



New South Wales

Road Transport Legislation Amendment (Demerit Point Integrity Taskforce) Bill 2026

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*, regulations under that Act and the *Fines Act 1996* to implement particular recommendations of the Demerit Point Integrity Taskforce, including amendments to—

- (a) require a person who nominates an overseas driver as the liable person for a camera recorded or parking offence to give the passport number and country of issue of the passport for the overseas driver, and
- (b) clarify that the nomination of a person as the liable person for an offence (the *nominated person*) may be rejected if—
 - (i) the nominated person disputes the nomination, or
 - (ii) the information in the nomination is insufficient to correctly identify the nominated person, or
 - (iii) the nomination has been falsely provided, or
 - (iv) on other grounds prescribed by the regulations, and
- (c) create a new offence for falsely disputing a nomination, consistent with the offence for falsely nominating a person, and
- (d) create an obligation on the responsible person for a vehicle who is given a penalty notice for a parking offence for which demerit points are incurred (a *demerit point parking offence*) to nominate the person in charge of the vehicle at the time of the offence, consistent with the obligation in relation to camera recorded offences, and

- (e) enable demerit points recorded against the nominated person in the demerit points register to be deleted after payment of the related fine if new evidence establishes the nominated person was not the actual offender and to be reallocated to the person to whom the penalty notice was originally issued in particular circumstances, and
- (f) enable demerit points deleted from the demerit points register to be restored against a person in particular circumstances, including where a driver licence sanction to which the demerit points relate has been lifted or has not been fully served, to accurately reflect the demerit points the person has incurred, and
- (g) provide that drivers are required to serve the full period of a suspension imposed for speeding and drug or alcohol offences in circumstances where the suspension is interrupted by a disqualification, and
- (h) amend the good behaviour provisions to provide that—
 - (i) unrestricted driver licence holders who incur up to 24 demerit points are eligible to elect a 12-month good behaviour period as an alternative to the applicable period of licence suspension or licence ineligibility, and
 - (ii) unrestricted driver licence holders who incur at least 25 but not more than 30 demerit points may, on grounds of undue hardship or other exceptional circumstances, apply to Transport for NSW for approval to serve a 12-month good behaviour period as an alternative to the applicable period of licence suspension or licence ineligibility, and
 - (iii) a suspended or ineligible driver may elect a 12-month good behaviour period after the suspension or licence ineligibility period has commenced, but with no pro rata reduction of the 12-month good behaviour period, and
 - (iv) a suspended or ineligible driver who elects a 12-month good behaviour period after the suspension or ineligibility period has commenced and breaches the terms of the good behaviour period will be suspended for twice the original suspension period, with no discount or pro rata deduction for a part of the suspension or ineligibility period served before electing the 12-month good behaviour period, and
- (i) ensure a person cannot avoid a licence suspension by lodging an appeal with the court and upgrading the relevant licence while the appeal is being determined to benefit from a higher demerit points threshold, and
- (j) remove redundant references to Transport for NSW making a discretionary decision in circumstances where a visiting driver's exemption from licence holding requirements automatically ceases because the driver incurs 13 or more demerit points.

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.

Schedule 1 Amendment of Road Transport Act 2013 No 18

Schedule 1[1]–[3], [6], [10], [11], [16], [22] and [24]–[26] insert definitions and update cross-references consequent on other amendments in Schedule 1.

Schedule 1[4] and [5] include amendments that—

- (a) allow drivers who incur at least 13, but not more than 24, demerit points in a 3-year period to elect to be of good behaviour for 12 months instead of serving the applicable licence suspension period at any time before the end of the applicable licence suspension period, replacing the existing requirement for the election to be made before the beginning of the applicable licence suspension period, and
- (b) allow drivers who incur at least 25, but not more than 30, demerit points in a 3-year period to apply to Transport for NSW for approval to be of good behaviour for 12 months instead of serving the applicable licence suspension period at any time before the end of the

- applicable licence suspension period on the grounds of undue hardship or other special circumstances, and
- (c) confirm that drivers who incur more than 30 demerit points in a 3-year period are not eligible to apply to Transport for NSW for approval to be of good behaviour for 12 months instead of serving the applicable licence suspension period, and
 - (d) allow the regulations to prescribe the following—
 - (i) the matters Transport for NSW must or must not consider when deciding an application for approval,
 - (ii) the circumstances that constitute or do not constitute undue hardship or other special circumstances for the purposes of applications for approval, and
 - (e) provide that if a person elects, or is approved for, a 12-month good behaviour period after the beginning of a period of licence suspension, the suspension of the person's licences ends on the day the person makes the election or the approval is granted, and
 - (f) extend the current double automatic licence suspension or licence ineligibility that applies to a person who incurs 2 or more demerit points while serving an elected 12-month good behaviour period to also apply to a person who incurs 2 or more demerit points while serving an approved 12-month good behaviour period.

Schedules 1[7] and [8] insert proposed sections 37A and 41A, which allow Transport for NSW to—

- (a) restore demerit points recorded against a person that were deleted on the commencement of a licence suspension, licence ineligibility or 12-month good behaviour period to ensure the register accurately reflects the number demerit points incurred by the person if—
 - (i) the person has been found not guilty of an offence that resulted in the licence suspension, licence ineligibility or 12-month good behaviour period (a **contributing offence**), or
 - (ii) the person's conviction for a contributing offence has been overturned, or
 - (iii) the record of a contributing offence has otherwise been removed from the person's driving record in the administration the *Road Transport Act 2013* or another Act or law, and
- (b) adjust the number of demerit points restored against the person to reflect a part of the licence suspension, licence ineligibility or 12-month good behaviour period already served by the person.

Schedule 1[9] extends existing section 42 so that, if a person who holds 2 classes of driver licence is granted approval to be of good behaviour for 12 months instead of serving a licence suspension or ineligibility period, demerit points incurred against either licence may be counted towards the threshold number of demerit points that, if incurred by the person during the 12-month good behaviour period, trigger an automatic licence suspension or licence ineligibility for double the original period.

Schedule 1[12] amends the details that must be provided if the person nominated as the liable person for a camera recorded or parking offence holds a foreign driver licence to include a passport number for the person and the jurisdiction that issued the passport.

Schedule 1[13] inserts proposed section 184A to create a new duty on the responsible person for a vehicle who is issued with a penalty notice for a demerit point parking offence but was not in charge of the vehicle when the offence occurred to nominate the person who was in charge of the vehicle within 21 days after receiving the penalty notice. **Schedule 1[15]** substitutes section 186 to ensure consistency in terminology between the new duty to nominate in relation to demerit point parking offences and the existing duty to nominate in relation to camera recorded offences.

Schedule 1[14] extends existing section 185 to provide that the responsible person for a vehicle is not liable for a demerit point parking offence if the responsible person complies with the new

duty to nominate the person who was in charge of the vehicle or the person who was in charge of the vehicle self-nominates.

