



New South Wales

Road Transport (Driver Licensing) Amendment Act 2010 No 129

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Road Transport (Driver Licensing) Amendment Act 2010 No 129

Act No 129, 2010

An Act to amend the *Road Transport (Driver Licensing) Act 1998* in relation to demerit points. [Assented to 7 December 2010]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Road Transport (Driver Licensing) Amendment Act 2010*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Road Transport (Driver Licensing) Act 1998 No 99

[1] Section 14 Demerit points register

Omit “convicted, or found guilty, of an offence” from section 14 (2) (a). Insert instead “convicted of an offence”.

[2] Section 14 (3A)

Insert after section 14 (3):

(3A) To avoid doubt, the Authority is not to record demerit points against a person under this Division in respect of an offence if the court makes an order under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in respect of the offence.

[3] Section 16 (Suspension of licence), section 16AA (Consequences in relation to licence applications), section 16A (Licence ineligibility) and section 17D (Determining demerit thresholds where combined licences)

Omit “12 or more demerit points” from sections 16 (2), 16AA (2), 16A (1) and 17D (4) (a), wherever occurring.

Insert instead “13 or more demerit points (or in the case of a professional driver 14 or more demerit points)”.

[4] Sections 16 (5) and 16A (4)

Omit “12 to 15” from the first column of the tables to the subsections.

Insert instead “13 (or 14 in the case of a professional driver) to 15”.

[5] Sections 16 (8) and 16A (7)

Omit “12 demerit points”.

Insert instead “13 demerit points (or in the case of a professional driver 14 demerit points)”.

[6] Section 18A

Insert after section 18:

18A Evidence that person is professional driver

(1) The Authority may, for the purpose of determining whether a person is a professional driver under this Division, request the person to provide the Authority with information (including in the form of a statutory declaration) as to the primary work of the person.

- (2) The Authority is entitled to treat a person who has been requested to provide that information as not being a professional driver unless any such requested information is provided to the Authority in accordance with the request.
- (3) A request for information under this section may be made in connection with an application by the person for the issue or renewal of a driver licence or by written notice to the person.

[7] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Road Transport (Driver Licensing) Amendment Act 2010

[8] Dictionary

Insert in alphabetical order:

professional driver means a person whose primary work is personally driving a motor vehicle on roads in or outside of the State, and includes a person of a class prescribed by the regulations as a professional driver, but does not include a person of a class prescribed by the regulations as not a professional driver.

[Agreement in principle speech made in Legislative Assembly on 24 November 2010
Second reading speech made in Legislative Council on 30 November 2010]

BY AUTHORITY