

**2002**

**THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (DRIVER LICENSING) AMENDMENT  
REGULATIONS 2002**

**SUBORDINATE LAW SL2002-23**

**EXPLANATORY STATEMENT**

Circulated by authority of

Bill Wood MLA  
Minister for Urban Services

# AUSTRALIAN CAPITAL TERRITORY

## ROAD TRANSPORT (DRIVER LICENSING) AMENDMENT REGULATIONS 2002

### SUBORDINATE LAW No SL2002-23

### EXPLANATORY STATEMENT

#### Overview

The *Road Transport (Driver Licensing) Amendment Regulations 2002* amend the *Road Transport (Driver Licensing) Regulations 2000*.

Section 22 of the *Road Transport (Driver Licensing) Act 1999* provides a regulation making power in relation to provisions for suspending or cancelling a learner, probationary, provisional or restricted licence if the person incurs the prescribed number of demerit points.

The regulations clarify the applicability of demerit points where there is a crossover from a provisional licence to a full licence. For example, a person can still be suspended if they incur the relevant number of points (say 4 on a provisional licence) but have moved to a full licence (12 points) by the time the notice of licence suspension takes effect.

The regulations also clarify the number of applicable demerit points for different types of provisional licence holders. In addition, there are a number of consequential adjustments and improvements made to headings and examples to improve clarity of the demerit point provisions.

#### Detail

A new note is inserted into sub-regulations 45(2) and 129(2) to clarify the eligibility for restricted licences.

New regulation 124 clarifies the licence suspension processes for persons incurring the relevant number of demerit points while holding a learner or provisional licence. It also makes provision for the demerit points that apply to 'standard' provisional licence holders (4) and provisional licence holders that have completed the Road Ready Plus course or are at least 26 years of age and have held their provisional licence for at least six months (8).

New sub-regulation 125(3) clarifies that any driver licence held by the person can be suspended should a notice of licence suspension take effect after the person has moved to another licence class with a different (higher) relevant number of demerit points.

New sub-regulation 130(1) and a new example for sub-regulation 130(4) clarify the process for persons incurring demerit points while holding a restricted licence.

New sub-regulations 131(5) and 132(1), and a new example for sub-regulation 133(2), clarify the process for persons incurring demerit points while holding a probationary licence.

Other amendments provide additional clarity to the demerit point processes, correct minor errors, or are consequential changes.