



Road Transport (General) Amendment (Licence Suspension) Bill.

Second Reading

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [9.14 p.m.], on behalf of Mr Carl Scully: I move:

That this bill be now read a second time.

The primary purpose of this bill is to amend the relevant provisions of road transport legislation to provide NSW Police with the power to issue a notice of immediate licence suspension after a driver has been charged with a serious driving offence and death or grievous bodily harm has been occasioned, or if the driver has been caught travelling in excess of 45 kilometres an hour over the speed limit. In most cases at present, drivers charged with serious traffic offences causing death or grievous bodily harm are able to keep their licence until a court hears the matter.

Likewise, a driver caught travelling in excess of 45 kilometres an hour over the speed limit will not have licence sanctions applied until either a court determines the matter or, if a penalty notice was issued, after the payment is made. That means that an offending driver is not usually removed from the road until some time after the offence was committed. Clearly that is a concern. The community expects drivers charged with serious offences, such as those that result in death or grievous bodily harm, to be removed from our roads immediately. From a road safety perspective, in some instances a driver awaiting trial in relation to a traffic offence causing death has been involved in or has been a contributor to a further fatal accident.

Speeding represents a causation factor in 44 per cent of all fatal crashes. The community expects strong action to be taken against the reckless minority of drivers who blatantly flout the speeding laws. This was highlighted by the community reaction to media reports of an incident that occurred last year involving a young driver who was caught travelling at 175 kilometres an hour in a 60 kilometres-an-hour speed zone and was allowed to drive on after being issued with a penalty notice. That is a ridiculous situation and it needs to be addressed.

Giving NSW Police further powers to immediately suspend the licence of those who commit such serious driving offences will send a clear message to the community that this type of behaviour is unacceptable and dangerous to all road users. The proposed changes are based on the recommendations of an interdepartmental working group that was established to review the processes for the immediate suspension of a drivers licence. The working group comprised officers from the Roads and Traffic Authority [RTA], NSW Police, and the Attorney General's Department.

I will now refer to the key features of the bill. It will expand the current powers to amend sections 34 and 35 of the Road Transport (General) Act 1999 to provide NSW Police with power to immediately suspend the licence of a motorist charged with a driving offence under the Crimes Act 1900 if death or grievous bodily harm has been occasioned, or if the motorist was detected travelling in excess of 45 kilometres an hour above the speed limit. The current provisions give NSW Police the power to immediately suspend the licence of a motorist charged with middle-range or high-range prescribed concentration of alcohol or with other serious alcohol-related offences. Such provisions will be expanded to include serious driving offences if death or grievous bodily harm has been occasioned, or when excessive speeding has been detected.

Currently drivers caught speeding in excess of 45 kilometres an hour will not be required to sit out the six-month non-driving period until either a court determines the matter or, if a penalty notice was issued, after the payment is made. In either case, the six-month non-driving period will not commence until some time after the offence was committed. Under the proposal, the courts or the RTA will be required to take into account the time already served by the driver when applying the six-month non-driving period.

I have spoken in terms of immediate drivers licence suspension, but the bill gives NSW Police the discretion to either suspend the licence at the roadside or within 48 hours of the driver being charged with a serious traffic offence or being issued a penalty notice in the case of excessive speeding. It is not proposed to include any police or RTA camera-detected excessive speed offences in the immediate suspension scheme. That is because the intent of the legislation is immediacy, which cannot occur with camera-detected speed offences because of the time delay in identifying the offender, and the processes which allow a vehicle owner to nominate an offending driver. The arrangements proposed in the bill will not impact in any way on law-abiding citizens and I trust that honourable members will lend their unreserved support to the Government's proposal. I strongly commend the bill to the House.

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