menzies School of Health Research
Minister	Minister for Logistics and Infrastructure, the Hon Bill Yan MLA
NSW	New South Wales
NT	Northern Territory
NTPA	Northern Territory Police Association
NTPF	Northern Territory Police Force
SA	South Australia
THC	Delta-9-tetrahydrocannabinol
WA	Western Australia

Terms of Reference

Sessional Order 7

Establishment of Legislative Scrutiny Committee

- (1) The Assembly appoints a Legislative Scrutiny Committee
- (2) The membership of the scrutiny committee will comprise three Government Members, one Opposition Member and one crossbench Member.
- (3) The functions of the scrutiny committee shall be to inquire into and report on:
 - (a) any bill referred to it by the Assembly;
 - (b) in relation to any bill referred by the Assembly:
 - (i) whether the Assembly should pass the bill;
 - (ii) whether the Assembly should amend the bill;
 - (iii) whether the bill has sufficient regard to the rights and liberties of individuals, including whether the bill:
 - (A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and
 - (B) is consistent with principles of natural justice; and
 - (C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and
 - (D) does not reverse the onus of proof in criminal proceedings without adequate justification; and
 - (E) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and
 - (F) provides appropriate protection against self-incrimination; and
 - (G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and
 - (H) does not confer immunity from proceeding or prosecution without adequate justification; and
 - (I) provides for the compulsory acquisition of property only with fair compensation; and
 - (J) has sufficient regard to Aboriginal and Torres Strait Islander tradition; and
 - (K) is unambiguous and drafted in a sufficiently clear and precise way.

- (iv) whether the bill has sufficient regard to the institution of Parliament, including whether a bill:
 - (A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
 - (B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and
 - (C) authorises the amendment of an Act only by another Act.
- (4) The committee will provide an annual report of its activities to the Assembly.

As amended 21 July 2026

Recommendations

Recommendation 1

The Committee recommends that the Legislative Assembly pass the Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026 with the proposed amendments set out in Recommendations 3 to 8.

Recommendation 2

The Committee recommends that the Government consider amending the *Traffic Act 1987* and the Traffic Regulations 1999 to permit persons who hold a medicinal cannabis prescription to lawfully drive in the Northern Territory with tetrahydrocannabinol (THC) present in their system, including relevant safeguards that should apply and with reference to legal frameworks, approaches and reports of other jurisdictions.

Recommendation 3

The Committee recommends that proposed section 29AAB(5)(b)(ii) be amended to omit 'within 3 years' and insert 'at any time'.

Recommendation 4

The Committee recommends that section 29AR be further amended to enable the Commissioner for Police to extend the disposal period on reasonable grounds.

Recommendation 5

The Committee recommends that proposed section 29AD(5)(a) be amended to require the following information is also be included in the impounding determination:

- the reasonable grounds for which the officer is making the determination under section 29AD(2)
- the offence for which the vehicle is being impounded
- the previous offence being relied upon to determine that the alleged offence is a second or subsequent offence, as applicable
- a plain language explanation of the consequences of non-collection of the impounded vehicle and of the review processes available.

Recommendation 6

The Committee recommends replacing clause 32 with a provision that requires the Chief Executive Officer to conduct a review of the operation of Part VA of the *Traffic Act 1987* within 3 years of commencement of the amendments made by the Bill.

Recommendation 7

The Committee recommends that the following typographical errors in the Bill be corrected:

- a comma is inserted into amended section 23(2)(b) '22(1) 24(2)'
- the second subparagraph of amended section 23(2)(c) be renumbered to '(ii)'

- section 29ADA is amended so that the second subsection numbered '(2)', is renumbered as subsection '(3)'
- the Schedule be amended to remove amendments to section 19(4)(a) and (d).

Recommendation 8

The Committee recommends that a definition of alleged offence is re-inserted into the Bill by amending section 29AD(1) to state:

- (1) A police officer may make a determination in writing that a motor vehicle be impounded (an impounding determination) if:
 - (a) the officer believes on reasonable grounds that the vehicle was used in committing a hooning offence or a high range drink driving offence (the alleged offence); and
 - (b) if the alleged offence is a high range drink driving offence – the driver of the vehicle at the time of the alleged offence has previously been found guilty of a high range drink driving offence'.

1 Introduction

Introduction of the Bill

- 1.1 The Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026 (the Bill) was introduced into the Legislative Assembly by the Minister for Logistics and Infrastructure, the Hon Bill Yan MLA, on 26 August 2026. The Assembly subsequently referred the Bill to the Legislative Scrutiny Committee (the Committee) for inquiry and report by 7 October 2026.¹

Conduct of the Inquiry

- 1.2 On 27 August 2026, the Committee called for submissions by 7 September 2026. The call for submissions was advertised via the Legislative Assembly website, Facebook, and email subscription service. In addition, the Committee directly contacted a number of individuals and organisations, receiving 5 submissions (see Appendix 1).
- 1.3 On 31 August 2026, representatives from the Department of Logistics and Infrastructure (the Department) attended a public briefing held by the Committee (see Appendix 2).

Outcome of Committee's Consideration

- 1.4 Sessional Order 7 requires that the Committee, after examining the Bill, determine:
- (i) whether the Assembly should pass the bill;
 - (ii) whether the Assembly should amend the bill;
 - (iii) whether the bill has sufficient regard to the rights and liberties of individuals; and
 - (iv) whether the bill has sufficient regard to the institution of Parliament.
- 1.5 Following examination of the Bill, and consideration of the evidence received, the Committee is of the view that the Legislative Assembly should pass the Bill with the proposed amendments set out in Recommendations 3 to 8.

Recommendation 1

The Committee recommends that the Legislative Assembly pass the Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026 with the proposed amendments set out in Recommendations 3 to 8.

¹ Hon Bill Yan, Minister for Logistics and Infrastructure, *Draft Daily Hansard – Day 2 – 26 August 2026*, <https://territorystories.nt.gov.au/10070/1046756>, pp. 14-16.

Report Structure

- 1.6 Chapter 2 provides an overview of the purpose of the Bill as contained in the Explanatory Statement and provides background information to give context to the Bill.
- 1.7 Chapter 3 considers the main issues raised in evidence received.

2 Overview of the Bill

Purpose and background

- 2.1 As noted in the Explanatory Statement, the Bill amends the *Traffic Act 1987* (the Act) and the Traffic Regulations 1999 (the Regulations), with the purpose to:
- provide the Northern Territory Police Force with enhanced capability and enforcement practices as they relate to drink and drug driving and hoon behaviour.²
- 2.2 The Bill addresses action item 4 of the *Towards Zero Action Plan 2024-2028*,³ which recommended reviewing road safety penalties including, among other penalties, those related to drink driving, drug driving and repeat offenders.⁴
- 2.3 To address matters related to drink and drug driving, the Bill:
- allows for the use of passive breath tests in addition to the existing breath-testing mechanisms
 - introduces a new combined high range drink and drug driving offence with high penalties
 - enables police to impound a vehicle used by a person to commit a second or subsequent high-range drink driving offence for 14 days
 - enables prior findings of guilt for corresponding offences in other jurisdictions to be counted as a previous offence under the Act
 - enables a court to call a witness whose evidence may be received by way of certificate without notice.
- 2.4 The Bill also makes amendments to the *Motor Vehicles Act 1949* and the Youth Justice Regulations 2006 to include the new combined drink and drug offence in provisions where high-range drink driving and driving with certain drugs in body are already referenced.⁵
- 2.5 To address matters related to hooning, the Bill makes a few significant amendments. Firstly, the Bill provides that existing hooning offences against regulation 37 (Races and speed trials), regulation 37A (Burn outs) and regulation 37B (Damaging surface of road or public space) are to be considered tier 1 hooning offences. Tier 1 offences have immediate impounding periods of 48

² Explanatory Statement, *Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026* (Serial 76), https://parliament.nt.gov.au/_data/assets/pdf_file/0004/1630894/Explanatory-Statement-Traffic-Legislation-Amendment-Drink-and-Drug-Driving-and-Hooning-Bill-2026-Serial-76.pdf, p. 1.

³ Hon Bill Yan, Minister for Logistics and Infrastructure, *Draft Daily Hansard – Day 2 – 26 August 2026*, <https://territorystories.nt.gov.au/10070/1046756>, p. 15.

⁴ NT Government, *Towards Zero Road Safety Action Plan 2024-2028*, 2024, https://roadsafety.nt.gov.au/_media/documents/towards-zero-road-safety-action-plan-2024-2028.pdf, p. 11.

⁵ Hon Bill Yan, Minister for Logistics and Infrastructure, *Draft Daily Hansard – Day 2 – 26 August 2026*, <https://territorystories.nt.gov.au/10070/1046756>, p. 16.

hours for the first offence, 7 days for the second offence and 14 days for subsequent offences.

- 2.6 Secondly, the Bill provides that sections 30 (Dangerous driving) and 30A (Driving at dangerous speed) of the Act, and section 174FB of the *Criminal Code Act 1983* (Dangerous driving in pursuit) are to be considered tier 2 hooning offences. Tier 2 hooning offences will have immediate impounding periods of 7 days for the first offence, 14 days for the second offence and 28 days for subsequent offences. They are considered more serious offences than tier 1 offences.
- 2.7 Thirdly, the Bill reduces the timeframe after which police may sell or destroy an impounded vehicle from 28 days after the end of an impounding period to 7 days.⁶

⁶ Hon Bill Yan, Minister for Logistics and Infrastructure, *Draft Daily Hansard – Day 2 – 26 August 2026*, <https://territorystories.nt.gov.au/10070/1046756>, p. 15.

