

Appendix 1: Students driving and riding in cars.

Students have an obligation under the law to abide by the following traffic regulations:

Wearing seatbelts

The driver must wear the seatbelt properly adjusted and fastened.

The driver must also ensure that any passenger under 16 years old is also restrained.

This rule applies if the motor vehicle is moving or is stationary but not parked.

The rule says:

If the passenger is under 1 year old, the passenger must be restrained in a suitable approved child restraint that is properly fastened and adjusted;

If the passenger is at least 1 year old but under 16 years old the passenger must—

(a) be restrained in a suitable approved child restraint that is properly fastened and adjusted; or

(b) occupy a seating position fitted with a suitable seatbelt and wear the seatbelt properly adjusted and fastened.

Proper control of the vehicle

A driver must not drive a vehicle unless the driver has proper control of the vehicle. This means the driver needs to have both hands on the wheel, unless they are using one hand to change gears or indicate. There is an endless list of activities that a driver can do to be caught under this rule, for example: having a drink, eating, looking at someone in or out of the car other than a pedestrian, changing the radio or CD, using a mobile. If a driver is caught doing any of these activities or collides with another vehicle or person, one of the charges will be “not having proper control of a motor vehicle” and “driving without due care and attention”.

Keeping a proper lookout

A driver must not drive a motor vehicle unless he or she has a clear view of the road, and traffic, ahead, behind and to each side.

If the driver collides with someone and uses the excuse “I didn’t see” they would most probably be charged with an offence “Failure to keep a proper look-out” and “driving without due care and attention”.

Mobile Phones

The driver of a vehicle must not use a hand-held mobile phone while the vehicle is moving, or is stationary but not parked eg when waiting for the lights to change or pulling over to the side of the road without stopping the engine.

Horns

It is an offence to use a horn, or similar warning device, fitted to or in the driver’s vehicle unless—

(a) it is necessary to use the horn, or warning device, to warn other road users or animals of the approach or position of the vehicle;

or

(b) the horn, or warning device, is being used as part of an anti-theft device fitted to the vehicle.

Drinking

The driver of a vehicle must not consume liquor while driving the vehicle. This applies to drinking even a sip.

Liquor or drugs

(1) Any person whilst under the influence of liquor or drugs **or** (2) with the prescribed concentration of alcohol in the blood—

- (a) drives a motor vehicle; or
 - (b) attempts to put in motion a motor vehicle; or
 - (c) is in charge of a motor vehicle;
- is guilty of an offence.

Certain medications (eg some cold and flu medications and other drugs) contain alcohol or carry warnings that the product may affect driving. A driver taking over the counter or prescribed medication may still be charged with being “under the influence of liquor or a drug” even though they have not had to undergo a breath test. The offence arises because use of a drug or alcohol has affected driving. Even if the medication does not contain a warning, a driver must ask a doctor or chemist if the product affects driving ability.

Students who are on a provisional licence for 2 years after obtaining their licence are not allowed to have any alcohol in their system.

What does (b) ‘attempts to put in motion a motor vehicle’ and (c) ‘is in charge of a motor vehicle’ mean?

A driver who attempts to insert a car key into the ignition has attempted to put in motion a motor vehicle. Drivers need to be aware that it is an offence even if it is dark, or they are drunk and can’t even find the ignition, or if someone has removed the spark plug to prevent them from driving, or the car stalls or is the wrong car.

Example:

You and your mate have been drinking so you say “Give me your keys, you are not fit to drive”. You take the keys and are caught holding them. Even though you are not even in the car, you can be caught for drinking while being in charge of a motor vehicle.

Do not have your keys in view and if possible give the keys to someone who is sober and licensed.

A driver pulled up for a breath test who refuses to give a specimen of breath commits an offence and may incur a more severe penalty. The specimen must be -

- (a) sufficient to enable the test or the analysis to be carried out;
- and
- (b) provided in a way that enables the objective of the test or analysis to be satisfactorily achieved.

The same rules apply to providing a specimen of blood for laboratory analysis.

A driver who has a condition that inhibits their breathing needs to carry a medical certificate from a doctor, or have their licence endorsed with their medical condition, in which case they will be taken to the nearest hospital to have a blood test. Without a medical certificate, failure to provide sufficient specimen may result in charges. The driver will not be able to rely on their condition to escape being charged.

