

ROAD TRANSPORT (DRIVER LICENSING) AMENDMENT (DEMERIT POINTS SYSTEM) BILL 2008

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Bill introduced on motion by Mr Michael Daley, on behalf of Mr David Campbell.**Agreement in Principle****Mr MICHAEL DALEY** (Maroubra—Minister for Roads) [12.58 p.m.]: I move:

That this bill be now agreed to in principle.

The primary purpose of the Road Transport (Driver Licensing) Amendment (Demerit Points System) Bill 2008 is to introduce a demerit points scheme for learner licence holders. The measures within the bill will encourage compliance with the driving laws from the very first stage of the licensing system. They will ensure the timely application of licence sanctions for irresponsible driving behaviour and poor driving practices. They will also ensure that New South Wales is aligned with other Australian jurisdictions that have already adopted demerit points schemes for their learner drivers. Most importantly, the changes will build on the Government's initiatives to help to further reduce the road toll and better equip young and novice drivers on our roads. The provisions within the bill have undergone extensive community consultation.

In November 2004 the New South Wales Government released the discussion paper "Improving Safety for Young Drivers" in an effort to identify workable solutions to the overrepresentation of young people in road fatalities. The paper detailed 11 road safety initiatives, which included an initiative to modify the demerit point structure of the New South Wales Graduated Licensing Scheme, to further encourage safer driving by young people. The consultation process identified community support for tougher penalties on novice drivers who do not comply with their licence conditions and the road rules. The demerit point scheme for learners outlined in the bill meets these community expectations.

Demerit points have proven to be an effective contributor to road safety outcomes in New South Wales. The demerit point scheme involves the allocation of penalty points for certain driving offences. When the allowable number of points has been reached or exceeded, the driver's licence is suspended. Licence suspension has a dual effect in that it removes irresponsible and potentially dangerous drivers from our roads while also creating the incentive for drivers to comply with the road rules to avoid the loss of a licence. Drivers are currently introduced to the demerit point scheme when they are issued a provisional licence. Drivers then progress through the licensing system knowing that unacceptable driving habits and repeat offences will result in the accumulation of demerit points and licence suspension.

Unlike provisional drivers, New South Wales learner licence holders currently are managed under a discretionary enforcement scheme. This involves the Roads and Traffic Authority monitoring the number of offences committed by each individual learner and cancelling the learner's licence if four or more offences are committed within a 12-month period. There are limitations with the current administrative arrangements for learner licence holders. For instance, the current process tends to lack immediacy. There may be some time between the date the first offence is committed and the date cancellation action is applied. There is concern also that some drivers who have committed fewer than four offences, but otherwise dangerous offences, are not being deterred from reoffending and possibly continuing this poor driving behaviour into the provisional licence stage.

Introducing a demerit point scheme for learners will go a long way towards addressing these issues. The clear benefit that a demerit point scheme will provide for learners is that it will encourage compliance with the driving laws from the very first stage of the licensing system. It ensures the timely application of licence sanctions for irresponsible driving behaviour and poor driving practices, which, if left unchecked, often can lead to tragic road fatalities and injuries. The bill introduces a demerit point scheme for learners similar to that currently applied to New South Wales provisional P1 licence holders. It introduces the following main provisions. A learner licence will be suspended for a period of three months if the holder of that licence incurs four or more demerit points. The three-month suspension is considered to be an appropriate period of time because it allows the novice driver to re-enter the licensing system quickly so that their driving skills can be maintained. It is consistent with the period of time provided to P-platers who are suspended.

The bill also includes the introduction of a power to refuse to renew a learner or provisional licence if the holder has reached or exceeded his or her demerit point threshold and action has not been taken to suspend the licence. This provision currently is applied to unrestricted licence holders. Learner licence holders, just like provisional licence holders, will have the right of appeal if they are suspended or refused for demerit points. The

four-demerit-point threshold for learner drivers strikes a balance between ensuring the appropriate leniency is extended to learners while still requiring a high standard of driver competency. To a large degree, the way in which demerit points currently are allocated to offences supports a four-demerit-point threshold.

The majority of fundamental driving offences carry from one to three demerit points. This means that a minor transgression of the law may not automatically lead to suspension. Of course, serious offences committed by learners, such as speeding, certain safety-related offences committed in operating school zones, and in double demerit point periods, will lead to licence suspension. The offences that will carry four or more demerit points are any speeding offences committed by a learner driver, driving with one or more unrestrained passengers, and riding a motorbike with a power/capacity in excess of the allowed limit.

The Government makes no apologies to learners who commit these serious offences. There can be little argument put forward by a learner driver that committing these types of offences was an unintended mistake. This is the rationale currently applying to provisional licence holders. It is only fair that learners receive demerit points for offences that they have committed from the commencement of this legislation, and therefore demerit points will not be retrospectively applied to learners. The scheme outlined today ensures a greater consistency of practices and principles across all New South Wales licence types. It also ensures that New South Wales is aligned with other Australian jurisdictions that have already adopted demerit point schemes for their respective learner drivers.

Members will recall the measures introduced by this Government in July last year to address the sudden increase in road deaths of young drivers. One of those measures was the zero tolerance to speed whereby a provisional P1 driver will lose their licence for at least three months for any speeding offence. Evidence based on crash data for 2007 has shown that the initiative already is delivering road safety benefits. Advice from the Roads and Traffic Authority is that preliminary data of fatal crash involvements of P1 drivers in 2007 has declined by 35 per cent compared with 2006. The bill builds on those earlier initiatives. It will see the zero tolerance to speed initiative currently applying to provisional P1 drivers being extended to include learner drivers through the adoption of the learner demerit point scheme.

The bill also includes additional amendments to road transport law to provide greater clarity in applying licence sanctions when the licence holder holds different licence classes. For example, a driver who holds a licence to drive a car and is subject to a pending suspension action should not be afforded the opportunity to obtain a learner rider licence. The law currently allows for licences to be held in any combination of an unrestricted, provisional or learner type, depending on the individual's progression through the licensing processes. In these circumstances, the current provisions are unclear as to whether there is a requirement to apply a licence suspension under different sections of the Road Transport (Driver Licensing) Act. In order to give clarity, the bill introduces the new concept of primary and subordinate classes for the purposes of demerit point suspensions.

The practical effect of the proposed measures is that where a person holds both an unrestricted and provisional class and reaches or exceeds 12 or more demerit points the law will clarify that both classes can be suspended under the demerit point scheme that applies to the unrestricted or primary class. The same concept will apply where a provisional class is held in combination with a learner class. In this case, both licence classes will be suspended when the demerit point threshold is reached or exceeded for the provisional class, being the primary class in this case. The bill also clarifies that the subordinate class can be suspended only if the demerit point threshold is reached or exceeded on that licence class only.

This practice has sound road safety principles in that a person who exceeds their demerit point limit on the most superior licence type held does not have the opportunity to avoid a demerit point licence sanction by continuing to drive or ride on the subordinate licence type. Alternatively, reaching or exceeding the demerit point threshold on the subordinate licence type does not necessarily deny the licence holder the opportunity to continue to drive on the superior licence type. The measures I have detailed today are sensible policies that will help to further reduce the road toll and better equip young and novice drivers on our roads. The Government is committed to young driver safety and the bill continues that commitment. The arrangements proposed in the bill will not impact in any way on law-abiding citizens and will allow for efficiencies in enforcing the principles of the current legislation. I trust that members will lend their unreserved support to the Government's proposal. I commend the bill to the House.