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

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Business - Bill, Second Reading, Third Reading, Motion

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT (NOVICE DRIVERS) BILL 2007
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Second Reading

The Hon. ERIC ROOZENDAAL (Minister for Roads, and Minister for Commerce) [2.39 p.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

The purpose of this bill is to ensure all visiting interstate and overseas learner and provisional drivers are subject to the same zero alcohol limits that apply to New South Wales novice drivers.

This builds on the New South Wales Government's commitment to improving road safety, particularly the safety of young drivers on our roads.

Under current New South Wales road transport law, learner and provisional licence holders are not permitted to drive after consuming any alcohol.

However, under current law a legal blood alcohol limit of less than 0.05 is allowed for a visiting provisional driver when driving in New South Wales.

That same driver could be subject to a legal blood alcohol limit of zero when he or she is driving in their own jurisdiction.

For example, under the current legislative provisions, a Victorian probationary licence holder has to comply with a zero alcohol limit when driving in Victoria and a 0.05 alcohol limit when driving in New South Wales.

The same would apply to the holder of a learner or provisional licence issued overseas.

The Member for Tweed recently developed the Transport (Safety and Traffic Management) Amendment (Alcohol) Bill 2007 because of similar concerns with the current arrangements.

While the intent of the Private Member's bill is generally supported, the bill does not capture all novice licences issued by other jurisdictions that equate to a provisional licence, namely, probationary licences issued by Victoria and Western Australia.

Further, it does not capture those holding equivalent provisional and learner licence holders issued overseas and fails to make consequential amendments to the provisions relating to the legal alcohol limits of drivers supervising learner drivers.

Prior to a zero alcohol limit being introduced in New South Wales, the legal limit for special category drivers, which included learner and New South Wales provisional licence holders was 0.02.

In 2004, the New South Wales Government introduced legislation to reduce the legal limit to zero for holders of learner and provisional licences.

The legislation sent a clear message to novice drivers that alcohol and driving do not mix.

It also addressed the misconception among young drivers that they could drink small amounts of alcohol and remain under 0.02.

Prior to the zero alcohol limit being introduced, many young drivers were confused about how much alcohol they could safely consume and still stay under the limit.

The introduction of zero alcohol legislation in 2004 targeted New South Wales novice drivers.

Visiting novice drivers from other jurisdictions were not included in the new provisions because of the inconsistent application of legal blood alcohol levels for provisional drivers that existed across jurisdictions at that time.

Since that time, other States and territories have, or are in the process of, introducing a zero alcohol limit for their respective learner and provisional drivers.

The ACT and Western Australia currently apply a 0.02 alcohol limit to novice drivers.

I note the Government of Western Australian is proposing to move to a zero alcohol limit later this year.

The current law in respect of the zero alcohol limit treats the holders of learner licences equally regardless of which Australian jurisdiction issued the licence.

However, for the purposes of consistency, the opportunity is being taken to include overseas learner and provisional licence holders as those who must also observe the zero alcohol limit when driving in New South Wales.

The Roads and Traffic Authority will update information on its website and publications available to overseas visitors and will also seek the assistance of other States and territories to update their respective websites and published material.

Alerts will be displayed on roadside Variable Message Signs to inform visiting novice drivers of the zero alcohol limit applying in New South Wales.

Alcohol remains one of the major factors in the New South Wales road toll, with one in five fatalities involving alcohol.

Alcohol was a factor in the deaths of 87 people on New South Wales roads in the 12 months ending in May 2007.

Novice drivers are at an even greater risk, because their newly developing driving skills make them more susceptible to the effects of alcohol.

Research has shown that the effects of alcohol are more pronounced on skills that are not highly practised.

Alcohol impairs a driver's co-ordination and ability to concentrate. It also increases a driver's confidence and risk-taking behaviour.

This bill ensures that all visiting learner and provisional licence holders are subject to the same zero alcohol limits that apply to New South Wales novice drivers.

The measures I have outlined today are sensible and will have a positive impact on young driver safety.

The New South Wales Government is committed to young driver safety and this bill further enhanced that commitment.

Through this bill the New South Wales Government is sending a strong message to all novice drivers that drinking and driving will not be tolerated in New South Wales.

I commend the bill to the House.