Noise

A driver must not—

(a) start a vehicle, or drive a vehicle, in a way that makes unnecessary noise or smoke; or

(b) wilfully start a vehicle, or drive a vehicle, in a way that makes unnecessary noise or smoke.

Example of subsection (a)—

Driving a vehicle in a way that causes noise or smoke because of—

(a) disrepair of the vehicle; or

(b) the way the vehicle is loaded; or

(c) the condition, construction or adjustment of the vehicle's engine or other equipment.

Example of subsection (1)(b)—

Driving a vehicle in a way that causes noise or smoke by wilfully and unnecessarily causing the wheels of the vehicle to lose traction and spin on the road surface.

A person must not drive a vehicle to which a noisy instrument is attached or on which a noisy instrument is used.

All of body to be inside the vehicle

A driver must not travel in or on a motor vehicle with any part of the his or her body outside a window or door of the vehicle, unless he or she is giving a hand signal

(a) for changing direction to the right in accordance with section 50;

or

(b) for stopping or slowing in accordance with section 55.

The driver of a motor vehicle must not drive with a passenger if any part of the passenger's body is outside a window or door of the vehicle.

Driver to prevent unlicensed driving

A driver must not allow another person to drive a motor vehicle on a road unless the person holds a driver's licence authorising the person to drive the vehicle on the road. You should not allow another person to drive unless you have seen their driver's licence.

Number of passengers allowed

A driver should only allow the number of passengers permitted by law to ride in the vehicle; the number of seat belts in the car determines this.

Towing of vehicle

A driver must not drive or tow a vehicle if the vehicle is carrying a load that—

- (a) is not properly secured to the vehicle; or
- (b) is placed on the vehicle in a way that causes the vehicle to be unstable; or
- (c) projects from the vehicle in a way that is likely to injure a person, obstruct the path of other drivers or pedestrians, or damage a vehicle or anything else (for example, the road surface).

The driver of a motor vehicle must not tow another motor vehicle unless—

(a) either—

- (i) the driver can control the movement of the towed vehicle; or
 - (ii) the brakes and steering of the towed vehicle are in working order and a person who is licensed to drive the towed vehicle is sitting in the driver's seat of the towed vehicle, and is in control of its brakes and steering; and
- (b) it is safe to tow the towed vehicle.

The driver of a motor vehicle must not tow a trailer unless—

- (a) the driver can control the movement of the trailer; and
- (b) it is safe to tow the trailer.

The driver of a motor vehicle must not tow a bicycle, tricycle, power-assisted cycle, wheeled recreational device, wheeled toy or wheelchair.

The driver of a motor vehicle must not tow more than 1 motor vehicle or trailer; or

a car towing trailer with a vehicle secured to the trailer if—

- (i) the trailer has effective independent brakes or overrun brakes; and
- (ii) instructions for securing a vehicle to the trailer are attached to the trailer.

“car towing trailer” means a trailer with 1 axle that allows a vehicle to be towed by securing the wheels of 1 axle of the vehicle to the trailer.

“motor vehicle” does not include a trailer attached to the motor vehicle.

Reversing

The driver of a vehicle must not reverse the vehicle unless the driver can do so safely.

The driver of a vehicle must not reverse the vehicle further than is reasonable in the circumstances.

Rules for drivers and passengers:

Noise

The driver of a vehicle or a passenger in or on the vehicle must not—

- (a) ring a bell or sound a horn,
- (b) play or use a noisy instrument, for example CDs or radio.

Objects on road

If something falls onto the road from the driver's vehicle, or the driver, or a passenger in or on the driver's vehicle, puts something on the road; and

there is a possibility that the thing, if left on the road, may injure a person, obstruct the path of other drivers or pedestrians, or damage a vehicle or anything else (for example, the road surface).

The driver must remove the object, or take action to have it removed, from the road as soon as the driver can do so safely.

Example of objects—

1. Fallen loads.
2. Oil or grease.
3. Debris from an accident.
4. Wheel chocks.

“**put**” something onto the road includes—

- (a) throw, drop or propel the thing onto the road; and
- (b) otherwise cause the thing to be on the road.

Rules for passengers:

Seatbelts

A passenger must wear a properly fastened seatbelt.

Interfere with driving

A passenger in a vehicle must not—

- (a) interfere with the driver’s control of the vehicle; or
- (b) obstruct the driver’s view of the road or traffic.