Schedule 1[17] and [23] insert—

- (a) proposed section 187A, which provides a process for a nominated person to dispute a nomination within 21 days after receiving a penalty notice for the offence or a longer period if the nominated person has a reasonable excuse, and
- (b) proposed sections 187B and 187C, which provide a process for dealing with nominations or nomination disputes that includes—
 - (i) a requirement for authorised officers and prosecutors to accept, reject or require further information about the nomination or dispute within 90 days, and
 - (ii) the grounds on which nominations and nomination disputes may be rejected, and
- (c) proposed section 189A, which—
 - (i) enables Transport for NSW to approve forms to be used for disputing nominations, and
 - (ii) allows Transport for NSW to require a person disputing a nomination to give a statutory declaration verifying the information in the dispute, and
 - (iii) makes it an offence if a person does not comply with a requirement to give a statutory declaration in relation to a dispute, punishable by a maximum penalty of 200 penalty units for a corporation or 50 penalty units otherwise.

Schedule 1[18]–[20] amend section 188 to—

- (a) extend the existing offence under section 188(1) for failing to comply with section 186 to failing to comply with proposed section 184A, and
- (b) extend the existing offence under section 188(2) for falsely nominating a person as the actual offender for a camera recorded offence to falsely nominating a person as the actual offender for a parking offence, and
- (c) create a new offence for falsely disputing a person’s nomination as the actual offender for a camera recorded or parking offence, punishable by a maximum penalty of 200 penalty units if the offence relates to a vehicle registered otherwise than in the name of a natural person or 100 penalty units if the offence relates to a vehicle registered in the name of a natural person.

Schedule 1[21] amends section 189 consequent on the amendment in Schedule 1[23] to ensure consistency in the way Transport for NSW may require a person to verify information in nominations or nomination disputes.

Schedule 2 Amendment of Road Transport (Driver Licensing) Regulation 2017

Schedule 2[1], [4], [6] and [8] update cross-references consequent on the amendments in Schedule 1[5].

Schedule 2[2] amends clause 53 to extend its application to licence suspensions under the Act, Part 3.6 for speeding offences or alcohol or drug related driving offences so that if, during a period of licence suspension under the Act, Part 3.6, a person is disqualified from driving for another matter, the person must serve the full period of the suspension in addition to the period of disqualification.

Schedule 2[3] amends clause 53 to provide that if a person lodges an appeal against a decision of Transport for NSW to give the person a notice of licence suspension or cancellation under the Act, section 40 or to suspend or cancel the person’s licence under the Act, section 59, the person is ineligible to apply for a licence other than the type of licence to which the decision relates until the appeal has been determined by the Local Court.

Schedule 2[5] and [7] amend clause 96 to remove redundant references to Transport for NSW making a discretionary decision in circumstances where a visiting driver's exemption from licence holding requirements automatically ceases because the driver incurs 13 or more demerit points.

Schedule 3 Amendment of Road Transport (General) Regulation 2021

Schedule 3 prescribes the proposed new offences of falsely disputing a nomination and failing to comply with a requirement to give a statutory declaration verifying information provided in a dispute of a nomination as penalty notice offences.

Schedule 4 Amendment of Fines Act 1996 No 99

Schedule 4[1] inserts a definition of *NSW demerit points register* for the Act consequent on other amendments in Schedule 4.

Schedule 4[2], [3], [5] and [6] amend sections 23AA, 23AB, 24G and 36 to allow the record of demerit points to be corrected to reflect the actual demerit points incurred by a person in circumstances where demerit points were recorded against the person as a result of the payment of an amount under a penalty notice and—

- (a) the amount was paid when or before a nomination document for the offence was received, or
- (b) the penalty notice is withdrawn, or
- (c) the person elects to have the matter dealt with by a court after the amount was paid.

Schedule 4[4] inserts proposed section 23AC, which allows the Commissioner of Fines Administration to direct Transport for NSW to—

- (a) delete demerit points that have been recorded against a nominated person for an offence if, on the basis of new information received after the payment of an amount under a penalty notice issued to the nominated person, an appropriate officer for the penalty notice is satisfied that—
 - (i) the fine was paid by the person to whom the original penalty notice was issued, and
 - (ii) the fine was not paid with the consent of the nominated person, and
 - (iii) the nominated person was not the actual offender, and
- (b) re-allocate the demerit points to the person to whom the original penalty notice was issued.

Schedule 4[7] amends the details that must be provided if the person nominated as the liable person for a vehicle offence holds a foreign driver licence to include a passport number for the person and the jurisdiction that issued the passport.



New South Wales

Road Transport Legislation Amendment (Demerit Point Integrity Taskforce) Bill 2026

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Road Transport Act 2013 No 18	3
Schedule 2	Amendment of Road Transport (Driver Licensing) Regulation 2017	18
Schedule 3	Amendment of Road Transport (General) Regulation 2021	20
Schedule 4	Amendment of Fines Act 1996 No 99	21

This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Road Transport Legislation Amendment (Demerit Point Integrity Taskforce) Bill 2026

No. _____, 2026

A Bill for

An Act to amend the *Fines Act 1996*, the *Road Transport Act 2013*, the *Road Transport (Driver Licensing) Regulation 2017* and the *Road Transport (General) Regulation 2021* to implement recommendations of the Demerit Point Integrity Taskforce relating to nominations for parking and camera recorded offences, the recording of demerit points and good behaviour, licence suspension or licence ineligibility periods for exceeding demerit point thresholds; and for related purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Road Transport Legislation Amendment (Demerit Point Integrity Taskforce) Act 2026*.

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 Act 2013 No 18

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

12-month good behaviour period, for Part 3.2—see section 30A.

appropriate approved traffic device, for Part 7.3, Division 2—see section 183(1).

average speed detected offence, for Part 7.3, Division 2—see section 183(1).

camera recorded offence, for Part 7.3, Division 2—see section 183(1).

class A motor vehicle, for Part 7.3, Division 2—see section 183(1).

court attendance notice, for Part 7.3, Division 2—see section 183(1).

demerit point parking offence, for Part 7.3, Division 2—see section 183(1).

designated offence, for Part 7.3, Division 2—see section 183(1).

detection points, for Part 7.3, Division 2—see section 183(1).

duly completed, for Part 7.3, Division 2—see section 183(1).

good behaviour approval, for Part 3.2—see section 30A.

good behaviour election, for Part 3.2—see section 30A.

liable person, for Part 7.3, Division 2—see section 183(1).

nominated person, for Part 7.3, Division 2—see section 183(1).

nomination details, for Part 7.3, Division 2—see section 183(1).

parking offence, for Part 7.3, Division 2—see section 183(1).

prosecutor, for Part 7.3, Division 2—see section 183(1).

relevant nomination dispute document, for Part 7.3, Division 2—see section 183(1).

relevant nomination document, for Part 7.3, Division 2—see section 183(1).

unauthorised vehicle use offence, for Part 7.3, Division 2—see section 183(1).

