



New South Wales

Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Act 2007 No 61

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Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Act 2007 No 61

Act No 61, 2007

An Act to amend the *Road Transport (Safety and Traffic Management) Act 1999* to extend the requirement for a zero prescribed concentration of alcohol to visiting overseas or interstate novice drivers; and for other purposes. [Assented to 23 November 2007]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Act 2007*.

2 Commencement

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

3 Amendment of Road Transport (Safety and Traffic Management) Act 1999 No 20

The *Road Transport (Safety and Traffic Management) Act 1999* is amended as set out in Schedule 1.

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendments

(Section 3)

[1] Part 2, Division 1, heading

Omit the heading. Insert instead:

Division 1 Interpretation

[2] Section 8 General definitions

Insert before section 8 (3):

(1) In this Part:

driver licence means the following:

- (a) a licence issued under a law in force in a State or internal Territory authorising the holder to drive one or more classes of motor vehicle on a road or road related area,
- (b) a driver licence receipt for a licence referred to in paragraph (a),
- (c) a foreign driver licence.

learner licence means the following:

- (a) a learner licence within the meaning of the *Road Transport (Driver Licensing) Act 1998* or a driver licence receipt for such a licence,
- (b) a foreign driver licence that has the same or similar effect as a licence referred to in paragraph (a).

provisional licence means the following:

- (a) a provisional P1 licence or a provisional P2 licence,
- (b) a licence issued under a law in force in a State or internal Territory, or a foreign driver licence, that has the same or similar effect as a licence referred to in paragraph (a) or is prescribed by the regulations as an equivalent licence for the purposes of this definition,
- (c) a driver licence receipt for a licence referred to in paragraph (a) or for a State or internal Territory licence referred to in paragraph (b).

[3] Section 8 (3) and (4)

Omit “this Division” wherever occurring. Insert instead “this Part”.

[4] Section 8 (3) (a)

Omit “, or the holder of a provisional licence issued under the *Road Transport (Driver Licensing) Act 1998*,”.

Insert instead “or a provisional licence”.

[5] Section 8 (3) (b)

Omit section 8 (3) (b) and (c). Insert instead:

- (b) if the person is not authorised to drive that motor vehicle in New South Wales because the person, in New South Wales or elsewhere, has had his or her application for a relevant driver licence or authority refused, has been disqualified from driving, has had a relevant driver licence or authority suspended or cancelled or has never obtained a relevant driver licence or authority, or

[6] Section 8A

Insert after section 8:

8A Prescribed concentrations of alcohol

In this Part:

- (a) ***novice range prescribed concentration of alcohol*** means a concentration of more than zero grammes, but less than 0.02 grammes, of alcohol in 100 millilitres of blood, and
- (b) ***special range prescribed concentration of alcohol*** means a concentration of 0.02 grammes or more, but less than 0.05 grammes, of alcohol in 100 millilitres of blood, and
- (c) ***low range prescribed concentration of alcohol*** means a concentration of 0.05 grammes or more, but less than 0.08 grammes, of alcohol in 100 millilitres of blood, and
- (d) ***middle range prescribed concentration of alcohol*** means a concentration of 0.08 grammes or more, but less than 0.15 grammes, of alcohol in 100 millilitres of blood, and
- (e) ***high range prescribed concentration of alcohol*** means a concentration of 0.15 grammes or more of alcohol in 100 millilitres of blood.

[7] Part 2, Division 1AA, heading

Insert before section 9:

Division 1AA Offences involving prescribed concentrations of alcohol

[8] Sections 9 (1A), 10 (4) (a) and 14 (1) (a1)

Omit “, or of a provisional licence issued under the *Road Transport (Driver Licensing) Act 1998*,” wherever occurring.

Insert instead “or a provisional licence”.

[9] Sections 9 (1) (c), (2) (c), (3) (c) and (4) (c), 11B (1) (c) and (3) (c) and 12 (1) (c)

Omit “issued under the *Road Transport (Driver Licensing) Act 1998*” wherever occurring.

[10] Section 14 Arrest following failed breath test

Omit “(within the meaning of section 8)” from section 14 (1) (a).

[11] Section 31 Detention of vehicle in certain cases

Omit “Division 1”. Insert instead “Division 1AA”.

[12] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Act 2007

[13] Schedule 2, Part 7

Insert after Part 6:

Part 7 Provisions consequent on enactment of Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Act 2007

11 Definition

In this Part:

amending Act means the *Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Act 2007*.

12 Amendments not to apply to offences occurring before commencement of amendments

- (1) Proceedings for offences committed, or alleged to have been committed, before the commencement of Schedule 1 to the amending Act are to be determined as if the amending Act had not been enacted.
- (2) Accordingly, the law (including any relevant provision of this Act) that would have been applicable to the proceedings had the amending Act not been enacted continues to apply to the proceedings as if the amending Act had not been enacted.

[14] Dictionary

Insert “, except in Part 2,” before “has the same meaning” in the definition of *driver licence* in clause 1.

[15] Dictionary, clause 1

Insert in alphabetical order:

driver licence receipt means a receipt that is issued:

- (a) following an application for a licence issued under a law in force in a State or internal Territory authorising the holder to drive a motor vehicle on a road or road related area, and
- (b) after payment of any applicable fee.

foreign driver licence means a licence to drive a motor vehicle held by a person who is ordinarily resident in a foreign country and who is not a permanent resident of Australia, being a licence issued in that foreign country.

provisional P1 licence means:

- (a) a provisional licence issued in accordance with clause 15 (1) of the *Road Transport (Driver Licensing) Regulation 1999*, or
- (b) any class of licence prescribed by the regulations under this Act that replaces any such licence.

provisional P2 licence means:

- (a) a provisional licence issued in accordance with clause 15A (1) of the *Road Transport (Driver Licensing) Regulation 1999*, or
- (b) any class of licence prescribed by the regulations under this Act that replaces any such licence.

[16] Dictionary, clause 1

Omit the definitions of *high range prescribed concentration of alcohol*, *learner licence*, *low range prescribed concentration of alcohol*, *middle range prescribed concentration of alcohol*, *novice range prescribed concentration of alcohol* and *special range prescribed concentration of alcohol*.

[17] Dictionary, clause 3 (2)

Omit the subclause.

[Agreement in principle speech made in Legislative Assembly on 24 October 2007
Second reading speech made in Legislative Council on 13 November 2007]

BY AUTHORITY