



Australian Capital Territory

Road Transport (Driver Licensing) Regulations 2000 No 14

made under the

Road Transport (Driver Licensing) Act 1999

Republication No 4

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Amendments incorporated to 2 February 2002

About this republication

The republished law

This is a republication of the *Road Transport (Driver Licensing) Regulations 2000*, made under the *Road Transport (Driver Licensing) Act 1999* as in force on 4 February 2002. It includes any amendment, repeal or expiry affecting the republished law to 2 February 2002 and any amendments made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

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- authorised republications to which the *Legislation Act 2001* applies
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Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

When preparing the authorised version of this republication amendments were made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

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If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
2 February 2002



Australian Capital Territory

Road Transport (Driver Licensing) Regulations 2000

made under the

Road Transport (Driver Licensing) Act 1999

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Amendments incorporated to
2 February 2002



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Road Transport (Driver Licensing) Regulations 2000

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Part 1 Preliminary

1 Name of regulations

These regulations are the *Road Transport (Driver Licensing) Regulations 2000*.

3 Definitions—the dictionary (NSW cl 4)

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or elsewhere in the road transport legislation.

For example, the signpost definition '*road transport legislation*—see the *Road Transport (General) Act 1999*, section 6' means the expression 'road transport legislation' is defined in that section and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

4 Notes (NSW cl 5)

- (1) A note in these regulations is explanatory and is not part of the regulations.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

- (2) In this regulation:

note includes material enclosed in brackets in regulation headings.

Note For comparison, a number of regulations contain bracketed notes in their headings drawing attention to equivalent or comparable (though

not necessarily identical) provisions of other legislation. Abbreviations in the notes include the following—

- MTA: *Motor Traffic Act 1936*, as in force immediately before the commencement of these regulations
- MTR: *Motor Traffic Regulations 1934*, as in force immediately before the commencement of these regulations
- NSW: *Road Transport (Driver Licensing) Regulation 1999* (NSW)
- NSW Act: *Road Transport (Driver Licensing) Act 1998* (NSW).

Part 2 Driver licences generally

5 Basic kinds of driver licence

- (1) The road transport authority may issue driver licences of the following kinds under these regulations:
- (a) learner licences;
 - (b) provisional licences;
 - (c) full licences;
 - (d) restricted licences;
 - (e) probationary licences.

Note Reg 6 deals with the other kinds of driver licences, namely, conditional and public vehicle licences.

- (2) A full licence is an Australian driver licence that is not a learner, provisional, restricted or probationary licence.

Note ***Learner licence, provisional licence, restricted licence, and probationary licence*** are defined in the dictionary to the Act as follows:

learner licence means an Australian driver licence issued to a person under the law of any jurisdiction that authorises the person to drive a motor vehicle on a road or road related area for the purpose of learning to drive.

provisional licence means an Australian driver licence issued as a provisional licence, but does not include an Australian driver licence that includes an additional provisional class merely because it includes the additional provisional class.

restricted licence means an Australian driver licence, issued under the authority of a court in Australia, that authorises the holder to drive only in the course of his or her employment or in other restricted circumstances.

probationary licence means—

- (a) a driver licence, other than a learner licence, issued under this Act to a person who applies for a driver licence after a period of disqualification (whether or not by court order) from holding or obtaining an Australian driver licence; or
- (b) an equivalent Australian driver licence issued under a corresponding law.

6 Conditional and public vehicle licences

- (1) A provisional, full, restricted or probationary licence may also be issued as, or may be varied to become also, a conditional licence, a public vehicle licence or both.
- (2) A learner licence may also be issued as, or may be varied to become also, a conditional licence.

Note *Conditional licence* and *public vehicle licence* are defined in the dictionary to the Act as follows:

conditional licence means an Australian driver licence that is subject to a condition imposed by the road transport authority or the licensing authority of another jurisdiction.

public vehicle licence means a driver licence that authorises the person to drive a public vehicle for hire or reward.

7 Driver licence classes, class codes and class short descriptions (NSW cl 26 (1), (14)-(15))

- (1) A driver licence must include 1 or more of the classes mentioned in the table of driver licence classes (the *driver licence classes*).

Note Reg 9 explains the kinds of motor vehicles that each driver licence class authorises the holder to drive.

- (2) A provisional, full, restricted or probationary licence may include any of the driver licence classes.
- (3) A learner licence may include only the following driver licence classes:
 - (a) motorcycle licence;

- (b) car licence.
- (4) The class or classes held by the holder of a driver licence are indicated by a code or codes shown on the licence.
- (5) The code for each driver licence class is set out in the table of driver licence classes.

Example

If a driver licence is issued to a person for the motorcycle and car licence classes, the driver licence will show the codes R and C.

- (6) In certain circumstances, a class may be shown on a driver licence as an additional provisional class.
- (7) A driver licence of a particular class may be referred to using the appropriate short description mentioned in the table.

Table of driver licence classes

column 1 classes	column 2 codes	column 3 short descriptions
motorcycle licence	R	class R licence
car licence	C	class C licence
light rigid vehicle licence	LR	class LR licence
medium rigid vehicle licence	MR	class MR licence
heavy rigid vehicle licence	HR	class HR licence
heavy combination vehicle licence	HC	class HC licence
multi-combination vehicle licence	MC	class MC licence

8 Driver licence class hierarchy (NSW cl 27)

- (1) For these regulations, the order of the driver licence classes, from the lowest to the highest, is as follows:
 - 1 car licence
 - 2 light rigid vehicle licence
 - 3 medium rigid vehicle licence
 - 4 heavy rigid vehicle licence

5 heavy combination vehicle licence

6 multi-combination vehicle licence.



Note The driver licence class hierarchy is used in working out, under reg 9, the kinds of motor vehicles that the holder of a driver licence is authorised to drive.

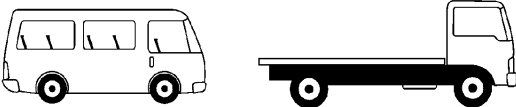
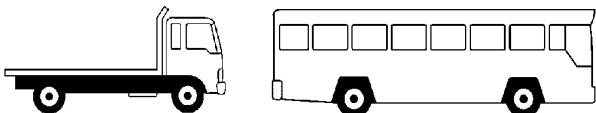
- (2) A motorcycle licence is not part of the driver licence class hierarchy.

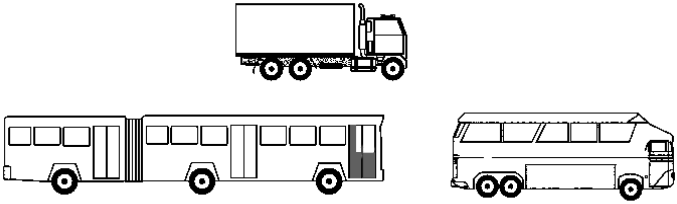

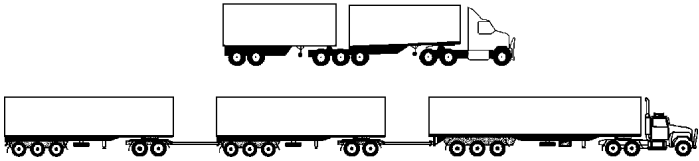
9 Vehicles authorised to be driven by licence classes (NSW cl 26 (1)-(12))

- (1) A driver licence of a particular driver licence class authorises the holder to drive a motor vehicle—
- (a) of a kind covered by that driver licence class; or
 - (b) of a kind covered by any lower class in the driver licence class hierarchy in regulation 8 (1).
- (2) The kinds of motor vehicles covered by each driver licence class are set out in the table of licence class authorisations.
- (3) However, this regulation does not authorise the holder of a driver licence—
- (a) to drive a motor vehicle otherwise than in accordance with any conditions, restrictions or qualifications to which the driver licence is subject; or
 - (b) to drive a motor vehicle in contravention of the *Road Transport (Dimensions and Mass) Act 1990*; or
 - (c) to drive a public vehicle for hire or reward unless the licence is also a public vehicle licence authorising the person to drive a public vehicle of that kind.
- (4) A diagram of something in the table is an illustrative example of the thing in black and white, but does not represent its dimensions or the dimensions of any part of it (or its comparative size in relation to something else).

Table of licence class authorisations

column 1 item	column 2 driver licence classes and motor vehicles covered by classes
1	<p>Motorcycle licence (class R licence)</p> <p>1.1 A motorbike.</p> <p>1.2 A motorbike towing a single trailer designed to be towed by a motorbike.</p> <p><i>Example of vehicle that may be ridden by holder of motorcycle licence</i></p> 
2	<p>Car licence (class C licence)</p> <p>2.1 A motor vehicle (other than a motorbike) with a GVM not over 4.5t that is constructed or equipped to seat not more than 12 adults (including the driver).</p> <p>2.2 A tractor or implement.</p> <p>2.3 A motor vehicle mentioned in subitem 2.1 or 2.2 that is towing a single trailer (other than a semitrailer) with a GVM not over 9t.</p> <p>2.4 However, this class does not cover a motor vehicle that is towing—</p> <ul style="list-style-type: none"> (a) 2 or more trailers; or (b) a single semitrailer; or (c) any other single trailer with a GVM over 9t. <p><i>Examples of vehicles that may be driven by holder of car licence</i></p> 
3	<p>Light rigid vehicle licence (class LR licence)</p> <p>3.1 A motor vehicle with a GVM over 4.5t, but not over 8t.</p> <p>3.2 A motor vehicle with a GVM not over 8t that is constructed or equipped to seat more than 12 adults (including the driver).</p> <p>3.3 A motor vehicle mentioned in subitem 3.1 or 3.2 that is towing a single trailer (other than a semitrailer) with a GVM not over 9t.</p>

column 1 item	column 2 driver licence classes and motor vehicles covered by classes
	<p>3.4 However, this class does not cover a motor vehicle that is towing—</p> <ul style="list-style-type: none"> (a) 2 or more trailers; or (b) a single semitrailer; or (c) any other single trailer with a GVM over 9t. <p><i>Examples of vehicles that may be driven by holder of light rigid vehicle licence</i></p> 
4	<p>Medium rigid vehicle licence (class MR licence)</p> <p>4.1 A motor vehicle with 2 axles and a GVM over 8t.</p> <p>4.2 A motor vehicle mentioned in subitem 4.1 that is towing a single trailer (other than a semitrailer) with a GVM not over 9t.</p> <p>4.3 However, this class does not cover a motor vehicle that is towing—</p> <ul style="list-style-type: none"> (a) 2 or more trailers; or (b) a single semitrailer; or (c) any other single trailer with a GVM over 9t. <p><i>Examples of vehicles that may be driven by holder of medium rigid vehicle licence</i></p> 
5	<p>Heavy rigid vehicle licence (class HR licence)</p> <p>5.1 A rigid motor vehicle with 3 or more axles and a GVM over 8t.</p> <p>5.2 An articulated bus with 3 or more axles and a GVM over 8t.</p> <p>5.3 A motor vehicle mentioned in subitem 5.1 or 5.2 that is towing a single trailer (other than a semitrailer) with a GVM not over 9t.</p> <p>5.4 However, this class does not cover a motor vehicle that is towing—</p> <ul style="list-style-type: none"> (a) 2 or more trailers; or (b) a single semitrailer; or

column 1 item	column 2 driver licence classes and motor vehicles covered by classes
	<p>(c) any other single trailer with a GVM over 9t.</p> <p><i>Examples of vehicles that may be driven by holder of heavy rigid vehicle licence</i></p> 
6	<p>Heavy combination vehicle licence (class HC licence)</p> <p>6.1 A prime mover to which is attached a single semitrailer plus any unladen converter dolly.</p> <p>6.2 A rigid motor vehicle to which is attached a trailer with a GVM over 9t plus any unladen converter dolly.</p> <p><i>Examples of vehicles that may be driven by holder of heavy combination vehicle licence</i></p> 
7	<p>Multi-combination vehicle licence (class MC licence)</p> <p>Any motor vehicle or combination, other than a motorbike.</p> <p><i>Examples of vehicles that may be driven by holder of multi-combination vehicle licence</i></p> 

10 Driver licence condition codes (NSW cl 28 (5))

- (1) The conditions imposed by the road transport authority on a driver licence (if any) must be indicated by a code shown on the licence.
- (2) The codes are set out in the table of driver licence condition codes.

Table of driver licence condition codes

column 1 item	column 2 licence condition	column 3 code
1	The licence holder must drive only a motor vehicle fitted with automatic transmission.	A
2	If the licence holder is the driver of a motor vehicle of a kind for which a light rigid vehicle licence or driver licence of a higher class is required, the vehicle must be fitted with a synchromesh transmission or automatic transmission.	B
3	If the licence holder is the rider of a motorbike, it must be of restricted engine capacity as notified in writing by the road transport authority to the holder.	E
4	The licence holder must drive only a motor vehicle fitted with a breath alcohol interlock device.	I
5	The licence holder must wear corrective lenses at all times while driving.	S
6	The licence holder must drive only a motor vehicle fitted with driver aids, or modified, as notified in writing by the road transport authority to the holder.	V
7	The licence holder must comply with any condition of which the holder has been notified in writing by the road transport authority.	X
8	The licence holder must not drive a motor vehicle if the holder has a blood alcohol concentration of 0.02 g/100mL or more.	Z

11 Public vehicle licence codes and vehicles authorised to be ridden or driven

- (1) The kinds of public vehicle authorised to be ridden or driven for hire or reward by the holder of a public vehicle licence are indicated by a code or codes shown on the licence as a condition.

- (2) The codes, and the kinds of public vehicles covered by each code, are set out in the table of public vehicle licence codes.

Table of public vehicle licence codes

column 1 item	column 2 kind of public vehicle	column 3 code
1	private hire car	H
2	restricted hire vehicle that is a motorbike	M
3	public bus	O
4	taxi or restricted taxi	T
5	restricted hire vehicle that is not a public bus or motorbike	W

12 Form of driver licences (NSW cl 22, cl 28 (2))

- (1) A driver licence (including a driver licence receipt) must show—
- (a) the licence number allocated to the person to whom it is issued; and
 - (b) the person's full name; and
 - (c) for a driver licence only—a photograph of the person; and
 - (d) the person's date of birth; and
 - (e) the person's home address; and
 - (f) the person's signature (or a reproduction of the signature); and
 - (g) the code of the class or classes of driver licence held by the person, as set out in the table of driver licence classes in regulation 7; and
 - (h) the expiry date of the licence; and
 - (i) if the licence shows a class as an additional provisional class—the date the class ceases to be a provisional class; and
 - (j) if the licence is also a conditional licence—the driver licence condition code for each condition imposed by the road

transport authority to which the licence is subject, as set out in the table of driver licence condition codes in regulation 10; and

- (k) if the licence is also a public vehicle licence—the code of each kind of public vehicle that the person is authorised to drive for hire or reward, as set out in the table of public vehicles licence codes in regulation 11.
- (2) However, the road transport authority may issue a driver licence without a photograph, and with the space on the licence for the photograph marked ‘Valid without photo’, if—
- (a) in the authority’s opinion it is impractical for the person to go to a place designated by the authority to have a photograph taken; and
 - (b) the person cannot provide a photograph that the authority considers is suitable for use on a driver licence.
- (3) If the person to whom a driver licence is issued holds 2 or more classes of driver licence included in the driver licence class hierarchy, the code of the highest of those classes only need be shown on the driver licence.
- (4) A driver licence must be colour coded as follows:
- (a) learner licence—green;
 - (b) provisional licence—red;
 - (c) full licence—gold;
 - (d) restricted licence—blue;
 - (e) probationary licence—blue.
- (5) However, a full heavy rigid vehicle, heavy combination vehicle or multi-combination vehicle licence may be coloured magenta.
- (6) If a driver licence shows a code mentioned in subregulation (1), the licence must include a note to the effect that the meaning of the code can be found out by asking the road transport authority.

13 Driver licence receipts (NSW cl 20 (1)-(2))

- (1) The road transport authority may issue a driver licence receipt to a person as an interim measure until the driver licence to which the receipt relates is issued to the person.
- (2) However, subregulation (1) does not limit the circumstances in which the road transport authority may issue a driver licence receipt.
- (3) A driver licence receipt ceases to be in force on the earlier of the expiry date indicated on it or the issue to a person of the driver licence to which it relates.

14 Driver licence register (NSW cl 24)

Note The road transport authority has the function of keeping the driver licence register (see the Act, s 6 (b)).

- (1) The road transport authority must record the following matters in the driver licence register in relation to each driver licence it issues:
 - (a) the licence number allocated to the person to whom the licence is issued;
 - (b) the person's full name;
 - (c) the person's sex and date of birth;
 - (d) the person's home address and, if applicable, address for service of notices;
 - (e) the class or classes of driver licence held by the person;
 - (f) the commencement and expiry dates of the licence;
 - (g) if the licence shows a learner licence as an additional class—the expiry date of the class;
 - (h) if the licence shows a class as an additional provisional class—the date the class ceases to be a provisional class;
 - (i) if the licence is also a conditional licence—the conditions imposed by the road transport authority to which the licence is subject;

- (j) if the licence is also a public vehicle licence—the kinds of public vehicles that the holder is authorised to drive for hire or reward.
- (2) The holder of a driver licence may—
- (a) inspect information in the driver licence register about the holder; and
 - (b) obtain a certificate of all or any of that information.

Part 3 Issue and variation of driver licences

Division 3.1 Interpretation

15 Meaning of *disqualifying offence* and *required medical standards* (NSW cl 31 (2))

- (1) For these regulations, a *disqualifying offence* is—
- (a) an offence against the *Road Transport (Alcohol and Drugs) Act 1977*, or a law of another jurisdiction, an external Territory or a foreign country corresponding to that Act, including any offence involving driving while affected by alcohol or a drug; or
 - (b) any of the following offences, or an offence against the law of another jurisdiction, an external Territory or foreign country corresponding to any of the following offences:
 - (i) an offence against the *Crimes Act 1900*, section 29 (Culpable driving);
 - (ii) any other offence against the *Crimes Act 1900* where a necessary fact to constitute the offence is that someone dies or is injured because of, or as a result of, the way a person drove a motor vehicle;
 - (iii) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 5A (1) or (5) (which are about races, attempts on speed records, speed trials etc);
 - (iv) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 5B (2) or (4) (which are about burnouts and other prohibited conduct);
 - (v) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 6 (1) (which is about

- negligent driving) that occasions death or grievous bodily harm (within the meaning of that subsection);
- (vi) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 7 (1) (which is about furious, reckless or dangerous driving);
 - (vii) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 8 (1) or (2) (which are about menacing driving); or
- (c) an offence against the Act, part 3 or these regulations; or
 - (d) an offence against a law of any jurisdiction, an external Territory or foreign country—
 - (i) involving dishonesty, bribery, misrepresentation, blackmail, or actual or threatened violence; or
 - (ii) of a sexual nature; or
 - (iii) involving the use or possession, or the supply to someone else, of a drug; or
 - (e) an offence against a law of any jurisdiction, an external Territory or foreign country for which a person is sentenced to a term of imprisonment.

Note The definition of *disqualifying offence* is relevant to public vehicle licences (see reg 70 (3) and reg 87 (3)) and the accreditation of driving instructors (see reg 106 (2) and reg 111).

