



New South Wales

Road Transport (Driver Licensing) Amendment (Demerit Points) Bill 2009

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* so that demerit points are not incurred by a person in relation to low-level speeding offences and traffic light offences if the person is found guilty of the offence but an order is made directing that the relevant charge be dismissed under section 10 (1) (a) of the *Crimes (Sentencing Procedure) Act 1999*.

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.

Clause 3 inserts proposed section 15A into the *Road Transport (Driver Licensing) Act 1998* which gives effect to the changes described above in the Overview.

Introduced by Mr A J Stoner, MP

First print



New South Wales

Road Transport (Driver Licensing) Amendment (Demerit Points) Bill 2009

Contents

| | Page |
|--|------|
| 1 Name of Act | 2 |
| 2 Commencement | 2 |
| 3 Amendment of Road Transport (Driver Licensing) Act 1998 No 99 | 2 |



New South Wales

Road Transport (Driver Licensing) Amendment (Demerit Points) Bill 2009

No. , 2009

A Bill for

An Act to amend the *Road Transport (Driver Licensing) Act 1998* to ensure that demerit points are not incurred by a person who is found guilty of, but not convicted in relation to, certain speeding and traffic light offences.

| | |
|--|----------------------|
| The Legislature of New South Wales enacts: | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>Road Transport (Driver Licensing) Amendment (Demerit Points) Act 2009</i> . | 3 4 |
| 2 Commencement | 5 |
| This Act commences on the date of assent to this Act. | 6 |
| 3 Amendment of Road Transport (Driver Licensing) Act 1998 No 99 | 7 |
| Section 15A | 8 |
| Insert after section 15: | 9 |
| 15A Demerit points not incurred for certain offences following dismissal of charges | 10 11 |
| (1) Despite sections 14 and 15, a person does not incur demerit points, and the Authority is not to record demerit points against a person in the demerit points register, in relation to an offence if: | 12 13 14 15 |
| (a) the offence concerned is a relevant offence, and | 16 |
| (b) the court makes an order directing that the charge in relation to the offence be dismissed under section 10 (1) (a) of the <i>Crimes (Sentencing Procedure) Act 1999</i> . | 17 18 19 20 |
| (2) For the purposes of this section, a relevant offence means any of the following: | 21 22 |
| (a) a speeding offence under Part 3 of the <i>Road Rules 2008</i> involving the speed limit being exceeded by less than 10km/h, | 23 24 25 |
| (b) a traffic light offence within the meaning of section 57 of the <i>Road Transport (Safety and Traffic Management) Act 1999</i> . | 26 27 28 |