3 Examination of the Bill

Introduction

- 3.1 The Committee received 5 submissions to its inquiry. Submissions generally provided in-principle support for the purpose of the Bill but raised various concerns and made a number of recommendations as discussed in this chapter.

Clause 2 – Commencement

- 3.2 Clause 2 provides that the Bill commences on the day fixed by the Administrator by Gazette notice and, if a provision of the Bill does not commence before 24 August 2028, it commences on that day.
- 3.3 The Committee received limited comments in relation to clause 2. However, the Northern Territory Police Association (NTPA) stated in their submission that the Northern Territory Police Force (NTPF) must be operationally prepared prior to commencement by Gazette notice, noting that such preparation should include updated training and guidance. The NTPA recommended a 'documented readiness assessment' is undertaken in consultation with the NTPA.⁷

Committee's comments

- 3.4 The Committee notes that commencement by Gazette notice⁸ allows necessary preparations to be completed prior to commencement.⁹ The Administrator may publish a Gazette notice that brings different provisions of an Act into force on different dates.¹⁰ This provides flexibility to the commencement of an Act, enabling provisions to commence at different times dependent on operational readiness.
- 3.5 The Committee notes that the date of 14 August 2028 provided for by clause 2 reflects the fact that some provisions of this Bill may take time to implement. The Committee considers the operational readiness matters referred to by the NTPA may be dealt with by the NTPF prior to commencement of the relevant provisions.

Clause 7 – Driving with high range breath or blood alcohol content and prohibited drug in body

- 3.6 Existing sections 21(1) and 28(1) respectively establish offences for a person who drives a motor vehicle with a high range breath or blood alcohol content, or a person (or driving instructor) who drives a motor vehicle with a strictly prohibited drug in their body.¹¹

⁷ Northern Territory Police Association, Submission No. 4, p. 7.

⁸ Also known as commencement by proclamation.

⁹ Australian Government, Office of Parliamentary Counsel, *Instructor Guidance Note— Commencement provisions*, 2025, <https://www.opc.gov.au/sites/default/files/2025-10/Instructor%20Guidance%20Note%20-%20Commencement%20provisions.pdf>, p. 2.

¹⁰ *Interpretation Act 1978* (NT), ss 5(2)(b) and 5(3)(b).

¹¹ Strictly prohibited drugs are prescribed in Schedule 1A to the Traffic Regulations 1999 (NT).

- 3.7 Clause 7 seeks to insert new sections 20A and 20B into the Act. In addition to the existing offences under sections 21(1) and 28(1), proposed section 20A establishes a combined drink and drug driving offence with a single higher penalty. Commission of an offence against section 20A requires a person to have a high range breath alcohol content (BrAC) or blood alcohol content (BAC) and to have a prohibited drug in their body.
- 3.8 Proposed section 20B establishes alternate verdicts for section 20A, so that if only one element of the section 20A offence can be proven, the person can be found guilty of an alternative offence under existing sections 21(1) or 28(1).
- 3.9 In his first reading speech, the Minister explained the intention of inserting proposed section 20A:
- A new combined drink and drug-driving offence with higher penalties is proposed to reflect the increased level of impairment of a driver when under the influence of both alcohol and drugs.¹²
- 3.10 At the public briefing, the Department further explained:
- 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.¹³
- 3.11 The Department further noted an increasing prevalence of individuals driving with both drugs and alcohol in their system and advised that a standalone combined offence would provide greater efficiency for police and prosecutorial processes.¹⁴

Maximum penalties and minimum disqualification periods

- 3.12 Proposed section 20A(1) provides the maximum penalty for commission of an offence under proposed section 20A is 30 penalty units or 18 months imprisonment for the first offence, and 50 penalty units or 2 years imprisonment for the second or subsequent offence.
- 3.13 Some submitters raised concerns that the scale of the proposed section 20A penalties are not proportionate to the offence. Submitters noted that the new penalties for proposed section 20A exceed the combined penalties for the two separate existing offences of high range drink driving (section 21) and driving with certain drugs in body (section 28).¹⁵ The separate penalties and proposed combined penalties are outlined in Table 1 below.

¹² Hon Bill Yan, Minister for Logistics and Infrastructure, *Draft Daily Hansard – Day 2 – 26 August 2026*, <https://territorystories.nt.gov.au/10070/1046756>, p. 15.

¹³ Department of Logistics and Infrastructure, Committee Transcript, 31 August 2026, p. 2.

¹⁴ Department of Logistics and Infrastructure, Committee Transcript, 31 August 2026, p. 6.

¹⁵ Association of Alcohol and Other Drug Agencies Northern Territory, Submission No. 1, pp. 2-3; Alcohol and Drug Foundation, Submission No. 5, p. 2.

Table 1: Maximum and aggregate penalties for sections 20A, 21 and 28¹⁶

Section of Act	First offence	Second or subsequent offence
Proposed section 20A (Driving with high range breath or blood alcohol content and prohibited drug in body)	30 penalty units (\$5,820) or 18 months' imprisonment	50 penalty (\$9,700) units or 2 years' imprisonment
Section 21 (High range drink driving)	10 penalty units (\$1,940) or 12 months' imprisonment	20 penalty units (\$3,880) or imprisonment for 12 months
Section 28 (Driving with certain drugs in body)	5 penalty units (\$970) or three months' imprisonment	7.5 penalty units (\$1,455) or imprisonment for 6 months
Aggregate penalties of sections 21 and 28	15 penalty units (\$2,910) or 15 months imprisonment	27.5 penalty units (\$5,335) or imprisonment for 18 months

- 3.14 Submitters recommended that the Bill be amended to ensure the penalties do not significantly exceed the combined underlying penalties of the individual offences.¹⁷
- 3.15 The Committee notes that several other Australian jurisdictions have a combined drink and drug driving offence.¹⁸ The majority of the combined offence penalties in other jurisdictions are only marginally higher than, or broadly equivalent to, the aggregate penalties for the underlying drink and drug driving offences.¹⁹ This is in contrast to the NT where the proposed penalty units for section 20A are substantially higher than the combined penalty units for the underlying offences. However, the Committee notes that the NT's underlying offence penalties start from a lower base compared with those in other jurisdictions.
- 3.16 Proposed section 20A(3) provides that, if a court finds a person guilty of a relevant offence, the person's licence to drive is automatically cancelled and the person is disqualified from driving for a specified period.

¹⁶ The value of a penalty unit is \$194 in the period 1 July 2026 to 30 June 2027.

¹⁷ Association of Alcohol and Other Drug Agencies Northern Territory, Submission No. 1, pp. 2-3; Alcohol and Drug Foundation, Submission No. 5, p. 2.

¹⁸ See, for example, *Road Transport Act 2013* (NSW), s 111A; *Road Safety Act 1986* (Vic), s 49; and *Road Transport (Alcohol and Drugs) Act 1977* (ACT), s 21.

¹⁹ See Appendix 3.

3.17 Some submitters raised concerns about the length of proposed disqualification periods. The disqualification periods for section 20A and the underlying offences are outlined in Table 2 below.

Table 2: Minimum disqualification periods for sections 20A, 21 and 28

Section of Act	First offence	Second or subsequent offence	If previously guilty of specified offences within past 3 years
Proposed section 20A (Driving with high range breath or blood alcohol content and prohibited drug in body)	18 months	2 years, and, if less than 5 years, requirement for an alcohol ignition lock licence for 1-3 years immediately after the initial period	5 years
Section 21 (High range drink driving)	12 months	18 months, and, if less than 5 years, requirement for an alcohol ignition lock licence for 1-3 years immediately after the initial period	5 years
Section 28 (Driving with certain drugs in body)	None	Second: 3 months Subsequent: 6 months	None

3.18 The Association of Alcohol and Other Drug Agencies Northern Territory (AADANT) raised concerns that the length of the minimum periods of licence disqualification for section 20A are disproportionate to the conduct and recommended that they be amended.²⁰

3.19 The Committee observes that the disqualification periods are comparable to other jurisdictions. While New South Wales' (NSW) periods are shorter than those proposed for the NT, Victoria and the ACT have equivalent or longer periods and Western Australia (WA) has a shorter minimum period for the first offence but significantly longer for subsequent offences.²¹

²⁰ Association of Alcohol and Other Drug Agencies Northern Territory, Submission No. 1, p. 3.

²¹ See Appendix 3.

Committee's comments

- 3.20 The Committee notes that the new combined offence is intended to attract higher penalties and disqualification periods than the existing standalone offences. The Committee considers that the proposed penalties and disqualification periods for section 20A are appropriate, having regard to the reasons outlined in the public briefing for the creation of the offence and the fact that comparable combined high-range drink and drug driving offences in other Australian jurisdictions carry significant penalties and licence disqualification periods.