- (2) For these regulations, the *required medical standards* are—
 - (a) for a person who is the holder of, or an applicant for, a motorcycle, car or light rigid vehicle licence or the holder of a corresponding external driver licence—the medical standards set out in the publication *Assessing Fitness to Drive* (1998) published by Austroads Incorporated; and
 - (b) for a person who is the holder of, or an applicant for, a medium rigid vehicle, heavy rigid vehicle, heavy combination vehicle or multi-combination vehicle licence or the holder of a

corresponding external driver licence—the medical standards set out in the publication *Medical Examinations of Commercial Vehicle Drivers* (November 1994) published by the National Road Transport Commission and the Federal Office of Road Safety and approved by the Australian Transport Council, as amended (and approved by the Australian Transport Council) from time to time; and

- (c) for an applicant for a public vehicle licence or the holder of a public vehicle licence—the medical standards set out in the publication mentioned in paragraph (b); and
- (d) for an applicant for accreditation under regulation 104 (Eligibility to apply for accreditation as driving instructor) or a driving instructor—the medical standards set out in the publication mentioned in paragraph (b).

Division 3.2 Learner licences and heavy vehicle learners

16 Eligibility to apply for learner licence (NSW cl 10, MTA s 7A (2)-(3))

- (1) A person is eligible to apply to the road transport authority for the issue of a learner motorcycle or car licence, or the variation of a driver licence to include a learner motorcycle or car licence, if the person—
 - (a) satisfies the eligibility requirements set out in subregulation (3) or (4) for the class of learner licence to which the application relates; or
 - (b) is exempted by the road transport authority under regulation 67 (Authority may exempt person from certain eligibility requirements) from an eligibility requirement for the class of learner licence to which the application relates and satisfies the other eligibility requirements for that class.

-
- (2) Subregulation (1) is subject to regulation 66 (Eligibility to apply for licence if disqualified or licence suspended).
- (3) The eligibility requirements for a learner motorcycle licence are that the person—
- (a) is at least 16 years 9 months old; and
 - (b) has, at any time, successfully completed an approved road ready training course; and
 - (c) has successfully completed an approved pre-learner rider training course within 3 months before applying for the licence.
- (4) The eligibility requirements for a learner car licence are that the person—
- (a) is at least 15 years 9 months old; and
 - (b) has, at any time, successfully completed an approved road ready training course.

17 Issue of learner licences (NSW cl 19 (1))

- (1) If the road transport authority approves an application by a person for the issue of a learner motorcycle or car licence, the authority must issue a learner licence of that class to the person.

Note 1 Reg 69 deals with the application procedure and reg 70 sets out when an application can be refused. If an application is not refused under reg 70, it must be approved unless reg 71 applies (see reg 72).

Note 2 If a person applies for a licence for which the person is not eligible to apply, reg 71 enables the road transport authority, with the person's agreement, to deal with the application as if it were an application for a licence for which the person is eligible.

- (2) If the road transport authority approves an application by a person for the variation of a driver licence to include a learner motorcycle or car licence, the authority must issue a driver licence that includes that class to the person.

18 Duration of learner licences (MTA s 7A (7))

- (1) A learner licence must be issued for 2 years.
- (2) However, a driver licence issued to a person under regulation 17 (2), other than the learner licence included in the licence, must be issued for the remainder of the period of the driver licence that it replaces.

19 Learner driver logbook to be issued to learner car drivers (MTA s 7A (1A))

The road transport authority must give a learner driver logbook to a person to whom it issues a learner car licence.

20 Restrictions on learner motorcycle licence riders (NSW cl 12 (2), cl 13, MTA s 7A (9)-(10))

- (1) The holder of a learner motorcycle licence must not ride a motorbike on a road or road related area if the motorbike—
 - (a) has a power-to-weight ratio over 150kW/t; or
 - (b) is towing another vehicle (including a trailer).

Maximum penalty: 20 penalty units.

- (2) The holder of a learner motorcycle licence must not ride a motorbike on a road or road related area unless an L-plate is conspicuously displayed, the correct way up, at the rear of the motorbike, and is clearly visible from behind the motorbike.

Maximum penalty: 20 penalty units.

- (3) The holder of a learner motorcycle licence must not ride a motorbike on a road or road related area if the motorbike is carrying a pillion passenger.

Maximum penalty: 20 penalty units.

- (4) The holder of a learner motorcycle licence (the *learner rider*) must not ride a motorbike on a road or road related area if the motorbike is carrying a passenger in a sidecar attached to the motorbike (the

sidecar passenger) unless the sidecar passenger holds a full motorcycle licence.

Maximum penalty: 20 penalty units.

- (5) The sidecar passenger must—
- (a) supervise the learner rider's riding of the motorbike; and
 - (b) take all reasonable precautions to prevent a contravention of the road transport legislation by the learner rider.

Maximum penalty: 20 penalty units.

- (6) Subregulation (5) does not apply to an authorised person testing or assessing the learner rider's riding ability.

Note It is an offence against the *Road Transport (Alcohol and Drugs) Act 1977* for the holder of a learner licence to drive with a blood alcohol concentration of 0.02g/100mL or more (see that Act, s 19 and the definitions of *special driver* (in that Act, s 4B) and *prescribed concentration* (in that Act, dict)).

21 Restrictions on learner car licence drivers (NSW cl 12 (1), (4)-(6), cl 13, MTA s 7A (8), (10))

- (1) In this regulation:

motor vehicle does not include a motorbike.

- (2) The holder of a learner car licence must not drive a motor vehicle that is towing another vehicle on a road or road related area unless the other vehicle is a trailer with a GVM not over 750kg.

Maximum penalty: 20 penalty units.

- (3) The holder of a learner car licence must not drive a motor vehicle on a road or road related area unless L-plates are conspicuously displayed, the correct way up, at the front and rear of the vehicle or on its roof, and are clearly visible from ahead of and behind the vehicle.

Maximum penalty: 20 penalty units.

- (4) The holder of learner car licence (the *learner driver*) must not drive a motor vehicle on a road or road related area unless the seat next to the learner driver is occupied by a person who holds a full car licence or a full licence of a higher class.

Maximum penalty: 20 penalty units.

- (5) The person must—
- (a) supervise the learner driver's driving of the motor vehicle; and
 - (b) take all reasonable precautions to prevent a contravention of the road transport legislation by the learner driver.

Maximum penalty: 20 penalty units.

- (6) Subregulation (5) does not apply to an authorised person testing or assessing the learner driver's driving ability.

Note It is an offence against the *Road Transport (Alcohol and Drugs) Act 1977* for the holder of a learner licence to drive with a blood alcohol concentration of 0.02g/100mL or more (see that Act, s 19 and the definitions of *special driver* (in that Act, s 4B) and *prescribed concentration* (in that Act, dict)).

22 Learning to drive manual transmission vehicles

- (1) This regulation applies to a person who is the holder of a driver licence that is subject to the condition shown by the driver licence condition code A (which requires the person to drive only a motor vehicle fitted with automatic transmission).
- (2) The person may drive a motor vehicle with a manual transmission, of a kind that the person's licence authorises the person to drive, if—
- (a) the seat next to the person is occupied by a person who holds a full driver licence that authorises the person to drive the motor vehicle; and
 - (b) L-plates are conspicuously displayed, the correct way up, at the front and rear of the vehicle or on its roof, and are clearly visible from ahead of and behind the vehicle.

23 Heavy vehicle learners (NSW cl 14, MTA s 176 (5))

- (1) This regulation applies to a person who is the holder of an Australian driver licence that—
 - (a) authorises the person to drive a motor vehicle (other than a motorbike); and
 - (b) is not a learner or restricted licence.
- (2) The person may drive a motor vehicle for which a higher class of driver licence is required, and while driving the vehicle on a road or road related area is exempt under the Act, section 31 (1) (b) (Driver must be licensed) from the requirement to hold the higher class, if—
 - (a) the higher class is a licence class for which the person is eligible to apply under these regulations; and
 - (b) the person (the *driver*) is accompanied by, and is receiving instruction from, a person (the *instructor*) who is the holder of a full licence of the higher class and has held the licence for at least 1 year; and
 - (c) the driver and instructor are the only people in or on the vehicle; and
 - (d) L-plates are conspicuously displayed, the correct way up, at the front and rear of the vehicle or on its roof, and are clearly visible from ahead of and behind the vehicle.
- (3) However, subregulation (2) (b) and (c) does not apply during a test or assessment of the driver's driving ability conducted by an authorised person.

Note 1 If the learner driver holds a provisional licence, the vehicle is also required to display P-plates (see reg 37).

Note 2 If a person who is learning to drive a heavy vehicle does not comply with pars (a) to (d), the person commits an offence (see the Act, s 31 (1)).

24 Unauthorised use of L-plates (MTA s 171A (1))

- (1) A person must not drive a vehicle that is displaying an L-plate, or something that could reasonably be taken to be an L-plate, on a road or road related area unless the vehicle is required to display an L-plate or L-plates under regulation 20 (Restrictions on learner motorcycle licence riders), 21 (Restrictions on learner car licence drivers), 22 (Learning to drive manual transmission vehicles) or 23 (Heavy vehicle learners).

Maximum penalty: 20 penalty units.

- (2) However, subregulation (1) does not apply to a person driving a motor vehicle owned or operated by a driving instructor.

25 Approval of learner driver logbook (MTA s 13R, MTR reg 12)

- (1) The road transport authority must approve a learner driver logbook to be given to persons to whom the authority issues a learner car licence.
- (2) The learner driver logbook must—
 - (a) provide for the name and address and driver licence number of the person to whom it is issued (the *learner*); and
 - (b) list the driving competencies to be achieved to obtain a provisional car licence; and
 - (c) provide for the recording and verification in the logbook of particulars of—
 - (i) the assessment and achievement of the driving competencies by the learner; and
 - (ii) the regular review of the competencies achieved by the learner.

26 Approval of learner licence, learner rider and heavy vehicle driver training courses

- (1) The road transport authority may, in writing, approve—
- (a) courses, conducted in the ACT or elsewhere, for the training of people who wish to apply for a learner licence (*approved road ready training courses*); and
 - (b) courses, conducted in the ACT or elsewhere, for the training of people who wish to apply for a learner motorcycle licence (*approved pre-learner rider training courses*); and
 - (c) courses, conducted in the ACT or elsewhere, for the training of drivers of vehicles that may be driven by the holder of a multi-combination vehicle licence (*approved heavy vehicle driver training courses*).

Note See reg 28 (2) (g) (ii) for the requirement to undertake the course mentioned in par (c).

- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Division 3.3 Licence class eligibility requirements and provisional licence requirements

27 Purpose of div 3.3—eligibility to apply for provisional and full licences

- (1) Under regulation 31 (Eligibility to apply for provisional licence) a person is eligible to apply for the issue of a provisional licence of a particular class if the person satisfies the eligibility requirements for the class.

Note Under the eligibility requirements for a motorcycle licence a person must have held a learner motorcycle licence for at least 3 months (unless exempt). Under the eligibility requirements for a car licence a person must have held a learner car licence for at least 6 months (unless

exempt). Under the eligibility requirements for any other class a person must have held a driver licence of a lower kind for a particular period (unless exempt).

- (2) Under regulation 39 (Eligibility to apply for full licence) a person is eligible to apply for the issue of a full licence of a particular class if the person satisfies—
- (a) the eligibility requirements for the class; and
 - (b) the provisional licence requirement for the issue of the licence.

Note 1 Under the provisional licence requirement a person must have held a provisional licence for 3 years (unless exempt) before being issued with a full licence.

Note 2 The eligibility requirements for a licence class are set out in reg 28. The provisional licence requirement for a motorcycle licence is set out in reg 29 and for a car licence or licence of a higher class in reg 30.

- (3) Under regulation 34 (When additional classes to be included as provisional classes), if a car licence is included as an additional class in a motorcycle licence, or a motorcycle licence is included as an additional class in a car licence or driver licence of a higher class, and the holder of the licence has not satisfied the provisional licence requirement for the additional class, the additional class must be shown on the licence as an additional provisional class.
- (4) This division sets out—
- (a) the eligibility requirements for driver licence classes; and
 - (b) the provisional licence requirements.

28 Eligibility requirements for licence classes

(NSW cl 6, cl 7, cl 8 (1), (3), MTA s 7B (2)-(5), s 8 (6))

- (1) A person satisfies the eligibility requirements for a driver licence (other than a learner licence) of a particular class if the person—
- (a) satisfies the eligibility requirements mentioned in subregulation (2) for the class; or

- (b) is exempt under subregulation (3) from those eligibility requirements; or
 - (c) is exempted by the road transport authority under regulation 67 (Authority may exempt person from certain eligibility requirements) from an eligibility requirement mentioned in subregulation (2) for the class and satisfies the other eligibility requirements for that class.
- (2) The eligibility requirements for a class of driver licence are as follows:
- (a) for a motorcycle licence—the person is at least 17 years old and has, at any time, held a learner motorcycle licence for at least 3 months (or, if a condition to which the licence is subject requires the licence to be held by the person for a longer period before a provisional motorcycle licence will be issued to the person, the longer period);
 - (b) for a car licence—the person is at least 17 years old and has, at any time, held a learner car licence for at least 6 months (or, if a condition to which the licence is subject requires the licence to be held by the person for a longer period before a provisional car licence will be issued to the person, the longer period);
 - (c) for a light rigid vehicle licence—the person has, at any time, held a provisional or full car licence (or both of them) for at least 1 year;
 - (d) for a medium rigid vehicle licence—the person has, at any time, held a provisional or full car licence (or both of them) for at least 1 year;
 - (e) for a heavy rigid vehicle licence—the person has, at any time, held a provisional or full car licence (or both of them) for at least 2 years;

- (f) for a heavy combination vehicle licence—the person has, at any time, held a provisional or full medium rigid vehicle or heavy rigid vehicle licence (or a mix of them) for at least 1 year;
- (g) for a multi-combination vehicle licence—
 - (i) the person has, at any time, held a provisional or full heavy rigid vehicle or heavy combination vehicle licence (or a mix of them) for at least 1 year; and
 - (ii) the person has successfully completed an approved heavy vehicle driver training course or a test or assessment of the person's driving ability set by the road transport authority.

Note 1 Under reg 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, at any time, held the relevant class of licence or a higher class is counted.

Note 2 Under reg 68 (2) any period when the person has, at any time, held a probationary licence of the relevant class or a higher class is also counted.

- (3) A person is exempt from the eligibility requirements for a class of licence applied for if the person holds, or has at any time held—
 - (a) an Australian driver licence (other than a learner licence) of that class or a higher class; or
 - (b) an external Territory driver licence corresponding to the Australian driver licence mentioned in paragraph (a); or
 - (c) a foreign driver licence that corresponds to that class or a higher class.

Note A motorcycle licence is not part of the driver licence class hierarchy (see reg 8 (2)) and has no higher class.

29 Provisional licence requirement for motorcycle licences
(NSW cl 15 (1), (3), MTA s 7B (1)-(3), s 8 (2), (4))

- (1) A person satisfies the provisional licence requirement for the issue of a motorcycle licence if the person—
- (a) has held a provisional motorcycle licence for at least 3 years; or
 - (b) is exempt under subregulation (3) from the requirement mentioned in paragraph (a); or
 - (c) is exempted by the road transport authority under regulation 67 (Authority may exempt person from certain eligibility requirements) from the requirement mentioned in paragraph (a).

Note 1 Under reg 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, at any time, held a provisional motorcycle licence is counted.

Note 2 Under reg 68 (2) any period when the person has, at any time, held a probationary motorcycle licence is also counted.

- (2) The holder of a driver licence (other than a motorcycle licence) satisfies the provisional licence requirement for the variation of the licence to include a motorcycle licence as an additional class if the person has held a provisional motorcycle licence for at least 1 year or is exempt from the requirement under subregulation (3).

Note A motorcycle licence is not part of the driver licence class hierarchy (see reg 8 (2)) and has no higher class.

- (3) A person who applies for the issue of a motorcycle licence, or the variation of a driver licence (other than a motorcycle licence) to include a motorcycle licence as an additional class, is exempt from the provisional licence requirement if the person holds, or has at any time held—
- (a) a full motorcycle licence; or

- (b) an external Territory driver licence corresponding to a full motorcycle licence; or
- (c) a foreign driver licence corresponding to a full motorcycle licence.

30 Provisional licence requirement for car licences etc
(NSW cl 15 (1), (3), MTA s 7B (1)-(3), s 8 (2)-(4))

- (1) A person satisfies the provisional licence requirement for the issue of a car licence, or a driver licence of a higher class, if the person—
 - (a) has held a provisional licence (other than a provisional motorcycle licence) for at least 3 years; or
 - (b) is exempt under subregulation (3) from the requirement mentioned in paragraph (a); or
 - (c) is exempted by the road transport authority under regulation 67 (Authority may exempt person from certain eligibility requirements) from the requirement mentioned in paragraph (a).

Note 1 A motorcycle licence is not part of the driver licence class hierarchy (see reg 8 (2)).

Note 2 Under reg 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, at any time, held a provisional licence of the relevant class or a higher class is counted.

Note 3 Under reg 68 (2) any period when the person has, at any time, held a probationary licence of the relevant class or a higher class is also counted.

- (2) The holder of a motorcycle licence satisfies the provisional licence requirement for the variation of the licence to include a car licence, or a driver licence of a higher class, as an additional class if the person has held a provisional licence (other than a provisional motorcycle licence) for at least 1 year or is exempt from the requirement under subregulation (3).

- (3) A person who applies for the issue of a car licence or driver licence of a higher class, or the variation of a motorcycle licence to include a car licence or driver licence of a higher class as an additional class, is exempt from the provisional licence requirement if the person holds, or has at any time held—
- (a) a full licence of the class applied for or a higher class; or
 - (b) an external Territory driver licence corresponding to a full licence of the class applied for or a higher class; or
 - (c) a foreign driver licence corresponding to an Australian driver licence of the class applied for or a higher class.

Division 3.4 Provisional licences, additional provisional classes and provisional licence restrictions

31 Eligibility to apply for provisional licence (MTA s 7B (1)-(3))

- (1) A person is eligible to apply to the road transport authority for the issue of a provisional licence of a particular class if the person satisfies the eligibility requirements for the class.

Note The eligibility requirements are set out in reg 28.

- (2) This regulation is subject to regulation 66 (Eligibility to apply for licence if disqualified or licence suspended).

32 Issue of provisional licences (NSW cl 19 (1))

- (1) If the road transport authority approves an application by a person for the issue of a provisional licence of a particular class, the authority must issue a provisional licence of that class to the person.

Note 1 Reg 69 deals with the application procedure and reg 70 sets out when an application can be refused. If an application is not refused under reg 70, it must be approved unless reg 71 applies (see reg 72).

Part 3 Issue and variation of driver licences
Division 3.4 Provisional licences, additional provisional classes and provisional licence restrictions

Regulation 33

Note 2 If a person applies for a licence for which the person is not eligible to apply, reg 71 enables the road transport authority, with the person's agreement, to deal with the application as if it were an application for a licence for which the person is eligible.

- (2) This regulation is subject to regulation 52 (When probationary licence must be issued).

33 Duration of provisional licences (NSW cl 15 (2), MTA s 7B (8))

- (1) A provisional motorcycle licence must be issued to a person for—
- (a) if the person has never held a provisional motorcycle licence—3 years; or
 - (b) if the person holds, or has at any time held, a provisional motorcycle licence—the difference between 3 years and the period the person has held a provisional motorcycle licence.

