



New South Wales

Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to allow for the issue of penalty notices in respect of certain alcohol and other drug related driving offences, while maintaining other relevant sanctions (including licence suspensions) in respect of those offences, and
- (b) to ensure that certain offences that are dealt with by way of penalty notice are included for the purposes of determining whether a new offence is a second or subsequent offence, and
- (c) to increase the maximum penalties for certain alcohol and other drug related driving offences, and
- (d) to permit Roads and Maritime Services (*RMS*) to require persons convicted of certain alcohol and other drug related driving offences to undertake education programs and to suspend or cancel any licence held by an offender until the offender has completed the program, and
- (e) to expand the definition of *drug* to include substances that can impair, or deprive a person of, normal mental or physical faculties, and
- (f) to create an offence for conduct that results in damage, disruption or obstruction and certain other conduct on the Sydney Harbour Bridge and other major bridges and tunnels.

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 a day or days to be appointed by proclamation.

Schedule 1 Amendment of Road Transport Act 2013 No 18

Schedule 1 [1] defines *alcohol or other drug related driving offence* to be an offence that involves the presence of alcohol in a person's breath or blood or the presence of a drug (other than alcohol) in a person's oral fluid, blood or urine and that is prescribed by the statutory rules.

Schedule 1 [2] gives effect to the object set out in paragraph (e) of the Overview above.

Schedule 1 [3] makes it clear that an offence is, for the purposes of the *Road Transport Act 2013*, taken to have been dealt with by way of penalty notice if the whole or any part of the amount specified in the notice has been paid or the time within which the accused person may elect to have the matter dealt with by the court has lapsed. **Schedule 2.1 [1]** makes a consequential amendment.

Schedule 1 [4] ensures that alcohol and other drug related driving offences that are dealt with by way of penalty notice are considered when determining whether a new conviction is for a second or subsequent offence. **Schedule 1 [5]** makes a consequential amendment.

Schedule 1 [6] and [7] allow RMS to cancel or suspend, for up to 3 months, the driver licence of a person who has committed an alcohol or other drug related driving offence that was dealt with by way of penalty notice.

Schedule 1 [8] increases the monetary penalties for novice range, special range and low range prescribed concentration of alcohol offences and offences relating to the presence of a drug (other than alcohol) in a person's oral fluid, blood or urine.

Schedule 1 [9] provides that the disqualification period applicable to a person convicted of a major offence is the period specified for a second or subsequent offence if, in the period of 5 years before the conviction, the person committed a major offence and that was dealt with by way of penalty notice.

Schedule 1 [10]–[13] extend the mandatory alcohol interlock program to include all middle range prescribed concentration of alcohol offences and offences for the use or attempted use of a vehicle under the influence of alcohol or any other drug. Currently, only second or subsequent offences are covered by that program.

Schedule 1 [14] gives effect to the object set out in paragraph (d) of the Overview above. **Schedule 1 [19] and [20]** make consequential amendments.

Schedule 1 [15]–[17] allow for the issue of immediate licence suspension notices by police officers where a driver has committed an offence relating to novice range, special range or low range prescribed concentration of alcohol.

Schedule 1 [18] allows for the imposition of sanctions in relation to a vehicle used in the commission of a middle range or high range prescribed concentration of alcohol offence or an offence of refusing to submit to a test or provide a sample if the person has, in the 5 years before the offence, been convicted of an alcohol-related major offence.

Schedule 2 Amendment of other legislation

Schedule 2.1 amends the *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017* to provide that a person is prohibited from driving a taxi or hire vehicle if the person committed a special range prescribed concentration of alcohol offence or a drug related driving offence and the offence is dealt with by way of a penalty notice. Prior to the amendment of the *Road Transport (General) Regulation 2013* by the proposed Act, penalty notices could not be issued in relation to those offences.

Additionally, that Schedule provides that a low range prescribed concentration of alcohol offence that is dealt with by way of penalty notice is to be considered when determining whether an offence is a second or subsequent offence.

Schedule 2.2 and 2.3 [1] amend the *Road Transport (Driver Licensing) Regulation 2017* and the *Road Transport (General) Regulation 2013*, respectively, consequent on the amendments made by the proposed Act relating to the suspension of driver licences and extension of provisional licence periods for offences that are dealt with by way of penalty notice.

Schedule 2.3 [2] amends the *Road Transport (General) Regulation 2013* to allow for the issue of penalty notices in respect of novice range, special range and low range prescribed concentration of alcohol offences and drug related driving offences (but only for a first offence).

Schedule 2.4 amends the *Roads Act 1993* to give effect to the object set out in paragraph (f) of the Overview above.