[2] Part 3.2, Division 1AA

Insert before Part 3.2, Division 1—

Division 1A Preliminary

30A Definitions

In this part—

12-month good behaviour period—

(a) in relation to a good behaviour approval—see section 36A(2), or

(b) in relation to a good behaviour election—see section 36(2).

good behaviour approval means an approval granted by Transport for NSW under section 36A(4)(a) to be of good behaviour for a period of 12 months as an alternative to undergoing a period of licence suspension or ineligibility.

good behaviour election means an election under section 36(2) to be of good behaviour for a period of 12 months as an alternative to undergoing a period of licence suspension or ineligibility.

[3] Section 33 Suspension of licence

Insert “(the *suspension start date*)” after “effect” in section 33(3).

[4] Section 33(5)	1
Omit section 33(5).	2
Insert instead—	3
(5) All driver licences held by a person are suspended if the person—	4
(a) is given a notice of licence suspension, and	5
(b) does not, before the suspension start date—	6
(i) make a good behaviour election, or	7
(ii) apply for a good behaviour approval under section 36A(2).	8
(6) The suspension of a licence under subsection (5)—	9
(a) starts on the suspension start date, and	10
(b) continues until—	11
(i) if the person makes a good behaviour election or is granted a good behaviour approval on or after the suspension start date—	12
the day on which the 12-month good behaviour period under the election or approval starts, or	13
the day on which the 12-month good behaviour period under the election or approval starts, or	14
the day on which the 12-month good behaviour period under the election or approval starts, or	15
(ii) otherwise—the end of the period of licence suspension that applies under subsection (4).	16
	17
[5] Sections 36–36B	18
Omit section 36.	19
Insert instead—	20
36 Drivers with no more than 24 demerit points may elect to be of good behaviour as alternative to suspension or ineligibility	21
	22
(1) This section applies in relation to a person if—	23
(a) the person is given—	24
(i) a notice of licence suspension under section 33(1), or	25
(ii) a notice of licence ineligibility under section 35(1), and	26
(b) the person has incurred not more than 24 demerit points within the 3-year period ending on the day on which the person last committed an offence for which demerit points have been recorded against the person.	27
	28
	29
(2) The person may, by written notice given to Transport for NSW before the end of the period of licence suspension or ineligibility, elect to be of good behaviour for a period of 12 months (the <i>12-month good behaviour period</i>) as an alternative to undergoing—	30
	31
	32
	33
(a) if the person gives the election notice to Transport for NSW before the start of the period of licence suspension or ineligibility—the whole of the period of licence suspension or ineligibility, or	34
	35
	36
(b) otherwise—the part of the period of licence suspension or ineligibility remaining when the person makes the election.	37
	38
(3) The election must be made—	39
(a) in the form approved by Transport for NSW, and	40
(b) in accordance with any requirements prescribed by the regulations.	41
(4) If the person makes the election, the 12-month good behaviour period starts on—	42
	43

- (a) if the person gives the election notice to Transport for NSW before the start of the period of licence suspension or ineligibility—the day the period of licence suspension or ineligibility would otherwise start (the *original start day*), or 1
2
3
4
- (b) otherwise—the day the person gives the election notice to Transport for NSW. 5
6
- (5) Despite subsection (4), if the person is required by notice given under section 43A to undertake a driver knowledge test, the 12-month good behaviour period starts on— 7
8
9
- (a) if the person gives the election notice to Transport for NSW before the start of the period of licence suspension or ineligibility—the later of the following days— 10
11
12
- (i) the original start day, 13
- (ii) the day the person undertakes and passes the test to the satisfaction of Transport for NSW, or 14
15
- (b) otherwise—the later of the following days— 16
- (i) the day the person gives the election notice to Transport for NSW, 17
18
- (ii) the day the person undertakes and passes the test to the satisfaction of Transport for NSW. 19
20
- (6) If the person makes the election, Transport for NSW is authorised to issue a driver licence to the person or renew a driver licence held by the person at any time— 21
22
23
- (a) after the person gives the election notice to Transport for NSW, and 24
- (b) during the 12-month good behaviour period. 25
- (7) In this section— 26
- election notice* means the written notice of a person’s election to be of good behaviour for a period of 12 months given under subsection (2). 27
28
- 36A Drivers with no more than 30 demerit points may apply to be of good behaviour as alternative to suspension or ineligibility** 29
30
- (1) This section applies in relation to a person if— 31
- (a) the person is given— 32
- (i) a notice of licence suspension under section 33(1), or 33
- (ii) a notice of licence ineligibility under section 35(1), and 34
- (b) the person has incurred at least 25, but not more than 30, demerit points within the 3-year period ending on the day on which the person last committed an offence for which demerit points have been recorded against the person. 35
36
37
38
- (2) The person may apply to Transport for NSW for approval to be of good behaviour for a period of 12 months (the *12-month good behaviour period*) as an alternative to undergoing the period of licence suspension or ineligibility. 39
40
41
- (3) The application must— 42
- (a) be made before the end of the period of licence suspension or ineligibility, and 43
44
- (b) be in the form approved by Transport for NSW, and 45
- (c) include any information reasonably required by Transport for NSW for deciding the application. 46
47

- (4) Within 14 days after receiving the application, Transport for NSW must decide to— 1
2
(a) grant the approval, or 3
(b) refuse to grant the approval. 4
- (5) Transport for NSW may grant the approval only on one of the following grounds— 5
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(a) Transport for NSW is satisfied the person will suffer undue hardship if the person is not allowed to be of good behaviour for a period of 12 months as an alternative to undergoing the period of suspension or ineligibility, 7
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(b) Transport for NSW is satisfied that, in the circumstances of the particular person, other special circumstances exist that justify allowing the person to be of good behaviour for a period of 12 months as an alternative to undergoing the period of suspension or ineligibility. 11
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- (6) Within 7 days after deciding the application, Transport for NSW must give the person written notice of the decision (a **decision notice**). 15
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- (7) If Transport for NSW grants the approval, the decision notice must include the day on which the 12-month good behaviour period starts. 17
18
- (8) If Transport for NSW grants the approval, the 12-month good behaviour period starts on— 19
20
(a) if the approval is granted before the start of the period of suspension or ineligibility—the day the period of suspension or ineligibility would otherwise start (the **original start day**), or 21
22
23
(b) otherwise—the day Transport for NSW grants the approval. 24
- (9) Despite subsection (8), if the person is required by notice given under section 43A to undertake a driver knowledge test, the 12-month good behaviour period starts on— 25
26
27
(a) if the approval is granted before the start of the period of licence suspension or ineligibility—the later of the following days— 28
29
(i) the original start day, 30
(ii) the day the person undertakes and passes the test to the satisfaction of Transport for NSW, or 31
32
(b) otherwise—the later of the following days— 33
(i) the day Transport for NSW grants the approval, 34
(ii) the day the person undertakes and passes the test to the satisfaction of Transport for NSW. 35
36
- (10) If Transport for NSW grants the approval, Transport for NSW is authorised to issue a driver licence to the person or renew a driver licence held by the person at any time— 37
38
39
(a) after granting the approval, and 40
(b) during the 12-month good behaviour period. 41
- (11) A person who has incurred more than 30 demerit points within the 3-year period ending on the day on which the person last committed an offence for which demerit points have been recorded against the person is not eligible to apply for approval to be of good behaviour under this section. 42
43
44
45
- (12) The regulations may prescribe the following for this section— 46

