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# Update Summary

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**UPDATE 293**

**JULY 2024**

## **MOTOR VEHICLE LAW NEW SOUTH WALES**

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## COMMENTARY

The following updated commentary is provided by **Nic Angelov**.

### ***Road Transport Act 2013***

Offences are looked at with reference to *Zhang v Transport for NSW* [2022] NSWCATAD 248. See [RTA.29.20].

Negligent driving occasioning death – sentencing – is considered in regard to *R v Lindrea* [2024] NSWDC 148. See [RTA.117.760].

Negligent driving occasioning grievous bodily harm is looked at with reference to *Marium v Van Zuylen* [2024] NSWSC 258. See [RTA.117.765].

*R v Thornton* [2024] NSWDC 77 is referred to in regard to furious driving. See [RTA.117.780].

Defence of automatism is discussed in regard to *El Seidi v R* [2021] NSWCCA 303. See [RTA.117.1000].

Sentencing considerations are considered with reference to *R v Marshall* [2024] NSWDC 73 and *R v Koosmen* [2024] NSWDC 161. See [RTA.146.160].

Procedural fairness is discussed in regard to *Marium v Registrar Local Court Blacktown* [2022] NSWSC 1401. See [RTA.200.120].

Proceedings that are an abuse of process – application for a permanent stay – are considered with reference to *Marium v Van Zuylen* [2024] NSWSC 258. See [RTA.200.180].

Take into account is discussed in regard to *Wells v R* [2024] NSWCCA 8. See [RTA.260B.10].