

2026

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Andrew Braddock)

## Road Transport (Alcohol and Drugs) Amendment Bill 2026

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# Road Transport (Alcohol and Drugs) Amendment Bill 2026

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## A Bill for

An Act to amend the *Road Transport (Alcohol and Drugs) Act 1977*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Road Transport (Alcohol and Drugs) Amendment Act*  
3 *2026*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *Road Transport (Alcohol and Drugs) Act 1977*.

10 **4 Detention for oral fluid analysis**  
11 **New section 13D (2A) and (2B)**

12 *insert*

13 (2A) However, the police officer must not take the person into custody if—

14 (a) the drug screening device indicates to the police officer that  
15 THC is present in the person’s oral fluid; and

16 (b) the drug screening device does not indicate to the police officer  
17 that any other prescribed drug is present in the person’s oral  
18 fluid; and

19 (c) there are reasonable grounds for the police officer to believe the  
20 THC was lawfully used.

21 (2B) Subsection (2A) does not apply if the police officer has reasonable  
22 cause to suspect that the person has committed an offence against  
23 section 24 (Driving under the influence of intoxicating liquor or a  
24 drug) or an offence of culpable driving.

1 **5 Prescribed drug in oral fluid or blood—driver or driver**  
2 **trainer**  
3 **Section 20 (4)**

4 *omit*  
5 delta-9-tetrahydrocannabinol  
6 *substitute*  
7 THC

8 **6 New section 20 (4A)**

9 *insert*  
10 (4A) Subsection (1) does not apply if—  
11 (a) THC was the only prescribed drug in the defendant’s oral fluid  
12 or blood within the relevant period; and  
13 (b) the THC was lawfully used.

14 *Note* The defendant has an evidential burden in relation to the matters  
15 mentioned in s (4A) (see [Criminal Code](#), s 58).

16 **7 Prescribed concentration of alcohol and prescribed drug**  
17 **in bodily fluid**  
18 **Section 21 (5)**

19 *omit*  
20 delta-9-tetrahydrocannabinol  
21 *substitute*  
22 THC

1 **8 New section 21 (5A)**

2 *insert*

3 (5A) Subsection (1) does not apply if—

4 (a) THC was the only prescribed drug in the defendant’s oral fluid  
5 or blood within the relevant period; and

6 (b) the THC was lawfully used.

7 *Note* The defendant has an evidential burden in relation to the matters  
8 mentioned in s (5A) (see [Criminal Code](#), s 58).

9 **9 Police may direct person not to drive**  
10 **Section 47B (1) (b), examples, 3rd dot point**

11 *after*

12 person’s oral fluid

13 *insert*

14 (subject to s (7))

15 **10 New section 47B (7) and (8)**

16 *insert*

17 (7) For subsection (1) (b), a police officer does not have reasonable cause  
18 to suspect that a person’s ability to drive a motor vehicle safely is  
19 impaired by a prescribed drug, merely because a drug-related test  
20 indicates the presence of THC in the person’s oral fluid or blood, if—

21 (a) the drug-related test does not indicate to the police officer that  
22 any other prescribed drug is present in the person’s oral fluid or  
23 blood; and

24 (b) there are reasonable grounds to believe the THC was lawfully  
25 used.

- 1 (8) In this section:
- 2 *drug-related test* means—
- 3 (a) a drug screening test under division 2.4 (Prescribed drugs—  
4 screening tests); or
- 5 (b) an oral fluid analysis under division 2.5 (Prescribed drugs—  
6 confirmatory tests); or
- 7 (c) an analysis of blood for a prescribed drug under division 2.7  
8 (Analysis of blood—alcohol and drugs).

9 **11 New part 23**

10 *insert*

11 **Part 23** **Transitional—Road Transport**  
12 **(Alcohol and Drugs) Amendment**  
13 **Act 2026**

14 **114 Prior lawful use of THC**

15 The amendments of this Act made by the *Road Transport (Alcohol*  
16 *and Drugs) Amendment Act 2026* apply even if the THC was lawfully  
17 used before the day that Act, section 3 commenced.

18 **115 Expiry—pt 23**

19 This part expires 1 year after the day it commences.

20 *Note* A transitional provision is repealed on its expiry but continues to have  
21 effect after its repeal (see [Legislation Act](#), s 88).

1 **12 Dictionary, new definitions**

2 *insert*

3 *lawfully used*, in relation to THC, means obtained and administered  
4 in accordance with—

5 (a) the *Medicines, Poisons and Therapeutic Goods Act 2008*; or

6 (b) a corresponding law within the meaning of that Act.

7 *THC* means delta-9-tetrahydrocannabinol.

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## Endnotes

1 **Presentation speech**

Presentation speech made in the Legislative Assembly on 12 June 2026.

2 **Notification**

Notified under the [Legislation Act](#) on 2026.

3 **Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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