(a)	the matters Transport for NSW must or must not consider in deciding whether—	1
(i)	a person will suffer undue hardship, or	2
(ii)	other special circumstances exist,	3
(b)	the circumstances in which—	4
(i)	a person is or is not taken to suffer undue hardship, or	5
(ii)	other special circumstances are taken to exist or to not exist.	6
36B	Consequences of incurring demerit points during good behaviour period	7
(1)	This section applies in relation to a person who—	8
(a)	makes a good behaviour election, or	9
(b)	is granted a good behaviour approval.	10
(2)	If the person incurs 2 or more demerit points during the 12-month good behaviour period under the election or approval, Transport for NSW must give the person one of the following—	11
(a)	written notice (an <i>extended suspension notice</i>) suspending all driver licences held by the person for twice the period of suspension or licence ineligibility that would have applied if the person had not made the election or been granted the approval (the <i>extended suspension period</i>),	12
(b)	written notice (an <i>extended ineligibility notice</i>) specifying that the person is ineligible to hold a driver licence for twice the period of suspension or licence ineligibility that would have applied if the person had not made the election or been granted the approval (the <i>extended ineligibility period</i>).	13
(3)	An extended suspension notice must specify—	14
(a)	the day, not earlier than 28 days after the notice is given, on which the extended suspension period starts (the <i>extended suspension start date</i>), and	15
(b)	the day on which the extended suspension period ends.	16
(4)	An extended ineligibility notice must specify—	17
(a)	the day, not earlier than the day the notice is given, on which the extended ineligibility period starts (the <i>extended ineligibility start date</i>), and	18
(b)	the day on which the extended ineligibility period ends.	19
(5)	If Transport for NSW gives the person an extended suspension notice, all driver licences held by the person are suspended on and from the extended suspension start date until the end of the extended suspension period.	20
(6)	If Transport for NSW gives the person an extended ineligibility notice, the person is not entitled to apply for, or be issued with, a driver licence on and from the extended ineligibility start date until the end of the extended ineligibility period.	21
[6]	Sections 37(2) and 42(3)	22
	Omit “section 36(4)” wherever occurring.	23
	Insert instead “section 36B(2)”.	24

[7] Section 37A	1
Insert after section 37—	2
37A Restoration of deleted demerit points in particular circumstances	3
(1) This section applies if—	4
(a) demerit points recorded in the NSW demerit points register against a person are, under section 37, taken to have been deleted on the commencement of a period of licence suspension or licence ineligibility or a 12-month good behaviour period (the <i>deleted demerit points</i>), and	5 6 7 8
(b) before the end of the period of licence suspension or licence ineligibility or 12-month good behaviour period, any of the following occur—	9 10
(i) a court finds the person not guilty of an offence for which any of the deleted demerit points were recorded (a <i>contributing offence</i>),	11 12 13
(ii) a court overturns the person’s conviction for a contributing offence,	14 15
(iii) the record of a contributing offence is otherwise removed from the person’s driving record in the administration of this Act or another Act or law.	16 17 18
(2) Transport for NSW may restore the record of one or more of the deleted demerit points in the NSW demerit point register against the person to ensure the register accurately reflects the demerit points incurred by the person.	19 20 21
Example— A person accumulates 13 demerit points, which are deleted under section 37. The person’s conviction for an offence for which the one of the demerit points was incurred is overturned by a court. If that demerit point had not been recorded against the person, the person would not have met the threshold for deleting the 13 demerit points under section 37, so Transport for NSW restores 12 of the deleted demerit points to accurately reflect the amount of demerit points incurred by the person.	22 23 24 25 26 27
(3) A demerit point restored in the NSW demerit point register under this section (a <i>restored demerit point</i>) is taken not to have been deleted under section 37.	28 29
(4) Transport for NSW may reduce the number of restored demerit points recorded against the person to take into account a part of the period of licence suspension or licence ineligibility or 12-month good behaviour period served by the person that the person would not have been subject to had the demerit points for the relevant contributing offence not been recorded.	30 31 32 33 34
(5) This section does not prevent section 37 from applying in relation to a restored demerit point.	35 36
[8] Section 41B	37
Insert after section 41A—	38
41B Restoration of deleted demerit points in particular circumstances	39
(1) This section applies if—	40
(a) demerit points recorded in the NSW demerit points register against a person are, under section 41A, taken to have been deleted on the commencement of a period of licence suspension or licence ineligibility (the <i>deleted demerit points</i>), and	41 42 43 44
(b) before the end of the period of licence suspension or licence ineligibility, any of the following occur—	45 46

(i)	a court finds the person not guilty of an offence for which any of the deleted demerit points were recorded (a contributing offence),	1 2 3
(ii)	a court overturns the person’s conviction for a contributing offence,	4 5
(iii)	the record of a contributing offence is otherwise removed from the person’s driving record in the administration of this Act or another Act or law.	6 7 8
(2)	Transport for NSW may restore the record of one or more of the deleted demerit points in the NSW demerit point register against the person to ensure the register accurately reflects the demerit points incurred by the person.	9 10 11
	Example— A person accumulates 7 demerit points, which are deleted under section 41A. The person’s conviction for an offence for which one of the demerit points was incurred is overturned by a court. If that demerit point had not been recorded against the person, the person would not have met the threshold for deletion of the demerit points under section 41A, so Transport for NSW restores 6 of the deleted demerit points to accurately reflect the amount of demerit points incurred by the person.	12 13 14 15 16 17
(3)	A demerit point restored in the NSW demerit point register under this section (a restored demerit point) is taken not to have been deleted under section 41A.	18 19
(4)	Transport for NSW may reduce the number of restored demerit points recorded against the person to take into account a part of the period of licence suspension or ineligibility served by the person that the person would not have been subject to had the demerit points for the relevant contributing offence not been recorded.	20 21 22 23 24
(5)	This section does not prevent section 41A from applying in relation to a restored demerit point.	25 26
[9]	Section 42 Determining demerit thresholds where combined licences are held	27
	Omit section 42(3).	28
	Insert instead—	29
(3)	If a person makes a good behaviour election or is granted a good behaviour approval and holds 2 classes of driver licence, demerit points incurred on either licence may be counted towards the threshold number of demerit points referred to in section 36B(2).	30 31 32 33
[10]	Section 43A Consequences for repeated incurring of threshold number of demerit points	34 35
	Omit “section 36” from section 43A(5).	36
	Insert instead “section 36 or has been granted an approval under section 36A(4)”.	37
[11]	Section 183 Definitions	38
	Insert in alphabetical order in section 183(1)—	39
	demerit point parking offence means a parking offence prescribed under section 32(1)(a) or (b) as an offence for which demerit points may be incurred.	40 41
	duly completed , in relation to a relevant nomination document, means the document includes the nomination details of the person nominated as the liable person for the offence to which the relevant nomination document relates.	42 43 44
	liable person , for an offence, means the person who, when the offence occurred, was—	45 46