Note Under reg 68 (2) any period when the person has, at any time, held a probationary motorcycle licence is also counted.

- (2) A provisional licence (other than a provisional motorcycle licence) must be issued to a person for—
- (a) if the person has never held a provisional licence (other than a provisional motorcycle licence)—3 years; or
 - (b) if the person holds, or has at any time held, a provisional licence (other than a provisional motorcycle licence)—the difference between 3 years and the period the person has held any such provisional licence.

Note 1 Under reg 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, at any time, held a provisional licence of the relevant class or a higher class is counted.

Note 2 Under reg 68 (2) any period when the person has, at any time, held a probationary licence of the relevant class or a higher class is also counted.

Note 3 A motorcycle licence is not part of the driver licence class hierarchy (see reg 8 (2)).

- (3) This regulation does not apply to a class of licence included as an additional provisional class in a driver licence.

34 When additional class to be included as provisional class (MTA s 7B (1)-(2))

- (1) If—

- (a) the road transport authority approves an application by the holder of a motorcycle licence for the variation of the licence to include another class as an additional class; and
- (b) the person has not satisfied the provisional licence requirement for the inclusion of the other class as an additional class;

the authority must include the other class as an additional provisional class.

Note 1 See reg 42 for eligibility to apply for an additional class.

Note 2 The provisional licence requirement for a car licence or licence of a higher class is set out in reg 30.

- (2) If—

- (a) the road transport authority approves an application by the holder of a driver licence (other than a motorcycle licence) for the variation of the licence to include a motorcycle licence as an additional class; and
- (b) the person has not satisfied the provisional licence requirement for the inclusion of the motorcycle licence as an additional class;

the authority must include the motorcycle licence as an additional provisional class.

Note The provisional licence requirement for a motorcycle licence is set out in reg 29.

35 Duration of additional provisional classes (MTA s 7B (9))

- (1) If another class is included as an additional provisional class in a motorcycle licence (including a provisional licence) held by a person, the other class is an additional provisional class for—
- (a) if the person has never held a provisional licence (other than a motorcycle licence)—1 year; or
 - (b) if the person holds, or has at any time held, a provisional licence (other than a motorcycle licence)—the difference between 1 year and the period the person has held any such provisional licence.

Note 1 Under reg 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, at any time, held a provisional licence of the relevant class or a higher class is counted.

Note 2 Under reg 68 (2) any period when the person has, at any time, held a probationary licence of the relevant class or a higher class is also counted.

Note 3 See reg 43 and reg 44 for the issue and duration of driver licences with an additional class.

- (2) If a motorcycle licence is included as an additional provisional class in another driver licence (including a provisional licence) held by a person, the motorcycle licence is an additional provisional class for—
- (a) if the person has never held a provisional motorcycle licence—1 year; or
 - (b) if the person holds, or has at any time held, a provisional motorcycle licence—the difference between 1 year and the period the person has held a provisional motorcycle licence.

Note 1 Under reg 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, at any time, held a provisional motorcycle licence is counted.

Note 2 Under reg 68 (2) any period when the person has, at any time, held a probationary motorcycle licence is also counted.

Note 3 A motorcycle licence is not part of the driver licence class hierarchy (see reg 8 (2)) and has no higher class.

36 Provisional motorcycle licence restrictions—ACT licences (NSW cl 15 (4), MTA s 7B (22) (a), s 191 (3) (d), (4))

- (1) This regulation applies to a person who is the holder of a provisional motorcycle licence issued by the road transport authority.

Note The def of *provisional licence* in the dictionary includes a class of driver licence held as an additional provisional class.

- (2) The provisional motorcycle licence is subject to the condition that the person must not ride a motorbike unless a P-plate is conspicuously displayed, the correct way up, at the rear of the motorbike, and is clearly visible from behind the motorbike.

Note 1 A condition applies while the person is riding on a road or road related area in the ACT or another jurisdiction (see reg 61).

Note 2 It is an offence for the holder of a driver licence to contravene, without reasonable excuse, a condition to which the licence is subject (see reg 60).

- (3) However, subregulation (2) does not apply, or ceases to apply, to the person if the person has held a provisional motorcycle licence for at least 6 months and—

- (a) the person is at least 26 years old; or
- (b) the person has, at any time, successfully completed an approved provisional driver training course and has provided evidence to the road transport authority, in a form acceptable to the authority, of the person's successful completion of the course.

Note 1 Under reg 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, at any time, held a provisional motorcycle licence is counted.

Part 3 Issue and variation of driver licences
Division 3.4 Provisional licences, additional provisional classes and provisional licence restrictions

Regulation 36A

Note 2 Under reg 68 (2) any period when the person has, at any time, held a probationary motorcycle licence is also counted.

- (4) The provisional motorcycle licence is also subject to the condition that the person must not ride a motorbike that—
- (a) has a power-to-weight ratio over 150kW/t; or
 - (b) is carrying a pillion passenger.
- (5) However, subregulation (4) does not apply, or ceases to apply, if the person has held a provisional motorcycle licence for at least 1 year.

36A Provisional motorcycle licences—towing restrictions
(NSW cl 15 (6), MTA s 7B (22) (b))

- (1) This regulation applies to a person who is the holder of a provisional motorcycle licence (including a licence issued under a corresponding law).
- (2) The person must not ride a motorbike on a road or road related area (in the ACT) if the motorbike is towing another vehicle (including a trailer).

Maximum penalty: 20 penalty units.

- (3) However, subregulation (2) does not apply, or ceases to apply, to the person if the person has held a provisional motorcycle licence for at least 1 year.

Note 1 Under reg 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, at any time, held a provisional motorcycle licence is counted.

Note 2 Under reg 68 (2) any period when the person has, at any time, held a probationary motorcycle licence is also counted.

Note 3 It is an offence against the *Road Transport (Alcohol and Drugs) Act 1977* for the holder of a learner licence to drive with a blood alcohol concentration of 0.02g/100mL or more (see that Act, s 19 and the definitions of *special driver* (in that Act, s 4B) and *prescribed concentration* (in that Act, dict)).

**37 Provisional licence restrictions for cars etc—ACT
licences (NSW cl 15 (4), MTA s 7B (21) (a))**

- (1) This regulation applies to a person who is the holder of a provisional licence (other than a provisional motorcycle licence) issued by the road transport authority.

Note The def of *provisional licence* in the dict includes a class of driver licence held as an additional provisional class.

- (2) The provisional licence is subject to the condition that the person must not drive a motor vehicle (other than a motorbike) unless P-plates are conspicuously displayed, the correct way up, at the front and rear of the motor vehicle or on its roof, and are clearly visible from ahead of and behind the vehicle.

Note 1 The condition applies while the person is driving on a road or road related area in the ACT or another jurisdiction (see reg 61).

Note 2 It is an offence for the holder of a driver licence to contravene, without reasonable excuse, a condition to which the licence is subject (see reg 60).

- (3) However, subregulation (2) does not apply, or ceases to apply, to the person if the person has held a provisional licence (other than a provisional motorcycle licence) for at least 6 months and—

- (a) the person is at least 26 years old; or
- (b) the person has, at any time, successfully completed an approved provisional driver training course and has provided evidence to the road transport authority, in a form acceptable to the authority, of the person's successful completion of the course.

Note 1 Under reg 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, at any time, held a provisional car licence or licence of a higher class is counted.

Note 2 Under reg 68 (2) any period when the person has, at any time, held a probationary car licence or licence of a higher class is also counted.

37A Provisional car licences—towing restrictions
(NSW cl 15 (6), MTA s 7B (21) (b))

- (1) This regulation applies to a person who is the holder of a provisional car licence (including a licence issued under a corresponding law).
- (2) The person must not drive a motor vehicle (of a kind that may be driven by the holder of a car licence) on a road or road related area (in the ACT) if the vehicle is towing—
 - (a) a vehicle other than a trailer; or
 - (b) a trailer with a GVM over 750kg.

Maximum penalty: 20 penalty units.

- (3) However, subregulation (2) does not apply, or ceases to apply, to the person if the person has held a provisional car licence, or a provisional licence of a higher class, for at least 1 year.

Note 1 Under reg 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, at any time, held a provisional motorcycle licence is counted.

Note 2 Under reg 68 (2) any period when the person has, at any time, held a probationary motorcycle licence is also counted.

Note 3 It is an offence against the *Road Transport (Alcohol and Drugs) Act 1977* for the holder of a learner licence to drive with a blood alcohol concentration of 0.02g/100mL or more (see that Act, s 19 and the definitions of *special driver* (in that Act, s 4B) and *prescribed concentration* (in that Act, dict)).

38 Unauthorised use of P-plates (MTA s 171A (2))

A person must not drive a vehicle that is displaying a P-plate, or something that could reasonably be taken to be a P-plate, on a road or road related area unless the vehicle is required to display a P-plate or P-plates under regulation 36 (Provisional motorcycle licence restrictions) or 37 (Provisional licence restrictions for cars etc) or a corresponding law of another jurisdiction.

Maximum penalty: 20 penalty units.

38A Provisional driver training courses

- (1) The road transport authority may, in writing, approve courses, conducted in the ACT or elsewhere, for the training of the holders of provisional licences.
- (2) An approval is a notifiable instrument.
Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) A person is eligible to undertake an approved provisional driver training course in the ACT only if the person has held a provisional licence for at least 6 months.

Division 3.5 Full licences

39 Eligibility to apply for full licence (MTA s 8 (2)-(4))

- (1) A person is eligible to apply to the road transport authority for the issue of a full licence of a particular class if the person satisfies—
 - (a) the eligibility requirements for the class; and
 - (b) the provisional licence requirement for the issue of the licence.
Note The eligibility requirements are set out in reg 28. The provisional licence requirement for a motorcycle licence is set out in reg 29 and for a car licence, or a driver licence of a higher class, in reg 30.
- (2) This regulation is subject to regulation 66 (Eligibility to apply for licence if disqualified or licence suspended).

40 Issue of full licences (NSW cl 19 (1), MTA s 8 (1))

- (1) If the road transport authority approves an application by a person for the issue of a full licence of a particular class, the authority must issue a full licence of that class to the person.

Note 1 Reg 69 deals with the application procedure and reg 70 sets out when an application can be refused. If an application is not refused under reg 70, it must be approved unless reg 71 applies (see reg 72).

Note 2 If a person applies for a licence for which the person is not eligible to apply, reg 71 enables the road transport authority, with the agreement of

a person, to deal with the application as if it were an application for a licence for which the person is eligible.

- (2) This regulation is subject to regulation 52 (When probationary licence must be issued).

41 Duration of full licences (MTA s 105 (1A))

A full licence must be issued to a person for the period (not longer than 6 years) decided by the road transport authority.

Division 3.6 Additional licence classes

42 Eligibility to apply for additional licence class

- (1) The holder of a driver licence (other than a restricted licence) is eligible to apply to the road transport authority for the variation of the licence to include an additional class if the person satisfies the eligibility requirements for the class.

Note The eligibility requirements are set out in reg 28.

- (2) This regulation is subject to regulation 66 (Eligibility to apply for licence if disqualified or licence suspended).

43 Issue of driver licence with additional class

- (1) If the road transport authority approves an application by a person for the variation of a driver licence to include an additional class, the authority must issue a driver licence that includes that class to the person.

Note 1 Reg 69 deals with the application procedure and reg 70 sets out when an application can be refused. If an application is not refused under reg 70, it must be approved unless reg 71 applies (see reg 72).

Note 2 If a person applies for a licence for which the person is not eligible to apply, reg 71 enables the road transport authority, with the person's agreement, to deal with the application as if it were an application for a licence for which the person is eligible.

- (2) This regulation is subject to regulation 34 (When additional class to be included as provisional class).

44 Duration of varied licence

A driver licence issued to a person under regulation 43 must be issued for the remainder of the period of the driver licence that it replaces.

Division 3.7 Restricted licences

45 Eligibility to apply to Magistrates Court for order authorising issue of restricted licence (MTA s 11A (1), (4))

- (1) A person is eligible to apply to the Magistrates Court for an order authorising the road transport authority to issue a restricted licence to the person if the person is disqualified from holding or obtaining an Australian driver licence under the road transport legislation or any other Territory law.
- (2) However, the person is not eligible to apply if a provision of the road transport legislation provides that a person is not entitled to apply for a restricted licence in relation to the disqualification.

Note 1 A person is not eligible to apply for a restricted licence if any of the following provisions of the *Road Transport (General) Act 1999* apply to the person:

- s 67 (2) (which is about disqualification for certain serious offences)
- s 67 (4) (which is about disqualification until a court orders otherwise)
- s 67 (5) (which is about the disqualification under the law of any jurisdiction of a person who is the holder of a restricted licence)
- s 88 (4) (which is about suspension or disqualification for default in payment of an outstanding fine).

Note 2 A person is also not eligible to apply for a restricted licence if either of the following provisions of these regulations applies to the person:

- reg 130 (4) (b) (which is about the disqualification of a restricted licence holder who incurs 2 or more demerit points since the person was issued with the licence)

- reg 133 (2) (b) (which is about the disqualification of a probationary licence holder who incurs 2 or more demerit points since the person was issued with the licence).

46 Application for order authorising issue of restricted licence (MTA s 11A (2)-(3))

- (1) An application by a person for an order authorising the road transport authority to issue a restricted licence to the person must be supported by an affidavit of the person setting out the grounds of the application.
- (2) The respondents to the application are the road transport authority and the chief police officer.

47 Circumstances in which court may give order authorising issue of restricted licence (MTA s 11A (4)-(6))

- (1) The Magistrates Court may make an order authorising the road transport authority to issue a restricted licence to a person only if the person establishes that there are exceptional circumstances justifying the issue of the licence.
- (2) In deciding whether exceptional circumstances exist, the court must have regard to the following:
 - (a) the person's history of offences (including offences for which infringement notices were served on the person)—
 - (i) against the road transport legislation or a law of another jurisdiction corresponding to it (or to any provision of it);
or
 - (ii) against another law of any jurisdiction in relation to the use of motor vehicles;
 - (b) any relevant rehabilitation or remedial action undertaken, or to be undertaken, by the person;
 - (c) the risk to the safety of other road users;

- (d) the likelihood that the person, or anyone else affected by the outcome of the application, would suffer or incur any inconvenience or loss (actual or potential) that would be unreasonable if a restricted licence were not to be issued to the person;
- (e) whether it would be unreasonable for the person to use an alternative means of transport, including public transport, if a restricted licence were not to be issued to the person;
- (f) the likelihood of the person's health, or the health of a dependant of the person, suffering or being put at risk if a restricted licence were not to be issued to the person;
- (g) the likelihood of the person complying with any conditions of a restricted licence.

Note The def of *infringement notice* in the Act includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

- (3) Subregulation (2) does not limit the matters to which the court may have regard.

48 Authority by court to issue restricted licence (MTA s 11A (7)-(9))

- (1) An order made by the Magistrates Court authorising the road transport authority to issue a restricted licence to a person must state—
 - (a) the class of driver licence for which the restricted licence may be issued; and
 - (b) the expiry date of the restricted licence.
- (2) The class of driver licence stated by the court must be a class for which the person satisfies the eligibility requirements.

Note The eligibility requirements are set out in reg 28.

- (3) The expiry date stated by the court must be the date when, or a date before, the person's disqualification from holding or obtaining a driver licence ends.
- (4) The court may include in the order conditions to which the restricted licence is to be subject.
- (5) Without limiting subregulation (4), the conditions may include conditions about any of the following matters:
 - (a) the times and days when the person may drive;
 - (b) the journeys that the person may undertake;
 - (c) the purposes for which the person may drive;
 - (d) the consumption of alcohol, or use of a drug, by the person.

49 Issue of restricted licence by road transport authority

- (1) A person is eligible to apply to the road transport authority for the issue of a restricted licence if the Magistrates Court has made an order authorising the road transport authority to issue a restricted licence to the person.
- (2) The road transport authority may not refuse to approve the application on a ground that was considered by the Magistrates Court in making the order.

Note Reg 70 deals with when an application for a driver licence can be refused.

- (3) If the road transport authority approves an application by a person for a restricted licence of a particular class, the authority must issue a restricted licence of that class to the person.

Note It is an offence against the *Road Transport (Alcohol and Drugs) Act 1977* for the holder of a learner licence to drive with a blood alcohol concentration of 0.02g/100mL or more (see that Act, s 19 and the definitions of *special driver* (in that Act, s 4B) and *prescribed concentration* (in that Act, dict)).

50 Conditions of restricted licences (MTA s 11A (8))

A restricted licence issued to a person by the road transport authority must be issued subject to—

- (a) the conditions (if any) included in the order of the Magistrates Court authorising the issue of the licence; and
- (b) the conditions (if any) to which the last Australian driver licence (other than a learner or restricted licence) held by the person was subject when it was last held by the person.

Note 1 It is an offence against the Act, s 33 for the holder of a restricted licence to contravene, without reasonable excuse, a condition to which the licence is subject.

Note 2 The person must be given a statement of the conditions and carry the statement whenever the person is driving on a road or road related area in the ACT or another jurisdiction (see reg 57).

Note 3 The conditions apply while the person is driving on a road or road related area in the ACT or another jurisdiction (see reg 61).

51 Evidence of application for restricted licence inadmissible (MTA s 11B)

If a person's driver licence could be cancelled under a Territory law because the person is convicted or found guilty of an offence, evidence of the following is not admissible in a prosecution for the offence:

- (a) the making of an application under regulation 46 (Application for order authorising issue of restricted licence);
- (b) the contents of the application or supporting affidavit.

Division 3.8 Probationary licences

52 When probationary licence must be issued (MTA s 180V (1), (1A), (3)-(4))

- (1) This regulation applies to a person if—

- (a) the road transport authority approves an application by the person for the issue of a driver licence (other than a learner licence) of a particular class; and
- (b) the person has been (but is no longer) disqualified (whether or not by court order) from holding or obtaining an Australian driver licence because of being convicted, or found guilty, by an Australian court of an offence against the law of any jurisdiction; and
- (c) any of the following paragraphs apply:
 - (i) the person has not been the holder of another Australian driver licence since the end of the disqualification;
 - (ii) the person is the holder of a probationary licence issued under the law of any jurisdiction and has held the licence for less than 1 year;
 - (iii) the person has been (but is no longer) the holder of a probationary licence issued under the law of any jurisdiction since the end of the disqualification and held the licence for less than 1 year.

Note Reg 68 (1) provides that periods of licence suspension or disqualification are not counted and that every other period when the person has, during the particular period, held the licence is to be counted.

- (2) However, if subregulation (1) (c) (ii) or (iii) applies to the person, this regulation does not apply to the person if the person's probationary licence was cancelled under division 8.4 (which is about demerit points incurred by probationary licence holders) or the corresponding law of another jurisdiction since the end of the disqualification.
- (3) If this regulation applies to the person, the road transport authority must issue a probationary licence of the class approved by the authority to the person.

53 Duration of probationary licences (MTA s 180V (1A))

A probationary licence must be issued for the shorter of the following periods:

- (a) 1 year;
- (b) if regulation 52 (1) (c) (ii) or (iii) apply to the person—the difference between 1 year and the period the person has held or held a probationary licence since the end of the disqualification.

