

# Road Transport (General) (Demerit Point Suspension Notice) Exemption Declaration 2013 (No 1)

Disallowable instrument DI2013—197

made under the

***Road Transport (General) Act 1999, s 13 (Power to exclude vehicles, persons or animals from road transport legislation)***

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1 Name of instrument

This instrument is the *Road Transport (General) (Demerit Point Suspension Notice) Exemption Declaration 2013 (No 1)*.

2 Commencement

This instrument is taken to have commenced on 24 May 2013.

3 Declaration

Under section 13 of the *Road Transport (General) Act 1999* I declare that the disappplied provisions do not apply to the holder of, or applicant for, a driver licence in the following circumstances:

- 1) the person:
  - a. enters into an infringement notice management plan to discharge the infringement notice penalty for an infringement notice offence; or
  - b. is granted a waiver of the infringement notice penalty for an infringement notice offence; and
- 2) the person has been subject to fine-default suspension for at least 1 year in relation to the infringement notice penalty to which the infringement notice management plan or waiver relates; and
- 3) the person became liable to demerit point suspension more than 1 year prior to entering into the infringement notice management plan, but has not served the demerit point suspension because the person has been subject to fine-default suspension for the duration of that period.
- 4) To avoid doubt, the disappplied provisions continue to apply to a person where the person commits a further infringement notice offence, and

has not been fine-default suspended for at least 1 year in relation to the further offence.

#### 4 Definitions

In this instrument:

***Disapplied provisions*** means:

- (a) section 16 of the *Road Transport (Driver Licensing) Act 1999* (Consequences of incurring demerit points—holder of licence);
- (b) section 17 of the *Road Transport (Driver Licensing) Act 1999* (Consequences of incurring demerit points—applicant for issue or renewal of licence);
- (c) section 123 of the *Road Transport (Driver Licensing) Regulation 2000* (Demerit points incurred by applicants for issue or renewal of learner or provisional licences);
- (d) section 124 of the *Road Transport (Driver Licensing) Regulation 2000* (Demerit points incurred by learner and provisional licence holders);
- (e) section 126 of the *Road Transport (Driver Licensing) Regulation 2000* (Demerit points incurred by applicants for issue or renewal of additional provisional classes);
- (f) section 127 of the *Road Transport (Driver Licensing) Regulation 2000* (Demerit points incurred by holders of licences with additional provisional class);
- (g) section 130 of the *Road Transport (Driver Licensing) Regulation 2000* (Demerit points incurred by restricted licence holders);
- (h) section 131 of the *Road Transport (Driver Licensing) Regulation 2000* (Demerit points incurred by applicants for or holders of probationary licence);
- (i) section 132 of the *Road Transport (Driver Licensing) Regulation 2000* (Demerit points incurred by probationary licence holders).

***Driver licence*** has the same meaning as in the *Road Transport (Driver Licensing) Act 1999*

***Demerit point suspension*** means a driver licence suspension or cancellation under any of the disapplied provisions.

***Fine-default suspension*** means the suspension of a driver licence pursuant to section 44 of the *Road Transport (General) Act 1999*

***Infringement notice management plan*** has the meaning given in the *Road Transport (General) Act 1999*

***Infringement notice offence*** has the meaning given in the *Road Transport (General) Act 1999*

***Infringement notice penalty*** has the meaning given in the *Road Transport (General) Act 1999*

**Waiver**, of an infringement notice penalty, means a waiver of an infringement notice penalty pursuant to section 31G of the *Road Transport (General) Act 1999*

Simon Corbell  
Attorney-General  
8.7.13