



New South Wales

Traffic Amendment (Learner Driver Supervisors) Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Traffic Act 1909* so that supervisors accompanying learner drivers:

- (a) will have their blood tested for the presence of alcohol if they attend or are admitted to hospital as a result of an accident on a public street involving a motor vehicle driven under their supervision, and
 - (b) will be subject to the 0.2 blood alcohol limit if they would be subject to that limit were they driving the vehicle whose driver they are accompanying.
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Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a proclaimed day or days.

Clause 3 is a formal provision giving effect to the amendments to the *Traffic Act 1909* set out in Schedules 1–3.

Schedule 1 Amendments relating to blood tests

Schedule 1 [1] provides that, for the purpose of allowing mandatory blood samples to be taken at a hospital under section 4F from a person who is a supervisor of a learner driver, the qualification that a supervisor needs to be the holder of a driver's licence is met if the person is accompanying the learner in accordance with a requirement of the regulations under the Act.

Schedule 1 [2] inserts the conjunction “or” in section 4F (2) (a)–(c) as a consequential amendment.

Schedule 1 [3] extends to a supervisor accompanying a learner driver the scheme of section 4F requiring the taking of blood samples from persons admitted into a hospital for examination or treatment as a result of an accident on a public street involving a motor or other vehicle or a horse.

Schedule 1 [4] exempts a person from prosecution for the offence of being a supervisor who accompanies a learner driver driving a motor vehicle while the supervisor is under the influence of alcohol (which does not require proof of the presence of a specific concentration of alcohol in the supervisor's blood) if the supervisor has had a sample of blood taken under section 4F in respect of the same occasion of driving.

Schedule 2 Amendments relating to blood alcohol levels

Schedule 2 [1] introduces the term *special category supervisor*. The term includes a person under 25 years of age who accompanies a learner driver of any motor vehicle (unless the person has held a driver's licence for 3 years or more) and a person who accompanies a learner driver of a public passenger vehicle, coach or heavy motor vehicle, or who accompanies a learner driver of certain vehicles carrying dangerous goods or a vehicle carrying radioactive substances.

Schedule 2 [2] creates an offence if a special category supervisor who holds a driver's licence occupies the seat in a motor vehicle next to a holder of a learner's licence who is driving the vehicle while there is present in the blood of the supervisor a concentration of alcohol of 0.02 grammes or more, but less than 0.05 grammes, per 100 millilitres of blood.

Schedule 2 [3] updates a cross-reference as a consequential amendment.

Schedule 3 Transitional amendment

Schedule 3 provides that amendments made by the proposed Act do not apply in respect of accidents that occur, or any supervision of a learner driver that occurs, before the amendments commence.

The Schedule also provides for references in the Act to section (1D) to be read as references to that section as in force before or after its replacement by the proposed Act.