



New South Wales

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Licence Suspension) Regulation 2005

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

MICHAEL COSTA, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to allow a court that convicts a person for a speeding offence referred to in clause 154 (3) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (exceeding speed limit by more than 45 km/h) to order a period of disqualification of less than 6 months for the offence. A court may only make such an order if the person's driver licence or authority to drive in New South Wales has been suspended for a period under section 34 or 35 of the *Road Transport (General) Act 1999* for that offence, and the disqualification period when added to the suspension period results in a total period of no less than 6 months. This Regulation also makes it clear that a period of disqualification commences on the date of conviction for the relevant offence.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power).

2005 No 276

Clause 1 Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Licence Suspension) Regulation 2005

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Licence Suspension) Regulation 2005

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Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Licence Suspension) Regulation 2005*.

2 Commencement

This Regulation commences on 24 June 2005.

3 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 154 Penalties and disqualifications for speeding offences

Omit “a longer period of disqualification” from clause 154 (3).

Insert instead “a different period of disqualification determined in accordance with subclause (3A)”.

[2] Clause 154 (3A)

Insert after clause 154 (3):

(3A) Court-ordered disqualification periods under subclause (3)

In determining a different period of disqualification under subclause (3) for a person who commits a speeding offence, the court may specify a period that is:

- (a) more than 6 months, or
- (b) less than 6 months, but only if:
 - (i) the person’s driver licence or authority to drive in New South Wales has been suspended for a period (*the suspension period*) under section 34 or 35 of the *Road Transport (General) Act 1999* for that offence, and
 - (ii) the specified disqualification period when added to the suspension period results in a total period of no less than 6 months.

[3] Clause 154 (8)

Omit “subsection” wherever occurring. Insert instead “subclause”.

[4] Clause 154 (8A)

Insert before clause 154 (9):

(8A) Disqualification period commences on date of conviction

A period of disqualification imposed by or under this clause commences on the date of conviction for the offence to which it relates.