



New South Wales

Road Transport (Driver Licensing) Amendment (Suspension of Licences) Regulation 2001

under the

Road Transport (Driver Licensing) Act 1998

Her 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* so as to make provision with respect to the suspension of a drivers licence held by a person who, while driving a motor vehicle, occasions death or grievous bodily harm to some other person as a result of having become incapable of controlling the motor vehicle.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including section 19 (the general power to make regulations) and section 20.

2001 No 631

Clause 1 Road Transport (Driver Licensing) Amendment (Suspension of Licences)
Regulation 2001

**Road Transport (Driver Licensing) Amendment
(Suspension of Licences) Regulation 2001**

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Suspension of Licences) Regulation 2001*.

2 Commencement

This Regulation commences on 17 August 2001.

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 Amendments

(Clause 3)

[1] Clause 38 Variation, suspension or cancellation of driver licence

Insert after clause 38 (1):

(1A) Without limiting subclause (1), the Authority:

- (a) may suspend a person's driver licence if it appears to the Authority that, while driving a motor vehicle, the person has occasioned death or grievous bodily harm to some other person as a result of having become incapable of controlling the motor vehicle (for example, as a result of sleep or loss of consciousness), and
- (b) may do so regardless of whether the circumstances in which this has occurred have given rise to the person being prosecuted for an offence.

(1B) In deciding whether to suspend a person's driver licence under subclause (1A), the Authority need not inquire into the likelihood of the person again becoming incapable of controlling a motor vehicle in similar circumstances.

[2] Clause 39 Procedures for variation, suspension or cancellation of driver licence

Insert after clause 39 (4):

- (4A) A notice to suspend a person's driver licence under clause 38 (1A) may not be withdrawn except on the order of a Local Court in respect of an appeal under clause 6 of the *Road Transport (General) Regulation 1999*.