



New South Wales

# Traffic Amendment (Learner Driver Supervisors) Act 1996 No 75

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New South Wales

## **Traffic Amendment (Learner Driver Supervisors) Act 1996 No 75**

Act No 75, 1996

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An Act to amend the *Traffic Act 1909* to extend certain requirements relating to drivers of motor vehicles to supervisors of learner drivers; and to make consequential provisions. [Assented to 22 October 1996]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Traffic Amendment (Learner Driver Supervisors Act 1996*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Traffic Act 1909 No 5**

The *Traffic Act 1909* is amended as set out in Schedules 1–3.

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## **Schedule 1 Amendments relating to blood tests**

(Section 3)

### **[1] Section 2 Definitions**

Omit “sections 4E and 5” from section 2 (4).  
Insert instead “sections 4E, 4F and 5”.

### **[2] Section 4F Blood samples to be taken in certain cases**

Insert “or” at the end of section 4F (2) (a), (b) and (c).

### **[3] Section 4F (2) (f)**

At the end of section 4F (2) (e), insert:

, or

- (f) the holder of a driver’s licence and occupying the seat in the motor vehicle next to a holder of a learner’s licence who was driving a motor vehicle involved in the accident.

### **[4] Section 4F (10)**

Omit the subsection. Insert instead:

- (10) A person who has had a sample of blood taken in accordance with this section because of an accident is not to be charged with an offence under section 5 (2) if it is alleged as a component of the offence that the person was under the influence of alcohol and the offence relates to the same accident.

## **Schedule 2 Amendments relating to blood alcohol levels**

(Section 3)

### **[1] Section 4E Prescribed concentration of alcohol in person's blood**

Insert after section 4E (1B):

- (1C) For the purposes of this section, a person is a *special category supervisor* in respect of a motor vehicle if, were the person driving the motor vehicle, the person would be a special category driver in respect of the motor vehicle.

### **[2] Section 4E (1D)**

Omit the subsection. Insert instead:

- (1D) Any person who, while there is present in the person's blood the special range prescribed concentration of alcohol:
- (a) being a special category driver in respect of the motor vehicle, drives a motor vehicle, or
  - (b) being a special category driver in respect of the motor vehicle, occupies the driving seat of a motor vehicle and attempts to put the motor vehicle in motion, or
  - (c) being a special category supervisor in respect of the motor vehicle and the holder of 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,
- is guilty of an offence under this Act and is liable:
- (d) in the case of a first offence—to a penalty not exceeding 5 penalty units, or

- (e) in the case of a second or subsequent offence—to a penalty not exceeding 10 penalty units.

**[3] Section 4E (1K) (a1)**

Omit “subsection (1D) (a) or (b)”.

Insert instead “subsection (1D) (a), (b) or (c)”.

## Schedule 3 Transitional amendment

(Section 3)

### Schedule 1, Part 3

Insert after Part 2:

### Part 3 Provisions consequent on the enactment of the Traffic Amendment (Learner Driver Supervisors) Act 1996

#### 8 Transitional provisions

- (1) In this clause, *the amending Act* means the *Traffic Amendment (Learner Driver Supervisors) Act 1996*.
- (2) An amendment made by Schedule 1 to the amending Act does not apply in respect of an accident involving a motor vehicle that occurs before the amendment commences.
- (3) An amendment made by Schedule 2 to the amending Act does not apply in respect of a person accompanying the driver of a motor vehicle before the amendment commences.
- (4) References in this Act to section 4E (1D) are taken to be references to that subsection as in force before or after its repeal and re-enactment by the amending Act.

[Member's second reading speech made in—  
Legislative Assembly on 27 June 1996  
Minister's second reading speech made in—  
Legislative Council on 16 October 1996]