



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.

* Amended in committee—see table at end of volume.

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.