



Australian Capital Territory

Road Transport (Driver Licensing) Amendment Act 2002

2002 No 5

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Australian Capital Territory

Road Transport (Driver Licensing) Amendment Act 2002

2002 No 5

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

*Notified under the Legislation Act 2001 on 14 March 2002
(see www.legislation.act.gov.au)*

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

1 Name of Act

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

2 Commencement

This Act commences on the day after its notification day.

3 Act amended

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

4 Section 12

substitute

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

- (1) If the holder of an Australian driver licence issued by the licensing authority of another jurisdiction commits an offence against a Territory law that is included in the national schedule of demerit points, the road transport authority must give all relevant information about the offence to the licensing authority of the other jurisdiction.
- (2) If a person, who is not the holder of an Australian driver licence and who ordinarily lives in another jurisdiction, commits an offence against a Territory law that is included in the national schedule of demerit points, the road transport authority must give all relevant information about the offence to the licensing authority of the other jurisdiction.
- (3) However, the road transport authority is not required to give information under subsection (1) or (2) until—

- (a) if the person is convicted, or found guilty, of the offence—the last day when the person could have appealed against the conviction or finding or, if the person appeals against the conviction or finding, the appeal is dismissed or discontinued; or
- (b) the person is served with an infringement notice for the offence and the infringement notice penalty for the offence is paid in whole or in part; or
- (c) if the person is served with an infringement notice for the offence and the person applies in accordance with the *Road Transport (General) Act 1999* for additional time to pay the infringement notice penalty for the offence—the administering authority for the offence allows the person additional time to pay the penalty; or
- (d) if the person is served with an infringement notice for the offence and the person does not pay the infringement notice penalty for the offence or give a notice disputing liability for the offence in accordance with the *Road Transport (General) Act 1999*—the time within which the penalty is payable or the notice given under that Act has ended.

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

- (4) If the road transport authority receives information about a person from the licensing authority of another jurisdiction under a provision of a law of the other jurisdiction that corresponds to subsection (1) or (2), the authority must take the action under this Act that the authority would have taken if the offence had been committed in the ACT against a Territory law.

5 Section 13

substitute

13 Meaning of *demerit points offence*

In this Act:

demerit points offence means—

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

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

- (1) The road transport authority must record, in the demerit points register, against a person the number of demerit points prescribed under the regulations made under the *Road Transport (General) Act 1999* for the demerit points offence if—
 - (a) the person is convicted, or found guilty, of the offence; or
 - (b) the person is served with an infringement notice for the offence and the infringement notice penalty for the offence is paid in whole or in part; or
 - (c) the person is served with an infringement notice for the offence, the person applies in accordance with the *Road Transport (General) Act 1999* for additional time to pay the infringement notice penalty for the offence, and the administering authority for the offence allows the person additional time to pay the penalty; or
 - (d) the person is served with an infringement notice for the offence, the person does not pay the infringement notice penalty for the offence or give a notice disputing liability for the offence in accordance with the *Road Transport (General)*

Act 1999, and the time within which the penalty is payable or the notice given under that Act has ended.

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

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

13B When demerit points are incurred

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

6 Section 22

substitute

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

- (1) The regulations may make provision in relation to—
 - (a) the issue (including renewal), suspension or cancellation by the road transport authority of a learner licence, probationary licence, provisional licence or restricted licence (a **relevant**

licence) if the applicant for the licence incurs the prescribed number or more of demerit points for the licence; or

- (b) the suspension or cancellation by the authority of any other driver licence if the holder of the licence has incurred the prescribed number or more of demerit points for a relevant licence held by the person; or
- (c) the suspension or cancellation by the authority of an additional provisional class of a driver licence if the holder of the licence incurs the prescribed number or more of demerit points for the additional provisional class.

Example for par (b)

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

- (2) Without limiting subsection (1), the regulations may make provision in relation to—
 - (a) warning, suspension and cancellation notices in relation to demerit points; or
 - (b) periods of suspension and periods of inability to obtain a driver licence; or
 - (c) the circumstances when suspension rather than cancellation may be imposed; or
 - (d) disregarding demerit points, or deleting demerit points from the demerit points register, and the circumstances when such action may or must be taken; or
 - (e) other consequences for a person in relation to demerit points incurred by the person.

7 Dictionary, new definition of *administering authority*

insert

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

8 Dictionary, new definition of *demerit points offence*

insert

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

9 Dictionary, new definition of *incur*

insert

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

Endnote

Republications of amended laws

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

[Presentation speech made in Assembly on 21 February 2002]

I certify that the above is a true copy of Road Transport (Driver Licensing) Amendment Bill 2002 which was passed by the Legislative Assembly on 7 March 2002.

Clerk of the Legislative Assembly

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