

## **Drug testing drivers at random may infringe human rights law**

By Noel Towell Police Reporter

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Plans for random roadside drug testing in the ACT could run into a snag the Government's own Human Rights Act. The territory's Human Rights Commissioner told a Government- hosted forum earlier this month that random roadside drug testing could infringe the Act, which has been law for four years, and a public health specialist told the gathering there was no hard evidence that random drug testing saved lives.

Territory and Municipal Services Minister John Hargreaves has issued a discussion paper on the Road Transport (Alcohol and Drugs) Act and is expected to overhaul the territory's effort at enforcing the laws against driving while drug-affected. Driving while high on drugs is illegal in the ACT, but the territory and Tasmania remain the only two Australian jurisdictions where police lack the power to mount roadside drug blitzes.

ACT Human Rights and Discrimination Commissioner Helen Watchirs told the gathering at Canberra University early this month that legislators drafting new laws could face tricky hurdles. The commissioner said that pulling drivers over for random saliva tests could amount to arbitrary detention, medical treatment without consent, invasion of privacy or even an imposition on children's rights if young drivers were caught up in the sweeps.

"There is the potential for legislation authorising random roadside testing to limit, restrict or conflict with a number of different human rights to varying degrees," Dr Watchirs told the forum. "Existing legislation is already carefully drafted in not having random testing but requiring reasonable suspicion of impairment in order not to be arbitrary."

A fellow of the University of Canberra's National Centre for Epidemiology and Population Health, David McDonald, told the forum there was no hard data to prove that roadside drug blitzes saved lives. The researcher told the gathering that the proportion of Victorian drug users who admitted driving soon after taking drugs had risen from 63 per cent to 71 per cent since the state introduced random drug testing. Mr McDonald also said that since introducing its zero-tolerance policy in 1999, Sweden had reported high levels of detection but no reduction in crashes.

The minister was undeterred by the note of caution from the forum, vowing to push ahead with the reforms. "The Government remains committed to introducing random roadside drug testing in the ACT and is currently analysing the policy proposals submitted by the community to develop a human rights compliant program in line with national best practice," he said. "The Government will make further announcements in relation to the alcohol and drug-driving review in the near future."

Opposition spokesman on urban affairs Steve Pratt urged the Government to set aside concerns over human rights in the drug-driving debate. "My concern is the human rights of the general public to be able to drive safely without being killed or severely injured by lunatics driving on drugs," the Liberal MLA said.