



Serial 120
Traffic
Amendment
Mr Finch

NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Traffic Act*

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 1991*.

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) A person 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 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 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 under a licence granted under that Act or under a licence, certificate or other authority granted under a law of a State or another Territory of the Commonwealth relating to the transport of dangerous goods;
- (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."

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5. OTHER EVIDENCE MAY BE GIVEN

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

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. 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".
