

2016

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

**ROAD TRANSPORT (DRIVER LICENSING)
AMENDMENT REGULATION 2016 (No 1)**

SL2016-30

EXPLANATORY STATEMENT

**Circulated by authority of
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Minister for Road Safety**

Introduction

This explanatory statement relates to the *Road Transport (Driver Licensing) Amendment Regulation 2016 (No 1)* (the regulation). It has been prepared in order to assist the reader of the regulations and to help inform debate on it. It does not form part of the regulation and has not been endorsed by the Legislative Assembly.

The statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Outline

This regulation amends the *Road Transport (Driver Licensing) Regulation 2000* (the Driver Licensing Regulation).

Section 22 of the Driver Licensing Regulation provides that a holder of a driver licence allowing the driver to drive only a motor vehicle fitted with an automatic transmission may drive a manual transmission vehicle if the driver displays L-plates and is accompanied by a person with a full (manual) licence for the vehicle. This regulation amends that section to allow a police trainee, who holds an automatic car licence and who is undertaking recruit training or assessment while driving a police vehicle, to drive a manual transmission car without the need to display L plates. The police recruit will still need to be accompanied by a fully licensed driver.

Section 37 of the Driver Licensing Regulation requires the holder of a provisional licence to display P plates on the vehicle while driving the vehicle, unless the driver is at least 26 years old, or has completed an approved training course (commonly referred to as the Road Ready Plus or P-off course). This regulation amends that section to allow a police trainee who holds a provisional car licence and who is undertaking recruit training or assessment while driving a police vehicle to drive without the need to display P plates.

The regulation also inserts a new section 99B to allow the road transport authority to issue a police officer who has automatic car licence with a full (manual) car licence. This amendment allows a police officer (which refers to an officer who has finished recruit training and has been sworn as a police officer) to be issued with a full (manual) car licence without the need to be at least 26 years old or to have completed the approved training course. This reflects that the officer has undertaken advanced driver training as part of their recruit course, equipping them with a higher driving skill level than would be obtained by the officer undertaking the Road Ready Plus/P-off course. The amendment mirrors a similar exemption given under existing section 99A (2) of the Driver Licensing Regulation, which allows the road transport authority to issue a police officer who has completed police motorcycle rider training with a full motorcycle licence.

The amendment regulation also corrects a technical error in the new regulations governing taxi and rideshare services, which commenced on 1 August 2016. Section 11 of the Driver Licensing Regulation specifies the public vehicle licence codes, indicating the type of public vehicles that a person can drive, that may be listed on a driver licence. Section 11 currently specifies a C code for rideshare vehicles, which has been amended to the correct D code by this regulation.

It is not considered that there are any human rights implications associated with this amendment.

There are no climate change implications associated with this amendment.

Notes on clauses

Clause 1 Name of regulation

This is a formal provision that sets out the name of the regulation.

Clause 2 Commencement

This is a formal provision that provides for the commencement of the regulation.

Clause 3 Legislation amended

This clause lists the legislation to be amended by the regulation. This regulation amends the *Road Transport (Driver Licensing) Regulation 2000*.

Clause 4 Table 11, item 3

This clause corrects an incorrect reference to the public vehicle licence code for rideshare vehicles.

Clause 5 New section 22 (3)

This clause inserts a new section 22 (3) that provides that the requirement in section 22 (2) (b) (that a person with an automatic licence may drive a manual vehicle only if L-plates are displayed on the vehicle) does not apply to a police trainee undertaking recruit training or assessment while driving a police vehicle.

Clause 6 Section 37 (3)

This clause substitutes existing section 37 (3) to provide that the requirement in section 37 (2) (that the holder of a provisional licence must not drive a vehicle unless P-plates are displayed on the vehicle) does not apply to a police trainee undertaking recruit training or assessment while driving a police vehicle. The existing exemption from the requirement in section 37 (2) for drivers who have held a provisional licence for at least 6 months and is at least 26 years old or has completed an approved training course has not been amended.

Clause 7 New section 99B

This clause inserts a new section 99B that allows a police officer who is the holder of an automatic car licence to apply to the road transport authority for the issue of a full (manual) car licence. The note to new section 99B explains that under existing section 40 of the Driver Licensing Regulation that if the road transport authority approves an application, it must issue a licence to that person.