New South Wales

Road Transport (Driver Licensing) Amendment (Cancellation of Licences) Regulation 1999

under the

Road Transport (Driver Licensing) Act 1998

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

CARL SCULLY, M.P.,

Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999* with respect to the power of the Roads and Traffic Authority to cancel or suspend driver licences for certain serious speeding offences for which penalty notices are issued. The Regulation prescribes the speeding offences for which a driver licence may be cancelled or suspended by the Roads and Traffic Authority under section 33 of the *Road Transport (Driver Licensing) Act 1998*. The Regulation also inserts proposed regulation 38B, complementary to that provision, to enable the Roads and Traffic Authority to cancel or suspend licences, but only if section 33 of the Act does not apply to the relevant offence.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including section 19 (the general regulation-making power) and section 20 (2) (b).

Road Transport (Driver Licensing) Amendment (Cancellation of Licences) Regulation 1999

1   Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Cancellation of Licences) Regulation 1999*.

2   Commencement

This Regulation commences on 29 October 1999.

3   Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

4   Notes

The explanatory note does not form part of this Regulation.

Schedule 1   Amendment

(Clause 3)

Clauses 38A and 38B

Insert after clause 38:

38A   Prescribed offences for cancellation or suspension of licences

For the purpose of section 33 (5) (b) of the Act, an offence under section 4A (1A), (1B), (5B) or (5BA) of the *Traffic Act 1909* is prescribed.

38B   Cancellation or suspension of licences for speeding offences

(1)   A driver licence may be cancelled or suspended by the Authority because of an alleged speeding offence if, in respect of the alleged offence:

(a)   the holder has paid a penalty prescribed for the purposes of section 18B of the *Traffic Act 1909*, or

(b)   an order has been made under Division 4 of Part 3 of the *Fines Act 1996* against the holder.

(2)   The Authority may decide to cancel or suspend a driver licence under this clause without the holder having been provided an opportunity to show cause why the licence should not be cancelled or suspended.

(3)   If a person's driver licence is cancelled by the Authority under this clause, the Authority may refuse to issue the person with any further licence for a period determined by the Authority and specified in a notice served on the person by the Authority.

(4)   If a person's driver licence is suspended by the Authority under this clause, the person's licence is suspended for such period as may be determined by the Authority and specified in a notice served on the person by the Authority.

(5) Nothing in this clause limits any discretion of the Authority to decline to issue a driver licence to a person.

(6) This clause applies to an alleged speeding offence if:

(a) it is not an offence for which a licence may be cancelled or suspended under section 33 of the Act, and

(b) it involves exceeding a speed limit for the purposes of section 4A of the *Traffic Act 1909*, or exceeding a maximum speed fixed by the *Motor Traffic Regulations 1935* as referred to in section 4A (5B) or (5BA) of the *Traffic Act 1909*, and

(c) it is an offence under section 4A (1A), (1B), (5B) or (5BA) of the *Traffic Act 1909*.