54 Conditions of probationary licences (MTA s 180V (2))

A probationary licence issued to a person by the road transport authority must be issued subject to the conditions (if any) to which the last Australian driver licence (other than a learner or restricted licence) held by the person was subject when it was last held by the person.

Note 1 It is an offence for the holder of a driver licence to contravene, without reasonable excuse, a condition to which the licence is subject (see reg 60).

Note 2 It is an offence against the *Road Transport (Alcohol and Drugs) Act 1977* for the holder of a learner licence to drive with a blood alcohol concentration of 0.02g/100mL or more (see that Act, s 19 and the definitions of *special driver* (in that Act, s 4B) and *prescribed concentration* (in that Act, dict)).

Division 3.9 Conditional licences

55 Issue and variation of driver licences subject to conditions (NSW cl 19 (2)-(3), MTA s 8B (5))

- (1) A driver licence may be issued or renewed subject to a condition imposed by the road transport authority when issuing or renewing the licence.
- (2) A driver licence may be varied by the road transport authority to impose a condition to which the licence is to be subject or to vary or revoke a condition to which the licence is already subject.

- (3) A condition mentioned in subregulation (1) or (2) may be imposed, revoked or varied by the road transport authority—
- (a) on the authority's own initiative or on the application of the applicant for, or the holder of, the driver licence; and
 - (b) for a stated period or indefinitely.
- Note* If a condition expires, the licence holder may apply for the issue of a replacement licence without the driver licence condition code of the expired condition (see reg 89).
- (4) A person applying for the imposition, revocation or variation of a condition must give the authority—
- (a) a completed application form for the imposition, revocation or variation of the condition; and
 - (b) personal particulars necessary to identify the person, including any evidence that the authority may reasonably require to confirm the particulars.
- (5) However, the road transport authority may dispense with the requirement for a completed application form if it would be unreasonable or impracticable to require the form.
- (6) In deciding whether to impose a condition on a driver licence, or to vary or revoke a condition to which a licence is subject, the road transport authority must have regard to the interests of road safety and any other relevant matters.
- (7) Another provision of these regulations that authorises or requires the road transport authority to impose a particular condition on a driver licence does not, by implication, limit the power of the authority under this regulation to impose a condition to which the licence is to be subject or to vary or revoke a condition to which the licence is subject.
- (8) However, the road transport authority may not—
- (a) vary or revoke a condition imposed by these regulations; or

- (b) vary or revoke a condition included in a restricted licence because of an order by the Magistrates Court authorising the issue of the licence; or
- (c) issue a restricted licence subject to a condition, or vary a condition that a restricted licence is from time to time subject, if the imposition or variation of the condition is inconsistent with a condition included in the order of the Magistrates Court authorising the issue of the licence.

56 Procedures for variation of driver licence conditions on authority's own initiative

- (1) This regulation applies to a person if the road transport authority proposes, on its own initiative (under regulation 55 (2)), to vary a driver licence held by a person (the *proposed action*) to impose a condition to which the licence is to be subject or to vary or revoke a condition to which a driver licence held by a person is already subject.
- (2) The road transport authority must give the person a written notice stating—
 - (a) the proposed action; and
 - (b) if the proposed action is to impose a condition to which the licence is to be subject—the proposed condition; and
 - (c) if the proposed action is to vary a condition to which the licence is subject—the proposed condition as varied; and
 - (d) the grounds for the proposed action; and
 - (e) any action that must be taken by the person to avoid or reverse the proposed action; and
 - (f) the date when the proposed imposition, variation or revocation of the condition takes effect (the *date of effect*); and
 - (g) that the proposed action takes effect on the date of effect unless the notice is revoked by the authority before that date; and

- (h) whether and, if so, by when the person is required to return the driver licence to the authority if the proposed action takes effect.

Note 1 In deciding whether to impose a condition on a driver licence, or to vary or revoke a condition to which a licence is subject, the road transport authority must have regard to the interests of road safety and any other relevant matters (see reg 55 (6)).

Note 2 The notice must also be in accordance with the code of practice for notification of reviewable decisions and review rights (see *Road Transport (General) Act 1999*, s 91 and *Road Transport (General) Regulations 2000*, sch 1).

- (3) The notice may, but need not, provide an opportunity for the person to make representations why the proposed action should not be taken.
- (4) The date of effect must not be earlier than 14 days after the notice is given to the person.
- (5) However, the road transport authority may decide that the imposition or variation of the condition is to take effect on a date not earlier than the date when the notice is given to the person if the authority believes on reasonable grounds that—
- (a) the person does not have sufficient driving ability or knowledge of safe driving practices or road law; or
 - (b) the person does not comply with the required medical standards; or
 - (c) the person has failed to comply with a requirement under these regulations to—
 - (i) undergo a test or assessment of the person's driving ability or knowledge of safe driving practices or road law; or
 - (ii) undergo a medical examination by a doctor or allied medical professional; or

- (iii) provide any documents in the person's possession or control relevant to the person's medical fitness to hold a driver licence or a driver licence of a particular class or kind; or
- (d) the person has failed to comply with a requirement under these regulations to provide information about—
 - (i) an illness, injury or incapacity suffered by the person; or
 - (ii) the effects on the person of treatment (including the taking of a drug) for an illness, injury or incapacity suffered by the person; or
- (e) the person has not complied with any requirements of a law of any jurisdiction relating to the assessment, treatment, supervision or education of drivers convicted or found guilty of offences involving alcohol or drugs that apply to the person.

Note See reg 15 (2) for the meaning of *required medical standards*.

- (6) A person must not, without reasonable excuse, fail to return his or her driver licence to the road transport authority in accordance with a requirement under subregulation (2) (h).

Maximum penalty (for subregulation (6)): 20 penalty units.

57 Driver licence condition codes and explanatory notices

- (1) If the road transport authority decides to issue or renew a person's driver licence subject to conditions, the driver licence issued to the person must show the driver licence condition code for each condition imposed by the authority.

Note The driver licence condition codes are set out in the table of driver licence condition codes in reg 10.

- (2) If the road transport authority decides to vary a person's driver licence to make it subject to conditions, or to vary or revoke a condition to which a person's driver licence is subject, the driver licence issued to the person—

- (a) if the driver licence is subject to conditions imposed by the authority—must show the driver licence condition code for each condition imposed by the authority; or
 - (b) if the driver licence is no longer subject to conditions imposed by the authority—must not show a driver licence condition code.
- (3) If a driver licence issued to a person is subject to conditions and 1 or more of the conditions must be shown on the licence by the driver licence condition code E, V or X, the road transport authority must, when issuing the licence to the person, give the person a written notice that contains a full explanation of the conditions to which the licence is subject because of the code.

Note A condition to which a person's driver licence is subject applies to the person when the person is driving on a road or road related area in the ACT or another jurisdiction, unless the condition otherwise expressly provides (see reg 61).

58 Duration of varied licence

A driver licence issued to a person under regulation 57 (2) must be issued for the remainder of the period of the driver licence that it replaces.

59 Duties of holders of conditional licences

(NSW cl 28 (3), (4), cl 56, cl 57 (2), MTA s 8B (6))

- (1) A person mentioned in regulation 57 (3) (Issue of varied driver licence and explanatory notice) must carry, when driving on a road or road related area in the ACT or another jurisdiction, the notice given to the person under that regulation.
- (2) A person must not, without reasonable excuse, fail to comply with subregulation (1).

Maximum penalty: 20 penalty units.

- (3) The holder of a conditional licence issued under the law of another jurisdiction that shows the driver licence condition code E, V or X

must, when driving on a road or road related area in the ACT, carry any notice given to the person by the licensing authority that issued the licence that contains an explanation of the conditions to which the licence is subject.

- (4) A person must not, without reasonable excuse, fail to comply with subregulation (3).

Maximum penalty: 20 penalty units.

- (5) If the holder of a conditional licence that shows the driver licence condition code E, V or X is required by a police officer or authorised officer to produce his or her licence under the *Road Transport (General) Act 1999* section 58 (1) (a), the person must also produce, at the same time as the person produces his or her licence—

- (a) for the holder of a conditional licence issued in the ACT—the notice mentioned in regulation 57 (3); or
- (b) for the holder of a conditional licence issued in any other jurisdiction—any notice mentioned in subregulation (3) of this regulation given to the person by the licensing authority of that jurisdiction.

Maximum penalty: 20 penalty units.

Note The driver licence condition codes are set out in the table of driver licence condition codes in reg 10.

60 Conditional licence holders to comply with conditions

- (1) The holder of a conditional licence must not, without reasonable excuse, contravene a condition to which the licence is subject.

Maximum penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to the holder of a restricted licence.

Note It is an offence against the Act, s 33 for the holder of a restricted licence to contravene, without reasonable excuse, a condition to which the licence is subject.

61 Application of conditions when driving etc in other jurisdictions

A condition to which a person's driver licence is subject (including a conditional licence) applies to the person when the person is driving on a road or road related area in the ACT or another jurisdiction, unless the condition otherwise expressly provides.

Division 3.10 Public vehicle licences

62 Eligibility to apply for public vehicle licence
(MTA s 8 (3), (6), (16)-(17))

- (1) A person is eligible to apply to the road transport authority for the variation of a driver licence to include a public vehicle licence of a particular kind if the person—
 - (a) satisfies the eligibility requirements set out in subregulation (3) for the kind of public vehicle licence; or
 - (b) is exempted by the road transport authority under regulation 67 (Authority may exempt person from certain eligibility requirements) from an eligibility requirement for the kind of public vehicle licence and satisfies the other eligibility requirements for the kind of public vehicle licence.
- (2) Subregulation (1) is subject to regulation 66 (Eligibility to apply for licence if disqualified or licence suspended).
- (3) The eligibility requirements for a public vehicle licence are—
 - (a) the person is at least 21 years old; and
 - (b) the person has the skills to drive a public vehicle of the kind to which the application relates; and
 - (c) the person is a suitable person to drive a public vehicle of the kind to which the application relates; and
 - (d) the person is medically fit to hold a public vehicle licence; and

- (e) if the person does not hold a public vehicle licence to drive a public vehicle of the kind to which the application relates—the person has successfully completed an approved public vehicle driver training course for that kind of public vehicle licence within the last year; and
- (f) for a public vehicle licence for a restricted hire vehicle that is a motorbike—the person holds a provisional or full motorcycle licence, and has held a provisional or full motorcycle licence (or both of them) for at least 1 year; and
- (g) for a public vehicle licence for a public bus—the person holds, or is eligible to apply for, a provisional or full light rigid vehicle licence or driver licence of a higher class; and
- (h) for a public vehicle licence to drive any other kind of public vehicle—the person holds a provisional or full car licence or driver licence of a higher class, and has held such a licence for at least 1 year.

Note 1 Under reg 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, at any time, held a provisional or full motorcycle licence is counted.

Note 2 Under reg 68 (2) any period when the person has, at any time, held a probationary motorcycle licence is also counted.

Note 3 Reg 28 sets out the eligibility requirements for a light rigid vehicle licence or driver licence of a higher class.

- (4) For subregulation (3) (d), a person is medically fit to hold a public vehicle licence if the person has been examined by a doctor within the last 6 months in accordance with the relevant publication mentioned in regulation 15 (2), definition of ***required medical standards*** and the doctor certifies that—
 - (a) the doctor has personally examined the person on a stated date; and
 - (b) the person complies with the required medical standards.

63 Issue of driver licence that includes public vehicle licence

- (1) If the road transport authority approves an application by a person for the variation of a driver licence to include a public vehicle licence of a particular kind to the person, the authority must issue to the person a driver licence that includes that kind of public vehicle licence.
- (2) A public vehicle licence is issued to a person subject to the condition that, if the road transport authority requires the person to show that he or she complies with the required medical standards, the person will—
 - (a) arrange to be examined by a doctor in accordance with the relevant publication mentioned in regulation 15 (2), definition of *required medical standards*; and
 - (b) give to the authority, within the period required by the authority, a certificate from the doctor certifying—
 - (i) that the doctor has personally examined the person on a stated date; and
 - (ii) whether or not the person complies with the required medical standards.

Note 1 It is an offence for the holder of a driver licence to contravene, without reasonable excuse, a condition to which the licence is subject (see reg 60).

Note 2 It is an offence against the *Road Transport (Alcohol and Drugs) Act 1977* for the driver of a public vehicle to drive with a blood alcohol concentration of 0.02g/100mL or more (see that Act, s 19 and the definitions of *special driver* (in that Act, s 4B) and *prescribed concentration* (in that Act, dict).

64 Duration of driver licence that includes public vehicle licence

A driver licence issued to a person under regulation 63 must be issued for the remainder of the period of the driver licence that it replaces.

65 Approval of public vehicle driver training courses

- (1) The road transport authority may, in writing, approve courses for the training of people who wish to hold public vehicle licences and for holders of public vehicle licences.
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Division 3.11 Eligibility to apply for issue and variation of licences generally

66 Eligibility to apply for licence if disqualified or licence suspended (NSW cl 9)

- (1) A person who is the holder of an Australian driver licence is not eligible to apply to the road transport authority for the issue or variation of a driver licence under this part if the licence is suspended under the law of any jurisdiction.
- (2) A person is not eligible to apply to the road transport authority for the issue or variation of a driver licence under this part if the person is disqualified from holding or obtaining an Australian driver licence under the law of any jurisdiction.
- (3) A person who is the holder of an external driver licence is not eligible to apply to the road transport authority for the issue or variation of a driver licence under this part if—
 - (a) the person's licence is suspended, or the person is disqualified from driving a motor vehicle, under the law of an external Territory or foreign country because the person has been convicted or found guilty of an offence against that law; and
 - (b) the offence could, if committed in the ACT by the holder of a driver licence, have resulted in the driver licence being suspended or the holder being disqualified from holding or obtaining a driver licence.

- (4) This regulation is subject to regulation 49 (Issue of restricted licence by road transport authority).

Note Reg 45 deals with the circumstances in which a person may apply to the Magistrates Court for an order authorising the road transport authority to issue a restricted licence to a person.

67 Authority may exempt from certain eligibility requirements (NSW cl 8 (2), cl 10 (4), MTA s 7A (4)-(5), s 7B (11)-(12), s 8 (8)-(9))

- (1) If the road transport authority is satisfied that because of a person's special circumstances, the person is a suitable person to be issued with a driver licence of a particular class or kind, the authority may exempt the person from an eligibility requirement provided in any of the following provisions:
- (a) regulation 16 (3) (a), (b) or (c) or (4) (a) or (b) (Eligibility to apply for learner licence);
 - (b) regulation 28 (2) (a) to (f) or (g) (i) (Eligibility requirements for licence classes);
 - (c) regulation 29 (1) (a) (Provisional licence requirement for motorcycle licences);
 - (d) regulation 30 (1) (a) (Provisional licence requirement for car licences etc);
 - (e) regulation 62 (3) (a) (Eligibility to apply for public vehicle licence).
- (2) If the road transport authority issues a driver licence to a person because of an exemption given under subregulation (1), the authority may issue the licence subject to—
- (a) conditions that restrict the person to driving a motor vehicle only for purposes connected with the special circumstances; and
 - (b) any other conditions the authority considers appropriate.

Examples of conditions

The conditions may restrict the times when, and the places where, the person may drive a motor vehicle.

Note It is an offence for the holder of a driver licence to contravene, without reasonable excuse, a condition to which the licence is subject (see reg 60).

- (3) However, if the person is already the holder of a driver licence, the conditions must apply only to the class or kind of driver licence issued because of the special circumstances.
- (4) The road transport authority may exempt a person from the eligibility requirement mentioned in regulation 62 (3) (e) (which is about the successful completion of an approved public vehicle driver training course).
- (5) An exemption given under subregulation (4) may be conditional.
- (6) If an exemption under this regulation is given subject to conditions, the exemption applies only if all the conditions are being complied with.

68 Working out period a class or kind of licence has been held (MTA s 7B (23), s 8 (5), s 8A (4))

- (1) In working out for this part the period for which a person has, during a particular period or at any time, held an Australian driver licence of a particular class or kind (or an external driver licence corresponding to an Australian driver licence of a particular class or kind), the road transport authority must—
 - (a) not count any period when the person's licence was suspended; and
 - (b) not count any period when the person was disqualified from holding or obtaining an Australian driver licence (or an external driver licence); and
 - (c) count every other period when the person has, during that particular period or at any time, held such a licence.

- (2) In working out for this part the period for which a person has, during a particular period or at any time, held a provisional licence of a particular class (or an external driver licence corresponding to a provisional licence of a particular class), the road transport authority must count as part of that period every period when the person has, during that particular period or at any time, held a probationary licence of that class (or an external driver licence corresponding to a probationary licence of that class).
- (3) To remove any doubt, any period when the probationary licence (or the external driver licence) was suspended, or the person was disqualified from holding or obtaining an Australian driver licence (or external driver licence), is not to be counted under subregulation (2).
- (4) A reference in this regulation to an Australian driver licence of a particular class includes a reference to an Australian driver licence of any class apart from a particular class.

Example of application of reg (4)

A reference to a provisional licence (other than a motorcycle licence).

Division 3.12 Applications to obtain or vary driver licences

69 Application procedure for issue and certain variations of driver licences (NSW cl 16, MTA s 7B (19), s 8 (16), s 10, s 94)

- (1) This regulation applies to a person who applies to the road transport authority for the issue or variation (other than a condition variation) of a driver licence under this part.

Note 1 Condition variations are made under div 3.9.

Note 2 A replacement licence is issued if the holder of the licence changes his or her name or surrenders a class of licence or a public vehicle licence (see reg 74 and reg 82).

- (2) The person must give the authority—

- (a) a completed application form for the issue or variation of the licence; and
 - (b) personal particulars necessary to identify the person, including any evidence that the authority may reasonably require to confirm the particulars (for example, a birth certificate).
- (3) However, the road transport authority may dispense with the requirement for a completed application form if it would be unreasonable or impracticable to require the form.
- (4) If the application is for the variation of a driver licence to include a public vehicle licence, the person must also give the road transport authority a consent signed by the person for a police officer to make inquiries about any criminal record of the person and any infringement notices served on the person.

Note The def of *infringement notice* in the Act, dict includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

- (5) The road transport authority may, by written notice given to the person, require the person to do all or any of the following:
- (a) provide evidence that the person is eligible to apply for, or be issued with, the class or kind of driver licence applied for;
 - (b) undergo tests or assessments, or provide other evidence, of the person's driving ability or knowledge of safe driving practices or road law to hold a driver licence or a driver licence of the class or kind applied for;
 - (c) provide other evidence of the person's suitability to hold a driver licence or a driver licence of the class or kind applied for;
 - (d) undergo, at the person's own cost, a medical examination by a doctor or allied medical professional (or a stated doctor or allied medical professional) in accordance with the relevant

publication mentioned in regulation 15 (2), definition of *required medical standards*;

- (e) provide a report of the examination or other evidence of compliance with the required medical standards;
 - (f) provide information about—
 - (i) an illness, injury or incapacity suffered by the person; or
 - (ii) the effects on the person of treatment (including the taking of a drug) for any illness, injury or incapacity suffered by the person;
 - (g) provide any documents in the person's possession or control relevant to the person's medical fitness to hold a driver licence or a driver licence of the class or kind applied for;
 - (h) if the person has been disqualified in any jurisdiction from holding or obtaining an Australian driver licence—provide evidence of the person's compliance with the requirements of a law relating to the assessment, treatment, supervision or education of drivers convicted or found guilty of offences involving alcohol or drugs that is in force in the jurisdiction where the person was last disqualified from holding or obtaining an Australian driver licence;
 - (i) have his or her photograph taken, or provide a photograph suitable for use on a driver licence;
 - (j) provide a specimen signature.
- (6) The road transport authority may accept evidence of compliance with a requirement in subregulation (5) (b) to (e) or (h) that the person has obtained in another jurisdiction.
- (7) If the road transport authority is satisfied that it is not practicable for the person to comply with the requirements under the law of another jurisdiction that are mentioned in subregulation (5) (h), the authority may require the person to comply with equivalent requirements.

