



New South Wales

Transport (Safety and Traffic Management) Amendment (Alcohol) Bill 2007

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 *Road Transport (Safety and Traffic Management) Act 1999* to extend the current prohibition on learner and provisional licence holders driving or attempting to drive a vehicle with any alcohol present in their blood to provisional licence holders from another State or a Territory when driving in New South Wales.

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 the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendments to the *Road Transport (Safety and Traffic Management) Act 1999* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Section 9 (1A) of the *Road Transport (Safety and Traffic Management) Act 1999* makes it an offence for holders of a learner licence, or of a provisional licence issued under the *Road Transport (Driver Licensing) Act 1998*, to drive or attempt to drive a motor vehicle while there is present in their blood the novice range prescribed concentration of alcohol (being a concentration of more than zero grammes, but less than 0.02 grammes, of alcohol in 100 millilitres of blood).

The combined effect of the amendments made by **Schedule 1 [1], [2] and [3]** is to extend the offence (and ancillary provisions) to provisional licence holders from another State or a Territory when driving in New South Wales.

Schedule 1 [4] inserts provisions of a savings or transitional nature consequent on the enactment of the proposed Act.



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New South Wales

Transport (Safety and Traffic Management) Amendment (Alcohol) Bill 2007

No. , 2007

A Bill for

An Act to amend the *Road Transport (Safety and Traffic Management) Act 1999* to prohibit provisional license holders from another State or a Territory from driving in New South Wales with any alcohol present in their blood, in line with the prohibition applicable to provisional license holders from New South Wales; and for related purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Transport (Safety and Traffic Management) Amendment (Alcohol) Act 2007</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Road Transport (Safety and Traffic Management) Act 1999 No 20	7 8
The <i>Road Transport (Safety and Traffic Management) Act 1999</i> is amended as set out in Schedule 1.	9 10
4 Repeal of Act	11
(1) This Act is repealed on the day following the day on which this Act commences.	12 13
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	14 15

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 8 Interpretation	3
	Omit “, or the holder of a provisional licence issued under the <i>Road Transport (Driver Licensing) Act 1998</i> ,” from section 8 (3) (a).	4 5
	Insert instead “or a provisional licence”.	6
[2]	Section 8 (5)	7
	Insert after section 8 (4):	8
	(5) In subsection (3) (a) and sections 9 (1A), 10 (4) (a) and 14 (1) (a1), provisional licence has the same meaning as it has in the <i>Road Transport (Driver Licensing) Act 1998</i> .	9 10 11
[3]	Sections 9 (1A), 10 (4) (a) and 14 (1) (a1)	12
	Omit “, or of a provisional licence issued under the <i>Road Transport (Driver Licensing) Act 1998</i> ,” wherever occurring.	13 14
	Insert instead “or a provisional licence”.	15
[4]	Schedule 2 Savings, transitional and other provisions	16
	Insert after Part 6:	17
Part 7	Provisions consequent on enactment of Transport (Safety and Traffic Management) Amendment (Alcohol) Act 2007	18 19 20
11	Definition	21
	In this Part:	22
	amending Act means the <i>Transport (Safety and Traffic Management) Amendment (Alcohol) Act 2007</i> .	23 24
12	Amendments not to apply to offences occurring before commencement of amendments	25 26
	(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.	27 28 29 30

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Schedule 1 Amendments

- (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. 1
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