Impairment

- 3.21 Sections 20 and 27 of the Act provide that it is not necessary to show that a person's ability to drive a motor vehicle is impaired in order to establish an offence under Divisions 2 and 3 of Part V of the Act. As such, it is not necessary to prove impairment in order to establish offences under existing sections 21(1) or 28(1), or proposed section 20A. The Committee notes that impairment may be considered within the scope of the offence in existing section 29AAA (Driving under influence).
- 3.22 The Committee notes that NSW, the ACT and Victoria similarly only require the presence of an illicit drug, not proof of impairment, for commission of combined high range drink and drug driving offences.
- 3.23 Despite the express exclusion of impairment in the Act and the section containing a presence-based drug element rather than an impairment-based drug element,²² the Explanatory Statement states that the rationale for the high penalties of proposed section 20A is 'to reflect [the] additional impairment when a person is under the influence of both alcohol and drugs'.²³ This rationale was echoed by the Department at the public hearing,²⁴ and by the Minister in his first reading speech.²⁵
- 3.24 The Committee heard that the references to impairment are confusing and require clarification, with some submitters highlighting current issues with the existing section 28(1) offence. Some submitters told the Committee that a drug may be present in a person's body but that the person may not be impaired due to the drug.²⁶ With regard to the presence-based drug element, Menzies School of Health Research (Menzies) submitted:

This approach raises particular issues in relation to prescribed medications. Certain substances can remain detectable in a person's body well after any impairment has ceased. As a result, the mere presence of a drug does not

²² Association of Alcohol and Other Drug Agencies Northern Territory, Submission No. 1, p. 1.

²³ Explanatory Statement, *Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026 (Serial 76)*, https://parliament.nt.gov.au/_data/assets/pdf_file/0004/1630894/Explanatory-Statement-Traffic-Legislation-Amendment-Drink-and-Drug-Driving-and-Hooning-Bill-2026-Serial-76.pdf, p. 2.

²⁴ Department of Logistics and Infrastructure, Committee Transcript, 31 August 2026, p. 2.

²⁵ Hon Bill Yan, Minister for Logistics and Infrastructure, *Draft Daily Hansard – Day 2 – 26 August 2026*, <https://territorystories.nt.gov.au/10070/1046756>, p. 15.

²⁶ Association of Alcohol and Other Drug Agencies Northern Territory, Submission No. 1, p. 2; Alcohol and Drug Foundation, Submission No. 5, pp. 1-2.

necessarily indicate that the individual was impaired by that substance while driving.²⁷

- 3.25 Regarding the presence-based drug element and the high penalties and disqualification periods, the NTPA recommended that:

The Government should also explain the evidence supporting the selected penalty and disqualification settings, including the relationship between the presence-based drug element and the asserted additional impairment. This is not an objection to the offence; it is a request for transparent proportionality.²⁸

Committee's comments

- 3.26 The Committee notes that existing sections 20 and 27 expressly provide that impairment is not an element of offences under Divisions 2 and 3 of Part V of the Act. The Committee therefore accepts that proposed section 20A is intended to operate as a presence-based offence, consistent with the existing framework for drug driving offences in the NT and comparable combined drink and drug driving offences in other Australian jurisdictions.
- 3.27 The Committee observes, however, that the Explanatory Statement, the Minister's first reading speech and evidence provided by the Department each refer to the additional impairment associated with combined alcohol and drug use as the rationale for the proposed offence and the higher penalties that apply. The Committee considers that these references may create uncertainty because the offence itself contains a presence-based drug element and does not require proof that the drug impaired the person's capacity to drive.
- 3.28 The Committee acknowledges submitters' concerns regarding references to impairment in the Explanatory Statement and evidence provided to the Committee. However, the Committee notes the Department's advice that the higher penalties and longer disqualification periods are intended to reflect the heightened road safety risks associated with a person driving while both over the prescribed alcohol limit and with a prescribed illicit drug present in their body. The Committee is satisfied that, when read as a whole, the Bill does not require proof of impairment in order to establish the offence.
- 3.29 While the Committee considers that the Explanatory Statement could more clearly distinguish between presence-based offending and impairment-based offending, it is satisfied that the legal operation of proposed section 20A is sufficiently clear and does not consider a recommendation is required.

Duplicative punishment

- 3.30 Some submitters raised concerns about the overlap between the elements of the new offence in proposed section 20A, and the existing offences under sections 21(1) and 28(1). The NTPA recommended seeking confirmation that the alternative-verdict pathway provided for under proposed section 20B does not

²⁷ Menzies School of Health Research, Submission No. 2, p. 2.

²⁸ Northern Territory Police Association, Submission No. 4, p. 4.

‘expose a defendant to duplicative punishment arising from the same driving event’.²⁹

- 3.31 The Committee notes that Australian common law has established that a person should not be punished twice for offences against the same element of overlapping offences. In *Pearce v The Queen* (1998), Justices McHugh, Hayne and Callinan found:

To the extent to which two offences of which an offender stands convicted contain common elements, it would be wrong to punish that offender twice for the commission of the elements that are common. No doubt that general principle must yield to any contrary legislative intention, but the punishment to be exacted should reflect what an offender has done; it should not be affected by the way in which the boundaries of particular offences are drawn.³⁰

Committee’s comments

- 3.32 The Committee notes that, under the principle of legality, the courts will presume that the Legislative Assembly does not intend to limit a common law right unless the intention is unambiguously clear in the legislation. In this regard, the Committee considers that a provision explicitly prohibiting duplicative punishment is not required given the established common law principle that a person should not be punished for common elements between overlapping offences.

Offence-specific defence for certain drugs

- 3.33 Existing section 29 of the Act provides for a defence to the offence contained in section 28(1) of driving with certain prescribed drugs in the body. It is a defence to the prosecution if there is no indication of a ‘strictly prohibited’ drug in a person’s blood or saliva,³¹ but there is indication of a ‘prohibited’ drug.³² The Regulations prescribe which substances are ‘strictly prohibited’ or ‘prohibited’ drugs. The defendant bears the evidentiary burden to satisfy the court that they:

- were under treatment by a medical practitioner at the time of the alleged offence and had taken the drug as part of that treatment; and
- had taken the drug in accordance with the directions of the medical practitioner.³³

- 3.34 Submitters argued that it is unclear whether the section 29 defence will apply to prosecution for an offence under proposed section 20A.³⁴ The Alcohol and Drug

²⁹ Northern Territory Police Association, Submission No. 4, p. 4.

³⁰ *Pearce v The Queen* (1998) 194 CLR 610, 15 [40].

³¹ ‘Strictly prohibited drugs’ are prescribed in Schedule 1A to the Traffic Regulations 1999 (NT) as: Delta-9-tetrahydrocannabinol (THC); Methylamphetamine; 3,4-Methylenedioxymethamphetamine (MDMA); Methylenedioxyamphetamine (MDA); Monoacetylmorphine (heroin metabolite); Benzoylmethylecgonine (cocaine); Benzoylecgonine (cocaine metabolite).

³² ‘Prohibited drugs’ are prescribed in Schedule 1A to the Traffic Regulations 1999 (NT) as: Morphine, Methadone and Amphetamine.

³³ *Traffic Act 1987* (NT), s 29(2).

³⁴ Association of Alcohol and Other Drug Agencies Northern Territory, Submission No. 1, p. 2; Menzies School of Health Research, Submission No. 2, p. 2; Alcohol and Drug Foundation, Submission No. 5, pp. 1-2.

Foundation (ADF) noted the importance of ensuring the defence remains available to individuals taking certain prescribed medications as directed by a medical professional:

This defence reflects a policy that balances a precautionary approach to road safety on one hand, and on the other hand the need to ensure that people who are not impaired are able to access necessary healthcare without restricting their ability to move freely about the Territory.³⁵

- 3.35 The Committee notes that the Bill's Schedule seeks to amend existing section 29 to include a reference to section 20A(1). This has the effect of extending the section 29 defence to a prosecution for an offence under proposed section 20A(1), in addition to existing section 28(1). However, the Committee observes that the Explanatory Statement does not explain the effect of each of the changes proposed in the Schedule, instead stating:

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.³⁶

- 3.36 The Committee notes that other amendments consequential to the insertion of proposed section 20A have been implemented through a clause of the Bill and explained in the Explanatory Statement, rather than included as a technical amendment in the Schedule.³⁷

'Strictly prohibited' drugs and 'prohibited' drugs

- 3.37 At present, morphine, methadone or amphetamine are the only drugs prescribed as 'prohibited' drugs.³⁸ As such, the section 29 defence may apply where these drugs are present in a person's blood or saliva,³⁹ and there is no indication of a 'strictly prohibited' drug (for example, cocaine). Unlike these drugs, delta-9-tetrahydrocannabinol (THC) (i.e., the psychoactive component of medicinal cannabis) is currently prescribed as a 'strictly prohibited' drug and excluded from the section 29 defence.
- 3.38 The Committee did not receive any submissions that commented on the current prescription of THC as a 'strictly prohibited' drug for the purposes of a section 29 defence. However, the Committee notes that the legal treatment of medicinal cannabis and drug driving has undergone significant review across Australian jurisdictions. Tasmania has long provided an exemption for prescribed medicinal cannabis users from presence-based drug driving offences,⁴⁰ while retaining offences for driving while under the influence of a drug.⁴¹ More recently, NSW has enacted legislation that will exempt certain registered medicinal cannabis

³⁵ Alcohol and Drug Foundation, Submission No. 5, p. 2.

³⁶ Explanatory Statement, *Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026* (Serial 76), https://parliament.nt.gov.au/_data/assets/pdf_file/0004/1630894/Explanatory-Statement-Traffic-Legislation-Amendment-Drink-and-Drug-Driving-and-Hooning-Bill-2026-Serial-76.pdf, p. 7.

³⁷ For example, *Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026*, cl 38.

³⁸ *Traffic Regulations 1999* (NT), Schedule 1A, Part B.

³⁹ *Traffic Act 1987* (NT), s 19A(b).