70 When applications for issue and certain variations of driver licences can be refused (NSW cl 18, MTA s 7B (19)-(20), s 8 (16)-(17), (19))

- (1) The road transport authority may refuse an application for the issue or variation of a driver licence under this part (other than an application for a condition variation) if the authority is satisfied on reasonable grounds that—
- (a) the person is not eligible to apply for, or be issued with, the class or kind of driver licence applied for; or
 - (b) the person does not have sufficient driving ability or knowledge of safe driving practices or road law to hold a driver licence or a driver licence of the class or kind applied for; or
 - (c) the person is not a suitable person to hold a driver licence or a driver licence of the class or kind applied for; or
 - (d) the person does not comply with the required medical standards; or
 - (e) the person's ability to drive safely is impaired by—
 - (i) an illness, injury or incapacity suffered by the person; or
 - (ii) the effects on the person of treatment (including the taking of a drug) for an illness, injury or incapacity suffered by the person; or
 - (f) the person has not complied with any requirements of a law of any jurisdiction relating to the assessment, treatment, supervision or education of drivers convicted or found guilty of offences involving alcohol or drugs that apply to the person; or
 - (g) a provision of the Act prevents approval of the application; or

- (h) the person has not complied with a requirement made by the authority in relation to the application or a requirement of the Act relating to the application.

Note 1 See reg 15 (2) for the meaning of *required medical standards*.

Note 2 The Act, s 10 (When road transport authority may issue or renew driver licences) sets out the residency requirements for the issue of a driver licence.

- (2) The road transport authority may also refuse an application for the issue or variation of a driver licence under this part in accordance with—
- (a) an order made by an Australian court; or
- (b) another provision of the road transport legislation or any other Territory law.
- (3) Without limiting subregulation (1) (c), the road transport authority may refuse an application for a public vehicle licence because the person is not a suitable person to drive a public vehicle of the kind to which the application relates if, within the last 5 years before the application—
- (a) the person has been convicted or found guilty of a disqualifying offence; or
- (b) the person has been disqualified (whether or not by court order) from holding or obtaining an Australian driver licence under the law of any jurisdiction; or
- (c) the person's Australian driver licence has been suspended under the law of any jurisdiction, other than for the nonpayment of an infringement notice penalty or under the *Road Transport (General) Act 1999*, part 6 (Fine defaulters) or a corresponding law of any other jurisdiction.

Note 1 See reg 15 (1) for the meaning of *disqualifying offence*.

Note 2 The def of *infringement notice* in the Act, dict includes a notice (however described) served on a person under the law of another

jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

- (4) This regulation is subject to regulation 49 (Issue of restricted licence by road transport authority).

71 How certain applications may be dealt with

If a person applies to the road transport authority for the issue or variation under this part of a driver licence of a class or kind for which the person is not eligible to apply, the authority may, if the person agrees—

- (a) accept the application and issue the driver licence when the person becomes eligible to make the application; or
- (b) deal with the application as if it were an application for the issue of a driver licence of a class or kind for which the person is eligible to apply.

72 Application must be approved if not refused

The road transport authority must approve an application by a person for the issue or variation of a driver licence under this part (other than a condition variation) if—

- (a) the person makes an application to the authority under this part; and
- (b) the authority does not refuse the application under regulation 70 or deal with the application under regulation 71.

73 Surrender of current driver licence and duration of replacement licence (NSW cl 17)

- (1) If a person who applies for the issue or variation of a driver licence under this part is the holder of a current Australian driver licence or external driver licence, the person must surrender the licence to the road transport authority before the issue of a driver licence (including a driver licence as varied) to the person.

Part 3 Issue and variation of driver licences
Division 3.12 Applications to obtain or vary driver licences
Regulation 73

Note Under the Act, s 10 (2) the road transport authority may issue the licence if the authority is satisfied the current licence has been stolen, lost or destroyed.

- (2) However, a person who is the holder of a current external driver licence may keep the licence if the road transport authority is satisfied that it would be unreasonable, in the circumstances, to require the licence to be surrendered.

Regulation 76

- (2) For this regulation, a driver licence is damaged in a *material respect* if anything that is required under regulation 12 (Form of driver licences) to be shown on the licence is missing or cannot be readily read.

Note A driver licence that is damaged in a material respect is of no effect (see reg 90).

76 Authority may request suspended or cancelled licence to be returned (MTA s 100 (1), s 191Q)

- (1) The road transport authority may, by written notice given to a person whose driver licence is suspended or cancelled under the road transport legislation or any other Territory law, require the person to return the licence to the authority as soon as practicable (but within 7 days).
- (2) The road transport authority may, by written notice given to a person whose driver licence is being, or is about to be, suspended or cancelled under the road transport legislation or any other Territory law, require the person to return the licence to the authority as soon as practicable (but within 7 days) after the suspension or cancellation takes effect.
- (3) A notice to a person under subregulation (1) or (2) may be included in another notice (however described) given to the person under the road transport legislation or any other Territory law.
- (4) A person must not, without reasonable excuse, fail to comply with a notice given to the person under subregulation (1) or (2).

Maximum penalty (for subregulation (4)): 20 penalty units.

77 Medical condition or treatment affecting driving ability (NSW cl 30 (5))

- (1) A person must not drive a motor vehicle on a road or road related area if the person's ability to drive safely is impaired by—
- (a) an illness, injury or incapacity suffered by the person; or

- (b) the effects on the person of treatment for any illness, injury or incapacity suffered by the person.

Maximum penalty: 20 penalty units.

- (2) If a person who is the holder of a driver licence suffers any permanent or long-term illness, injury or incapacity that may impair his or her ability to drive safely, the person must tell the road transport authority as soon as practicable (but within 7 days).

Maximum penalty: 20 penalty units.

- (3) It is a defence to the prosecution of a person for an offence against this regulation if the person establishes—
 - (a) that the person was unaware that his or her ability to drive safely had been impaired; or
 - (b) that the person had another reasonable excuse for contravening the subregulation.

78 Tests and medical examinations of drivers etc (NSW cl 31 (1), (3), cl 58)

- (1) In this regulation:

exempt driver means—

- (a) the holder of an Australian driver licence issued under the law of another jurisdiction; or
- (b) the holder of an external driver licence.

- (2) The road transport authority may, by written notice given to a person who is the holder of a driver licence or an exempt driver, require the person, within the reasonable time stated in the notice, to do all or any of the following:

- (a) undergo tests or assessments, or provide other evidence, of the person's driving ability or knowledge of safe driving practices or road law;
- (b) provide other evidence of the person's suitability—

- (i) for the holder of a driver licence—to hold the driver licence; or
 - (ii) for an exempt driver—to drive a particular class or kind of motor vehicle in the Territory;
- (c) undergo, at the person's own cost, a medical examination by a doctor or allied medical professional (or a stated doctor or allied medical professional) in accordance with the relevant publication mentioned in regulation 15 (2), definition of *required medical standards*;
- (d) if the person has undergone a medical examination mentioned in subregulation (d)—provide a report of the examination;
- (e) provide other evidence of compliance with the required medical standards;
- (f) provide information about—
 - (i) an illness, injury or incapacity suffered by the person; or
 - (ii) the effects on the person of treatment (including the taking of a drug) for any illness, injury or incapacity suffered by the person;
- (g) provide any documents in the person's possession or control relevant to the person's medical fitness—
 - (i) for the holder of a driver licence—to hold the driver licence; or
 - (ii) for an exempt driver—to drive a particular class or kind of motor vehicle in the Territory;
- (h) if the person has been disqualified in any jurisdiction from holding or obtaining an Australian driver licence—provide evidence of the person's compliance with the requirements of a law relating to the assessment, treatment, supervision or education of drivers convicted or found guilty of offences involving alcohol or drugs that is in force in the jurisdiction

where the person was last disqualified from holding or obtaining an Australian driver licence.

- (3) For subregulation (2) (c) or (d), the road transport authority may accept a certificate of the results of a medical examination conducted in another jurisdiction if the examination was conducted in accordance with the relevant publication mentioned in the required medical standards.
- (4) The road transport authority may accept evidence of compliance with a requirement in subregulation (2) (a), (b) or (h) that the person has obtained in another jurisdiction.
- (5) If the road transport authority is satisfied that it is not practicable for the person to comply with the requirements under the law of another jurisdiction that are mentioned in subregulation (2) (h), the authority may require the person to comply with equivalent requirements.

79 Authority may require public vehicle driver to undertake training

The road transport authority may, by written notice given to a person who is the holder of a public vehicle licence, require the person, within a stated period—

- (a) to undertake an approved public vehicle driver training course or a part of such a course, or another form of training; and
- (b) to provide evidence to the authority, in a form acceptable to the authority, that the person has successfully completed the training.

80 Verification of driver licence register and monitoring of compliance (NSW cl 32, cl 57 (3))

- (1) If the road transport authority suspects on reasonable grounds that information in the driver licence register in relation to a driver licence may be inaccurate or misleading, the authority may, by written notice given to the person who is the holder of the licence, require the person to provide evidence to the authority, in a stated

form, about anything relevant to the issuing, variation or continuation of the licence, including, for example—

- (a) the person's personal details; and
 - (b) the person's home address or address for service of notices.
- (2) The notice may require the person to—
- (a) provide a stated document that is in the person's possession or control for inspection; or
 - (b) attend at a stated time and place for identification.
- (3) If a person who is required to attend for identification asks the road transport authority for a change to the time or place stated in the notice, the authority must consider the request and may, by written notice given to the person, change the time or place in accordance with the request.
- (4) A person must not, without reasonable excuse, fail to comply with a notice given to the person under this regulation.

Maximum penalty (for subregulation (4)): 20 penalty units.

Part 5 **Other provisions about driver licences**

Division 5.1 **Surrender, expiry and renewal of driver licences**

81 **Surrender of driver licence** (NSW cl 37, MTA s 98)

- (1) A person who is the holder of a driver licence may apply to the road transport authority to surrender the licence.
- (2) The application may be made personally by the person or by an agent who produces written evidence of his or her appointment as agent.
- (3) The applicant must, with the application—
 - (a) return the driver licence to the road transport authority; or
 - (b) if the licence has been stolen, lost or destroyed—give the authority a statement, signed by the person or agent, that the licence has been stolen, lost or destroyed.
- (4) If the applicant complies with this regulation, the road transport authority must approve the application unless the authority is taking action to suspend, vary or cancel the licence.

Note The regulations under the *Road Transport (General) Act 1999* provide for a refund of fees for surrendered licences.

82 **Surrender of licence class or public vehicle licence**

A person who is the holder of a driver licence that includes 2 classes of licence, or a public vehicle licence, may apply in accordance with regulation 89 (Procedure for issue of replacement driver licences) to surrender a licence class, or the public vehicle licence, and for the issue of a replacement driver licence.

83 When licences expire (NSW cl 33)

A driver licence expires at the end of the day recorded in the driver licence register as its expiry date (the *licence expiry date*).

84 Notice of renewal for driver licence (NSW cl 34)

- (1) A *notice of renewal* for a driver licence is a notice—
 - (a) addressed to the holder of the licence; and
 - (b) stating that the licence will expire if the licence is not renewed on or before a date stated in the notice.
- (2) If the road transport authority fails to send a notice of renewal for a driver licence, or the notice is not received by the holder of the licence, the failure or nonreceipt does not affect—
 - (a) the expiry of the licence; or
 - (b) the obligation of the holder to renew the licence if the holder wishes to continue to drive a motor vehicle on a road or road related area after the licence expiry date.

85 Application procedure for renewal of driver licence (NSW cl 35)

- (1) A person may apply to the road transport authority to renew a driver licence (other than a restricted licence) issued to the person at any time within 5 years after its licence expiry date, by giving the authority—
 - (a) a completed application form for the renewal of the licence; and
 - (b) personal particulars necessary to identify the person, including any evidence that the authority may reasonably require to confirm the particulars.
- (2) However, the road transport authority may dispense with the requirement for a completed application form if it would be unreasonable or impracticable to require the form.

- (3) If the person's driver licence includes a public vehicle licence, the person must also give the road transport authority a consent signed by the person for a police officer to make inquiries about any criminal record of the person and any infringement notices served on the person.

Note The def of *infringement notice* in the Act, dict includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

- (4) The road transport authority may require the person to comply with a requirement mentioned in regulation 69 (5) (Application procedure for issue and certain variations of driver licences) as if the person were an applicant for the issue or variation of a driver licence.
- (5) For subregulation (4), regulation 69 (6) and (7) applies in relation to the person.
- (6) The road transport authority must renew the driver licence if the person complies with this regulation.
- (7) However, the road transport authority may refuse to renew the driver licence if the authority could have refused, under regulation 70 (When applications for issue and variations of driver licences can be refused), an application by the person for the issue or variation of the licence.

Note The road transport authority must not renew a person's driver licence if the authority is satisfied the person is no longer a resident of the ACT (see the Act, s 10 (4)).

- (8) A person whose driver licence is not renewed within 5 years after its licence expiry date is not entitled to apply for the renewal of the driver licence but may apply for the issue of a new driver licence in accordance with regulation 69.

86 Duration of renewed driver licences (MTA s 105 (1)-(3))

- (1) A driver licence must be renewed for the period decided by the road transport authority.
- (2) However, a driver licence may not be renewed for longer than—
 - (a) for a learner licence—2 years; or
 - (b) for a provisional licence—3 years; or
 - (c) for a full licence—5 years; or
 - (d) for a probationary licence—1 year.

Division 5.2 Variation, suspension or cancellation of driver licences

87 When authority may vary, suspend or cancel driver licences (NSW cl 38)

- (1) The road transport authority may vary, suspend or cancel a person's driver licence on its own initiative under regulation 88 (Procedures for variation, suspension or cancellation of driver licences) if the authority is satisfied on reasonable grounds that—
 - (a) the person is not eligible to apply for, or be issued with, a class or kind of driver licence held by the person; or
 - (b) the person does not have sufficient driving ability or knowledge of safe driving practices or road law to hold a driver licence or a driver licence of the class or kind applied for; or
 - (c) the person is not a suitable person to hold a driver licence or a driver licence of the class or kind held by the person; or
 - (d) the person does not comply with the required medical standards; or
 - (e) the person's ability to drive safely is impaired by—

- (i) an illness, injury or incapacity suffered by the person; or
- (ii) the effects on the person of treatment (including the taking of a drug) for an illness, injury or incapacity suffered by the person; or
- (f) the person has not complied with any requirements of a law of any jurisdiction relating to the assessment, treatment, supervision or education of drivers convicted or found guilty of offences involving alcohol or drugs that apply to the person; or
- (g) the person has been convicted or found guilty in another jurisdiction, an external Territory or a foreign country of an offence because of which the licensing authority of the other jurisdiction, external Territory or foreign country could have varied, suspended or cancelled the person's licence if it had issued the licence; or
- (h) the licence was issued or renewed in error; or
- (i) the licence is incorrect in any material respect; or
- (j) the person has failed to comply with a condition to which the licence is subject; or
- (k) the person has not complied with a requirement made by the authority in relation to the licence or a requirement of the Act relating to the licence; or
- (l) the photograph contained in the licence is no longer a true likeness of the person; or
- (m) if the licence was issued endorsed with 'Valid without photo'—the person has unreasonably refused to go to a place designated by the authority to have a photograph taken or provide a photograph that is suitable for use on a driver licence.

Note See reg 15 (2) for the meaning of *required medical standards*.

- (2) The road transport authority may also suspend or cancel a person's driver licence under regulation 88 in accordance with—

- (a) an order made by an Australian court; or
- (b) another provision of the road transport legislation or any other Territory law.

Note If a payment for the issue or renewal of a driver licence is not honoured, the licence must be suspended and then cancelled (see *Road Transport (General) Regulations 2000*, reg 17 and reg 19).

- (3) Without limiting subregulation (1) (c), the road transport authority may suspend or cancel a person's public vehicle licence under regulation 88 because the person is not a suitable person to hold a public vehicle licence of the kind held by the person if—
 - (a) the person is convicted or found guilty of a disqualifying offence; or
 - (b) the person has contravened the public vehicle regulations.

Note See reg 15 (1) for the meaning of *disqualifying offence*.

- (4) For subregulation (1) (i), a driver licence is incorrect in a *material respect* if anything that is required under regulation 12 (Form of driver licences) to be shown on the licence is incorrect.
- (5) This regulation does not apply to the making of a condition variation.

Note Condition variations are made under div 3.9.

88 Procedures for variation, suspension and cancellation of driver licences (NSW cl 39, cl 57 (1), MTA s 8B (3)-(4))

- (1) If the road transport authority proposes to vary, suspend or cancel a person's driver licence (the *proposed action*) on its own initiative, the authority must give the person a written notice stating—
 - (a) the proposed action; and
 - (b) if the proposed action is to vary the licence—the proposed variation; and
 - (c) if the proposed action is to suspend the licence—the proposed suspension period; and

- (d) the grounds for the proposed action; and
 - (e) any action that must be taken by the person to avoid or reverse the proposed action; and
 - (f) the date when the variation, suspension or cancellation takes effect (the *date of effect*); and
 - (g) whether and, if so, by when the person is required to return the licence to the authority if the proposed action takes effect.
- (2) The notice must also state that, unless the notice is revoked by the road transport authority before the date of effect—
- (a) if the proposed action is to vary the person's driver licence—the person must not drive a motor vehicle of a stated kind on a road or road related area on or after the date of effect; or
 - (b) if the proposed action is to suspend the person's driver licence—the person must not drive a motor vehicle on a road or road related area for the period of suspension stated in the notice; or
 - (c) if the proposed action is to cancel a person's driver licence—the person must not drive a motor vehicle on a road or road related area on or after the date of effect.

Note The notice must also be in accordance with the code of practice for notification of reviewable decisions and review rights (see *Road Transport (General) Act 1999*, s 91 and *Road Transport (General) Regulations 2000*, sch 1).

