



New South Wales

Road Transport Amendment (Licence Disqualification on Conviction) Bill 2013

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* to provide that, where a person is:

- (a) disqualified for a specified period from holding a driver licence as a consequence of being convicted of certain serious driving offences, and
- (b) sentenced to imprisonment because of such a conviction,

the specified period of disqualification is extended so that the period of disqualification is served after the person is released from detention.

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 to be appointed by proclamation.

Schedule 1 Amendment of Road Transport Act 2013 No 18

Schedule 1 inserts proposed section 206A into the Act to give effect to the object outlined in the Overview above. The proposed section applies to major offences within the meaning of the Act (such as dangerous driving causing death or serious injury and offences involving alcohol or drugs) and also second or subsequent offences under section 115 (Races, attempts on speed records and other speed trials) and section 116 (2) (Conduct associated with road and drag racing and other activities). The proposed section will not apply to any period the convicted person is released on parole nor to sentences that are to be served in the community or by way of home detention.

First print



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Road Transport Amendment (Licence Disqualification on Conviction) Bill 2013

No. , 2013

A Bill for

An Act to amend the *Road Transport Act 2013* in relation to the period of disqualification from driving imposed on conviction for an offence.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Road Transport Amendment (Licence Disqualification on Conviction) Act 2013</i> .	3
	4
2 Commencement	5
This Act commences on a day to be appointed by proclamation.	6

Schedule 1	Amendment of Road Transport Act 2013	1
	No 18	2
Section 206A		3
Insert after section 206:		4
206A	Effect of imprisonment on period of disqualification	5
(1)	In this section:	6
	<i>major disqualification offence</i> means:	7
(a)	a major offence, or	8
(b)	an offence against section 115 or 116 (2).	9
	<i>sentence</i> does not include:	10
(a)	a suspended sentence, or	11
(b)	a sentence (or any part of a sentence) that is to be served in the community or by way of home detention.	12
(2)	This section applies to a person who is, after the commencement of this section:	14
(a)	disqualified from holding a driver licence for a specified period as a consequence of the person being convicted by a court of a major disqualification offence (whether or not the disqualification is imposed by an order of a court), and	16
(b)	sentenced to imprisonment as a result of that conviction.	17
(3)	The specified period of disqualification of the person is extended (by the operation of this section) by any period of imprisonment under that sentence that is served after the commencement of the disqualification.	18
(4)	For the purposes of this section, a period of imprisonment does not include any period that the person has been released on parole.	19
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Road Transport Amendment (Licence Disqualification on Conviction)
Bill 2013

Schedule 1 Amendment of Road Transport Act 2013 No 18

- (5) The extension of a period of disqualification by the operation of
this section is subject to any order of the court that convicts the
person relating to the operation of this section. 1
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