⁴⁰ *Road Safety (Alcohol and Drugs) Act 1970* (Tas), s 6A(2); *Poisons Act 1971* (Tas), s 59E.

⁴¹ *Road Safety (Alcohol and Drugs) Act 1970* (Tas), s 4.

users from presence-based THC offences where specified thresholds and safeguards are satisfied, while continuing to prohibit impaired driving.⁴²

- 3.39 The Committee also notes recommendations of parliamentary committees in WA and South Australia that prescribed medicinal cannabis users should not commit an offence only because THC is present in their system, provided they are not impaired and meet additional safety requirements.⁴³ The Committee notes that a consistent theme across these reviews is concern that the presence of THC in a person's blood or saliva is not necessarily a reliable indicator of impairment, particularly where medicinal cannabis has been prescribed and used in accordance with medical advice.⁴⁴ The Committee further notes evidence considered by other jurisdictions that THC may remain detectable after any impairing effects have ceased and that current drug driving laws may discourage some patients from accessing or continuing legitimate medical treatment.⁴⁵

Committee's comments

- 3.40 Due to amendments contained in the Schedule to the Bill, the Committee notes the section 29 defence will apply to prosecution for an offence under proposed section 20A. However, the Committee observes this is not explained in the Explanatory Statement. In general, the Committee considers that all amendments proposed by a Bill should be explained in the Explanatory Statement.
- 3.41 THC remains a 'strictly prohibited' drug for the purpose of the Act and is therefore excluded from the application of the section 29 defence to prosecution of an offence under proposed section 20A (and existing section 28(1)). While the Committee did not receive direct evidence on this issue during the inquiry, the Committee notes evidence presented in other jurisdictions regarding the application of presence-based drug driving offences to medicinal cannabis.
- 3.42 The Committee considers that the developments occurring in other jurisdictions warrant further consideration in the NT context. As the Bill does not seek to make any amendments to the drugs prescribed as 'strictly prohibited' and 'prohibited' drugs, however, the Committee considers that it is beyond the scope of this Inquiry to recommend such an amendment be made in this Bill. The Committee therefore recommends that the Government give further consider to this issue.

⁴² Road Transport Legislation Amendment (Medical Cannabis and Driving Offences) Act 2026 (NSW), Schedule 1, cl 4.

⁴³ See, for example, Government of Western Australia, *Response to Legislative Council Select Committee into Cannabis and Hemp Report on Medicinal Cannabis and Industrial Hemp in Western Australia*, 2023, p. 4; Parliament South Australia, Joint Committee on the Legalisation of Medicinal Cannabis, *Interim Report of the Joint Committee on the Legalisation of Medicinal Cannabis*, 2024, pp. 25-27.

⁴⁴ Legislative Council Western Australia, Select Committee into Cannabis and Hemp, *Medicinal cannabis and industrial hemp in Western Australia*, 2023, p. 65.

⁴⁵ Parliament South Australia, Joint Committee on the Legalisation of Medicinal Cannabis, *Interim Report of the Joint Committee on the Legalisation of Medicinal Cannabis*, 2024, pp. 25-27.

Recommendation 2

The Committee recommends that the Government consider amending the *Traffic Act 1987* and the *Traffic Regulations 1999* to permit persons who hold a medicinal cannabis prescription to lawfully drive in the Northern Territory with tetrahydrocannabinol (THC) present in their system, including relevant safeguards that should apply and with reference to legal frameworks, approaches and reports of other jurisdictions.

Clauses 4 and 17– Passive breath test

- 3.43 Clause 4 seeks to insert a definition of passive breath test into existing section 3 of the Act. It is defined as ‘a test of a sample of a person's breath to assess whether there is alcohol present in the person's breath’.
- 3.44 Clause 17 further seeks to amend existing section 29AAB to enable police officers to pull a person over for a passive breath test, in addition to the existing ability for police officers to pull a person over for a conventional breath test or breath analysis. The existing and amended section enables police to pull a person over without reasonable suspicion the driver has committed an offence.
- 3.45 The Department noted at the public briefing that the purpose of these amendments is to make the roadside breath testing process more efficient for the police and drivers.⁴⁶

Distinguishing between preliminary and evidentiary testing

- 3.46 Some submitters expressed concern that the Bill does not clearly indicate that a passive breath test is only a preliminary screening tool used to detect the presence of alcohol in a person's breath, rather than an evidentiary test capable of proving a person's BrAC.⁴⁷ The AADANT stated:

The proposed passive breath test appears to formalise a preliminary alcohol-screening approach that can be conducted without the disposable mouthpiece used for conventional breath testing. We support efficient preliminary screening, provided it remains clearly distinguished from evidentiary testing and is followed by appropriate testing where alcohol is indicated.⁴⁸

- 3.47 The Committee notes that the definition provided by clause 4 states that a passive breath test only assesses ‘whether there is alcohol present in the person's breath’, not the amount of alcohol in a person's breath. Additionally, at the public briefing, the Department advised that a conventional breath test which uses a plastic straw and/or a breath analysis will be used if a passive breath test returns a positive result.⁴⁹

⁴⁶ Department of Logistics and Infrastructure, Committee Transcript, 31 August 2026, p. 2.

⁴⁷ Association of Alcohol and Other Drug Agencies Northern Territory, Submission No. 1, p. 2; Northern Territory Police Association, Submission No. 4, p. 3.

⁴⁸ Association of Alcohol and Other Drug Agencies Northern Territory, Submission No. 1, p. 2.

⁴⁹ Department of Logistics and Infrastructure, Committee Transcript, 31 August 2026, p. 2.

- 3.48 The NTPA also recommended that the Bill be amended to confirm that a passive breath test is not ‘by itself, proof of an offence’.⁵⁰ However, the Committee notes that to commit a low, medium or high range drink driving offence, a certain BrAC or BAC is required⁵¹ and therefore, a passive breath test cannot be used as evidence of low, medium or high range drink driving as it does not give a BrAC or BAC indication.
- 3.49 The Committee notes that a passive breath test is not expressly excluded from being used as evidence for the offence of driving under the influence per section 29AAA(5), which states that evidence other than the result of a breath analysis may be given in a court to show that a person was under the influence of alcohol. However, as stated in the public briefing, a straw test or other analysis will be used if a passive breath test indicates a positive result. Accordingly, the scenario where the passive breath test would be used as evidence for an offence against section 29AAA is unlikely to eventuate unless a person refuses further testing.
- 3.50 Additionally, to be found guilty under section 29AAA, the court needs to be satisfied that a person was under the influence of alcohol or a drug to such an extent as to be incapable of having proper control of the vehicle. As established in NT case law, establishing a lack of control due to alcohol would require more evidence than just evidence of the consumption of alcohol (i.e., physical appearance, actions, conduct, speech or behaviour).⁵²

Committee’s comments

- 3.51 The Committee is satisfied that the passive breath test is a preliminary tool that, where a positive result is returned, will be used in combination with additional testing methods that give an indication of a person’s BrAC or BAC. In this regard, the Committee considers the provisions sufficient as currently drafted.

Targeting, location and frequency of breath tests

- 3.52 Menzies raised concerns that ‘expanded testing powers’ could ‘disproportionately [focus] on particular locations, communities or demographic groups’, recommending that safeguards be implemented which ‘ensure that expanded police powers are exercised transparently and equitably’.⁵³
- 3.53 Further, Menzies stated that ‘the effectiveness of increased roadside alcohol testing rests on its application as a genuinely random and visible deterrent across

⁵⁰ Northern Territory Police Association, Submission No. 4, p. 3.

⁵¹ See *Traffic Act 1987* (NT), s 19.

⁵² See *Police v Stevens* [2009] NTMC 025. The judgement states that ‘In each case the prosecution needs to prove not only that the driver has consumed liquor but also that the affect of the consumption has disturbed the action of the driver’s mental or physical faculties so that they are no longer in their normal condition. If a driver drinks some liquor but not enough to affect his faculties to this extent, that driver if he drives does not commit the offence. Evidence of the smell of liquor on the breath is merely one factor, namely the consumption; there must in addition be sensible signs that he has been affected by liquor, for example, as manifested by the driver’s physical appearance, actions, conduct, speech or behaviour (*Noonan v Elson* [1950] SRQ 215 at 236)’.

⁵³ Menzies School of Health Research, Submission No. 2, p. 2.

the broader community, supported by public education and awareness campaigns, and stronger investment in [alcohol and other drug] prevention, early intervention and treatment', citing evidence that the frequency of random breath tests in the NT decreased by 40% between 2019 and 2024.⁵⁴

Committee's comments

- 3.54 The Committee observes that the Bill does not materially expand police powers in relation to random breath tests. Rather, it enables an additional preliminary form of non-invasive breath test to improve the efficiency of the existing random breath test process.
- 3.55 The Committee finds that the location and frequency of random breath tests and public education campaigns are operational and policy matters for the relevant government department/s to consider.

Breath test sequencing and processes

- 3.56 The NTPA recommended the Bill be amended to include clear sequencing of the breath tests and specify the threshold for escalation from a passive breath test to a straw breath test or breath analysis.⁵⁵
- 3.57 As outlined in the public briefing, the expected usual sequence of the tests is firstly to use the passive breath test, then the straw breath test and breath analysis.⁵⁶ The Committee notes that the test sequence not being included in the Bill or Act gives police discretion to perform the tests out of sequence as the case requires. For example, in the case of a car crash, a blood test may need to be the first test completed in order to ensure the requirements of section 29AAK(3) of the Act are met.
- 3.58 The NTPA additionally recommended the Bill be amended to:
- outline the conduct that can be required of the driver to obtain a sample
 - deal expressly with refusal and inability to give a sample for a passive breath test
 - deal expressly with contaminated or inconclusive passive test results.
- 3.59 The Committee notes in response to these concerns that:
- The conduct required of a person is to submit to the passive breath test per section 29AAC as amended by the Schedule.
 - Refusal to submit to a passive breath test is dealt with under section 19(4) and 29AAC as amended by the Schedule.
 - Inability to submit to a passive breath test is dealt with in section 29AAC(6) as amended by the Schedule.

