

Demerit points scheme

[Home](#) > [Rules and regulations](#) > [Penalties](#) > Demerit points scheme

Demerit points scheme – encouraging safe driving

Please Note:

From 31 January 2011, the demerit points threshold for unrestricted licence holders in NSW will increase from 12 to 13 points.

This means if you have an unrestricted NSW Driver Licence (not a learner or provisional licence), and you accumulate 13 demerit points, you will face a licence suspension.

Professional drivers (ie those who drive for a living, such as taxi and heavy vehicle drivers) will also be able to claim an additional demerit point – their threshold will increase from 12 to 14 demerit points.

This change recognises the additional time professional drivers spend on the roads. The extra point can only be claimed once the driver has accumulated exactly 13 demerit points and has received a suspension notice.

They will then need to visit an RTA motor registry before the suspension starts, to prove their status as a professional driver.

For more information about the changed demerit points thresholds, who qualifies for the professional driver status and how to prove it, go to the [31 January 2011 changes](#) page.

Demerit points for 22 offences reduced or removed

From 31 December 2010, demerit points for 22 offences committed on or after this date will be reduced or removed.

These include roundabout, indicator, bus lane and towing offences.

Demerit points for key road safety offences such as speeding and seatbelt use will remain unchanged. The changes are:

Roundabout/indicator offences

Road Rule	Offence	Current points	Revised points
111 (1)&(2)	Not enter roundabout on left (leave less than halfway)	2	0
111 (1)&(3)	Not enter roundabout on right (leave more than halfway)	2	0
111 (1)&(5)	Not enter roundabout in direction of traffic lane arrow	2	0
116	Not drive in roundabout in direction of traffic lane arrow	2	0
118 (2)	Not stop left change of direction signal (exit roundabout)	2	0

Keep left offences

Road Rule	Offence	Current points	Revised points
130 (2)	Drive in right lane on road with speed limit over 80 km/h	3	2
130 (2)	Disobey keep left unless overtaking	3	2
131	Not keep left of oncoming vehicle	3	2
132 (1)	Not keep left of centre on two-way road	3	2
140	Overtake vehicle when unsafe	3	2
142 (1)	Overtake to right of vehicle turning right/making U-Turn	3	2
144 (a)	Overtake vehicle too closely	3	2
144 (b)	Cut in front of vehicle after overtaking	3	2

Towing offences

Road Rule	Offence	Current points	Revised points
294-3 (1)(a)	Not keep required distance (towing with tow-line)	2	0
294-3 (1)(e)	Not display warning flag as required	2	0

Vehicle indicator offences

Road Rule	Offence	Current points	Revised points
46 (4)	Not stop left change of direction signal	2	0
48 (4)	Not stop right change of direction signal	2	0
Rule 51	Operate indicator light contrary to permitted use	2	0

Dedicated lane offences

Road Rule	Offence	Current points	Revised points
154	Drive in bus lane	3	1
155	Drive in tram lane	3	0
157	Drive in truck lane	3	0
157-1	Drive in a T-Way	3	1

Please note: this information is intended as a guide only and is subject to change at any time without notice. It does not replace the relevant legislation.

About the Demerit Points Scheme

The Demerit Points Scheme is a national program that allocates penalty points (demerits) for a range of driving offences.

The scheme is designed to encourage safe and responsible driving. Along with financial penalties, demerit points provide a strong incentive to drive within the law.

Accumulating points

A driver who has not committed any offences has zero points. When an offence that carries demerit points is committed, the points are added to the licence holder's driving record. If the licence holder incurs the threshold number of demerit points within a three-year period, a licence suspension or refusal is applied. The thresholds are as follows:

- Unrestricted licence – 13 points.
- Professional drivers – 14 points (from 31 January 2011). See [Changes to the demerit points scheme](#) for more information.
- Provisional P2 licence – 7 points.
- Provisional P1 licence – 4 points.
- Learner licence – 4 points (from 28 September 2009).
- Unrestricted licence with a good behaviour period – 2 points within the term of the good behaviour period.

Suspension and refusal periods

Reaching or exceeding the demerit points limit results in licence suspension or refusal. The RTA will send a Notice of Suspension or Refusal to a licence holder who reaches or exceeds the number of points available for their type of licence, or who commits an excessive speed offence. A Notice of suspension or refusal will specify the date the licence suspension or refusal is to begin. The imposition of a licence suspension or refusal period relies on the RTA serving a Notice.