The Hon DUNCAN GAY (Deputy Leader of the Opposition) [2.40 p.m.]: Mr President—

The Hon. John Della Bosca: Do the right thing for once, Duncan.

The Hon. DUNCAN GAY: Interestingly the Minister suggested that I do the right thing. This bill, which is an exact copy of a bill that was introduced in the other place by my colleague the member for Tweed, is a good example of the wrong people doing the right thing. The Government hates giving credit to people who have done something good. The Government, which is bereft of ideas, is a little like the "me too" Federal Opposition. It wants to be given credit for the good ideas of the member for Tweed, Mr Geoff Provest, who replaced Neville Newell, the last sleeper on the Murwillumbah rail line.

In June 2004 the Government introduced the Road Transport (Safety and Traffic Management) Amendment (Alcohol) Bill, which provided that all New South Wales P-plate drivers adhere to a zero blood alcohol limit. However, it contained no provision for interstate P-plate drivers. This provided a loophole, allowing interstate novice drivers to cross the border and drive with a blood alcohol level of up to 0.05 per cent. The member for Tweed, Geoff Provest, informed me that Queensland P-plate drivers became aware of this loophole and flouted the law by crossing into New South Wales and consuming alcohol in the full knowledge that they were allowed a blood alcohol level of up to 0.05 per cent. This confused local police and caused them a great deal of angst.

Mr Greg Aplin, the member for Albury, highlighted a similar loophole. He referred to the case of a young Melbourne man who was charged after having been caught driving in Albury with a blood alcohol level of 0.02 per cent. He was subsequently convicted. The case was reopened, however, and the conviction annulled and the sentence quashed because it was found that the zero blood alcohol level that applies to provisional drivers in New South Wales did not apply to him. In 2005 Mr Donald Page, another great Nationals member from the North Coast, raised this loophole with the then Minister for Roads, Michael Costa. But, as is the usual story with this Government, no action was taken. In November last year Geoff Provest, the then Nationals candidate for the seat of Tweed, raised the matter with the present Minister for Roads, the Hon. Eric Roozendaal, drawing attention once again to the loophole.

Many members of the community and members of the New South Wales Police Association who were concerned that young Queensland drivers were legally permitted to drive across the border and use roads in the Tweed electorate with a blood alcohol level of up to 0.05 per cent approached the former member for Tweed about this anomaly. On that occasion the Minister indicated that he had taken the issue to Cabinet and gained approval to introduce legislation in the first session of Parliament. On 20 December 2006 the Minister for Roads stated on ABC radio:

The legislation to close this loophole will be introduced in this Parliament as soon as possible.

We know from experience, however, that unless we are dealing with the Bells Line of Road the Minister for Roads is not quick off the mark to reply to correspondence or to provide vital road upgrades. We know from experience also that Minister Roozendaal takes his time to introduce vital legislation. On 28 June 2007 the Government had still not acted to fix this loophole, despite its promise to do so on 20 December 2006. Frustrated by this government inaction, Geoff Provest, realising the importance of addressing this anomaly and providing safe roads for people in his electorate, introduced a private members' bill—the Road Transport (Safety and Traffic Management) Amendment (Alcohol) Bill—the object of which was to close the loophole that allowed novice drivers from other States to enter New South Wales and drive with a blood alcohol level of up to 0.05 per cent, rather than with a zero alcohol level as required of New South Wales P-plate drivers. That would have fixed the problem on the Victorian and Queensland borders.

The Hon. Ian West: And the Australian Capital Territory border.

The Hon. DUNCAN GAY: I was not aware that such a problem exists on the Australian Capital Territory border, but if it is a problem in that area I thank the Hon. Ian West for drawing it to our attention. On 24 October, the New South Wales Government, which was not used to having an active member in the Tweed—

The Hon. John Della Bosca: Is that what you call him?

The Hon. DUNCAN GAY: He is a great member. People in the Tweed electorate are pretty happy with him.

[*Interruption*]

Napping Newell is not there anymore. It is all the work of Minister Roozendaal; they love him up there. They have just two words for him: Sexton's Hill! Mr President, they have distracted me enough. I return to the bill.

The PRESIDENT: Order! I ask the Hon. Duncan Gay to ignore interjections.