⁵⁴ Menzies School of Health Research, Submission No. 2, p. 1.

⁵⁵ Northern Territory Police Association, Submission No. 4, p. 1 and 3.

⁵⁶ Department of Logistics and Infrastructure, Committee Transcript, 31 August 2026, p. 2.

- Where a passive breath test could be contaminated or inconclusive, then the police may conduct a straw breath test or other test.

Committee's comments

3.60 The Committee notes that it is a matter for the relevant government department/s if they wish to develop guidance on the usual breath test sequence, as well as guidance on when police discretion may be used to determine, or when the Act may require, that tests be conducted out of sequence.

Calibration of devices, record keeping and communication policies

3.61 The NTPA recommended that the introduction of passive breath testing be supported by calibration and record-keeping standards, and that police training materials and public communications use terminology that is consistent with the Act.⁵⁷

Committee's comments

3.62 The Committee notes that calibration standards, record-keeping standards, training and public communications are policy and operational matters for the relevant government department/s to consider.

Licence disqualification periods based on prior relevant offence

3.63 Proposed subsection 29AAB(5) as outlined in the Bill amalgamates and remakes existing subsections 29AAB(5) and (6). The Department advised that:

- New subsection (5)(a) correlates to existing section (5).
- New subsection (5)(b) correlates to existing section (6) with:
 - New subsection (5)(b)(i)(A) correlating to current section 6(a) and (c).
 - New subsection (5)(b)(ii) correlating to current subsection 6(e) to (j).

3.64 New subsection (5)(b)(i)(B) amends the Act so that inter-jurisdictional prior findings of guilt for corresponding offences are counted as a previous offence under the Act. This amendment is discussed later in this report.

3.65 The Committee notes the Bill seeks to make some changes to the existing provisions. New subsection 29AAB(5)(a) includes an additional offence to the existing subsection, namely the offence 'Driving under the influence' (section 29AAA). This offence has been moved from existing subsection (6)(b). The Department advised that this amendment is intended to ensure that new subsection (5)(a) contains the more serious offences, while new subsection (5)(b) contains the comparatively less serious offences.⁵⁸

⁵⁷ Northern Territory Police Association, Submission No. 4, p. 3.

⁵⁸ Department of Logistics and Infrastructure, *Clarification and advice regarding the Traffic Legislation Amendment (Drink and Drug Driving and Hooring) Bill 2026*, (unpublished), September 2026.

- 3.66 The offence of failing to comply with a direction from a police officer to pull over has been removed from new subsection (5)(b)(i)(A) (i.e., existing subsection (6)(d)) and retained in new subsection (5)(a). The Department advised that this is to remove duplication between new subsections (5)(a) and (5)(b) and reflect the seriousness of this offence.⁵⁹
- 3.67 The NTPA raised that amended section 29AAB(5)(b)(ii) limits prior findings of guilt counted towards a 5-year licence disqualification to offences committed 'within 3 years', whereas all comparable provisions extend prior findings to offences committed 'at any time' before committing the relevant offence.⁶⁰ The NTPA recommended the intentionality of this difference be confirmed and explained.⁶¹
- 3.68 The Department confirmed that amended section 29AAB(5)(b)(ii) should be consistent with the equivalent provision of the current Act (i.e., current subsections (6)(e) to (j)) which requires the person has been found guilty of committing the relevant offence 'at any time' rather than 'within 3 years'.⁶²
- 3.69 The Committee notes that if the clause of the Bill were to pass as currently drafted, the scope of the provision would be narrowed as findings of guilt for relevant offences that occurred more than 3 years earlier would no longer be recognised for the purpose of imposing a five-year licence disqualification.

Committee's comments

- 3.70 In light of the Department's advice regarding the intention of the amendments, the Committee recommends that proposed section 29AAB(5)(b)(ii) be amended to retain the 'at any time' requirement, rather than narrowing the prior findings of guilt to 'within 3 years'. The Committee notes this aligns with the equivalent subsection of the existing Act (i.e., subsection 6(e) to (j)).

Recommendation 3

The Committee recommends that proposed section 29AAB(5)(b)(ii) be amended to omit 'within 3 years' and insert 'at any time'.

Clause 22 – If witness to be called

- 3.71 Existing section 29AAV outlines that for any proceedings in a court, if a party intends to call as a witness a person whose evidence may be received by way of certificate under section 29AAU, that party must:

(a) give not less than 14 days notice in writing of that intention to the other party; and

⁵⁹ Department of Logistics and Infrastructure, *Clarification and advice regarding the Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026*, (unpublished), September 2026.

⁶⁰ For example, clauses 7 (s 20A(4)(b)(ii)), 8 (s 21(4)(b)(ii)), 18 (s 29AAE(4)(b)(ii)) and 20 (s 29AAH(4)(b)(ii)).

⁶¹ Northern Territory Police Association, Submission No. 4, p. 6.

⁶² Department of Logistics and Infrastructure, *Clarification and advice regarding the Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026*, (unpublished), September 2026.

(b) call the person in accordance with the procedures of the relevant court to give the person's evidence.

3.72 Clause 22 seeks to repeal existing section 29AAV so that a court can call a witness whose evidence may be received by way of certificate without notice. People who can give evidence by way of certificate, per existing section 29AAU, are:

(a) a person authorised by the Commissioner under the Act to use a prescribed breath analysis instrument for the Act;

(aa) a person authorised by the Commissioner under section 27B to use a device for obtaining a sample of saliva for the Act;

(b) a member of the staff of a hospital or health centre; or

(c) an authorised analyst or a person employed by an authorised analyst.

3.73 The Committee notes that individuals who perform the roles specified in section 29AAU are often police officers. At the public briefing, the Department advised that the existing provision was intended to allow police officers to provide evidence by way of certificate rather than being summoned to court, thereby avoiding the need for their personal attendance in court.⁶³

3.74 The NTPA raised concerns that the repeal of this section may disrupt police rosters and operations. For example, it was noted there may be backfilling and fatigue consequences, particularly where a police officer has worked night shift or must travel from a remote location to attend court. The NTPA recommended that the notice period is retained but the court be enabled to disregard the notice if 'satisfied that doing so is in the interests of justice'.⁶⁴

3.75 The Committee notes that at the public briefing and in the Minister's first reading speech, it was stated that, over time, this provision has become prohibitive to the Department of Public Prosecutions' ability to call police officers to attend court in person, particularly for contested hearings.⁶⁵ The Department advised that summoning police without notice is common for criminal matters.⁶⁶

Committee's comments

3.76 The Committee considers that the repeal of section 29AAV is appropriate to ensure witnesses can be called to give evidence for an offence under the Act in a timely manner.

⁶³ Department of Logistics and Infrastructure, Committee Transcript, 31 August 2026, p. 3.

⁶⁴ Northern Territory Police Association, Submission No. 4, p. 5.

⁶⁵ Department of Logistics and Infrastructure, Committee Transcript, 31 August 2026, p. 3; Hon Bill Yan, Minister for Logistics and Infrastructure, *Draft Daily Hansard – Day 2 – 26 August 2026*, <https://territorystories.nt.gov.au/10070/1046756>, p. 15.

⁶⁶ Department of Logistics and Infrastructure, Committee Transcript, 31 August 2026, p. 3.

Clauses 26, 27, 30 and 35 – Impounding and disposal of vehicles

- 3.77 Clause 26 seeks to amend existing section 29AD (Power of police officer to impound vehicle) to enable a police officer to make an impounding determination if they believe on reasonable grounds that a vehicle was used in a high range drink driving offence and the driver of the vehicle has previously been found guilty of a high range drink driving offence. This is in addition to the existing power for police to impound a vehicle for hooning offences.⁶⁷
- 3.78 Clause 35 seeks to amend existing regulation 91A to add additional offences to be considered as hooning and splits hooning into tier 1 and tier 2 offences. Tier 1 hooning offences are those which were already classified as hooning under the Act and are less serious offences.⁶⁸ A tier 1 hooning offence is an offence against:
- Regulation 37(3) - Races and speed trials.
 - Regulation 37A(1) - Burn outs.
 - Regulation 37B(1) - Damaging surface of road or public place.
- 3.79 Tier 2 hooning offences are offences that are proposed to be newly classified as hooning offences and are more serious offences.⁶⁹ A tier 2 hooning offence is an offence against:
- Section 30 of the Act - Dangerous driving.
 - Section 30A of the Act - Driving at dangerous speed.
 - Section 174FB of the *Criminal Code Act 1983* (NT) - Dangerous driving during pursuit.
- 3.80 Clause 27 seeks to insert new section 29ADA (Period for which vehicle may be impounded). Previously, the maximum impounding period was 48 hours.⁷⁰ The Bill provides that:
- The impounding period for tier 1 hooning offences is 48 hours for the first offence, 7 days for the second offence and 14 days for subsequent offences.
 - The impounding period for a tier 2 hooning offence is 7 days for the first offence, 14 days for the second offence and 28 days for subsequent offences.
 - The impounding period for high range drink driving offences, where a driver has previously been found guilty of a high range drink driving offence, is 14 days.
- 3.81 Clause 30 seeks to amend existing section 29AR (Disposal of impounded vehicles) to enable police to dispose of an impounded vehicle if the owner does not collect the vehicle within 7 days after the end of the impoundment period.

