



New South Wales

Road Transport Amendment (Demerit Point Reduction Trial) Bill 2023

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 Act 2013* to provide for a trial of a demerit point reduction scheme.

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 the date of assent to the proposed Act.

Schedule 1 Amendment of Road Transport Act 2013 No 18

Schedule 1[2] inserts proposed section 32A into the *Road Transport Act 2013* (*the Act*).

The proposed section provides that Transport for NSW must reduce the number of demerit points recorded in the NSW demerit points register against an eligible person by 1 point, as soon as practicable after the end of the trial period, if—

- (a) during the 3 years preceding the start of the trial period, demerit points were recorded in the register against the person, and
- (b) during the trial period, the eligible person did not commit a relevant offence, and
- (c) at the end of the trial period, demerit points were recorded in the register against the eligible person.

Proposed section 32A(2) defines certain expressions used in the proposed section.

Eligible person is defined as a person who held an unrestricted driver licence for the duration of the trial period. This includes certain persons whose unrestricted driver licences were suspended, cancelled, not renewed or expired during the trial period.

Relevant offence means an offence—

- (a) which Transport for NSW must record in the NSW demerit point register, or
- (b) as a result of which a person is disqualified from holding or obtaining a driver licence, or
- (c) against the Act, section 53, and
- (d) includes an offence of a kind mentioned in paragraphs (a)–(c), including one which would incur a disqualification period if the driver were convicted, in relation to which the court makes an order under the *Crimes (Sentencing Procedure) Act 1999*, section 10.

Trial period is defined as the period prescribed in the statutory rules or, if a period is not prescribed, the period starting on 17 January 2023 and ending on 16 January 2024.

Proposed section 32A(3) provides for the expiration of proposed sections 31(5)(b) and 32A on the later of the following—

- (a) 31 January 2025,
- (b) a date prescribed by the statutory rules.

Schedule 1[1] makes a consequential amendment.



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New South Wales

Road Transport Amendment (Demerit Point Reduction Trial) Bill 2023

No. _____, 2023

A Bill for

An Act to amend the *Road Transport Act 2013* to provide for a trial of a demerit point reduction scheme.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Road Transport Amendment (Demerit Point Reduction Trial) Act 2023*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1 Amendment of Road Transport Act 2013 No 18

[1] Section 31 NSW demerit points register

Omit section 31(5). Insert instead—

(5) Without limiting this section, Transport for NSW—

- (a) may change the NSW demerit points register to correct a mistake, error or omission in the register, subject to the requirements of the statutory rules, and
- (b) must change the NSW demerit points register if required under section 32A.

[2] Section 32A

Insert after section 32—

32A Demerit points reduction trial

(1) Transport for NSW must, as soon as practicable after the end of the trial period, reduce the number of demerit points recorded in the NSW demerit points register against an eligible person by 1 point if—

- (a) during the 3 years preceding the start of the trial period, demerit points were recorded in the register against the eligible person, and
- (b) during the trial period, the eligible person did not commit a relevant offence, and
- (c) at the end of the trial period, demerit points were recorded in the register against the eligible person.

(2) In this section—

eligible person—

- (a) means a person who held an unrestricted driver licence for the duration of the trial period, and
- (b) includes a person—
 - (i) whose unrestricted driver licence was suspended or cancelled, or whose application to renew the licence was refused on medical grounds, during the trial period, or
 - (ii) whose unrestricted driver licence was suspended, or whose application to renew the licence was refused, during the trial period, for a failure to pay a fine or other penalty if the total period of the suspension, or period in which the application to renew the licence was refused, was less than 3 months, or
 - (iii) whose unrestricted driver licence was expired during the trial period for a period of less than 6 months before being renewed, or
 - (iv) whose unrestricted driver licence was suspended during the trial period by the Commissioner of Police or another police officer if—
 - (A) the charge that resulted in the suspension was withdrawn, or
 - (B) a decision was made not to enforce the penalty notice that resulted in the suspension.

relevant offence—

- (a) means an offence —

- (i) which Transport for NSW must record in the NSW demerit points register under section 32(1), or 1
 - (ii) as a result of which a person is disqualified from holding or obtaining a driver licence, or 2
 - (iii) against section 53, and 3
 - (b) includes an offence of a kind mentioned in paragraph (a), including one which would incur a disqualification period if the driver were convicted, in relation to which the court makes an order under the *Crimes (Sentencing Procedure) Act 1999*, section 10. 4
- trial period** means— 5
- (a) the period prescribed by the statutory rules, or 6
 - (b) if a period is not prescribed under paragraph (a)—the period starting on 17 January 2023 and ending on 16 January 2024. 7
- (3) This section and section 31(5)(b) expire on the later of the following— 8
- (a) 31 January 2025, 9
 - (b) a date prescribed by the statutory rules. 10