

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* (**the Principal Act**):

(a) to extend the requirement for a zero prescribed concentration of alcohol (**PCA**) for drivers holding an Australian learner licence or a New South Wales provisional licence to visiting drivers holding an overseas learner licence or an interstate or overseas provisional licence (or equivalent), and

(b) to extend certain offences relating to alcohol and other drug use, that are currently directed at the holders of a New South Wales full driver licence who are supervising drivers holding an Australian learner licence, to visiting drivers holding an interstate or overseas full driver licence and to the supervision of visiting drivers holding an overseas learner licence (or equivalent), and

(c) to make other minor, consequential and ancillary amendments.

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 day to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the Principal Act set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all 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

Extension of requirement for zero prescribed concentration of alcohol

The Principal Act prohibits the holders of learner licences issued in Australia and the holders of provisional licences issued in New South Wales from driving with any percentage of alcohol in their blood.

Schedule 1 [2] (which inserts the definitions of **learner licence** and **provisional licence**) and **[8]** make amendments to extend the requirement for a zero PCA to visiting drivers holding an overseas learner (or equivalent) licence or an interstate or overseas provisional (or equivalent) licence.

Schedule 1 [8] also makes amendments consequential on those referred to above, as do

Schedule 1 [4], [15] and [16].

Extension of offences relating to alcohol and other drug use by supervisors of learner drivers

The Principal Act prohibits the holders of New South Wales driver licences (other than learner or provisional licence holders) from supervising drivers holding an Australian learner licence, while under the influence of alcohol or other drugs.

(Specifically, the offences prohibit special category supervisors with the special range PCA in their blood, or supervisors with the low, mid or high range PCA in their blood, or under the influence of alcohol or drugs, or with prescribed illicit drugs or morphine or cocaine in their oral fluid, blood or urine, from supervising drivers holding an Australian learner licence.)

Schedule 1 [2] (which inserts the definitions of **driver licence**, **learner licence** and **provisional licence**) and **[9]** make amendments to extend the offences to visiting drivers holding an interstate or overseas driver licence (other than a learner or provisional or equivalent licence) and to the supervision of visiting drivers holding an overseas learner (or equivalent) licence.

Schedule 1 [14]–[16] make consequential amendments.

Schedule 1 [5] makes a consequential amendment and simplifies and consolidates existing categories of **special category drivers** for the purposes of the Principal Act.

Other minor, consequential and ancillary amendments

Schedule 1 [1] and [7] make amendments to effect a minor restructuring of Divisions in Part 2 of the Principal Act (making Division 1 a preliminary division dealing with interpretation and inserting a new Division 1AA containing offences involving prescribed concentrations of alcohol).

Schedule 1 [3], [10] and [11] make consequential amendments.

Schedule 1 [6] inserts a new section 8A into proposed Division 1, which contains the various categories of prescribed concentrations of alcohol (currently located throughout the Dictionary) to which the offences in the proposed Division 1AA relate.

Schedule 1 [16] makes a consequential amendment.

Schedule 1 [12] enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [13] inserts a transitional provision into the Principal Act. The effect of this provision is that legal proceedings for offences committed before the commencement of the proposed amendments will continue to be determined under the law as it stood before that commencement.

Schedule 1 [17] omits an otiose provision concerning references to the holder of a driver licence in Part 2 of the Principal Act.