(a)	for a parking offence—in charge of the vehicle to which the offence relates, or	1 2
(b)	for a camera recorded offence—the driver of the vehicle to which the offence relates.	3 4
	<i>nominated person</i> , for an offence, means the person nominated as the liable person for the offence in a relevant nomination document given under section 184A, 185(1)(b) or (c) or 186 in relation to the offence.	5 6 7
	<i>relevant nomination dispute document</i> means—	8
(a)	for a nominated person for an offence who is issued with a penalty notice in relation to the offence—an approved nomination dispute document under section 189A(1), or	9 10 11
(b)	for a nominated person for an offence who is issued with a court attendance notice in relation to the offence—a statutory declaration.	12 13
[12]	Section 183, definition of “nomination details”	14
	Omit paragraph (c).	15
	Insert instead—	16
(c)	if the person holds a foreign driver licence—	17
	(i) the jurisdiction that issued the licence, and	18
	(ii) the number of a passport held by the person and the jurisdiction that issued the passport.	19 20
[13]	Section 184A	21
	Insert after section 184—	22
184A	Duty to inform if person not in charge of vehicle at time of demerit point parking offence	23 24
(1)	This section applies to the responsible person for a vehicle who—	25
	(a) is issued with a penalty notice or court attendance notice in relation to a demerit point parking offence, and	26 27
	(b) was not in charge of the vehicle to which the offence relates when the offence occurred.	28 29
(2)	The responsible person must give the nomination details of the liable person for the offence to—	30 31
	(a) for a penalty notice—the authorised officer under section 195, or	32
	(b) for a court attendance notice—the prosecutor.	33
(3)	The nomination details must be given—	34
	(a) by relevant nomination document, and	35
	(b) within 21 days after the notice is issued to the responsible person.	36
(4)	The responsible person is taken to have complied with subsection (2) if, within 21 days after the notice is issued to the responsible person, the liable person for the offence gives the authorised officer or prosecutor a relevant nomination document that includes the liable person’s nomination details.	37 38 39 40
(5)	For subsections (3) and (4), it is presumed that a penalty notice issued to the responsible person by post is issued to the responsible person 7 days after the penalty notice was posted, unless the responsible person establishes that—	41 42 43
	(a) the responsible person did not receive the penalty notice, or	44

(b)	the responsible person did not receive the penalty notice within 7 days after the penalty notice was posted.	1 2
(6)	Despite subsections (2) and (3), the relevant nomination document may be given within 90 days after the penalty notice is issued if the document is given in the circumstances specified in the <i>Fines Act 1996</i> , section 23AA.	3 4 5
[14]	Section 185 When responsible person not liable for parking offence	6
	Omit section 185(1) and (2).	7
	Insert instead—	8
(1)	Despite section 184, the responsible person for a vehicle is not guilty of a parking offence by the operation of that section if—	9 10
(a)	for a parking offence that is a demerit point parking offence and is dealt with under Division 3—the responsible person complies with section 184A in relation to the offence, or	11 12 13
(b)	for a parking offence that is not a demerit point parking offence and is dealt with under Division 3—within 21 days after the penalty notice for the offence is issued to the responsible person, the authorised officer under section 195 receives a duly completed relevant nomination document in relation to the offence, or	14 15 16 17 18
(c)	for a parking offence that is not dealt with under Division 3—within 21 days after the court attendance notice for the offence is issued to the responsible person, the prosecutor receives a duly completed statutory declaration in relation to the offence, or	19 20 21 22
(d)	the responsible person satisfies the authorised officer or the court hearing the proceedings for the offence that the responsible person did not know and could not, with reasonable diligence, have ascertained the nomination details of the liable person for the offence.	23 24 25 26
(2)	For subsection (1), it is presumed that a penalty notice issued to the responsible person by post is issued to the responsible person 7 days after the penalty notice was posted, unless the responsible person establishes that—	27 28 29
(a)	the responsible person did not receive the penalty notice, or	30
(b)	the responsible person did not receive the penalty notice within 7 days after the penalty notice was posted.	31 32
[15]	Section 186	33
	Omit the section.	34
	Insert instead—	35
186	Duty to inform if person not in charge of or driving vehicle at time of camera recorded offence	36 37
(1)	This section applies to the responsible person for a vehicle who—	38
(a)	is issued with a penalty notice or court attendance notice in relation to a camera recorded offence, and	39 40
(b)	was not the driver of the vehicle to which the offence relates when the offence occurred.	41 42
(2)	The responsible person must give the nomination details of the liable person for the offence to—	43 44
(a)	for a penalty notice—the authorised officer under section 195, or	45

(b)	for a court attendance notice—the prosecutor.	1
(3)	The nomination details must be given—	2
(a)	by relevant nomination document, and	3
(b)	within 21 days after the notice is issued to the responsible person.	4
(4)	The responsible person is taken to have complied with subsection (2) if, within 21 days after the notice is issued to the responsible person, the liable person for the offence gives the authorised officer or prosecutor a relevant nomination document that includes the liable person’s nomination details.	5 6 7 8
(5)	For subsections (3) and (4), it is presumed that a penalty notice issued to the responsible person by post is issued to the responsible person 7 days after the penalty notice was posted, unless the responsible person establishes that—	9 10 11
(a)	the responsible person did not receive the penalty notice, or	12
(b)	the responsible person did not receive the penalty notice within 7 days after the penalty notice was posted.	13 14
(6)	Despite subsections (2) and (3), the relevant nomination document may be given within 90 days after the penalty notice is issued if the document is given in the circumstances specified in the <i>Fines Act 1996</i> , section 23AA.	15 16 17
[16]	Section 187 When responsible person for vehicle not liable for camera recorded offence	18 19
	Omit section 187(a) and (b).	20
	Insert instead—	21
(a)	complies with section 186 in relation to the offence, or	22
(b)	satisfies the authorised officer or the court hearing the proceedings for the offence that the responsible person did not know and could not, with reasonable diligence, have ascertained the nomination details of the liable person for the offence.	23 24 25 26
[17]	Sections 187A–187C	27
	Insert after section 187—	28
187A	Nominated person may dispute nomination	29
(1)	This section applies to a nominated person for an offence who—	30
(a)	is issued with a parking offence notice in relation to the offence and was not in charge of the vehicle to which the offence relates when the offence occurred, or	31 32 33
(b)	is issued with a camera recorded offence notice in relation to the offence and was not the driver of the vehicle to which the offence relates when the offence occurred.	34 35 36
(2)	The nominated person may dispute the person’s nomination as the liable person for the offence by lodging a dispute with—	37 38
(a)	if the offence notice is a penalty notice—the authorised officer under section 195, or	39 40
(b)	if the offence notice is a court attendance notice—the prosecutor.	41
(3)	The dispute must be—	42
(a)	made by relevant nomination dispute document, and	43