- (3) The notice may, but need not, provide an opportunity for the person to make representations why the proposed action should not be taken.
- (4) The date of effect must not be earlier than 14 days after the notice is given to the person.
- (5) However, the road transport authority may decide that the variation, suspension or cancellation is to take effect on a date not earlier than

the date when the notice is given to the person if the authority proposes to vary, suspend or cancel the person's driver licence on the ground that—

- (a) the person does not have sufficient driving ability or knowledge of safe driving practices or road law to hold a driver licence or a driver licence of the class or kind applied for; or
- (b) the person does not comply with the required medical standards; or
- (c) the person has failed to comply with a requirement under these regulations to—
 - (i) undergo a test or assessment of the person's driving ability or knowledge of safe driving practices or road law; or
 - (ii) undergo a medical examination by a doctor or allied medical professional; or
 - (iii) provide any documents in the person's possession or control relevant to the person's medical fitness to hold a driver licence or a driver licence of a particular class or kind; or
- (d) the person has failed to comply with a requirement under these regulations to provide information about—
 - (i) an illness, injury or incapacity suffered by the person; or
 - (ii) the effects on the person of treatment (including the taking of a drug) for an illness, injury or incapacity suffered by the person; or
- (e) the person has not complied with any requirements of a law of any jurisdiction relating to the assessment, treatment, supervision or education of drivers convicted or found guilty of offences involving alcohol or drugs that apply to the person.

Note See reg 15 (2) for the meaning of *required medical standards*.

- (6) A person must not, without reasonable excuse, fail to return his or her driver licence to the road transport authority in accordance with a requirement under subregulation (1) (g).

Maximum penalty: 20 penalty units.

- (7) If the road transport authority varies a person's driver licence under this regulation, the authority must issue a varied driver licence to the person.
- (8) A driver licence issued to a person under subregulation (7) must be issued for the remainder of the period of the driver licence that it replaces.
- (9) This regulation does not apply to the making of a condition variation.

Note Condition variations are made under div 3.9.

Division 5.3 Replacement of driver licences

89 Procedure for issue of replacement driver licences (NSW cl 23)

- (1) This regulation applies to an application by a person for the issue of a replacement driver licence—
- (a) if the person is the holder of a driver licence and has changed his or her name; or
 - (b) if the person is the holder of a driver licence that includes 2 classes of licence, or a public vehicle licence and the person surrenders a licence class, or the public vehicle licence; or
 - (c) if the person is the holder of a driver licence and the licence has been damaged, stolen, lost or destroyed; or

- (d) if a condition imposed by the road transport authority on a driver licence has expired.

Note 1 The holder of a driver licence who changes his or her name must apply to the road transport authority for the issue of a replacement licence (see reg 74).

Note 2 Reg 82 permits the making of an application for the surrender of a class of licence or a public vehicle licence.

Note 3 If a person's driver licence is damaged in a material particular, stolen, lost or destroyed, the person must apply to the road transport authority for the issue of a replacement licence (see reg 75).

- (2) The person must give the road transport authority—

- (a) a completed application form; and
(b) personal particulars necessary to identify the person, including any evidence that the authority may reasonably require to confirm the particulars.

- (3) However, the road transport authority may dispense with the requirement for a completed application form if it would be unreasonable or impracticable to require the form.

- (4) The person must, with the application—

- (a) return the driver licence to the road transport authority; or
(b) if the licence has been stolen, lost or destroyed—give the authority a signed statement that the licence has been stolen, lost or destroyed.

Note Under the Act, s 10 (2) the road transport authority may issue a licence if the authority is satisfied the current licence has been stolen, lost or destroyed.

- (5) If the person complies with this regulation (and any other relevant provisions of the road transport legislation), the road transport authority must approve the application unless the authority is taking action to suspend, vary or cancel the licence.

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- (6) If the road transport authority approves the application, the authority must issue a replacement driver licence to the person.
 - (7) A driver licence issued to a person under subregulation (6) must be issued for the remainder of the period of the driver licence that it replaces.

Division 5.4 Other matters

90 Damaged licences of no effect (NSW cl 29 (1))

- (1) A driver licence is of no effect if it is damaged in a material respect.
- (2) For subregulation (1), a driver licence is damaged in a *material respect* if anything that is required under regulation 12 (Form of driver licences) to be shown on the licence is missing or cannot readily be read.

Part 6 Interstate drivers, overseas drivers and other exemptions

Division 6.1 General

91 Meaning of *automatic disqualifying circumstance* (NSW cl 55 (2))

For this part, an *automatic disqualifying circumstance* applies to a person if any of the following things happen:

- (a) if the person is the holder of an Australian driver licence issued under the law of another jurisdiction, an external Territory driver licence or a New Zealand driver licence and is not the holder of a driver identification document issued by the Commonwealth Department of Defence—the person resides in the ACT for a continuous period of longer than 3 months;
- (b) if the person is the holder of a foreign driver licence—the person holds a permanent visa under the *Migration Act 1958* (Cwlth) for longer than 3 months;
- (c) if the person is the holder of an Australian driver licence issued under the law of another jurisdiction—the licence is suspended under the law of any jurisdiction, or the person is disqualified from holding or obtaining an Australian driver licence under the law of any jurisdiction;
- (d) if the person is the holder of an external driver licence—
 - (i) the person's licence is suspended, or the person is disqualified from driving a motor vehicle, under the law of an external Territory or foreign country because the person has been convicted or found guilty of an offence against that law; and
 - (ii) the offence could, if committed in the ACT by the holder of a driver licence, have resulted in the driver licence

being suspended or the holder being disqualified from holding or obtaining a driver licence.

92 Non-ACT licence holders to hold driver licence in certain circumstances

- (1) In this regulation:

non-ACT licence holder means a person who is the holder of an Australian driver licence issued under the law of another jurisdiction, an external Territory driver licence or a New Zealand driver licence and is not the holder of a driver identification document issued by the Commonwealth Department of Defence.

- (2) A non-ACT licence holder who has resided in the ACT for a continuous period of longer than 3 months must not drive a motor vehicle on a road or road related area in the ACT unless the person holds a driver licence that authorises the person to drive a motor vehicle of that kind.

Maximum penalty: 20 penalty units.

- (3) A holder of a foreign driver licence who has held a permanent visa under the *Migration Act 1958* (Cwlth) for longer than 3 months must not drive a motor vehicle on a road or road related area in the ACT unless the person holds an Australian driver licence that authorises the person to drive a motor vehicle of that kind.

Maximum penalty: 20 penalty units.

Division 6.2 Exemptions

Note For the consequences of nonpayment of an infringement notice or fine by a person who is exempt under this div, see the *Road Transport (General) Act 1999*, s 44 and s 84.

93 Exemption by authority from requirement to hold licence (NSW cl 54)

- (1) The road transport authority may, in writing, exempt a person from the requirement to hold a driver licence, or a particular class or kind of driver licence.
- (2) An exemption under this regulation may be subject to conditions stated in the exemption.
- (3) An exemption under this regulation is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) If an exemption is given subject to conditions, the exemption applies only if all the conditions of the exemption are being complied with.

94 Exemption of overseas drivers (NSW cl 55 (1))

- (1) This regulation applies to a person who is the holder of—
 - (a) an external Territory driver licence or New Zealand driver licence; or
 - (b) a foreign driver licence (other than a New Zealand driver licence) and an international driving permit; or
 - (c) another foreign driver licence that is written in English or, if the licence is not written in English, the licence and an official English translation of it.
- (2) For the Act, section 31 (1) (b) (Driver must be licensed), the person is exempt from holding an Australian driver licence while driving, on a road or road related area (in the ACT), a motor vehicle (other than a public vehicle for hire or reward) of the kind that the licence held by the person authorises the person to drive.
- (3) However, the person ceases to be exempt if—
 - (a) an automatic disqualifying circumstance applies to the person; or

- (b) the person is disqualified by the road transport authority from driving a motor vehicle on a road or road related area (in the ACT) under regulation 103 (Procedure to disqualify holders of interstate or external licences from driving).

94A Exemption of drivers of public vehicles driven for hire or reward—Act, s 31 (1) (b)

- (1) This regulation applies to a person who—
 - (a) is the holder of an Australian driver licence issued under the law of another jurisdiction; and
 - (b) is authorised under a law of that jurisdiction to drive a public vehicle for hire or reward.

Example

A person who is the holder of a NSW driver licence and who is also authorised under the *Passenger Transport Act 1990* (NSW) to drive a particular kind of public vehicle.

- (2) The person is exempt from holding a public vehicle licence while driving, on a road or road related area (in the ACT), a public vehicle for hire or reward of the kind that the authorisation held by the person authorises the person to drive.
- (3) However, the person ceases to be exempt if—
 - (a) an automatic disqualifying circumstance applies to the person; or
 - (b) the person is disqualified by the road transport authority from driving a motor vehicle on a road or road related area (in the ACT) under regulation 103 (Procedure to disqualify holders of interstate or external licences from driving).

95 Exemption of drivers of vehicles used for agricultural work

- (1) This regulation applies to a person who is driving an agricultural machine, or driving a motor vehicle that is towing an agricultural implement, on a road or road related area.
- (2) For the Act, section 31 (1) (b) (Driver must be licensed) the person is exempt from holding an Australian driver licence of a class that authorises the person to drive the agricultural machine, or drive a motor vehicle that is towing the agricultural implement, if the person is the holder of an Australian driver licence, other than a motorcycle licence or a learner or restricted licence.
- (3) In this regulation:

agricultural implement means a vehicle without its own automotive power, built to perform agricultural tasks.

agricultural machine means a machine with its own automotive power, built to perform agricultural tasks.

Examples of agricultural implements

Irrigating equipment, augers, conveyors, harvester fronts, harvest bins and machinery fully carried on the three-point linkage of a tractor.

Examples of agricultural machines

Tractors and harvesters.

96 Exemption of drivers of certain vehicles used for primary production

For the Act, section 31 (1) (b) (Driver must be licensed) a person who is driving a vehicle being driven directly across a road or road related area and is travelling directly to or from land that is used only or mainly for primary production is exempt from holding an Australian driver licence.

97 Exemption of drivers of self-propelled elevated work platforms

(1) For the Act, section 31 (1) (b) (Driver must be licensed) a person who is driving a self-propelled elevated work platform on a road or road related area is exempt from holding an Australian driver licence.

(2) In this regulation:

self-propelled elevating work platform means a vehicle that—

- (a) is self-propelled; and
- (b) is used for construction, maintenance or warehouse operations; and
- (c) is designed mainly for use outside a road or road related area; and
- (d) cannot travel faster than 10km/h; and
- (e) is being used for the purpose for which it was built; and
- (f) is not used for transport on a road or road related area other than for the purposes of loading or unloading the vehicle onto another vehicle or repositioning the vehicle at a work site.

98 Exemption of drivers of golf and green keeping vehicles (NSW cl 55A)

(1) For the Act, section 31 (1) (b) (Driver must be licensed) a person who is driving a golf vehicle or green keeping vehicle being driven directly across a road or road related area that intersects with or crosses a golf course is exempt from holding an Australian driver licence if the vehicle—

- (a) is being used in the course of, or as an incident to, a game of golf or to watch a game of golf; or

- (b) is travelling to or from the golf course to be used for or in relation to the rolling or maintenance or surface improvement of part of the golf course; or
- (c) is travelling to or from a car park or storage building that is separated from the golf course by the road or road related area.

(2) In this regulation:

golf course means an area of land designed and used for playing golf, and includes any tee, fairway, green, rough, pathway, bunker and bridge forming part of the golf course.

golf vehicle means—

- (a) a motorised buggy or cart designed and used to carry a golfer, spectator or golfing equipment on a golf course; or
- (b) a motorbike with an engine capacity not over 50mL used to carry a golfer, spectator or golf equipment on a golf course; or
- (c) a trailer being towed by such a vehicle.

green keeping vehicle means a vehicle used only or mainly for or in relation to the rolling, maintenance or surface improvement of part of a golf course.

99 Other exemptions from requirement to hold driver licence
(NSW cl 55D, MTA s 176 (2))

- (1) For the Act, section 31 (1) (b) (Driver must be licensed) a person is exempt from holding an Australian driver licence while driving a motor vehicle on a road or road related area during a test or assessment of the person's driving ability conducted by an authorised person.

Note Reg 23 sets out the circumstances in which a person is exempt under the Act, s 31 (1) (b) while learning to drive a heavy vehicle.

- (2) For the Act, section 31 (1) (b), a person is exempt from holding an Australian driver licence while driving, on a road or road related area—

- (a) a motor vehicle weighing not more than 250kg when unladen that is built or used only for cutting grass or for purposes incidental to cutting grass; or
 - (b) a bicycle; or
 - (c) a motor vehicle that—
 - (i) is designed, and while on a road or road related area is used only, to carry a person with a disability that substantially impairs the person's mobility; and
 - (ii) cannot travel faster than 10km/h on level ground.
- (3) The Act, section 32 (1) (a) and (3) (a) does not apply to a person driving a motor vehicle on a road or road related area—
- (a) during a test or assessment of the person's driving ability conducted by an authorised person; or
 - (b) if the motor vehicle is a motor vehicle mentioned in subregulation (2).

Note 1 The Act, s 32 (1) (a) creates an offence of driving a motor vehicle on a road or road related area while disqualified except in accordance with a restricted licence.

Note 2 The Act, s 32 (3) (a) makes it an offence for a person to drive a motor vehicle on a road or road related area if the person has been refused a licence or the person's licence has been cancelled in certain circumstances and the person has not subsequently obtained a licence.

- (4) In this regulation:

bicycle—see the Australian Road Rules, dictionary.

Note Under the def in the Australian Road Rules a bicycle does not include any vehicle with an auxiliary motor capable of generating a power output over 200W.

100 Production of English translation of foreign driver licence to police officer etc

If the holder of a foreign driver licence is required by a police officer or authorised officer to produce his or her licence under the *Road Transport (General) Act 1999*, section 58 (1) (a) and the licence is not written in English, the person must also produce, at the same time the person produces his or her licence—

- (a) an international driving permit; or
- (b) an official English translation of the licence.

Maximum penalty: 20 penalty units.

Division 6.3 When visiting interstate licence holders cannot drive

101 When holders of interstate licences cannot drive (NSW cl 55 (2))

The Act, section 31 (1) (a) (Driver must be licensed) ceases to apply to a person who is the holder of an Australian driver licence issued under the law of another jurisdiction if—

- (a) an automatic disqualifying circumstance applies to the person; or
- (b) the person is disqualified by the road transport authority from driving a motor vehicle on a road or road related area (in the ACT) under regulation 103 (Procedure to disqualify holders of interstate or external licences from driving).

Note 1 The Act, s 31 (1) (a) allows the holder of an Australian driver licence issued under the law of another jurisdiction to drive in the ACT. This reg states when the holder of such a licence ceases to be able to drive in the ACT.

Note 2 For the consequences of nonpayment of an infringement notice or fine by the holder of an Australian driver licence issued under the law of another jurisdiction, see the *Road Transport (General) Act 1999*, s 44 and s 84.

Division 6.4 Disqualification of interstate and overseas licence holders

102 When authority may disqualify interstate and overseas licence holders from driving in ACT (NSW cl 55 (2))

The road transport authority may disqualify under regulation 103 a person who is the holder of an Australian driver licence issued under the law of another jurisdiction, or an external driver licence, from driving a motor vehicle on a road or road related area (in the ACT) if the authority is satisfied on reasonable grounds that—

- (a) the person does not have sufficient driving ability or knowledge of safe driving practices or road law; or
- (b) the person is not a suitable person to drive a motor vehicle in the ACT; or
- (c) the person does not comply with the required medical standards; or
- (d) the person's ability to drive safely is impaired by—
 - (i) an illness, injury or incapacity suffered by the person; or
 - (ii) the effects on the person of treatment (including the taking of a drug) for an illness, injury or incapacity suffered by the person; or
- (e) the person fails to comply with a requirement under regulation 78 (Tests and medical examinations of drivers etc); or
- (f) the person has not complied with any requirements of a law of any jurisdiction relating to the assessment, treatment, supervision or education of drivers convicted or found guilty of offences involving alcohol or drugs that apply to the person; or
- (g) the person has been convicted or found guilty of an offence in the ACT, and the offence could, if committed by the holder of a driver licence, have resulted in the driver licence being

suspended or the holder being disqualified from holding or obtaining a driver licence; or

- (h) the person has failed to comply with a condition to which the licence is subject.

Note See reg 15 (2) for the meaning of *required medical standards*.

103 Procedure to disqualify holders of interstate or external licences from driving

- (1) If the road transport authority proposes to disqualify a person who is the holder of an Australian driver licence issued under the law of another jurisdiction or an external driver licence from driving a motor vehicle on a road or road related area in the ACT (the *proposed action*), the authority must give the person a written notice stating—
- (a) the proposed action; and
 - (b) the grounds for the proposed action; and
 - (c) any action that must be taken by the person to avoid or reverse the proposed action; and
 - (d) the date when the disqualification takes effect (the *date of effect*).

Note The notice must also be in accordance with the code of practice for notification of reviewable decisions and review rights (see *Road Transport (General) Act 1999*, s 91 and *Road Transport (General) Regulations 2000*, sch 1).

- (2) The notice must also state that, unless the notice is revoked by the road transport authority before the date of effect, the person must not drive a motor vehicle on a road or road related area in the ACT on or after the date of effect.
- (3) The notice may, but need not, provide an opportunity for the person to make representations why the proposed action should not be taken.

- (4) The date of effect must not be earlier than 14 days after the notice is given to the person.
- (5) However, the road transport authority may decide that the disqualification is to take effect on a date not earlier than the date when the notice is given to the person if the authority proposes to disqualify the person from driving on a road or road related area in the ACT on the ground that—
- (a) the person does not have sufficient driving ability or knowledge of safe driving practices or road law; or
 - (b) the person does not comply with the required medical standards; or
 - (c) the person has failed to comply with a requirement under these regulations to—
 - (i) undergo a test or assessment of the person’s driving ability or knowledge of safe driving practices or road law; or
 - (ii) undergo a medical examination by a doctor or allied medical professional; or
 - (iii) provide any documents in the person’s possession or control relevant to the person’s medical fitness to hold a driver licence or a driver licence of a particular class; or
 - (d) the person has failed to comply with a requirement under these regulations to provide information about—
 - (i) an illness, injury or incapacity suffered by the person; or
 - (ii) the effects on the person of treatment (including the taking of a drug) for an illness, injury or incapacity suffered by the person; or
 - (e) the person has not complied with any requirements of a law of any jurisdiction relating to the assessment, treatment, supervision or education of drivers convicted or found guilty of offences involving alcohol or drugs that apply to the person.

Note See reg 15 (2) for the meaning of *required medical standards*.

Part 7 **Accreditation of driving instructors**

Division 7.1 **Accreditation of driving instructors**

104 Eligibility to apply for accreditation as driving instructor (MTA s 13B (1), (3))

- (1) A person is eligible to apply for accreditation (including for the renewal of an accreditation) if—
 - (a) the person is at least 21 years old; and
 - (b) the person holds a full car licence or full licence of a higher class; and
 - (c) the person has the skills to provide driver instruction and assessment; and
 - (d) the person is a suitable person to be accredited; and
 - (e) the person is medically fit to be accredited; and
 - (f) for a person who is not accredited—the person has successfully completed an approved driving instructors training course within the last year; and
 - (g) the person is not disqualified under regulation 112 (Procedures for authority taking action in relation to accreditation) from applying for accreditation.
- (2) For subregulation (1) (e), a person is medically fit to be accredited if the person has been examined by a doctor within the last 6 months in accordance with the relevant publication mentioned in regulation 15 (2), definition of *required medical standards* and the doctor certifies that—
 - (a) the doctor has personally examined the person on a stated date; and

- (b) the person complies with the required medical standards.
- (3) The road transport authority may exempt a person from the eligibility requirement mentioned in subregulation (1) (f).
- (4) An exemption given under subregulation (3) may be conditional.
- (5) If an exemption under subregulation (3) is given subject to conditions, the exemption applies only if all the conditions of the exemption are being complied with.