A person must not get off, or out of, a vehicle travelling over 5 kilometres per hour.

All parts of passenger to be inside vehicle

A person must not travel in or on a motor vehicle with any part of the person’s body outside a window or door of the vehicle.

A person must not travel in or on a part of a motor vehicle other than inside the vehicle which is designed primarily for the carriage of passengers.

Other rules

Exempt from wearing a seatbelt

A person is exempt from wearing a seatbelt if the person is carrying a current doctor’s certificate stating that, for a stated period—

- (a) the person can not wear a seatbelt for medical reasons and produces the certificate for inspection when a police officer asks the person (or the driver) whether the person is exempt from wearing a seatbelt.

If damaged or no seatbelt

If the motor vehicle does not have a seatbelt in the passenger side front seat the passenger is required to sit in the back seat.

Insurer – report from police

The insurer obtains information from the police as to the facts relating to any incident whereby injury or damage has occurred.

All drivers need to know and abide by the rules in the following:

**Transport Operations (Road Use Management)
Act 1995**

Transport Operations (Road Use Management - Road Rules) Regulations

Remember: Ignorance of the law is no excuse.

Appendix 2: Road Accidents – what you should know in case of a collision

If a student is driving a vehicle involved in an accident that results in:

- injury to, or death of, any person
- or damage to any property (eg a vehicle, sign post or any animal in the charge of any person), they must:

Stop

- (a) immediately stop the vehicle;

Stay

- (b) if any person is injured
- (i) remain at or near the scene of the incident:
 - (ii) Notwithstanding (b)(i) a person may leave the scene of the incident where the person's leaving is solely for the purpose of obtaining medical or other aid for the injured person

Help

- if you are injured ask a non-injured person to phone for medical assistance;
- if you are not injured, immediately render such assistance as you can to the injured person;
- make reasonable endeavours to obtain such medical and other aid as may reasonably be required for the injured person;
- if any person is dead, exhibit proper respect for the person's body and take whatever steps are reasonably practicable to have the body removed to an appropriate place.

Inform

- phone ambulance
- phone police
- phone parent or guardian
- give your "required particulars" to the other driver;
- give your "required particulars" to any injured person;
- give your "required particulars" to any other person.

If no injury occurs and the damage is less than \$2500

If no one is injured and the damage to both vehicles (your vehicle and the other vehicle/s) is less than \$2500, you may:

- give your "required particulars" to the other driver;
- leave the scene of the accident.

If the damage is more than \$2500

If any property is damaged to an extent apparently in excess of \$2500 and no police officer is present at the scene of the incident, then **you must within 24 hours**

- give your “required particulars” to the other driver; **and**
- report in person (**each** driver is required to do this)
- at the police station that is nearest to the scene of the incident; with
- full particulars of the incident.

Required Particulars

“**required particulars**”, for a driver involved in a crash, means—

- (a) the driver’s name and address; and
- (b) the name and address of the owner of the driver’s vehicle; and
- (c) the vehicle’s registration number (if any); and
- (d) any other information necessary to identify the vehicle.

Duties of a driver to give required particulars to others

The driver (or the driver’s representative) must give the driver’s required particulars, within 24 hours and, if practicable, at the scene of the crash, to—

- (a) any other driver (or that driver’s representative) involved in the crash; and
- (b) any other person involved in the crash who is injured, or the person’s representative; and
- (c) the owner of any property (including any vehicle) damaged in the crash (or the owner’s representative)
- (d) unless, in the case of damage to a vehicle, the particulars are given to the driver of the vehicle (or the driver’s representative).

Duties of a driver to give required particulars to police

The driver (or the driver’s representative) must also give the driver’s required particulars, within the required time, to a police officer if—

- (a) anyone is killed or injured in the crash; or
- (b) the driver does not, for any reason, give the driver’s required particulars to each person mentioned in subsection (2); or
- (c) the required particulars for any other driver involved in the crash are not given to the driver; or
- (d) a motor vehicle involved in the crash is towed or carried away by another vehicle; or
- (e) property, except the driver’s motor vehicle, is damaged to the value of at least the amount \$2500

Beware of offences

- If you show a callous disregard for the needs of the injured person
 - the court shall impose, a period of imprisonment.
- If you do not report an accident to police and you were required to do so; or
- If you furnish any false or misleading information; or
- If you report the happening of an incident to a police officer knowing the report to be false
 - you commit an offence.