(b)	lodged within 21 days after the offence notice is issued to the nominated person.	1 2
(4)	For subsection (3), it is presumed that a penalty notice issued to the nominated person by post is issued to the nominated person 7 days after the penalty notice was posted, unless the nominated person establishes that—	3 4 5
(a)	the nominated person did not receive the penalty notice, or	6
(b)	the nominated person did not receive the penalty notice within 7 days after the penalty notice was posted.	7 8
(5)	Despite subsection (3), the authorised officer or prosecutor may accept a relevant nomination dispute document from the nominated person more than 21 days after the offence notice was issued to the nominated person if satisfied the nominated person has a reasonable excuse for not giving the document within the 21-day period.	9 10 11 12 13
(6)	In this section—	14
	<i>camera recorded offence notice</i> means a penalty notice or court attendance notice in relation to a camera recorded offence.	15 16
	<i>parking offence notice</i> means a penalty notice or court attendance notice in relation to a parking offence.	17 18
187B	Dealing with nominations	19
(1)	This section applies if an authorised officer or prosecutor is given—	20
(a)	a relevant nomination document under section 184A(2), 185(1)(b) or (c) or 186(2) in relation to an offence, or	21 22
(b)	a relevant nomination document referred to in section 184A(3) or 186(3) in relation to an offence.	23 24
(2)	The authorised officer or prosecutor must deal with the relevant nomination document by—	25 26
(a)	accepting the document, or	27
(b)	rejecting the nomination of the nominated person for the offence, or	28
(c)	requiring the nomination information provider for the document to give further relevant identity information under section 192.	29 30
(3)	The authorised officer or prosecutor may reject the nomination on any of the following grounds—	31 32
(a)	the nomination details included in the relevant nomination document are not sufficient to correctly identify the nominated person,	33 34
(b)	the authorised officer or prosecutor—	35
(i)	receives a relevant nomination dispute document from the nominated person, and	36 37
(ii)	is reasonably satisfied, on the basis of the information provided by or for the nominated person, that the nominated person is not the liable person for the offence,	38 39 40
(c)	the authorised officer or prosecutor is reasonably satisfied that the nomination details included in the relevant nomination document are false or have been falsely provided,	41 42 43
(d)	another ground prescribed by the regulations.	44
(4)	If the authorised officer or prosecutor rejects the nomination, the authorised officer or prosecutor must give the nomination information provider for the	45 46

relevant nomination document written notice of the rejection (a <i>rejection notice</i>) that includes the grounds on which the nomination was rejected.	1 2
(5) If the authorised officer or prosecutor rejects a nomination made by a relevant nomination document that was given by a person other than the responsible person for the vehicle to which the penalty notice relates, the authorised officer or prosecutor must give a copy of the rejection notice to the responsible person for the vehicle.	3 4 5 6 7
(6) The authorised officer or prosecutor is taken to have accepted the relevant nomination document if, within 90 days after receiving the relevant nomination document, the authorised officer or prosecutor does not give the nomination information provider for the document—	8 9 10 11
(a) a rejection notice, or	12
(b) written notice under section 192(1A).	13
(7) In this section—	14
<i>nomination information provider</i> means—	15
(a) for a relevant nomination document given under section 184A(2), 185(1)(b) or (c) or 186(2)—the responsible person for the vehicle to which the relevant offence relates, or	16 17 18
(b) for a relevant nomination document referred to in section 184A(3) or 186(3)—the person nominated in the document as the liable person for the relevant offence.	19 20 21
187C Dealing with nomination disputes	22
(1) This section applies if an authorised officer or prosecutor is given a relevant nomination dispute document in relation to an offence by the nominated person for the offence under section 187A.	23 24 25
(2) The authorised officer or prosecutor must deal with the nomination dispute document by—	26 27
(a) accepting the dispute, or	28
(b) rejecting the dispute, or	29
(c) requiring the nominated person to give further relevant identity information under section 192.	30 31
(3) The authorised officer or prosecutor may reject the dispute on any of the following grounds—	32 33
(a) the authorised officer or prosecutor is not reasonably satisfied, on the basis of information provided by or for the nominated person in relation to the dispute, that the nominated person is not the liable person for the offence,	34 35 36 37
(b) the authorised officer or prosecutor is reasonably satisfied that the dispute is false or has been falsely provided,	38 39
(c) another ground prescribed by the regulations.	40
(4) If the authorised officer or prosecutor rejects the dispute, the authorised officer or prosecutor must give the nominated person written notice of the rejection (a <i>rejection notice</i>) that includes the grounds on which the dispute was rejected.	41 42 43
(5) The authorised officer or prosecutor is taken to have accepted the dispute if, within 90 days after receiving the relevant nomination dispute document, the authorised officer or prosecutor does not give the nominated person—	44 45 46
(a) a rejection notice, or	47

	(b) written notice under section 192(1A).	1
[18]	Section 188 Offences relating to nominations	2
	Omit “section 186” wherever occurring in section 188(1).	3
	Insert instead “section 184A or 186”.	4
[19]	Section 188(2)	5
	Omit the subsection.	6
	Insert instead—	7
	(2) Offence—false nomination of person as liable person for offence	8
	A person must not, in a relevant nomination document given under or referred to in section 184A, 185(1)(b) or (c) or 186 in relation to an offence, falsely nominate a person, including the person making the nomination, as the liable person for the offence.	9 10 11 12
	Maximum penalty—	13
	(a) if the offence relates to a vehicle registered otherwise than in the name of a natural person—200 penalty units, or	14 15
	(b) otherwise—100 penalty units.	16
[20]	Section 188(4)	17
	Insert after section 188(3)—	18
	(4) Offence—false dispute of nomination of person as liable person for offence	19
	A person must not, in a relevant nomination dispute document given under section 187A in relation to an offence, falsely dispute the person’s nomination as the liable person for the offence.	20 21 22
	Maximum penalty—	23
	(a) if the offence relates to a vehicle registered otherwise than in the name of a natural person—200 penalty units, or	24 25
	(b) otherwise—100 penalty units.	26
[21]	Section 189 Nominations by responsible persons	27
	Omit section 189(3).	28
	Insert instead—	29
	(3) An authorised officer may require the nomination information provider for an approved nomination document given in relation to a penalty notice to give a statutory declaration, for use in court proceedings, that verifies information in the approved nomination document.	30 31 32 33
	(3A) The authorised officer may impose a requirement under subsection (3) by serving the nomination information provider with written notice (a <i>verification notice</i>) specifying the information that must be verified.	34 35 36
[22]	Section 189(5)	37
	Insert after section 189(4)—	38
	(5) In this section—	39
	<i>nomination information provider</i> means—	40