105 Application procedure for accreditation (MTA s 13B (2), s 13C))

- (1) A person who applies to the road transport authority for accreditation (including for the renewal of an accreditation) must give the authority—
 - (a) a completed application form for accreditation; and
 - (b) a medical certificate in accordance with regulation 104 (2); and
 - (c) a consent signed by the person for a police officer to make inquiries about any criminal record of the person and any infringement notices served on the person.

Note The def of *infringement notice* in that Act, dict includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

- (2) The road transport authority may require the person to give the authority any additional documents or other information that the authority reasonably needs to decide the application.

106 When applications for accreditation can be refused

- (1) The road transport authority may refuse to approve an application by a person for accreditation (including for the renewal of an accreditation) if the authority believes on reasonable grounds that—
 - (a) the person is not eligible to apply for accreditation; or

- (b) the person does not have sufficient driving ability, or knowledge of safe driving practices or road law, to provide driver instruction and assessment; or
 - (c) the person does not have the other skills needed to provide driver instruction and assessment; or
 - (d) the person did not successfully complete any training that the authority has, under regulation 121, required the person to undertake; or
 - (e) the person has not complied with a requirement made by the authority in relation to the application or a requirement of the Act relating to the application; or
 - (f) the person has breached a code of practice approved under regulation 118 (Code of practice for driving instruction).
- (2) Without limiting subregulation (1) (a), the road transport authority may refuse to approve the application because the person is not a suitable person to be accredited if, within the last 5 years before the application—
- (a) the person has been convicted or found guilty of a disqualifying offence; or
 - (b) the person has been disqualified (whether or not by court order) from holding or obtaining an Australian driver licence under the law of any jurisdiction; or
 - (c) the person's Australian driver licence has been suspended under the law of any jurisdiction, other than for the nonpayment of an infringement notice penalty or under the *Road Transport (General) Act 1999*, part 6 (Fine defaulters) or a corresponding law of any other jurisdiction.

Note 1 See reg 15 (1) for the meaning of *disqualifying offence*.

Note 2 The def of *infringement notice* in that Act, dict includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

107 Accreditation and certificates of accreditation

(MTA s 13B (1), s 13D, s 13E)

- (1) If the road transport authority approves an application by a person for accreditation, the authority must give the person a certificate of accreditation.
- (2) The certificate of accreditation must show—
 - (a) the accreditation number allocated to the person; and
 - (b) the person's full name; and
 - (c) a photograph of the person; and
 - (d) the person's signature (or a reproduction of the signature); and
 - (e) the expiry date of the accreditation.
- (3) An accreditation is for 1 year.

107A Replacement of certificate of accreditation

The road transport authority may issue a replacement certificate of accreditation to the holder of the accreditation if satisfied that the certificate of accreditation has been lost, stolen or destroyed.

108 Display and production of certificate of accreditation

(MTA s 13F, s 13G)

- (1) If a driving instructor is using a motor vehicle for driver instruction or driver assessment, the instructor must not, without reasonable excuse, fail to display his or her certificate of accreditation.

Maximum penalty: 5 penalty units.

- (2) A driving instructor must not, without reasonable excuse, fail to produce his or her certificate of accreditation for inspection when required to do so by a police officer or authorised person.

Maximum penalty: 5 penalty units.

109 Surrender of accreditation (MTA s 13H (6))

- (1) A person who is accredited may apply to the road transport authority to surrender the person's accreditation.
- (2) The application may be made personally by the person or by an agent who produces written evidence of his or her appointment as agent.
- (3) The person must, with the application—
 - (a) return the certificate to the road transport authority; or
 - (b) if the certificate has been stolen, lost or destroyed—give the authority a statement, signed by the person or agent, that the certificate has been stolen, lost or destroyed.
- (4) If the person complies with this regulation, the road transport authority must approve the application unless the authority is taking action to suspend or cancel the person's accreditation.

**Division 7.2 Suspension, cancellation and
other action in relation to
accreditation**

**110 Automatic suspension or cancellation of accreditation
(MTA s 13H (4))**

A person's accreditation is automatically—

- (a) suspended during any period when the person's Australian driver licence is suspended; or
- (b) cancelled if the person's Australian driver licence is cancelled.

**111 When authority may take action in relation to
accreditation (MTA s 13H (1), (5), s 13J (1), s 13K)**

The road transport authority may take action under regulation 112 (Procedures for authority taking action in relation to accreditation) in relation to a person's accreditation if—

- (a) the person has been convicted or found guilty of a disqualifying offence; or
- (b) the person does not hold a full car licence or full licence of a higher class; or
- (c) the person obtained accreditation because of a false or misleading statement made, or false or misleading information supplied, by the person in or in relation to the application for (or for renewal of) accreditation; or
- (d) the person does not have sufficient driving ability or knowledge of safe driving practices or road law to provide driver instruction and assessment; or
- (e) the person does not have the other skills to provide driver instruction and assessment; or
- (f) the person is not a suitable person to be accredited; or
- (g) the person does not comply with the required medical standards; or
- (h) the person did not, without reasonable excuse, successfully complete any training that the authority has, under regulation 121 (Authority may require instructor to undertake training), required the person to undertake; or
- (i) the person has breached a code of practice approved under regulation 118 (Code of practice for driving instruction).

Note See reg 15 (1) for the meaning of *disqualifying offence*.

112 Procedures for authority taking action in relation to accreditation (MTA s 13H (1)-(2), (7), s 13J, s 13K, s 13N)

- (1) The road transport authority may take the following action under this regulation in relation to a person's accreditation:
 - (a) cancel the accreditation and disqualify the person from applying for accreditation for a period of not longer than 2 years;

- (b) suspend the accreditation for a period of not longer than 1 year and, if the authority considers appropriate, disqualify the person from applying for accreditation for a period of not longer than 1 year;
 - (c) if the accreditation is already suspended—do either of the following:
 - (i) cancel the accreditation and disqualify the person from applying for accreditation for a period of not longer than 2 years;
 - (ii) suspend the accreditation for an additional period of not longer than 1 year and, if the authority considers appropriate, disqualify the person from applying for accreditation for a period, or an additional period, of not longer than 1 year.
- (2) If the road transport authority proposes to take action under this regulation in relation to a person’s accreditation, the authority must give the person a notice that—
- (a) states the proposed action, including any proposed suspension (or additional suspension) period and any proposed period of disqualification (or additional disqualification) from applying for accreditation; and
 - (b) states the grounds for the proposed action; and
 - (c) invites the person to make written representations, within a stated period of at least 14 days after the person is given the notice, why the proposed action should not be taken.
- (3) If, after considering any written representations made by the person within the stated period, the road transport authority is satisfied on reasonable grounds that a ground mentioned in regulation 111 (When authority may take action in relation to accreditation) exists to take action under this regulation, the authority may take any of the following action:

- (a) if the proposed action included cancelling the accreditation—either cancel the accreditation or suspend the accreditation for a period of not longer than 1 year;
 - (b) if the proposed action included suspending the accreditation for a stated period or a stated additional period—suspend the accreditation for a period of not longer than that period;
 - (c) if the proposed action included disqualifying the person from applying for accreditation for a stated period or stated additional period—disqualify the person from applying for accreditation for not longer than that period.
- (4) The road transport authority must tell the person in writing of the decision.
- (5) If the road transport authority decides to suspend or cancel the accreditation, or disqualify the person from applying for accreditation, the authority must also tell the person in writing when the suspension, cancellation or disqualification takes effect.
- (6) A suspension or cancellation must not take effect earlier than 7 days after the person is told about the decision.
- (7) If the road transport authority suspends a person's accreditation, the person is, during the period of the suspension—
- (a) taken not to be accredited as a driving instructor; and
 - (b) disqualified from applying for accreditation as a driving instructor.

113 Return of certificate of accreditation (MTA s 13M)

- (1) If a person's accreditation is suspended or cancelled, the person must not fail, without reasonable excuse, to return his or her certificate of accreditation to the road transport authority as soon as practicable (but within 7 days) after the suspension or cancellation takes effect.

Maximum penalty: 20 penalty units.

- (2) If the person's accreditation is suspended and the accreditation has not expired when the suspension ends, the road transport authority must return the certificate of accreditation to the person if the person asks for its return.

Division 7.3 Driving instruction

114 Use of vehicle for instruction (MTA s 13P)

- (1) A driving instructor must not use a motor vehicle for driving instruction or driver assessment if the vehicle—
- (a) does not display L-plates in accordance with regulation 21 (3);
or
 - (b) does not have an internal mirror (in addition to a rear-vision mirror for use by the driver) that enables the instructor to clearly see by reflection the road behind the vehicle and any following or overtaking vehicle; or
 - (c) does not have controls (in addition to those for use by the driver) by which the instructor can operate the brake pedal and, for a manual transmission vehicle, the clutch pedal; or
 - (d) has a foot-operated accelerator on the passenger side.

Maximum penalty: 20 penalty units.

- (2) Subregulation (1) (c) does not apply if the motor vehicle is provided by the person being instructed or assessed.

115 Instructor to maintain liability insurance (MTA s 13Q)

- (1) A driving instructor must, at all times, maintain an insurance policy that insures the instructor against liability, to the extent of \$5 000 000, in relation to the death of, or bodily injury to, a person caused by, or arising out of the use of, a motor vehicle (whether or not on a road or road related area) for providing driver instruction and assessment.

Maximum penalty: 20 penalty units.

- (2) The road transport authority may, by written notice given to a driving instructor, require the instructor to produce evidence to the authority, within a stated reasonable time, that the instructor holds the insurance policy required by subregulation (1).
- (3) A person must not, without reasonable excuse, fail to comply with a notice under subregulation (2).

Maximum penalty: 5 penalty units.

116 Completion of learner driver logbooks (MTA s 13S)

- (1) A person must not make an entry in a part of a learner driver logbook that is required to be completed by a driving instructor unless the person is a driving instructor or an authorised person.

Maximum penalty: 20 penalty units.

- (2) A driving instructor must not make an entry in a learner driver logbook about driver instruction and assessment provided by the instructor to the person to whom the book is issued unless the instructor has personally provided the driver instruction and assessment.

Maximum penalty: 20 penalty units.

- (3) A person must not—
 - (a) make an entry in a learner driver logbook that the person knows is false, misleading or incomplete in a material particular; or
 - (b) change a learner driver logbook in a way that is calculated to deceive; or
 - (c) forge, or fraudulently change or use, a learner driver logbook; or
 - (d) fraudulently lend or allow to be used by someone else a learner driver logbook.

Maximum penalty: 20 penalty units.

117 Pretending to be accredited (MTA s 13T)

A person must not pretend to be accredited.

Maximum penalty: 20 penalty units.

**118 Code of practice for driving instruction
(MTA s 13U, s 13V, s 13W)**

- (1) The road transport authority may, in writing, approve a code of practice about any of the following:
 - (a) the skills required by a person to provide driver instruction and assessment;
 - (b) motor vehicles to be used for driver instruction and assessment;
 - (c) the assessment, achievement and review by a driving instructor of a person's suitability to be issued with a provisional car licence;
 - (d) the review by an authorised person of driver instruction and assessment provided by a driving instructor.
- (2) A code of practice approved under subregulation (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.
- (3) The road transport authority must ensure that people may inspect, free of charge, any code of practice.
- (4) A person may buy a copy of a code of practice from the road transport authority.

119 Approval of learner driver standards

- (1) The road transport authority must, in writing, approve standards for the assessment of a person's suitability to be issued with a provisional car licence.

- (2) Standards approved under this regulation are a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Division 7.4 Other matters

120 Tests and medical examinations of driving instructors etc

- (1) The road transport authority may, by written notice given to a person, require the person, within the reasonable time stated in the notice, to do all or any of the following:
- (a) if the person is an applicant for accreditation or a driving instructor—
 - (i) undergo tests or assessments, or provide other evidence, of the person's driving ability or knowledge of safe driving practices or road law to provide driver instruction and assessment; or
 - (ii) provide other evidence of the person's suitability to be accredited;
 - (b) if the person is a driving instructor—
 - (i) undergo tests or assessments, or provide other evidence, of the person's driving ability or knowledge of safe driving practices or road law to continue to be accredited; or
 - (ii) provide other evidence of the person's suitability to continue to be accredited; or
 - (iii) undergo, at the person's own cost, a medical examination by a doctor or allied medical professional (or a stated doctor or allied medical professional) in accordance with the relevant publication mentioned in regulation 15 (2), definition of *required medical standards*; or

- (iv) if the person has undergone a medical examination mentioned in subparagraph (i)—provide a report of the examination; or
 - (v) provide other evidence of compliance with the required medical standards; or
 - (vi) provide information about—
 - (A) an illness, injury or incapacity suffered by the person; or
 - (B) the effects on the person of treatment (including the taking of a drug) for any illness, injury or incapacity suffered by the person; or
 - (vii) provide any documents in the person’s possession or control relevant to the person’s medical fitness to be accredited.
- (2) For subregulation (1) (b) (i) or (ii), the road transport authority may accept a certificate of the results of a medical examination conducted in another jurisdiction if the examination was conducted in accordance with the relevant publication mentioned in the required medical standards.
- (3) The road transport authority may accept evidence of compliance with a requirement in subregulation (1) (a) (i) or (ii) or (b) (i), (ii) or (v) that the person has obtained in another jurisdiction.

121 Authority may require instructor to undertake training

The road transport authority may, by written notice given to a driving instructor, require the instructor, within a stated period—

- (a) to undertake an approved driving instructors training course or a part of such a course, or another form of training; and
- (b) to provide evidence to the authority, in a form acceptable to the authority, that the instructor has successfully completed the training.

122 Approval of driving instructors training courses
(MTA s 13Y)

- (1) The road transport authority may, in writing, approve courses for the training of people who wish to become driving instructors and for driving instructors.
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Part 8 Demerit points in relation to specific kinds of licences

Division 8.1 Learner and provisional licences

123 Demerit points incurred by applicants for issue or renewal of learner or provisional licences

- (1) This regulation applies to a person who applies to the road transport authority for the issue or renewal of a learner or provisional licence if the person has incurred demerit points within the previous 3 years.
- (2) If the person has not at any time held a licence of the kind applied for, the road transport authority may approve the application and issue a licence of that kind to the person despite the demerit points that the person has incurred in the previous 3 years.
- (3) If the road transport authority issues a learner or provisional licence to the person under subregulation (2), all demerit points recorded in the demerit points register against the person on the issue of the licence are taken to be deleted.
- (4) If the person is the holder of the licence of the kind applied for, or has at any time held such a licence, the road transport authority may approve the application and issue a licence of that kind to the person, or renew the licence, despite the demerit points that the person has incurred in the previous 3 years.
- (5) However, if the road transport authority issues a learner or provisional licence to the person under subregulation (4), or renews the person's licence under the subregulation, and the person has incurred the relevant number or more demerit points within the previous 3 years, the authority must serve a notice of licence suspension on the person under regulation 125 (Notice of suspension of learner and provisional licences).

(6) Subregulation (3) does not prevent the road transport authority from keeping records of deleted demerit points.

(7) In this regulation:

previous 3 years means the 3 year period ending on the day when the person last committed an offence for which demerit points have been recorded against the person.

relevant number, of demerit points, means—

- (a) for a learner licence—12; or
- (b) for a provisional licence—
 - (i) if the holder of the licence has provided evidence (under regulation 36 (3) (c) or 37 (3) (c)) acceptable to the road transport authority that the person has successfully completed an approved provisional driver training course—8; or
 - (ii) if the holder of the licence is at least 26 years old and has held a provisional licence for at least 6 months—8; or
 - (iii) in any other case—4.

Note If the provisional licence being renewed was issued before 1 August 2000, the relevant number of demerit points is 8 (see reg 165).

124 Demerit points incurred by learner and provisional licence holders (NSW Act s 17, MTA s 180X, s 180Y)

- (1) This regulation applies to a person if—
- (a) the person is the holder of a learner or provisional licence issued by the road transport authority; and
 - (b) the person incurs the relevant number or more demerit points within the 3 year period ending on the day when the person last committed an offence for which demerit points have been recorded against the person.

- (2) The road transport authority must serve a notice of licence suspension on the person under regulation 125 (Notice of suspension of learner and provisional licences).
- (3) In this regulation:
- relevant number*, of demerit points, means—
- (a) for a learner licence—12; or
 - (b) for a provisional licence—
 - (i) if the holder of the licence has provided evidence (under regulation 36 (3) (c) or 37 (3) (c)) acceptable to the road transport authority that the person has successfully completed an approved provisional driver training course—8; or
 - (ii) if the holder of the licence is at least 26 years old and has held a provisional licence for at least 6 months—8; or
 - (iii) in any other case—4.

Note If the provisional licence was issued before 1 August 2000, or is the renewal of a provisional licence issued before that date, the relevant number of demerit points is 8 (see reg 166).

125 Notice of suspension of learner and provisional licences

- (1) A notice of licence suspension served on a person by the road transport authority under this regulation—
- (a) must state the date of the notice; and
 - (b) must state details of the demerit points recorded in the demerit points register taken into account for the notice; and
 - (c) must state the date, not earlier than 21 days after the notice is served on the person, when the suspension of the person's driver licence is to begin (the *date of effect*); and
 - (d) must state the period of licence suspension; and

- (e) may include any additional information the road transport authority considers appropriate.
- (2) The period of licence suspension is 3 months, beginning on the date of effect.
- (3) If the person is served with a notice of licence suspension under this regulation, the person's driver licence is suspended for the period of licence suspension.
- (4) At the beginning of the period of licence suspension under this regulation, all demerit points recorded in the demerit points register on the date of the notice of licence suspension under this regulation, and taken into account for the notice, are taken to be deleted.
- (5) Subregulation (4) does not prevent the road transport authority from keeping records of deleted demerit points.

Division 8.2 Additional provisional class

126 Demerit points incurred by applicants for issue or renewal of additional provisional classes

- (1) This regulation applies to a person who applies to the road transport authority for the variation of a driver licence to include an additional class, or the renewal of a driver licence with an additional provisional class, if the person has incurred demerit points within the previous 3 years.
- (2) If the person has not at any time held an Australian driver licence of the additional class and regulation 34 (When additional class to be included as provisional class) requires the road transport authority to include the additional class in the licence as an additional provisional class, the authority may approve the application and vary the licence despite the demerit points that the person has incurred in the previous 3 years.
- (3) If the person is the holder of an Australian driver licence that includes the additional class as an additional provisional class, or has at any time held an Australian driver licence of that class, the

road transport authority may approve the application and issue to the person a driver licence that includes the additional provisional class, or renew the licence, despite the demerit points that the person has incurred in the previous 3 years.

- (4) However, if the road transport authority issues a driver licence that includes the additional provisional class to the person under subregulation (3), or renews the person's driver licence that includes an additional provisional class under the subregulation, and the person has incurred 4 or more demerit points since the person was issued with the driver licence with the additional provisional class, the authority must serve a notice of licence suspension on the person under regulation 128 (Notice of suspension of additional provisional class).
- (5) In this regulation:

previous 3 years means the 3 year period ending on the day when the person last committed an offence for which demerit points have been recorded against the person.

