

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [11.59 p.m.], on behalf of the Hon. John Robertson: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

I rise to introduce the Road Transport (Driver Licensing) Amendment Bill 2010.

The object of the 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.

This amendment seeks to increase the current number of demerit points that can be accumulated by unrestricted licence holders from 12 to 13 and; increase the number of demerit points that can be accumulated by professional drivers from 12 to 14 on the basis of additional time spent on the roads.

This amendment will not apply to learner or provisional licence holders.

The three-year period in which demerit point penalties are kept on a licence will remain, as will the operation of the 12-month good behaviour period.

This amendment defines a "professional" driver as a person whose primary work is personally driving a motor vehicle on roads in or outside of the State.

Evidentiary provisions, set out in accompanying regulations, will stipulate that the Roads and Traffic Authority can determine whether the person is a professional driver. This will enable the Roads and Traffic Authority to request a person to submit information about the person's work so the Roads and Traffic Authority can determine whether the person is a professional driver. A person who does not provide the requested information may be treated as if they were not a professional driver for demerit points purposes.

These amendments are in recognition of the evolving nature of enforcement methods and that New South Wales has the strongest safety regime and Demerit Points Scheme in the nation.

As the NRMA have stated if we keep coming up with new ways to catch drivers without giving something back to motorists then the public's confidence in the demerit system may wane.

The Demerit Points Scheme is a national initiative, introduced in New South Wales in 1969, that operates in all States and the Australian Capital Territory. The scheme allocates penalty points [demerits] for a range of driving offences.

The national scheme provides a reference point for Australian jurisdictions but it is not a straightjacket.

The Demerit Points Scheme has been amended on several occasions to address particular matters of public interest. However it has been some years since key aspects of the scheme's overall operation were comprehensively reviewed or amended.

It is important to note that the number of demerit-based offences has progressively grown over the years to a current level of approximately 600 demerit offences substantially more than other jurisdictions.

I am advised that by comparison, the number of demerit based offences in Queensland is approximately 347, in South Australia approximately 263 and in Victoria approximately 184.

Furthermore, in the last decade, licence suspensions for unrestricted licence holders have increased considerably, from 7,869 in 2000 to 22,680 in 2009.

There are approximately 127,755 New South Wales licence holders who have accrued eight or more demerit points and are at risk of losing their licence. Approximately 25,707 licence holders are currently on good behaviour periods.

These figures indicate that there is a strong public policy case that warrants consideration of an increase in demerit points for appropriately licensed drivers.

A recent NRMA survey has found strong support for increasing the threshold number of demerit points at which suspension occurs from 12 to 13.

The proposal to increase the demerit point threshold for professional drivers from 12 to 14 has been welcomed by the Transport Workers Union and the NRMA, which suggested consideration of this reform in its October submission to the Government.

This amendment is in recognition of the increased exposure to enforcement professional drivers incur as a result of their greater use of the road network and the consequences of licence suspension on their employment and family life.

In a media release put out by the Transport Workers Union yesterday, they commend the New South Wales Government saying, "We have been fighting for extra points for heavy vehicle drivers for 30 years, so today is a landmark victory for our members across the State."

Whilst we support "professional" drivers ... in the supporting regulations ... we will be sure to limit the classification of "professional" driver to ensure eligibility criteria is tight and that only genuine people whose primary occupation is driving will qualify for this extra demerit point.

The New South Wales Government acknowledges the importance that holding a licence has for a large number of people in the community. Motorists rely on the ability to drive for employment and education purposes, to access health and medical services and specialists and to fulfil family and carer obligations.

These amendments are about fairness for motorists without sacrificing safety. They are timely and proportionate responses which take into account the growth in the number of demerit points ... no longer just for safety offences... and the growth of speed and safety cameras, as well as the State's extensive highway patrol presence.

Most drivers are decent, law-abiding citizens and to expect all motorists to go through their driving lives without ever making a mistake is unrealistic.

I commend this legislation to the House.