⁶⁷ Traffic Regulations 1999 (NT), reg 91A.

⁶⁸ Department of Logistics and Infrastructure, Committee Transcript, 31 August 2026, p. 3.

⁶⁹ Department of Logistics and Infrastructure, Committee Transcript, 31 August 2026, p. 3.

⁷⁰ See *Traffic Act 1987* (NT), s 29AD(6)(b). Clause 26(5) seeks to remove this section.

Currently, the disposal period is within 28 days of the end of the impoundment period. The Commissioner of Police may dispose of the vehicle in any way the Commissioner considers appropriate, including by sale or destruction. The Explanatory Statement outlines that the purpose of reducing the timeframe for disposal is to allow the disposal 'of uncollected vehicles in an efficient manner'.⁷¹

Impact of impounding and lack of review mechanism

- 3.82 The NTPA and Menzies raised concerns that vehicle impoundment orders may have significant adverse consequences for vehicle owners and other users who rely on the vehicle as a shared family resource, despite those individuals not having committed an offence.⁷² Menzies stated that low-income, remote and Aboriginal families are likely to be more heavily impacted given that these groups' access to alternative transport options may be limited.⁷³ The NTPA recommended that a prompt and accessible review mechanism be made available to the owners of impounded vehicles, as well as the driver.⁷⁴
- 3.83 The Committee notes that existing section 29AE of the Act provides that a senior police officer must review an impounding determination within 24 hours after receiving a copy to ensure it is valid. A determination is invalid and must be revoked if the police officer or senior police officer is satisfied that, at time of the alleged offence, the vehicle was a rental, was stolen or otherwise used without the authority of the owner, or was not used in committing the alleged offence.
- 3.84 The Department advised that 'using without the authority' of the owner may encompass circumstances in which a person has permission to use a vehicle but uses it for a purpose other than that authorised by the owner. For example, if a person was given permission to go to the supermarket with a vehicle, but they used it for hooning, that may be considered using without authority and the vehicle may be returned to the owner under section 29AE. Further, the Department advised that if a vehicle has co-owners and one co-owner uses the car for hooning, the other co-owner may be returned the vehicle under section 29AE, as long as they can establish that the co-owner who committed the offence would not have access to the vehicle.⁷⁵

Committee's comments

- 3.85 The Committee finds that section 29AE is an adequate safeguard to ensure an impounding determination is valid, providing an avenue for owners and co-

⁷¹ Explanatory Statement, *Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026 (Serial 76)*, https://parliament.nt.gov.au/_data/assets/pdf_file/0004/1630894/Explanatory-Statement-Traffic-Legislation-Amendment-Drink-and-Drug-Driving-and-Hooning-Bill-2026-Serial-76.pdf, p. 6.

⁷² Menzies School of Health Research, Submission No. 2, pp. 3-4; Northern Territory Police Association, Submission No. 4, p. 6

⁷³ Menzies School of Health Research, Submission No. 2, pp. 3-4.

⁷⁴ Northern Territory Police Association, Submission No. 4, p. 5.

⁷⁵ Department of Logistics and Infrastructure, *Clarification and advice regarding the Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026*, (unpublished), September s2026.

owners to have their vehicle returned to them where it was used in a hooning offence without authority.

7-day disposal timeframe and impounding determination information

3.86 The NTPA and Menzies were concerned that the reduction of the timeframe for disposal of an impounded vehicle from 28 days to 7 days will be difficult for some owners to meet and may cause unnecessary hardship to individuals and families. These submitters emphasised that the impact would be particularly significant for people from remote communities who may face difficulties accessing or paying for transport, people who need to obtain legal advice, people who face communication barriers and people who may need to attend to cultural obligations.⁷⁶

3.87 Both submitters emphasised the severity of vehicle disposal as a consequence. The NTPA stated that 'Disposal is a serious and potentially irreversible interference with property'.⁷⁷ Menzies highlighted the significant impacts that vehicle disposal may have on individuals and families, including reduced access to employment and essential services:

The consequences of failing to act within seven days could be profound and long-lasting. For some families, the loss of a vehicle may result in reduced access to employment, education, healthcare and essential services, creating hardship that extends well beyond the intended penalty imposed on the offending driver. Where the vehicle is jointly used or relied upon by family members, a compressed timeframe increases the risk that innocent family members lose access to the vehicle permanently.⁷⁸

3.88 Both submitters recommended the longer disposal period be retained.⁷⁹ Menzies outlined their reasoning for supporting a 28-day timeframe:

Four weeks provides some opportunity for owners to obtain legal advice, arrange payment of fees, organise transport to retrieve a vehicle, or resolve ownership issues. Retaining the existing timeframe would strike a more appropriate balance between enforcement objectives and procedural fairness, while reducing the risk that families permanently lose a critical household asset because they were unable to respond within an unreasonably short timeframe.⁸⁰

3.89 The NTPA alternatively proposed that a senior decision-maker could be empowered to extend the disposal period on reasonable grounds.⁸¹ The Committee notes that the Department advised at the public briefing that the police have discretion to decide what action they take after the disposal period has ended, including delaying disposal:

As long as someone can contact the police.... it is a matter for police discretion as to what action they take once the timeframe has passed. If they

⁷⁶ Menzies School of Health Research, Submission No. 2, pp. 3-4; Northern Territory Police Association, Submission No. 4, p. 6.

⁷⁷ Northern Territory Police Association, Submission No. 4, p. 6.

⁷⁸ Menzies School of Health Research, Submission No. 2, p. 3.

⁷⁹ Menzies School of Health Research, Submission No. 2, p. 4; Northern Territory Police Association, Submission No. 4, p. 6.

⁸⁰ Menzies School of Health Research, Submission No. 2, pp. 3-4.

⁸¹ Northern Territory Police Association, Submission No. 4, p. 6.

are having trouble identifying the owner...they may delay or make other efforts.⁸²

3.90 The Committee further notes that the impounding determination and disposal notice requirements included in sections 29AD and 29AR provide administrative safeguards to ensure, as far as reasonably practical, all relevant parties are aware of the impounding and proposed disposal if a vehicle is not collected. Section 29AD requires the police to, as far as reasonably practical after making the impounding determination, give a copy of the determination to the driver, the registered owner and/or an unregistered owner. The Bill amends section 29AD(5) to require that an impounding determination must include the period for which the vehicle may be impounded, the timeframe for collection, the location where the vehicle is to be impounded and the liability for the costs of impounding. The determination may also include other information relating to impounding the vehicle. Amended section 29AR requires that, at least 7 days before the proposed disposal, the police notify the driver, the registered owner, an unregistered own and/or anyone else whom is known to have an interest in the vehicle.

3.91 However, the NTPA recommended that the information that is required to be included in the impounding determination be further expanded given the potential serious consequence of an impounded vehicle being disposed of. The NTPA recommended the determination include:

- the facts relied upon by the police officer to establish the reasonable grounds for making the determination
- the offence committed (i.e. tier 1 or 2 hooning, or high range drink driving)
- the previous offence being relied upon to determine that the alleged offence is a second or subsequent offence, as applicable
- information on review rights and the consequences of non-collection.⁸³

Committee's comments

3.92 The Committee acknowledges that vehicle disposal is a significant consequence. The Committee finds that the impounding and disposal notice requirements, together with the police discretion to extend the disposal period, provide appropriate safeguards in relation to the operation of the 7-day disposal period. However, the Committee considers that these safeguards could be strengthened. To this end, the Committee recommends that the ability of police to extend the vehicle disposal period be explicitly included in the Bill.

3.93 Additionally, to improve transparency of the impounding process and to reinforce the role of the impounding determination as a procedural safeguard, the Committee recommends that further information be included in the impounding determination. These additional matters are the grounds for the determination,

⁸² Department of Logistics and Infrastructure, Committee Transcript, 31 August 2026, p. 4.

⁸³ Northern Territory Police Association, Submission No. 4, p. 5.

details of the offence for which the vehicle is being impounded, details of a previous offence as applicable, and explanations of the consequences of non-collection and the review processes available.

Recommendation 4

The Committee recommends that section 29AR be further amended to enable the Commissioner for Police to extend the disposal period on reasonable grounds.

Recommendation 5

The Committee recommends that proposed section 29AD(5)(a) be amended to require the following information is also be included in the impounding determination:

- **the reasonable grounds for which the officer is making the determination under section 29AD(2)**
- **the offence for which the vehicle is being impounded**
- **the previous offence being relied upon to determine that the alleged offence is a second or subsequent offence, as applicable**
- **a plain language explanation of the consequences of non-collection of the impounded vehicle and of the review processes available.**

Policies and guidance on operation of impounding and disposal processes

3.94 The NTPA recommended that ‘the steps taken to notify the owner or other party [of a vehicle impoundment] and the reasons for the determination are recorded to protect police members from avoidable disputes and complaints’, and operational guidance be developed that deals with ‘stolen, hired, jointly owned, work, community and essential-service vehicles consistently’.⁸⁴

3.95 The Committee notes that an impounding determination will not be considered valid if a vehicle is stolen or hired/rented. It also refers back to advice provided by the Department that ‘using without the authority’ may encompass circumstances in which a person has permission to use a vehicle but uses it for a purpose other than that authorised by the owner or co-owner. In these circumstances, the vehicle may be returned to the owner under section 29AE.

