



New South Wales

Road Transport (Driver Licensing) Amendment Bill 2010

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Road Transport (Driver Licensing) Act 1998* to increase the number of demerit points required to be accumulated before unrestricted licence holders are subject to licence suspensions and other sanctions, as follows:

- (a) from 12 to 13 in the case of a driver other than a professional driver,
- (b) from 12 to 14 in the case of a professional driver.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

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

Schedule 1 [1] increases from 12 or more to 13 or more the number of demerit points that may be incurred over a 3-year period before the RTA must suspend an unrestricted driver licence or not issue a licence in the case of an unlicensed driver. For a licence holder who is a professional driver, the number of demerit points will be 14 or more (currently professional drivers may only incur the same number of demerit points as other drivers). The number of demerit points remains the same for restricted driver licences (being 4 or more demerit points for a learner licence or provisional P1 licence, and 7 or more demerit points for a provisional P2 licence).

Schedule 1 [2] updates the tables setting out the periods of automatic suspension or licence ineligibility for accumulating demerit points to reflect the new demerit point amounts.

Schedule 1 [3] makes consequential amendments.

Schedule 1 [4] inserts proposed section 18A. The new section enables the RTA to request a person to submit information (including in the form of a statutory declaration) about the person's work so that the RTA can determine whether the person is a professional driver (and eligible for the higher demerit points limit). A person who does not provide the requested information may be treated as if they were not a professional driver for demerit points purposes. A request for the information can be made in connection with licence application procedures or by a written notice to the person.

Schedule 1 [5] enables regulations containing savings and transitional provisions to be made consequent on the enactment of the proposed Act.

Schedule 1 [6] defines a *professional driver* as a person whose primary work is personally driving a motor vehicle on roads in or outside of the State. The regulations may also prescribe additional classes of persons as professional drivers and exclude any class of persons from being professional drivers.

First print



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No. , 2010

A Bill for

An Act to amend the *Road Transport (Driver Licensing) Act 1998* in relation to demerit points.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Road Transport (Driver Licensing) Amendment Act 2010</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6

Schedule 1	Amendment of Road Transport (Driver Licensing) Act 1998 No 99	1
		2
[1]	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)	3
	Omit “12 or more demerit points” from sections 16 (2), 16AA (2), 16A (1) and 17D (4) (a), wherever occurring.	4
		5
	Insert instead “13 or more demerit points (or in the case of a professional driver 14 or more demerit points)”.	6
		7
[2]	Sections 16 (5) and 16A (4)	8
	Omit “12 to 15” from the first column of the tables to the subsections.	9
	Insert instead “13 (or 14 in the case of a professional driver) to 15”.	10
[3]	Sections 16 (8) and 16A (7)	11
	Omit “12 demerit points”.	12
	Insert instead “13 demerit points (or in the case of a professional driver 14 demerit points)”.	13
[4]	Section 18A	14
	Insert after section 18:	15
		16
18A	Evidence that person is professional driver	17
	(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.	18
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	(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.	20
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	(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.	22
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[5]	Schedule 3 Savings, transitional and other provisions	32
	Insert at the end of clause 1 (1):	33
	<i>Road Transport (Driver Licensing) Amendment Act 2010</i>	34

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

[6] 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.

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