(a)	for an approved nomination document given under section 184A(2), 185(1)(b) or (c) or 186(2)—the responsible person for the vehicle to which the relevant offence relates, or	1 2 3
(b)	for an approved nomination document referred to in section 184A(4) or 186(4)—the person nominated in the document as the liable person for the relevant offence, or	4 5 6
(c)	otherwise—the person to whom the relevant penalty notice was issued.	7
[23]	Section 189A	8
	Insert after section 189—	9
189A	Disputes of nominations as liable person for offences	10
(1)	Transport for NSW may approve one or more documents (<i>approved nomination dispute documents</i>) to be used to dispute a person’s nomination, by relevant nomination document given under section 184A(2), 185(1)(b) or (c) or 186(2), as the liable person for a parking offence or a camera recorded offence.	11 12 13 14 15
(2)	Without limiting subsection (1), Transport for NSW may approve documents—	16 17
(a)	to be given in printed or electronic form, or both, and	18
(b)	to be used in relation to more than one offence involving one or more vehicles for which a corporation is the responsible person.	19 20
(3)	An authorised officer may require the person disputing the nomination to give a statutory declaration, for use in court proceedings, that verifies information in the approved nomination dispute document.	21 22 23
(4)	The authorised officer may impose a requirement under subsection (3) by serving the person with written notice (a <i>dispute verification notice</i>) specifying the information that must be verified.	24 25 26
(5)	A person served with a dispute verification notice must give the required statutory declaration within the period, being not less than 7 days after the date of service, specified in the notice.	27 28 29
	Maximum penalty—	30
(a)	for a corporation—200 penalty units, or	31
(b)	otherwise—50 penalty units.	32
[24]	Section 192 Further identity information from nomination information provider	33
	Omit section 192(1) and (2).	34
	Insert instead—	35
(1)	This section applies if an authorised officer or prosecutor is given any of the following in relation to a penalty notice—	36 37
(a)	a relevant nomination document under section 184A(2), 185(1)(b) or (c) or 186(2),	38 39
(b)	a relevant nomination document referred to in section 184A(4) or 186(4),	40 41
(c)	a relevant nomination dispute document under section 187A.	42
(1A)	The authorised officer or prosecutor may, by written notice served on the nomination information provider for the document, require the provider to do one or both of the following—	43 44 45

(a)	give, within the period specified in the notice, the officer or prosecutor any relevant identity information specified in the notice that is in the provider's power to give,	1 2 3
(b)	appear before the authorised officer or prosecutor at the time and place specified in the notice and give, either orally or in writing, the officer or prosecutor any relevant identity information specified in the notice that is in the provider's power to give.	4 5 6 7
(1B)	The period or time specified in the notice within which the information must be given, or at which the appearance must be made, must be not less than, or no earlier than, 7 days after the date the notice is served.	8 9 10
(2)	A notice under subsection (2)(a) may require the nomination information provider to give the relevant identity information by statutory declaration.	11 12
[25]	Section 192(4), definition of "nomination information provider"	13
	Omit the definition.	14
	Insert instead—	15
	<i>nomination information provider</i> means—	16
(a)	for an approved nomination document given under section 184A(2), 185(1)(b) or (c) or 186(2)—the responsible person for the vehicle to which the relevant offence relates, or	17 18 19
(b)	for an approved nomination document referred to in section 184A(3) or 186(3)—the person nominated in the document as the liable person for the relevant offence, or	20 21 22
(c)	for relevant nomination dispute document—the person nominated in the document as the liable person for the relevant offence.	23 24
[26]	Section 266 Definitions	25
	Omit "section 36(4)" from section 266(1), definition of <i>appealable decision</i> , paragraph (c).	26
	Insert instead "section 36B(2)".	27

Schedule 2	Amendment of Road Transport (Driver Licensing) Regulation 2017	1
		2
[1] Clause 53 Suspended or disqualified persons not eligible		3
Omit clause 53(2).		4
Insert instead—		5
(2) Despite subclause (1), a person who is given a notice of licence suspension under the Act, Part 3.2 is not eligible to apply for a driver licence on and from the date the notice is issued until—		6
		7
		8
(a) for a notice of licence suspension given under the Act, section 33—		9
(i) if the person elects to be of good behaviour under the Act, section 36—the time the person makes the election, or		10
		11
(ii) if the person applies under the Act, section 36A for approval to be of good behaviour and Transport for NSW grants the approval—the time the approval is granted, or		12
		13
		14
(iii) otherwise—the end of the licence suspension, or		15
(b) for a notice of licence suspension given under the Act, section 36B(2) or 40(1)—the end of the licence suspension.		16
		17
[2] Clause 53(6)		18
Omit “Division 2 or 3 of Part 3.2 of the Act and who (before the expiration of the period of licence suspension)”.		19
		20
Insert instead “the Act, Part 3.2, Division 2 or 3 or Part 3.6 and who, before the expiration of the period of licence suspension,”.		21
		22
[3] Clause 53(7) and (8)		23
Insert after subclause (6)—		24
(7) A person who appeals an appealable suspension decision under the Act, section 267 is ineligible to apply for a licence of a type other than the type of licence subject of the appealable suspension decision during the period—		25
		26
		27
(a) starting on the day the appeal is filed in the Local Court, and		28
(b) ending when the appeal has been determined by the Local Court.		29
(8) In this clause—		30
<i>appealable suspension decision</i> , in relation to a person, means a decision of Transport for NSW to—		31
		32
(a) give the person a notice of licence suspension or cancellation under the Act, section 40(1), or		33
		34
(b) suspend or cancel the person’s driver licence under the Act, section 59.		35
[4] Clause 56 When application for driver licence can be refused		36
Omit “section 36(4)” from clause 56(2)(d).		37
Insert instead “section 36B(2)”.		38
[5] Clause 96 Interstate and international visitors		39
Omit “, in the reasonable opinion of Transport for NSW,” from clause 96(4)(n).		40

[6] Clause 96(4)(na)	1
Omit “the Act, section 36(1)”.	2
Insert instead “the Act, section 36(2)”.	3
[7] Clause 96(7)	4
Omit “Transport for NSW forms an opinion that”.	5
[8] Clause 96(7AA)	6
Omit “the Act, section 36(4)”.	7
Insert instead “the Act, section 36B(2)”.	8

Schedule 3 Amendment of Road Transport (General) Regulation 2021

1

2

Schedule 5 Penalty notice offences

3

Insert in appropriate order in the matter relating to the *Road Transport Act 2013*—

4

Section 188(4)—

- | | | | |
|-----|---|---------|----------|
| (a) | if the offence relates to a vehicle registered otherwise than in the name of a natural person | Class 1 | Level 12 |
| (b) | otherwise | Class 1 | Level 8 |

Section 189A(5)—

- | | | | |
|-----|-------------------|---------|----------|
| (a) | for a corporation | Class 1 | Level 12 |
| (b) | otherwise | Class 1 | Level 8 |

Schedule 4 Amendment of Fines Act 1996 No 99

[1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

NSW demerit points register means the NSW demerit points register kept under the *Road Transport Act 2013*, section 31.

