



# Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2002

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*:

- (a) to ensure certain offences committed during the period 20 December 2002 to 1 January 2003 (inclusive) attract double demerit points, and
- (b) to increase the demerit points for exceeding the speed limit by not more than 15km/h from 1 to 2 demerit points (for offences that are not committed over a long weekend) and from 2 to 4 demerit points (for offences committed over a long weekend), and
- (c) to provide that the demerit points for driving a motor vehicle at a speed in excess of 130km/h are to be a minimum of 3 demerit points (for offences that are not committed over a long weekend) and a minimum of 6 demerit points (for offences committed over a long weekend), and
- (d) to prescribe speeding offences fixed by or under the *Road Transport (Safety and Traffic Management) Act 1999* for the purposes of the definition of **speeding offence** in section 33 (Cancellation or suspension of driver licence by Authority) of the Act.

## **2002 No 880**

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2002

Explanatory note

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This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 15 and 19 (the general regulation-making power).

**2002 No 880**

Clause 1 Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2002

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**Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2002**

under the

Road Transport (Driver Licensing) Act 1998

**1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2002*.

**2 Commencement**

This Regulation commences on 1 December 2002.

**3 Amendment of Road Transport (Driver Licensing) Regulation 1999**

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

**2002 No 880**

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation  
2002

Schedule 1 Amendments

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**Schedule 1 Amendments**

(Clause 3)

**[1] Clause 36 Demerit points and offences**

Insert at the end of paragraph (b) of the definition of *over a long weekend* in clause 36 (5):

20 December 2002 until 1 January 2003 (inclusive)

**[2] Clause 38A**

Omit the clause. Insert instead:

**38A Prescribed offences for cancellation or suspension of licences**

For the purposes of the definition of *speeding offence* in section 33 (5), the following offences are prescribed:

- (a) any offence that involves exceeding a speed limit fixed by or under the *Road Transport (Safety and Traffic Management) Act 1999* applicable to the relevant driver or vehicle by more than 30 kilometres per hour, or
- (b) any other offence that involves exceeding a speed limit fixed by or under the *Road Transport (Safety and Traffic Management) Act 1999* applicable to the relevant driver where the driver drives the vehicle concerned at a speed exceeding 130 kilometres per hour.

**Note.** Clause 11 of Schedule 3 to the Act provides that until a regulation is made under section 33 (5) of the Act, as amended by the *Road Transport (Driver Licensing) Amendment Act 1999*, the offences prescribed for the purposes of section 33 (5) are all those offences that involve exceeding any speed limit fixed by or under the *Road Transport (Safety and Traffic Management) Act 1999*, applicable to the relevant driver or vehicle, by more than 30 kilometres per hour. The above provision is made under section 33 (5) of the Act as relevantly amended.

**[3] Schedule 1 Demerit points offences and penalties**

Omit the following from Part 1:

Exceeding speed limit by more than 45 km/h	6	12	Rule 20 of <i>Australian Road Rules</i>
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Exceeding speed limit by more than 30 km/h but not more than 45 km/h	4	8	Rule 20 of <i>Australian Road Rules</i>
Exceeding speed limit by more than 15 km/h but not more than 30 km/h	3	6	Rule 20 of <i>Australian Road Rules</i>
Exceeding speed limit by not more than 15 km/h	1	2	Rule 20 of <i>Australian Road Rules</i>

Insert instead:

Exceeding speed limit while driving at speed in excess of 130km/h:			Rule 20 of <i>Australian Road Rules</i>
(a) where the speed limit is exceeded by more than 45km/h	6	12	
(b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	4	8	
(c) where the speed limit is not exceeded by more than 30km/h	3	6	
Exceeding speed limit by more than 45km/h (where speed not in excess of 130km/h)	6	12	Rule 20 of <i>Australian Road Rules</i>
Exceeding speed limit by more than 30km/h but not more than 45km/h (where speed not in excess of 130km/h)	4	8	Rule 20 of <i>Australian Road Rules</i>

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## Schedule 1 Amendments

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Exceeding speed limit by more than 15km/h but not more than 30km/h (where speed not in excess of 130km/h)	3	6	Rule 20 of <i>Australian Road Rules</i>
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Exceeding speed limit by not more than 15km/h (where speed not in excess of 130km/h)	2	4	Rule 20 of <i>Australian Road Rules</i>
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**[4] Schedule 1**

Omit the following from Part 2:

Exceeding speed limit by more than 45 km/h	6	12	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
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Exceeding speed limit by more than 30 km/h but not more than 45 km/h	4	8	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
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Exceeding speed limit by more than 15 km/h but not more than 30 km/h	3	6	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
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Exceeding speed limit by not more than 15 km/h	1	2	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
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Insert instead:

Exceeding speed limit while driving at speed in excess of 130km/h:			Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
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(a) where the speed limit is exceeded by more than 45km/h	6	12	
(b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	4	8	
(c) where the speed limit is not exceeded by more than 30km/h	3	6	
Exceeding speed limit by more than 45km/h (where speed not in excess of 130km/h)	6	12	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Exceeding speed limit by more than 30km/h but not more than 45km/h (where speed not in excess of 130km/h)	4	8	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Exceeding speed limit by more than 15km/h but not more than 30km/h (where speed not in excess of 130km/h)	3	6	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Exceeding speed limit by not more than 15km/h (where speed not in excess of 130km/h)	2	4	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>