

2002

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Urban Services)

Road Transport (Driver Licensing) Amendment Bill 2002

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Act amended	2
4 Section 12	2
5 Section 13	3
6 Section 22	5
7 Dictionary, new definition of <i>administering authority</i>	6
8 Dictionary, new definition of <i>demerit points offence</i>	7
9 Dictionary, new definition of <i>incur</i>	7

2002

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Urban Services)

Road Transport (Driver Licensing) Amendment Bill 2002

A Bill for

An Act to amend the *Road Transport (Driver Licensing) Act 1999*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Road Transport (Driver Licensing) Amendment Act*
3 *2002*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 **3 Act amended**

7 This Act amends the *Road Transport (Driver Licensing) Act 1999*.

8 **4 Section 12**

9 *substitute*

10 **12 Mutual recognition of demerit points (NSW s 11 (3)-(6))**

11 (1) If the holder of an Australian driver licence issued by the licensing
12 authority of another jurisdiction commits an offence against a
13 Territory law that is included in the national schedule of demerit
14 points, the road transport authority must give all relevant
15 information about the offence to the licensing authority of the other
16 jurisdiction.

17 (2) If a person, who is not the holder of an Australian driver licence and
18 who ordinarily lives in another jurisdiction, commits an offence
19 against a Territory law that is included in the national schedule of
20 demerit points, the road transport authority must give all relevant
21 information about the offence to the licensing authority of the other
22 jurisdiction.

23 (3) However, the road transport authority is not required to give
24 information under subsection (1) or (2) until—

25 (a) if the person is convicted, or found guilty, of the offence—the
26 last day when the person could have appealed against the
27 conviction or finding or, if the person appeals against the

- 1 conviction or finding, the appeal is dismissed or discontinued;
2 or
- 3 (b) the person is served with an infringement notice for the offence
4 and the infringement notice penalty for the offence is paid in
5 whole or in part; or
- 6 (c) if the person is served with an infringement notice for the
7 offence and the person applies in accordance with the *Road*
8 *Transport (General) Act 1999* for additional time to pay the
9 infringement notice penalty for the offence—the administering
10 authority for the offence allows the person additional time to
11 pay the penalty; or
- 12 (d) if the person is served with an infringement notice for the
13 offence and the person does not pay the infringement notice
14 penalty for the offence or give a notice disputing liability for
15 the offence in accordance with the *Road Transport (General)*
16 *Act 1999*—the time within which the penalty is payable or the
17 notice given under that Act has ended.
- 18 *Note* For when an infringement notice penalty is payable, see the *Road*
19 *Transport (General) Act 1999*, s 27.
- 20 (4) If the road transport authority receives information about a person
21 from the licensing authority of another jurisdiction under a provision
22 of a law of the other jurisdiction that corresponds to subsection (1)
23 or (2), the authority must take the action under this Act that the
24 authority would have taken if the offence had been committed in the
25 ACT against a Territory law.

26 **5 Section 13**

27 *substitute*

28 **13 Meaning of demerit points offence**

29 In this Act:

1 *demerit points offence* means—

- 2 (a) an offence included in the national schedule of demerit points;
3 or
4 (b) any other offence prescribed under the regulations made under
5 the *Road Transport (General) Act 1999* for section 14 (1) of
6 this Act; or
7 (c) an offence recognised under section 14 (2) of this Act.

8 **13A Recording of demerit points (NSW s 14 (2), s 16 (1))**

9 (1) The road transport authority must record, in the demerit points
10 register, against a person the number of demerit points prescribed
11 under the regulations made under the *Road Transport (General) Act*
12 *1999* for the demerit points offence if—

- 13 (a) the person is convicted, or found guilty, of the offence; or
14 (b) the person is served with an infringement notice for the offence
15 and the infringement notice penalty for the offence is paid in
16 whole or in part; or
17 (c) the person is served with an infringement notice for the
18 offence, the person applies in accordance with the *Road*
19 *Transport (General) Act 1999* for additional time to pay the
20 infringement notice penalty for the offence, and the
21 administering authority for the offence allows the person
22 additional time to pay the penalty; or
23 (d) the person is served with an infringement notice for the
24 offence, the person does not pay the infringement notice
25 penalty for the offence or give a notice disputing liability for
26 the offence in accordance with the *Road Transport (General)*
27 *Act 1999*, and the time within which the penalty is payable or
28 the notice given under that Act has ended.

29 *Note* For when an infringement notice penalty is payable, see the *Road*
30 *Transport (General) Act 1999*, s 27.

- 1 (2) The demerit points must be recorded in the demerit points register
2 for the day when the offence was committed.

3 **13B When demerit points are *incurred***

- 4 (1) This section applies to demerit points recorded against a person in
5 the demerit points register for a demerit points offence (including
6 demerit points for an offence notified to the road transport authority
7 under section 12 (4) (Mutual recognition of demerit points)).
- 8 (2) The demerit points are taken to have been *incurred* by the person on
9 the day when the offence to which the demerit points relate was
10 committed.
- 11 (3) To remove any doubt, this section applies in relation to demerit
12 points offences committed by a person before or after the
13 commencement of this section.
- 14 (4) Subsection (3) and this subsection expire 3 months after the
15 commencement of this section.

16 **6 Section 22**

17 *substitute*

18 **22 Demerit points incurred by learner, probationary,
19 provisional and restricted licence holders etc (NSW s 17)**

- 20 (1) The regulations may make provision in relation to—
- 21 (a) the issue (including renewal), suspension or cancellation by the
22 road transport authority of a learner licence, probationary
23 licence, provisional licence or restricted licence (a *relevant*
24 *licence*) if the applicant for the licence incurs the prescribed
25 number or more of demerit points for the licence; or
- 26 (b) the suspension or cancellation by the authority of any other
27 driver licence if the holder of the licence has incurred the
28 prescribed number or more of demerit points for a relevant
29 licence held by the person; or

- 1 (c) the suspension or cancellation by the authority of an additional
2 provisional class of a driver licence if the holder of the licence
3 incurs the prescribed number or more of demerit points for the
4 additional provisional class.

5 **Example for par (b)**

6 If a person incurs the prescribed number of demerit points for a provisional
7 licence held by the person and, before a notice of licence suspension takes effect,
8 the person is issued with a licence to which section 16 applies (a *full licence*), the
9 regulations may authorise the full licence to be suspended even though the person
10 has not incurred 12 or more demerit points.

11 (2) Without limiting subsection (1), the regulations may make provision
12 in relation to—

- 13 (a) warning, suspension and cancellation notices in relation to
14 demerit points; or
- 15 (b) periods of suspension and periods of inability to obtain a driver
16 licence; or
- 17 (c) the circumstances when suspension rather than cancellation
18 may be imposed; or
- 19 (d) disregarding demerit points, or deleting demerit points from
20 the demerit points register, and the circumstances when such
21 action may or must be taken; or
- 22 (e) other consequences for a person in relation to demerit points
23 incurred by the person.

24 **7 Dictionary, new definition of *administering authority***

25 *insert*

26 *administering authority*, for a demerit points offence, means the
27 entity that, under the regulations made under the *Road Transport*
28 (*General*) *Act 1999*, is the administering authority for the offence.

1 **8 Dictionary, new definition of *demerit points offence***

2 *insert*

3 *demerit points offence*—see section 13 (Meaning of *demerit points*
4 *offence*).

5 **9 Dictionary, new definition of *incur***

6 *insert*

7 *incur*, demerit points for an offence—see section 13B (2) (When
8 demerit points are *incurred*).

Endnote

Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.