For unrestricted licence holders, the period of suspension depends on the number of points accumulated as follows:

- 13 to 15 points - three months.
- 16 to 19 points - four months.
- 20 or more points - five months.
- For provisional and learner licence holders, the suspension period is three months.

Good behaviour period

Unrestricted licence holders who receive a Notice of Suspension due to the accumulation of demerit points can apply for a 12 month good behaviour period instead of serving the suspension. This option is not available to provisional or learner licence holders or those already serving a good behaviour period.

A good behaviour election must be made before the suspension begins. If the election is not made before the required date, then the suspension will be enforced. The relevant legislation does not give the RTA the discretion to reissue the suspension notice with a new date or to change a suspension to good behaviour after the suspension period has begun.

Licence holders who accumulate 2 or more demerit points while serving a good behaviour period will be suspended for double the original suspension time.

Professional drivers

From 31 January 2011, all unrestricted licence holders who reach or exceed 13 demerit points will be sent a notice of suspension, or will be refused a licence if they apply. However, professional drivers have a demerit points threshold of 14 points provided they meet the criteria. If a person can demonstrate that they meet the professional driver criteria, any suspension (or refusal) that was applied based on 13 demerit points exactly will be withdrawn. If they subsequently reach or exceed 14 demerit points however, they will be subject to suspension or refusal as per existing policy.

See [Changes to the demerit points scheme introduced on 31 January 2011](#) for more information.

Refusal of a licence

The RTA may refuse to renew a licence for a driver who has exceeded their demerit points threshold or has committed a serious speeding offence. The periods that are refused are the same as those that apply for suspensions. The RTA will issue a Notice of Refusal.

Only after attending a motor registry and applying for a licence or licence renewal will a formal refusal be applied and a refusal notice given.

Appeals

There is no right of appeal against the suspension or refusal of an unrestricted licence on the grounds of demerit points.

Double demerit points

Double demerit points apply for speeding, seatbelt and motorcycle helmet offences during all holiday periods such as long weekends, Christmas, New Year and Easter.

School zones

Certain driving and parking offences attract an additional demerit point if committed in an operating school zone. Double demerit points can also apply when school zones are in operation during holiday periods. If you commit a speed, seatbelt or helmet offence during this combined period, the demerit point value applying for the school zone will be doubled.

Licence suspension and disqualification periods for speeding

Licence holders may be disqualified or have their licence suspended for the following serious speeding offences:

- Driving more than 45 km/h above the speed limit – six months.
- Driving more than 30 km/h but not more than 45 km/h above the speed limit – three months.

In addition to the suspension and disqualification periods, these offences also carry demerit points which are added to the licence holder's record. If these demerit points cause the licence holder to reach or exceed their demerit points limit, then an additional suspension or refusal period may apply under the Demerit Points Scheme.

Licence suspension for any speeding offence for a learner or a provisional P1 licence holder

Holders of a learner or a provisional licence will receive a minimum of 4 demerit points for any speeding offence. This means that both learners and provisional P1 licence holders will have their licence suspended or refused for at least three months for any speeding offence. A fine is also payable.

Demerit Point offences that are heard in court

If the court rules that a person is not guilty of a demerit point offence, it is the end of the matter. There are no fines to pay or demerit points to be recorded.

If a court finds a person guilty of the offence and convicts the person, the court usually orders a fine. In this case the offence will be recorded on the offender's traffic record and the RTA must apply the relevant number of demerit points. If the court finds a person guilty of a demerit point offence but does not convict the person under section 10(1) of the Crimes (Sentencing Procedure) Act 1999, the demerit points will not be recorded.

How to check your demerit points balance

You can [check your demerit points online](#). However, as an additional security measure and to protect your personal information you will be required to establish an online account to access these transactions. The offences shown are those that the RTA may count towards suspension.

You can also [request a copy of your driving record \(a fee is payable\) online](#), by phoning 13 22 13, or by visiting any motor registry and providing proof of identity. You will need your driver licence to obtain this information. Your driving record will show all offences and demerit points. Please note that you cannot obtain details of other people's demerit points balance, driving record or personal details.

In This Section

- [Demerit point offences - search](#)
- [Learner drivers and the demerit points scheme](#)
- [31 January 2011 changes](#)
- [Frequently asked questions \(FAQs\)](#)