Committee’s comments

3.96 The Committee notes that specific guidance on the operation of the impounding and disposal schemes are matters for the relevant government department/s to consider.

⁸⁴ Northern Territory Police Association, Submission No. 4, p. 5.

Clause 32 – Review of Part VA

- 3.97 Clause 32 seeks to repeal section 29AX, which provided for the CEO to review the first 7 years of the operation of Part VA ‘Hoon behaviour’ (amended by the Bill to be Part VA ‘Impounding and forfeiture of vehicles’), as the review period has expired.
- 3.98 The NTPA stated that the Bill materially expands Part VA. The Part is amended to enable impounding of vehicles for repeat high range drinking driving, expand the definition of hooning and split hooning into tier 1 and tier 2 offences, substantially increase the periods for which a vehicle can be impounded, and significantly decrease the timeframe for disposal of a vehicle. The NTPA argued that the breadth and significance of these amendments warrants a ‘fresh review mechanism’ after 2 years of operation of the amended Part:

Clause 32 repeals the expired review provision for Part VA, while the Bill materially expands that, Part. A fresh review mechanism is warranted. The NTPA recommends an independent or statutory review after 24 months of operation, with a report tabled in the Legislative Assembly.

The review should examine road-safety outcomes; use and accuracy of passive tests; contested directions; charges and alternative verdicts; impoundments by offence tier and region; revocations; owner hardship; vehicles disposed of; costs; complaints; court attendance; overtime; training; and impacts on regional and remote policing. The NTPA should be consulted as the representative of the members exercising the powers.⁸⁵

Committee’s comments

- 3.99 Due to the significant amendments proposed to be made to Part VA, the Committee agrees that the Department should review the operation of the Part. However, the Committee considers that a 3-year timeframe would be more appropriate and give sufficient time to allow the operation and impacts of the Part to be meaningfully assessed.

Recommendation 6

The Committee recommends replacing clause 32 with a provision that requires the Chief Executive Officer to conduct a review of the operation of Part VA of the *Traffic Act 1987* within 3 years of commencement of the amendments made by the Bill.

Various clauses – Interstate findings to establish repeat offending

- 3.100 Various provisions have been amended, and new section 20A has been drafted, so that inter-jurisdictional prior findings of guilt for corresponding offences are counted as a previous offence under the Act.⁸⁶

⁸⁵ Northern Territory Police Association, Submission No. 4, p. 8.

⁸⁶ See new section 20A and amended sections 21, 22, 23, 24, 25, 26, 28, 29AAA, 29AAB, 29AAE and 29AAH.

3.101 The NTPA were concerned that implementation of these amendments could be complex, recommending clear guidance be developed:

National recognition is sensible, but the phrase may generate uncertainty where offence elements, infringement processes and penalty structures differ. The NTPA recommends that the Government provide clear decision guidance and a reliable process for verifying interstate histories. Police members should not be left to make complex equivalence judgments at the roadside.⁸⁷

Committee's comments

3.102 The Committee considers that guidance on verifying interstate histories is an operational matter for the relevant government department/s to consider and goes beyond the scope of its inquiry into the Bill.

Drafting errors and Explanatory Statement clarity

3.103 The NTPA noted some drafting errors in the Bill. Minor typographical errors included:

- Amended section 23(2)(b) is missing a comma between '22(1)' and '24(2)'.
- Amended section 23(2)(c) has two subparagraphs numbered '(i)', with the second appearing to require numbering as '(ii)'.
- Amended section 29ADA has two subsections numbered '(2)', with the final subsection appearing to require renumbering as subsection '(3)'.
- Clause 5 omits section 19(4) while item 2 of the Schedule inserts 'passive breath test' into subsections 19(4)(a) and (d).⁸⁸

3.104 Additionally, the NTPA noted that the Act defines 'alleged offence' for Part VA by reference to section 29AD(1), however section 29AD(1) has been amended to remove this definition.⁸⁹

3.105 The Committee also notes that there are a few minor typographical errors in the Explanatory Statement. Firstly, the note for clause 26 states 'Clause29AD(3)' and 'Clause 29AD(4)'. This is a mixture of the clause and section numbers. Instead, these should state 'clause 26(3)' and 'clause 26(4)' respectively. Secondly, the note for clause 25 states that 'Two tiers of hooning offences will be established per clause 34' but this should state 'per clause 35'.

3.106 The AADANT and FARE also raised overarching concerns with the quality of the Explanatory Statement. The AADANT found that there is 'limited explanation' provided in the Explanatory Statement regarding the 'intended policy outcomes and practical operation of some provisions of the Bill'.⁹⁰

⁸⁷ Northern Territory Police Association, Submission No. 4, p. 4.

⁸⁸ Northern Territory Police Association, Submission No. 4, pp. 6-7.

⁸⁹ Northern Territory Police Association, Submission No. 4, p. 7.

⁹⁰ Association of Alcohol and Other Drug Agencies Northern Territory, Submission No. 1, p. 4; Foundation for Alcohol Research and Education, Submission No. 3, p. 1.

Committee's comments

3.107 Clause (3)(b)(iii)(K) of the Committee's Terms of Reference require it to consider whether a Bill is unambiguous and drafted in a sufficiently clear and precise way. Clear and accurate drafting ensures legislation is fit-for-purpose. In this instance, submitters have identified a number of drafting errors which the Committee considers should be corrected. As such, the Committee recommends that the typographical errors in amended sections 23 and 29ADA of the Bill are corrected. The Committee also notes that clause 5 omitting section 19(4) while item 2 of the Schedule inserts 'passive breath test' into section 19(4) is a redundant error given section 19(4) is omitted. The Committee further recommends that a definition of alleged offence is re-inserted into the Bill.

Recommendation 7

The Committee recommends that the following typographical errors in the Bill be corrected:

- **a comma is inserted into amended section 23(2)(b) '22(1) 24(2)'**
- **the second subparagraph of amended section 23(2)(c) be renumbered to '(ii)'**
- **section 29ADA is amended so that the second subsection numbered '(2)', is renumbered as subsection '(3)'**
- **the Schedule be amended to remove amendments to section 19(4)(a) and (d).**

Recommendation 8

The Committee recommends that a definition of alleged offence is re-inserted into the Bill by amending section 29AD(1) to state:

- (1) A police officer may make a determination in writing that a motor vehicle be impounded (an impounding determination) if:**
- (a) the officer believes on reasonable grounds that the vehicle was used in committing a hooning offence or a high range drink driving offence (the alleged offence); and**
 - (b) if the alleged offence is a high range drink driving offence – the driver of the vehicle at the time of the alleged offence has previously been found guilty of a high range drink driving offence'.**

Other issues

3.108 Some submissions raised concerns and proposed amendments that were beyond the scope of the Committee's inquiry including:

- recommendations that public education and alcohol and other drug prevention measures should be strengthened⁹¹
- concern regarding the timeframe provided for the Committee's submission process⁹²
- recommendations to strengthen accountability for drivers involved in pedestrian collisions who leave the scene of an accident and to address a gap in data on driver BAC in pedestrian crashes⁹³
- recommendations for regular public reporting on alcohol and other drug-related road injuries and fatalities in the NT.⁹⁴

⁹¹ Association of Alcohol and Other Drug Agencies Northern Territory, Submission No. 1, p. 3; Menzies School of Health Research, Submission No. 2, p. 1; Foundation for Alcohol Research and Education, Submission No. 3, p. 1; Alcohol and Drug Foundation, Submission No. 5, p. 1.

⁹² Association of Alcohol and Other Drug Agencies Northern Territory, Submission No. 1, p. 2; Foundation for Alcohol Research and Education, Submission No. 3, p. 1.

⁹³ Menzies School of Health Research, Submission No. 2, p. 4.

⁹⁴ Alcohol and Drug Foundation, Submission No. 5, p. 1.

Appendix 1: Submissions Received

Submissions Received

1. Association of Alcohol and Other Drug Agencies Northern Territory
2. Menzies School of Health Research
3. Foundation for Alcohol Research and Education
4. Northern Territory Police Association
5. Alcohol and Drug Foundation

Note: Copies of submissions are available at:

<https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/76-2026>

Appendix 2: Public Briefing

Public Briefing – Darwin and 31 August 2026

Department of Logistics and Infrastructure

- Gemma Lake, Chief Executive Officer
- Fotis Papdakis, Chief Operating Officer

Note: Copies of briefing transcripts are available at:

<https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/76-2026>

Appendix 3: Comparable drink and drug driving offences in Australian jurisdictions

Table 3: Maximum penalties for combined high range drink and drug driving offences and aggregate of underlying offences in NSW, Victoria, ACT, WA and NT

Jurisdiction	High range drink and drug driving penalties: First offence	High range drink and drug driving penalties: Second or subsequent offence	Aggregate of underlying offence penalties: First offence	Aggregate of underlying offence penalties: Second or subsequent offence
NSW	50 penalty units (\$5,500) or imprisonment for 2 years or both ⁹⁵	100 penalty units (\$11,000) or imprisonment for 2 years or both ⁹⁶	50 penalty units (\$5,500) or 18 months imprisonment or both ⁹⁷	80 penalty units (\$8,800) or 2 years imprisonment or both ⁹⁸
Victoria	30 penalty units (\$6,273) ⁹⁹	Second: 180 penalty units (\$37,638) or 12 months imprisonment Subsequent: 270 penalty units (\$56,457) or 18 months imprisonment ¹⁰⁰	32 penalty units (\$6,691) ¹⁰¹	Second: 180 penalty units (\$37,538) or 12 months imprisonment ¹⁰² Subsequent: 300 penalty units or 18 months imprisonment ¹⁰³
ACT	100 penalty units (\$16,000), imprisonment for 12 months or both ¹⁰⁴	200 penalty units (\$32,000), imprisonment for 2 years or both ¹⁰⁵	100 penalty units, 9 months imprisonment or both ¹⁰⁶	200 penalty units or 2 years in imprisonment or both ¹⁰⁷

⁹⁵ *Road Transport Act 2013* (NSW), s 111A(1).

