



NORTHERN TERRITORY OF AUSTRALIA

No. 32 of 1992

AN ACT

to amend the *Traffic Act*

[Assented to 9 June 1992]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Traffic Amendment Act 1992*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Traffic Act* is in this Act referred to as the Principal Act.

4. DRIVING UNDER INFLUENCE OF INTOXICATING LIQUOR OR DRUG OR WITH HIGH ALCOHOL-BLOOD CONTENT

Section 19 of the Principal Act is amended by adding at the end the following:

"(6) Except as prescribed, a person shall not, on and from a date specified by the Minister by notice in the *Gazette*, on a public street or public place -

(a) drive;

(b) start the engine of; or

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(c) put in motion,

a motor vehicle if there is a concentration of alcohol in that person's blood equal to 50 mg or more of alcohol per 100 mL of blood.

Penalty: For a first offence - \$500 or imprisonment for 3 months.

For a second or subsequent offence - \$750 or imprisonment for 6 months.

"(7) A person approved under section 25B of the *Motor Vehicles Act* as a driving instructor ('driving instructor') -

(a) shall not, on a public street or public place -

(i) drive;

(ii) start the engine of; or

(iii) put in motion,

a motor vehicle in which a person is a passenger for the purpose of being taught by the driving instructor to drive the motor vehicle; or

(b) shall not, on a public street or public place, permit a person to -

(i) drive;

(ii) start the engine of; or

(iii) put in motion,

a motor vehicle in which the driving instructor is a passenger for the purpose of teaching that person to drive the motor vehicle,

if alcohol is present in the driving instructor's blood.

Penalty: For a first offence - \$500 or imprisonment for 3 months.

For a second or subsequent offence - \$750 or imprisonment for 6 months.

"(8) A person to whom this subsection applies shall not, on a public street or public place -

(a) drive;

(b) start the engine of; or

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(c) put in motion,
a motor vehicle if alcohol is present in that person's blood.

Penalty: For a first offence - \$500 or imprisonment for 3 months.

For a second or subsequent offence - \$750 or imprisonment for 6 months.

"(9) Subsection (8) applies to a person -

(a) who -

(i) has not attained the age of 25 years and has not held, in the Territory or elsewhere, a licence to drive a motor vehicle for a continuous period of 3 years; and

(ii) is a person to whom subsection (5) does not apply; or

(b) who is the driver of a motor vehicle -

(i) having a gross vehicle mass, within the meaning of the Motor Vehicles (Standards) Regulations, of more than 15t;

(ii) in or on which dangerous goods, within the meaning of the *Dangerous Goods Act*, are being conveyed and on which signs are required to be affixed in accordance with regulation 59 of the Dangerous Goods Regulations;

(iii) which is a commercial passenger vehicle, within the meaning of the *Commercial Passenger (Road) Transport Act*;

(iv) except as may be prescribed, fitted or equipped so as to seat more than 12 persons, including the driver;

(v) in or on which more than 12 persons, including the driver, are travelling; or

(vi) which has a space designed primarily for the carriage of goods when a person is travelling in that space."

5. OTHER EVIDENCE MAY BE GIVEN

Section 21(b) of the Principal Act is amended by omitting "80" and substituting "50".

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6. REQUIREMENT TO SUBMIT TO BREATH TEST

Section 23(7)(a)(ii) of the Principal Act is amended by omitting "80" and substituting "50".

7. DRIVING WHILE NOT LICENSED

Section 32(1)(a) of the Principal Act is amended by omitting all words after subparagraph (iii) and substituting the following:

"(iv) is temporarily in the Territory and holds a licence or permit (however referred to) granted in the country or the State or other Territory of the Commonwealth in which that person usually resides which permits the person to drive a motor vehicle to gain experience for the purpose of obtaining a licence to drive a motor vehicle,

and is driving in accordance with the conditions, if any, of the licence or permit, and the motor vehicle is one which the person is permitted by the licence or permit to drive; or".

8. NEW SECTION

The Principal Act is amended by inserting after section 47 the following:

"48. LIABILITY OF INSURERS UNDER POLICIES OF INSURANCE

"(1) The fact that a person has undergone a breath test, submitted to a breath analysis or given a sample of blood for a blood test, the result of a breath test, breath analysis or blood test or the fact that a person has been convicted of an offence under section 19 (other than subsection (1)) or 20 is not, for the purposes of a contract of insurance, admissible as evidence of the fact that that person was at any time under the influence of or in any way affected by intoxicating liquor or incapable of driving or of exercising effective control over a motor vehicle, but nothing in this subsection precludes the admission of any other evidence to show any such fact.

"(2) A reference in a contract of insurance to a concentration of alcohol equal to or exceeding that prohibited by a law applicable in a State or Territory, or words to that effect, shall be construed, for the purposes of the contract of insurance, as a reference to the concentration specified in section 19(2).

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"(3) Subsections (1) and (2) have effect notwithstanding anything contained in a contract of insurance and a covenant, term, condition or provision of a contract of insurance, to the extent that the operation of this section is excluded, limited, modified or restricted, is void."

9. REGULATIONS

Section 53(2) of the Principal Act is amended by omitting from paragraphs (s) and (t) "the Regulations" and substituting "this Act or the *Motor Vehicles Act* or the Regulations made under that Act".
