



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

Second Reading

The Hon. MICHAEL COSTA (Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)) [12.26 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The primary purpose of the Bill before the House is to amend the relevant provisions of road transport legislation to provide the police with the power to issue a notice of immediate licence suspension after a driver has been charged with a serious driving offence where death or grievous bodily harm has been occasioned, or where the driver has been caught travelling in excess of 45 km/h over the speed limit.

Honourable Members, drivers charged with serious traffic offences causing death or grievous bodily harm are at present, in most instances, able to keep their licence until a court hears the matter. Likewise, a driver caught speeding in excess of 45 km/h 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. This means that an offending driver is not usually removed from the road until some time after the offence was committed.

There is a community expectation that those drivers charged with the more serious offences such as those that result in death or grievous bodily harm should be removed from the road immediately. From a road safety perspective there have been some instances in the past where a driver awaiting trial in relation to a traffic offence causing death has been involved with and been a contributor to a further fatal accident.

Speeding represents a causation factor in 44% 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 which occurred last year, where a young driver was caught travelling at 175 km/h in a 60 km/h speed limit zone, and was allowed to drive on after being issued with a penalty notice.

Giving the police further power to immediately suspend the licences of drivers 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. It will reinforce the Government's ongoing campaign to make drivers aware that there is no such thing as safe speeding.

The proposed changes are based on the recommendations of an Inter-departmental Working Group which I directed to be set up 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 shall now refer to the key features of the proposal before the House.

The bill will expand the current powers to amend sections 34 and 35 of the Road Transport (General) Act 1999, to provide the police with powers to immediately suspend the licence of a motorist charged with a driving offence under the Crimes Act 1900 where death or grievous bodily harm has been occasioned, or where the motorist was detected travelling in excess of 45 km/h above the speed limit.

The current provisions give police the power to immediately suspend the licence of a motorist charged with middle or high-range prescribed concentration of alcohol or with other serious alcohol-related offences. Such provisions will be expanded to include serious driving offences where death or grievous bodily harm has been occasioned, or when excessive speeding has been detected.

Currently, drivers charged with speeding in excess of 45 km/h above the speed limit are not required to sit out the 6-month non-driving period until a court determines the matter. Where a penalty notice is issued, the RTA applies an administrative licence suspension but this occurs after payment of the penalty is made to the Infringement Processing Bureau. In either case, the 6-month non-driving period does not commence until some time after the offence was committed.

Under the proposal before the House, the suspension will commence from the time the motorist is charged and given a

court attendance notice, or issued a penalty notice. For charge matters, the suspension will run until the court hears the matter, at which time the court, on finding the offence proven, may take into account any period already served under suspension. Where a penalty notice is issued, the police suspension will run for a period of 6 months, which means there will no longer be a need for the RTA to apply an administrative suspension.

I have spoken in terms of immediate licence suspension but the proposal before the House includes giving the police the discretion to either suspend the licence at the roadside or within a period of 48 hours of being charged with a serious traffic offence or being issued a penalty notice in the case of excessive speeding.

I would point out that it is not proposed to include any police or RTA camera-detected excessive speed offences in the immediate suspension scheme. This is because the intent of the legislation is for 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 operator to nominate an offending driver. The RTA will continue to apply the administrative 6-months suspension with all camera-detected offences when it receives advice that the penalty has either been paid or enforced with the State Debt Recovery Office.

There is a minor legislative drafting issue that also requires correction. A drafting error was identified prior to the commencement of the Road Transport (General) Amendment (Operator Onus Offences) Act 2002. The error relates to the part of the Act that was designed to allow a vehicle operator to provide a statutory declaration to indicate that they could not reasonably identify the driver of the vehicle at the time of an offence.

The arrangements proposed in this bill will not impact in any way on law abiding citizens and I trust honourable members will lend their unreserved support to the Government's proposal.

I commend the Bill to the House.

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