



## Road Transport (Safety and Traffic Management)

### Amendment (Alcohol) Bill.

#### ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT (ALCOHOL) BILL

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**Bill introduced and read a first time.**

#### Second Reading

**Mr TONY STEWART** (Bankstown—Parliamentary Secretary) [12.45 p.m.], on behalf of Mr Carl Scully: I move:

That this bill be now read a second time.

The purpose of this bill is to improve the safety of vulnerable young drivers by sending a clear message to the holders of learner and provisional licences that alcohol and driving simply do not mix. The bill will amend the relevant provisions of the Road Transport (Safety and Traffic Management) Act 1999 to impose a prescribed concentration of alcohol [PCA] requirement of zero on drivers who are the holders of a learners licence or a provisional licence. Under the Act, special category drivers currently are subject to the special range PCA legal limit of 0.02, which means they must have less than 0.02 grams of alcohol in 100 millilitres of their blood. Currently, a special category driver includes a learner and first-year provisional driver, as well as certain other categories of drivers such as heavy and public passenger vehicle drivers, drivers of dangerous goods vehicles, drivers who are not licensed and drivers who are under the age of 25 years and who have not held a New South Wales licence for three years. Therefore the special category driver includes the majority of provisional P2 licence holders.

In August the Government convened the 2003 Alcohol Summit and it was a great success in identifying initiatives to deal with the problem of alcohol in our community. Acknowledging the extreme risk that alcohol poses for novice drivers regardless of age, a key summit recommendation was a reduction of the legal limit from 0.02 to zero blood alcohol for all holders of learner and provisional licences. It must be emphasised that the current legal limit of less than 0.02 blood alcohol will be retained for all other special category drivers.

The introduction of a zero blood alcohol level for learner and provisional licence holders will send a very clear and strong message to new drivers that alcohol and driving simply do not mix. That means that those in that category simply cannot drink alcohol. In the past we have had significant success in combating drink-driving. In 1998 the Government substantially increased the penalties that apply to drink-driving offences. However, despite those increased penalties and continuing community education on the dangers of drink-driving, alcohol remains one of the major factors in the New South Wales road toll, unfortunately involving one in five of all fatalities. Alcohol was a factor in the deaths of 130 people on New South Wales roads in 2002. Most disturbingly, some 12 per cent of the drivers involved in those fatal crashes were novice drivers in their first years of driving. Alcohol is a drug that affects the central nervous system. It impairs co-ordination and concentration, while at the same time increasing confidence and risk-taking behaviour.

All drivers who drink are at risk of crashing and injuring or killing themselves and others on the roads. Their passengers are also at great risk. However, because of their newly developing driving skills, novice drivers are even more vulnerable to the effects of alcohol. Medical research has shown that the effects of alcohol are more pronounced on skills that are not highly practised. This means that the skills of novice drivers are more likely to be affected by alcohol than those of more experienced drivers. Young drivers—still learning how to control their vehicle, perceive road hazards and make safe judgments—are taking a far greater risk if there is any alcohol present in their blood.

There is now overwhelming evidence that a blood alcohol concentration [BAC] as low as 0.02 impairs driving skills for novice drivers. Alcohol impairs some driving skills, beginning with any significant departure from zero BAC. Research has shown that young novice drivers aged 16 to 20 years with any BAC below 0.02 are eight times more likely to be involved in a fatal accident than older drivers with the same BAC. It is apparent that some groups of special category drivers understand clearly that the 0.02 limit means that they cannot consume any alcohol at all before driving.

The involvement of heavy vehicle drivers and public passenger vehicle drivers in drink-driving crashes is very

small. In the past five years only three heavy vehicle drivers involved in fatal crashes were drink-driving, and not one bus or taxi driver involved in fatal crashes was drink-driving. However, comment has been made from some members of the community, including some magistrates, that young people are confused by the 0.02 limit. They believe they can drink small amounts of alcohol, still be under the limit, and not have their driving impaired. Many novice drivers are unsure about exactly how much alcohol they can consume safely and still stay under the limit. This confusion may have contributed to the large numbers of novice drivers convicted of drink-driving.

There are currently 458,685 learner and provisional licence holders in New South Wales. Last year learner and provisional licence holders committed 2,312 alcohol-related offences, despite the overwhelming majority of these people having a 0.02 blood alcohol limit. Drivers aged 17 to 20 years are overrepresented in drink-driving crashes in New South Wales. This group comprises only 6 per cent of New South Wales licence holders, but, unfortunately, represents 17 per cent of all drink-drivers who are involved in fatal crashes. The vast majority of learner and provisional licence holders fall into this 17 to 20 year age group. A zero blood alcohol limit is the most appropriate level by any standards for novice drivers.

Their less-developed skills make novice drivers more susceptible to alcohol-impairing effects of even lower levels of alcohol, and they are more likely than older, more experienced drivers to take risks when driving. After consuming alcohol, novice drivers are likely to take even more risks. By introducing this new zero alcohol limit the Government is protecting the most vulnerable of drivers on our roads from the impairing effects of even lower levels of alcohol and subsequent trauma associated with drink-driving crashes.

When the special range of defence for novice drivers was introduced in 1985 it was recognised that the use of medicines and other substances with a small amount of alcohol was an issue. Accordingly, the lower level of the special range of prescribed concentration of alcohol [PCA] was set at a 0.02 grams of alcohol in 100 millilitres of blood. This still remains an issue. Therefore, a limited defence has been introduced to apply only to the new novice range of PCA. It will be a defence if the novice driver who has between 0.00 per cent and 0.02 per cent blood alcohol level can prove to the court that the alcohol present at the time the person was alleged to have committed the offence was not caused by any consumption of an alcoholic beverage, other than for the purposes of religious observance—for example, the taking of holy Communion—or by any consumption and use of any other substance for the purpose of consuming alcohol, for example, medicines.

To ensure that the community, and particularly young drivers, are aware of the new law the Roads and Traffic Authority will implement a communication strategy to inform all New South Wales licence holders affected by the new law that they are now subject to a zero BAC limit. Alcohol derived from foodstuffs, medicines and mouthwashes will be addressed specifically within these public information resources. In addition, new curriculum-based drink-driving resources for high schools are being developed to ensure that young people are fully informed about the law relating to alcohol and driving before they apply for a learners licence. It is very clear that there is widespread community support for a zero alcohol limit for novice drivers. The community expects that the Government will continue to act to reduce the incidence of young people drinking and driving.

The existing penalty provisions for special category drivers will apply to the new zero alcohol limit: a maximum of 10 penalty units in the case of the first offence or 20 penalty units in the case of the second offence. Existing disqualification periods for special category drivers will also apply: for a first offence a minimum disqualification period of 3 months and an automatic disqualification period of 6 months; for a second or subsequent offence a minimum disqualification period of 6 months and an automatic disqualification period of 12 months. The recently introduced provisions dealing with interlock devices as an alternative disqualification will also be amended to include a reference to the new offence.

Some drivers may hold an unrestricted licence for one class of vehicle, for example a car, and a provisional licence for another class of vehicle such as a motorcycle. It is the intention that the zero blood alcohol concentration limit apply only to the driving of the vehicle requiring a provisional or learners licence. The legislation proposed for New South Wales has been implemented already in Victoria, Queensland, South Australia, the Northern Territory and Tasmania. The zero alcohol limit will send a clear zero-tolerance message to novice drivers that no alcohol can be consumed before driving. This message must be heard and understood. It is consistent with other recent legislative changes prohibiting people from drinking alcohol while in control of a motor vehicle or riding a motorcycle. I commend the bill to the House.

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