⁹⁶ *Road Transport Act 2013* (NSW), s 111A(1).

⁹⁷ *Road Transport Act 2013* (NSW), ss 110(5) and 111(1).

⁹⁸ *Road Transport Act 2013* (NSW), ss 110(5) and 111(1).

⁹⁹ *Road Safety Act 1986* (Vic), s 49(3AAB).

¹⁰⁰ *Road Safety Act 1986* (Vic), s 49(3AAB).

¹⁰¹ *Road Safety Act 1986* (Vic), ss 49(2A)(a) and 49(3AAA)(a).

¹⁰² *Road Safety Act 1986* (Vic), ss 49(2A)(b)(ii) and 49(3AAA)(b).

¹⁰³ *Road Safety Act 1986* (Vic), ss 49(2A)(c)(ii) and 49(3AAA)(c).

¹⁰⁴ *Road Transport (Alcohol and Drugs) Act 1977* (ACT), s 21(1).

¹⁰⁵ *Road Transport (Alcohol and Drugs) Act 1977* (ACT), s 21(1).

¹⁰⁶ *Road Transport (Alcohol and Drugs) Act 1977* (ACT), ss 19(1) and 20(1).

¹⁰⁷ *Road Transport (Alcohol and Drugs) Act 1977* (ACT), ss 19(1) and 20(1).

WA	68 penalty units (\$3,400) ¹⁰⁸	Second: 113 penalty units (\$5,650) Subsequent: 135 penalty units (\$6,750) ¹⁰⁹	80 penalty units (\$4,000) or 9 months prison ¹¹⁰	Second: 115 (\$5,750) or 18 months Subsequent: 130 units (\$6,500) or 30 months in prison ¹¹¹
NT	30 penalty units (\$5,820) or 18 months' imprisonment ¹¹²	50 penalty (\$9,700) units or 2 years' imprisonment ¹¹³	15 penalty units (\$2,910) or 15 months imprisonment ¹¹⁴	27.5 penalty units (\$5,335) or imprisonment for 18 months ¹¹⁵

Table 4: Licence disqualification periods for combined drink and drug driving offences NSW, Victoria, ACT and WA

Jurisdiction	First offence	Second or subsequent offence
NSW	Default period: 4 years Min: 18 months ¹¹⁶	Default period: 6 years Min: 3 years ¹¹⁷
Victoria	Min: 21 months to 30 months depending on BAC ¹¹⁸	Min: 42 months to 60 months depending on BAC ¹¹⁹
ACT	Default period: 2 years Min: 12 months ¹²⁰	Default period: 4 years Min: 2 years ¹²¹

¹⁰⁸ *Road Traffic Act 1974* (WA), s 64B.

¹⁰⁹ *Road Traffic Act 1974* (WA), s 64B.

¹¹⁰ *Road Traffic Act 1974* (WA), s 64.

¹¹¹ *Road Traffic Act 1974* (WA), s 64AC.

¹¹² Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026, cl 7 (proposed s 20A(1)).

¹¹³ Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026, cl 7 (proposed s 20A(1)).

¹¹⁴ *Traffic Act 1987* (NT), ss 21 and 28.

¹¹⁵ *Traffic Act 1987* (NT), ss 21 and 28.

¹¹⁶ *Road Transport Act 2013* (NSW), s 205(2)(c1).

¹¹⁷ *Road Transport Act 2013* (NSW), s 205(3)(c1).

¹¹⁸ *Road Safety Act 1986* (Vic), Schedule 1AB.

¹¹⁹ *Road Safety Act 1986* (Vic), Schedule 1AB.

¹²⁰ *Road Transport (Alcohol and Drugs) Act 1977* (ACT), s 31.

¹²¹ *Road Transport (Alcohol and Drugs) Act 1977* (ACT), s 31.

WA	Min: 14 months ¹²²	Min second offence: 27 months Min subsequent offence: 42 months
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¹²² *Road Traffic Act 1974 (WA)*, s 64B.

Bibliography

Australian Capital Territory Government, *Prescribing and supplying medicinal cannabis*, 2026, <https://www.act.gov.au/health/prescribing-controlled-and-monitored-medicines/prescribing-and-supplying-medicinal-cannabis>.

Australian Government, Office of Parliamentary Counsel, *Instructor Guidance Note—Commencement provisions*, 2025, <https://www.opc.gov.au/sites/default/files/2025-10/Instructor%20Guidance%20Note%20-%20Commencement%20provisions.pdf>.

Department of Logistics and Infrastructure, *Clarification and advice regarding the Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026*, (unpublished), September 2026.

Explanatory Statement, *Traffic Legislation Amendment (Drink and Drug Driving and Hooning) Bill 2026* (Serial 76), https://parliament.nt.gov.au/_data/assets/pdf_file/0004/1630894/Explanatory-Statement-Traffic-Legislation-Amendment-Drink-and-Drug-Driving-and-Hooning-Bill-2026-Serial-76.pdf.

Government of South Australia, SA Health, *Frequently asked questions on medicinal cannabis*, <https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/conditions/medicines/medicinal+cannabis/frequently+asked+questions+on+medicinal+cannabis>

Government of Western Australia, Department of Health, *Medicinal cannabis FAQs*, 2019, https://www.healthywa.wa.gov.au/~/_media/Files/HealthyWA/Original/Factsheets/medicinal-cannabis-fact-sheet-v2.pdf

Government of Western Australia, *Response to Legislative Council Select Committee into Cannabis and Hemp Report on Medicinal Cannabis and Industrial Hemp in Western Australia*, 2023, [https://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/4112454c356b984721016b0648258a1b0006dc4f/\\$file/tp-2454.pdf](https://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/4112454c356b984721016b0648258a1b0006dc4f/$file/tp-2454.pdf)

Hon Bill Yan, Minister for Logistics and Infrastructure, *Draft Daily Hansard – Day 2 – 26 August 2026*, <https://territorystories.nt.gov.au/10070/1046756>.

Judicial Commission of New South Wales, *Sentencing Bench Book*, updated August 2026, <https://jirs.judcom.nsw.gov.au/public/assets/benchbooks/sentencing/>.

Legislative Council Western Australia, Select Committee into Cannabis and Hemp, *Medicinal cannabis and industrial hemp in Western Australia*, 2023, [https://www.parliament.wa.gov.au/Parliament/commit.nsf/\(Report+Lookup+by+Com+ID\)/C5D7ACF7160D567848258982000DE9A6/\\$file/ch.can.230314.rpf.001.xx%20web%20version.pdf](https://www.parliament.wa.gov.au/Parliament/commit.nsf/(Report+Lookup+by+Com+ID)/C5D7ACF7160D567848258982000DE9A6/$file/ch.can.230314.rpf.001.xx%20web%20version.pdf),

New South Wales Government, Transport for NSW, *Medical Cannabis*, <https://www.transport.nsw.gov.au/roadsafety/topics-tips/drugs/medical-cannabis>.

NT Government, *Towards Zero Road Safety Action Plan 2024-2028*, 2024, <https://roadsafety.nt.gov.au/media/documents/towards-zero-road-safety-action-plan-2024-2028.pdf>.

Parliament of South Australia, *Hansard Daily, Legislative Council: Tuesday, October 28, 2025*, <https://shorturl.at/26Dqy>.

Parliament of South Australia, Joint Committee on the Legalisation of Medicinal Cannabis, *Interim Report of the Joint Committee on the Legalisation of Medicinal Cannabis*, 2024, <https://committees.parliament.sa.gov.au/committee/423/Joint%20Committee%20on%20the%20Legalisation%20of%20Medicinal%20Cannabis/55/55th%20Parliament%205%2F3%2F2022%20-%20Current/55>.

Pearce v The Queen (1998) 194 CLR 610, 15 [40].

Poisons Act 1971 (Tas).

Police v Stevens [2009] NTMC 025.

Queensland Government, *Medicinal cannabis*, 2024, <https://www.qld.gov.au/transport/licensing/healthy-to-drive/can-i-drive/medications-and-treatments/medicinal-cannabis>.

Road Safety Act 1986 (Vic).

Road Safety (Alcohol and Drugs) Act 1970 (Tas).

Road Traffic Act 1974 (WA).

Road Transport Act 2013 (NSW).

Road Transport Legislation Amendment (Medical Cannabis and Driving Offences) Act 2026 (NSW).

Road Transport (Alcohol and Drugs) Act 1977 (ACT).

Tasmanian Government, Department of Health, *Information about medicinal cannabis for prescribers in Tasmania*, 2026, <https://www.health.tas.gov.au/health-topics/medicines-and-poisons-regulation/medicinal-cannabis/information-about-medicinal-cannabis-prescribers-tasmania>.