[2] Section 23AA Payment of fine before vehicle or vessel offence nomination made— payment by or for nominated person

Omit section 23AA(4).

Insert instead—

- (4) If, because of the payment, action has been taken to record demerit points in the NSW demerit points register against a person to whom the original notice was issued—
- (a) the action taken to record the demerit points against the person must be reversed, and
 - (b) the record of any demerit points in the NSW demerit points register against the person taken to have been deleted under the *Road Transport Act 2013*, section 37 or 41A as a consequence of the recording of the demerit points must be restored, and
 - (c) a driver licence affected as a consequence of the recording of the demerit points must be restored, subject to any other matters affecting the licence, by Transport for NSW from the date of the withdrawal of the penalty notice.

[3] Section 23AB Payment of fine before vehicle or vessel offence nomination made— other cases

Omit section 23AB(4).

Insert instead—

- (4) If, because of the payment, action has been taken to record demerit points in the NSW demerit points register against a person to whom the penalty notice was issued—
- (a) the action taken to record the demerit points against the person must be reversed, and
 - (b) the record of any demerit points in the NSW demerit points register against the person taken to have been deleted under the *Road Transport Act 2013*, section 37 or 41A as a consequence of the recording of the demerit points must be restored, and
 - (c) a driver licence affected as a consequence of the recording of the demerit points must be restored, subject to any other matters affecting the licence, by Transport for NSW from the date of the withdrawal of the penalty notice.

[4] Section 23AC

Insert after section 23AB—

23AC Removal of demerit points after payment of fine in particular circumstances

- (1) This section applies if—

- (a) a penalty notice is issued for a demerit point vehicle offence (the *original penalty notice*), and 1
2
- (b) the amount payable under the original penalty notice (the *fine*) is paid before or when a nomination notice is given in relation to the offence, and 3
4
5
- (c) on the basis of new evidence received after the fine was paid, an appropriate officer for the penalty notice is satisfied— 6
7
- (i) the fine was paid by the person to whom the original penalty notice was issued, and 8
9
- (ii) the fine was not paid with the consent of the nominated person for the offence, and 10
11
- (iii) the nominated person for the offence was not the actual offender. 12
- (2) The Commissioner may direct Transport for NSW to do either or both of the following— 13
14
- (a) delete demerit points recorded in the NSW demerit points register against the nominated person in relation to the offence, 15
16
- (b) record the relevant number of demerit points for the offence in the NSW demerit points register against the person to whom the original penalty notice was issued. 17
18
19
- (3) If the Commissioner gives Transport for NSW a direction under subsection (2)(a), Transport for NSW must— 20
21
- (a) reverse any action taken to record the demerit points in the NSW demerit points register against the nominated person because of the payment of the fine, and 22
23
24
- (b) restore any driver licence affected as a consequence of recording the demerit points, subject to any other matters affecting the licence. 25
26
- (4) If the Commissioner gives Transport for NSW a direction under subsection (2)(b), Transport for NSW must record the relevant number of demerit points for the offence in the NSW demerit points register against the person to whom the original penalty notice was issued. 27
28
29
30
- (5) The demerit points recorded against a person under subsection (4) take effect on and from the date the demerit points would have been recorded if the demerit points had been recorded against the person because of the payment of the fine. 31
32
33
34
- (6) In this section— 35
- demerit point vehicle offence* means— 36
- (a) a demerit point parking offence within the meaning of the *Road Transport Act 2013*, section 183(1), or 37
38
- (b) a camera recorded offence within the meaning of the *Road Transport Act 2013*, section 183(1). 39
40
- nominated person*, for an offence, means the person nominated in a nomination notice given in relation to the offence as the person who was in charge of or driving the relevant vehicle at all relevant times relating to the offence. 41
42
43
44
- nomination notice* means— 45
- (a) an approved nomination notice within the meaning of section 38(2), whether given under this Act or another Act, or 46
47

(b)	a relevant nomination document within the meaning of the <i>Road Transport Act 2013</i> , Part 7.3, Division 2, whether given under that Act or another Act.	1 2 3
[5]	Section 24G Effect of withdrawal of penalty notice	4
	Omit section 24G(2)(b).	5
	Insert instead—	6
(b)	if all or part of the amount under the penalty notice or penalty reminder notice has been paid—	7 8
(i)	if, because of the payment, action has been taken to record demerit points in the NSW demerit points register against a person—	9 10 11
(A)	the action taken to record the demerit points against the person must be reversed, and	12 13
(B)	the record of any demerit points in the NSW demerit points register against the person taken to have been deleted under the <i>Road Transport Act 2013</i> , section 37 or 41A as a consequence of the recording of the demerit points must be restored, and	14 15 16 17 18
(C)	a driver licence affected as a consequence of the recording of the demerit points must be restored, subject to any other matters affecting the licence, by Transport for NSW from the date of the withdrawal of the penalty notice, and	19 20 21 22
(ii)	the amount that has been paid is repayable to the person by whom the amount was paid.	23 24
[6]	Section 36 How a person may elect to have matter dealt with by court	25
	Omit section 36(5)(b).	26
	Insert instead—	27
(b)	if, because of the payment, action has been taken to record demerit points in the NSW demerit points register against a person—	28 29
(i)	the action taken to record the demerit points against the person must be reversed, and	30 31
(ii)	the record of any demerit points in the NSW demerit points register against the person taken to have been deleted under the <i>Road Transport Act 2013</i> , section 37 or 41A as a consequence of the recording of the demerit points must be restored, and	32 33 34 35
[7]	Section 38 Circumstances in which person issued with penalty reminder notice for vehicle or vessel offence is not liable to pay penalty	36 37
	Omit section 38(4), definition of <i>nomination details</i> , paragraph (b)(ii).	38
	Insert instead—	39
(ii)	if the person holds a foreign driver licence—	40
(A)	the jurisdiction that issued the licence, and	41

(B) the number of a passport held by the person and the jurisdiction
that issued the passport.

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