The Hon. DUNCAN GAY: I will adhere to your ruling, Mr President. New South Wales finally introduced this bill on 24 October 2007. It differs from the private member's bill in that it extends zero blood alcohol limits to interstate novice drivers, thus capturing all novice licences issued by other jurisdictions that equate to New South Wales's provisional licence, namely, the probationary licences issued by Victoria and Western Australia. It extends also—and quite properly—to drivers with overseas novice licences. As I have indicated, it is disappointing that it has taken the Government such a long time to introduce legislation to close this loophole. It should have been done in 2005 when a member of The Nationals, Don Page, initially raised it. New South Wales is lagging behind on this issue; Queensland, Victoria and Tasmania removed similar anomalies relating to cross-border issues some time ago.

In supporting this bill and acknowledging that the Government has come up to speed on this matter—finally, begrudgingly and at a crawling pace—I acknowledge the hard work put in by the member for Tweed, Geoff Provest, and the member for Ballina, Don Page, in making sure that after a two-year period such sensible

legislation as this is put in place. We, obviously, will not oppose the bill.

The Hon. ERIC ROOZENDAAL (Minister for Roads, and Minister for Commerce) [2.51 p.m.], in reply: The purpose of this bill is to ensure all visiting interstate and overseas learner and provisional drivers are subject to the same zero alcohol limits that apply to New South Wales novice drivers. This builds on the New South Wales Government's commitment to improving road safety, particularly the safety of young drivers on our roads. Through this bill the lemma Government is sending a strong message to all novice drivers that drinking and driving will not be tolerated in New South Wales.

As members are aware, the member for Tweed recently introduced the Transport (Safety and Traffic Management) Amendment (Alcohol) Bill 2007. While the intent of the private member's proposed legislation generally is supported, the bill itself cannot be supported for a range of reasons. It fails to capture all novice licences issued by other jurisdictions. The private member's bill fails to capture drivers holding equivalent provisional and learner licences issued overseas, and it fails to address the legal alcohol limits for supervisors of learner drivers—rather critical flaws in the original private member's bill. In 2004 the New South Wales Government introduced legislation to reduce the legal limit to zero for holders of learner and provisional licences. This legislation sent a clear message to our young drivers that drinking and driving do not mix. Visiting novice drivers were not included in the new provisions because of the varying blood alcohol limits in different jurisdictions. Since that time, other States and Territories have introduced, or have begun the process of introducing, a zero alcohol limit for their novice drivers.

As honourable members are aware, last year the New South Wales road toll was a record low since World War II; but defying that trend, fatalities involving P-plate drivers increased by almost 30 per cent. That is why the New South Wales Government introduced a comprehensive package of reforms including night time peer passenger restrictions for first year or "red" P-platers, zero tolerance to speeding by first year P-platers just like our zero tolerance to P-platers and alcohol as suggested and supported by the NRMA, and a ban on mobile phone use while driving for first year P-platers. We want their eyes on the road, not on their text messages. We are in the process of rolling out a tougher test for learners focused on hazard perception and driver reactions.

In addition, learner drivers now are required to spend a minimum of one year on L-plates and log 120 hours of supervised driving practice with 20 hours driving at night. These are all sensible and balanced evidence-based initiatives aimed at saving lives. As honourable members would be aware, to support these initiatives the New South Wales Government released the Little Pinkie advertising campaign. This campaign has got the community talking and thinking about speeding—that is the first crucial step in getting young drivers to slow down, and to change community cultural attitudes to speeding. Research shows young drivers have seen the campaign and the message is getting through—speeding can cost your life in the blink of an eye. The Little Pinkie advertisement has been so popular that it almost crashed the Roads and Traffic Authority's website server. More than half a million people have downloaded the Little Pinkie advertisement off the Internet from the Roads and Traffic Authority website and, perhaps more importantly, from key youth websites like Myspace and YouTube.

These are the people we want to get the message through to that speeding is dangerous and reckless behaviour that could cost lives in the blink of an eye. The campaign is about changing cultural attitudes to speeding and making speeding as socially unacceptable as drink-driving. These are examples of the lemma Government's commitment to improving the safety of young drivers in New South Wales. This bill further strengthens that commitment and I commend it to the House.

Question—That this bill be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Third Reading

Motion by the Hon. Eric Roozendaal agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

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