127 Demerit points incurred by holders of licences with additional provisional class

- (1) This regulation applies to a person if—
- (a) the person is the holder of a driver licence (including a provisional licence) with an additional provisional class; and
 - (b) the person incurs 4 or more demerit points since the person was issued with a driver licence with the additional provisional class.
- (2) To remove any doubt, the reference in subregulation (1) (b) to *demerit points* includes demerit points incurred for an offence committed while driving a motor vehicle that the person is permitted to drive under another class or kind of driver licence held by the person.

- (3) The road transport authority must serve a notice of additional provisional class suspension on the person under regulation 128.

128 Notice of suspension of additional provisional class

- (1) A notice of additional provisional class suspension under this regulation—
- (a) must state the date of the notice; and
 - (b) must state details of the demerit points recorded in the demerit points register taken into account for the notice; and
 - (c) must state the date, not earlier than 21 days after the notice is served on the person, when the suspension of the additional provisional class is to begin (the *date of effect*); and
 - (d) must state the period of suspension of the additional provisional class (the *suspension period*); and
 - (e) may include any additional information the road transport authority considers appropriate.
- (2) The suspension period is 3 months, beginning on the date of effect.
- (3) If the person is served with a notice of additional provisional class suspension under this regulation, the person's additional provisional class is suspended for the suspension period.
- (4) During the suspension period the person is not authorised to drive, on a road or road related area, a motor vehicle that the additional provisional class authorised the person to drive.
- (5) To remove any doubt, the suspension of the additional provisional class under this regulation does not affect the person's authority to drive, on a road or road related area, a motor vehicle that the person is authorised to drive under another class or kind of driver licence held by the person.
- (6) At the end of the suspension period, all demerit points recorded in the demerit points register on the date of the notice of additional

provisional licence class suspension under this regulation, and taken into account for the notice, are taken to be deleted.

- (7) Subregulation (6) does not prevent the road transport authority from keeping records of deleted demerit points.

Division 8.3 Restricted licences

129 Demerit points incurred by applicants for restricted licences

- (1) This regulation applies to a person who applies to the road transport authority for the issue of a restricted licence if the person has incurred demerit points within the previous 3 years.
- (2) The road transport authority may approve the application and issue the licence despite the demerit points that the person has incurred within the previous 3 years.
- (3) In this regulation:

previous 3 years means the 3 year period ending on the day when the person last committed an offence for which demerit points have been recorded against the person.

130 Demerit points incurred by restricted licence holders (MTA s 180Z)

- (1) This regulation applies to a person if—
- (a) the person is the holder of a restricted licence issued by the road transport authority; and
- (b) the person incurs 2 or more demerit points since the person was issued with the restricted licence.
- (2) The road transport authority must serve a notice of licence cancellation on the person.
- (3) The notice of licence cancellation—
- (a) must state the date of the notice; and

- (b) must state details of the demerit points recorded in the demerit points register taken into account for the notice; and
 - (c) must state the date, not earlier than 21 days after the notice is served on the person, when the cancellation of the person's restricted licence takes effect (the *date of effect*); and
 - (d) must state that the person is disqualified from applying for, or being issued with, a driver licence (including another restricted licence) for the remainder of the period for which the person was originally disqualified from holding or obtaining a driver licence; and
 - (e) may include any additional information the road transport authority considers appropriate.
- (4) If the person is served with a notice of licence cancellation under this regulation—
- (a) the person's restricted licence is cancelled on the date of effect; and
 - (b) the person is disqualified from applying for, or being issued with, a driver licence (including a restricted licence) for the remainder of the period for which the person was originally disqualified from holding or obtaining a driver licence.
- (5) On the date of effect, all demerit points recorded in the demerit points register on the date of the notice of licence cancellation under this regulation, and taken into account for the notice, are taken to be deleted.
- (6) Subregulation (5) does not prevent the road transport authority from keeping records of deleted demerit points.

Division 8.4 Probationary licences

131 Demerit points incurred by applicants for issue or renewal of probationary licences

- (1) This regulation applies to a person who applies to the road transport authority for the issue or renewal of a probationary licence if the person has incurred demerit points within the previous 3 years.
- (2) If regulation 52 (1) (c) (i) (When probationary licence must be issued) applies to the person, the road transport authority may approve the application and issue the probationary licence despite the demerit points that the person has incurred in the previous 3 years.
- (3) If the road transport authority issues a probationary licence under subregulation (2), all demerit points recorded in the demerit points register against the person on the issue of the licence are taken to be deleted.
- (4) If regulation 52 (1) (c) (ii) or (iii) applies to the person, the road transport authority may approve the application and issue a probationary licence to the person despite the demerit points that the person has incurred in the previous 3 years.
- (5) However, if the road transport authority issues a probationary licence to the person under subregulation (4) and the person has incurred 2 or more demerit points since the person was issued with the probationary licence, the authority must serve a notice of licence cancellation under regulation 133 (Notice of cancellation of probationary licence).
- (6) Subregulation (3) does not prevent the road transport authority from keeping records of deleted demerit points.
- (7) In this regulation:

previous 3 years means the 3 year period ending on the day when the person last committed an offence for which demerit points have been recorded against the person.

132 Demerit points incurred by probationary licence holders
(MTA s 180W, s 180WA)

- (1) This regulation applies to a person if—
 - (a) the person is the holder of a probationary licence issued by the road transport authority; and
 - (b) the person incurs 2 or more demerit points since the person was issued with the probationary licence.
- (2) The road transport authority must serve a notice of licence cancellation on the person under regulation 133.

133 Notice of cancellation of probationary licence

- (1) A notice of licence cancellation served on a person by the road transport authority under this regulation—
 - (a) must state the date of the notice; and
 - (b) must state details of the demerit points recorded in the demerit points register taken into account for the notice; and
 - (c) must state the date, not earlier than 21 days after the notice is served on the person, when the cancellation of the person's probationary licence takes effect (the *date of effect*); and
 - (d) must state that the person is disqualified from applying for or being issued with a driver licence (including a restricted licence) for 6 months from the date of effect; and
 - (e) may include any additional information the road transport authority considers appropriate.
- (2) If the person is served with a notice of licence cancellation under this regulation—
 - (a) the person's probationary licence is cancelled on the date of effect; and

- (b) the person is disqualified from applying for, or being issued with, a driver licence (including a restricted licence) for 6 months after the date of effect.
- (3) On the date of effect, all demerit points recorded in the demerit points register on the date of the notice of licence cancellation, and taken into account for the notice, are taken to be deleted.
- (4) Subregulation (3) does not prevent the road transport authority from keeping records of deleted demerit points.

Division 8.5 Other matters

134 Notices in relation to demerit points

A notice under division 2.3 (Demerit points system) of the Act must set out details of the demerit points recorded in the demerit points register in relation to the person on whom the notice is served and taken into account for the issue of the notice.

135 Demerit points incurred but not taken into account for notice of licence suspension etc (NSW Act s 16 (11), s 16A (10))

- (1) This regulation applies to—
 - (a) demerit points incurred by a person on or before the date of a notice of licence suspension, additional provisional class suspension or licence cancellation (a *relevant notice*) served on the person under this part and that were not taken into account for the notice; and
 - (b) demerit points incurred by the person after the date of the relevant notice and before the suspension or cancellation applying under the relevant notice begins.
- (2) The demerit points are only taken into account in relation to the person from the end of the period of suspension or disqualification from holding or obtaining a driver licence applying under the relevant notice.

136 Demerit points not affected by licence suspension etc under another law (NSW Act s 18 (1)-(3))

- (1) A period of licence suspension under this part is additional to any period of licence suspension otherwise imposed under Territory law.
- (2) A period of disqualification from holding or obtaining a driver licence under this part is additional to any period of disqualification otherwise imposed under Territory law.
- (3) Demerit points recorded in the demerit points register against a person are not affected by a period of licence suspension, additional provisional class suspension or disqualification from holding or obtaining a driver licence imposed by a court in Australia or under any other Territory law.

137 Issue of licence suspension notice etc (NSW Act s 18 (4))

The road transport authority may give a notice of licence suspension, additional provisional class suspension or licence cancellation to a person under this part without giving the person an opportunity to make representations why the notice should not be given.

138 Inspection of demerit points register

A person may—

- (a) inspect information in the demerit points register about the person; and
- (b) obtain a certificate of all or any of that information.

Part 9 Miscellaneous

139 Home address and addresses for service (NSW cl 30 (3)-(4))

- (1) For these regulations, the home address of an applicant for the issue of a driver licence, or of the holder of a driver licence, must be an address in the ACT where the road transport authority can ordinarily make personal contact with the person.
- (2) If there is no postal service to the person's home address, the person must also give to the road transport authority an address for the service of notices.

140 Acting through and for corresponding licensing authorities

- (1) If a person's home address or address for service of notices is in another jurisdiction or an external Territory, the road transport authority may ask the licensing authority of the other jurisdiction or external Territory to act on its behalf in giving a notice or other document to the person or in doing anything else in relation to the person that the road transport authority can do in the ACT.
- (2) If the road transport authority receives a request under the law of another jurisdiction or an external Territory corresponding to subregulation (1), the authority may act on behalf of the licensing authority of the other jurisdiction or external Territory in giving effect to the request.

Part 10 **Transitional**

Division 10.1 **Conversion of driving licences**

141 **Definitions for div 10.1**

In this division, the following definitions apply:

commencement means the commencement of these regulations.

existing licence means a driving licence issued under the Motor Traffic Act that was in force immediately before the commencement.

Motor Traffic Act means the *Motor Traffic Act 1936*.

142 **Existing kinds of licences**

An existing licence of a kind mentioned in the table of licence kind conversions is taken, after the commencement, to be a driver licence of the kind applying under the table.

Table of licence kind conversions

column 1 item	column 2 kind of existing licence	column 3 kind of driver licence
1	full licence	full licence
2	learner licence	learner licence
3	probationary licence	probationary licence
4	provisional licence	provisional licence
5	special probationary licence	restricted licence

143 **Existing licence classes (NSW sch 4 cl 1)**

- (1) An existing licence of a class mentioned in the table of licence class conversions is taken, after the commencement, to be a driver licence of the class applying under the table.

- (2) A provisional endorsement made on an existing licence under the Motor Traffic Act, section 7B (1) (b) for a class of licence stated in the table is taken, after the commencement, to be an additional provisional class of the class applying under the table.

Table of licence class conversions

column 1 item	column 2 class of existing licence or provisional endorsement	column 3 class of driver licence or additional provisional class
1	motorcycle licence moped licence	motorcycle licence
2	light vehicle licence	car licence
3	small motor omnibus licence	light rigid vehicle licence
4	light motor omnibus licence light truck licence	medium rigid vehicle licence
5	heavy motor omnibus licence heavy truck licence articulated motor omnibus licence	heavy rigid vehicle licence
6	light articulated vehicle licence heavy articulated vehicle licence	heavy combination vehicle licence
7	road train or B-double licence	multi-combination vehicle licence

144 Existing conditions on licences

- (1) An existing licence that shows an existing condition code in the table of licence condition conversions is taken, after the commencement, to be a driver licence showing the driver licence condition code applying under the table.
- (2) A notice under the Motor Traffic Act, section 8B (1) or (3) that has not been finally dealt with before the commencement is taken, after the commencement, to be a notice under regulation 56 (Procedures for variation of driver licence conditions).

Table of licence condition conversions

column 1 item	column 2 existing condition code	column 3 driver licence condition code
1	A	A
2	L	S
3	X	X

145 Existing public vehicles licences

An existing licence that shows an existing public vehicle code mentioned in the table of public vehicle licence conversions is taken, after the commencement, to be a public vehicle licence showing the code for public vehicle licences applying under the table.

Table of public vehicle licence conversions

column 1 item	column 2 existing public vehicle code	column 3 code for public vehicle licences
1	H	H
2	M	M
3	O	O
4	T	T
5	S	W

146 Expiry of div 10.1

This division ceases to have effect on 1 March 2006.

Division 10.4 Demerit points

165 Demerit points—renewal of provisional licences issued before 1 August 2000

- (1) This regulation applies to the holder of a provisional licence issued before 1 August 2000 if the licence is being renewed under regulation 123 (Demerit points incurred by applicants for issue or renewal of learner or provisional licences).

- (2) For regulation 123, the relevant number of demerit points is 8.

166 Demerit points—provisional licences issued before 1 August 2000

- (1) This regulation applies to the holder of a provisional licence issued before 1 August 2000 and to a provisional licence that is the renewal of a provisional licence issued before that date.
- (2) For regulation 124 (Demerit points incurred by learner and provisional licence holders), the relevant number of demerit points is 8.

167 Expiry of div 10.4 etc

This division, and the notes in regulations 123 and 124 to the definition of *relevant number*, cease to have effect on 1 February 2004.

Dictionary

(see reg 3)

accreditation means accreditation as a driving instructor under regulation 107 (Accreditation and certificates of accreditation).

additional class, in relation to an Australian driver licence of a particular class, means any other class of licence that is shown on the licence (including an additional provisional class).

additional provisional class—see the Act, dictionary.

address for service, of notices—see regulation 139 (2).

allied professional practitioner means a person who is registered or licensed under State or Territory law as a clinical psychologist, optometrist or occupational therapist.

another jurisdiction—see the Act, dictionary.

approved driving instructors training course means a course that is approved under regulation 122.

approved heavy vehicle driver training course means a course that is approved under regulation 26 (1) (c).

approved learner driver standards means the standards that are approved under regulation 119.

approved pre-learner rider training course means a course that is approved under regulation 26 (1) (b).

approved provisional driver training course means a course that is approved under regulation 38A.

approved public vehicle driver training course means a course that is approved under regulation 65.

approved road ready training course means a course that is approved under regulation 26 (1) (a).

articulated bus—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

Australian driver licence—see the Act, dictionary.

Australian Road Rules—see the *Road Transport (Safety and Traffic Management) Regulations 2000*, regulation 5.

authorised person, for a provision of these regulations, means a person who is appointed as an authorised person under the *Road Transport (General) Act 1999* for the provision.

automatic disqualifying circumstance, for part 6 (Interstate drivers, overseas drivers and other exemptions)—see regulation 91.

axle—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

breath alcohol interlock device means a device fitted to a motor vehicle that can—

- (a) analyse a breath sample for the presence of alcohol; and
- (b) interact with the motor vehicle in such a way that a positive result at a designated blood alcohol level will inhibit the use of the motor vehicle or trigger an alarm.

car licence (or **class C licence**) means an Australian driver licence showing the code C for the class or a class of licence held by the holder.

class, for an Australian driver licence, means a class mentioned in regulation 7 (Driver licence classes, class codes and class short descriptions).

class C licence—see *car licence*.

class HC licence—see *heavy combination vehicle licence*.

class HR licence—see *heavy rigid vehicle licence*.

class LR licence—see *light rigid vehicle licence*.

class MC licence—see *multi-combination vehicle licence*.

class MR licence—see *medium rigid vehicle licence*.

class R licence—see *motorcycle licence*.

combination—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

conditional licence—see the Act, dictionary.

condition variation, in relation to a driver licence, means a variation of the licence—

- (a) to impose a condition to which the licence is to be subject; or
- (b) to vary or revoke a condition to which the licence is already subject.

contracting state means a foreign country that is a signatory to the United Nations Convention on Road Traffic, Geneva, 1949.

converter dolly—see the *Road Transport (Vehicle Registration) Regulations*, dictionary.

corresponding law—see the Act, dictionary.

demerit points register—see the Act, dictionary.

disqualifying circumstance—see regulation 15 (1).

drive—see the Act, dictionary.

driver assessment and instruction means—

- (a) the assessment in accordance with the approved learner driving standards of a person's suitability to hold a car licence; and
- (b) the instruction of people to drive a motor vehicle of a kind that may be driven by the holder of a car licence, other than a tractor or implement.

driver licence—see the Act, dictionary.

driver licence condition code means a code mentioned in the table of driver licence condition codes in regulation 10.

driver licence receipt—see the Act, dictionary.

driver licence register—see the Act, dictionary.

driving instructor means a person who is accredited under regulation 107 as a driving instructor.

drug—see the *Road Transport (Alcohol and Drugs) Act 1977*, dictionary.

eligibility requirements, for a class of driver licence—see regulation 28.

external driver licence—see the Act, dictionary.

external Territory driver licence—see the Act, dictionary.

foreign driver licence—see the Act, dictionary.

full licence—see regulation 5 (2).

GVM—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

heavy combination vehicle licence (or ***class HC licence***) means an Australian driver licence showing the code HC for the class or a class of licence held by the holder.

heavy rigid vehicle licence (or ***class HR licence***) means an Australian driver licence showing the code HR for the class or a class of licence held by the holder.

higher class, in relation to an Australian driver licence, means a licence of a higher class in the driver licence class hierarchy in regulation 8 (1).

home address, of a person, means the address of the place where the person usually lives.

implement—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

incur, demerit points for an offence—see the Act, section 13 (2) (Recording of demerit points).

infringement notice—see the *Road Transport (General) Act 1999*, dictionary.

infringement notice penalty—see the *Road Transport (General) Act 1999*, dictionary.

international driving permit means a permit to drive a motor vehicle issued in accordance with the United Nations Convention on Road Traffic, Geneva, 1949 by—

- (a) a competent authority of a contracting state or subdivision of a contracting state; or
- (b) an association authorised by a competent authority.

international visitor means a person who is not a permanent resident of Australia.

jurisdiction—see the Act, dictionary.

learner driver logbook means a logbook that is approved under regulation 25.

learner licence—see the Act, dictionary.

licence expiry date—see regulation 83.

licensing authority—

- (a) for another jurisdiction—see the Act, dictionary; and
- (b) for an external Territory or foreign county—the entity that has functions under the law of the Territory or country corresponding to the functions of the road transport authority under the Act.

light rigid vehicle licence (or ***class LR licence***) means an Australian driver licence showing the code LR for the class or a class of licence held by the holder.

L-plate means a square sign issued or authorised by the road transport authority—

- (a) with sides at least 155mm long; and

(b) with the letter ‘L’ in black on a yellow background.

medium rigid vehicle licence (or **class MR licence**) means an Australian driver licence showing the code MR for the class or a class of licence held by the holder.

motorbike means a motor vehicle with 2 wheels, and includes—

- (a) a 2-wheeled motor vehicle with a side car attached to it that is supported by a 3rd wheel; and
- (b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels.

motorcycle licence (or **class R licence**) means an Australian driver licence showing the code R for the class or a class of licence held by the holder.

motor vehicle—see the Act, dictionary.

multi-combination vehicle licence (or **class MC licence**) means an Australian driver licence showing the code MC for the class or a class of licence held by the holder.

New Zealand driver licence means a licence to drive a motor vehicle (however described) issued under the law of New Zealand.

official English translation, of a licence, includes an English translation recognised under the law of the country that issued the licence.

photograph—see the Act, dictionary.

P-plate means a square sign issued or authorised by the road transport authority—

- (a) with sides at least 155mm long; and
- (b) with the letter ‘P’ in red on a white background.

prime mover—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

private hire car—see the *Road Transport (General) Act 1999*, section 100.

probationary licence—see the Act, dictionary.

provisional—

- (a) for a provisional licence—see the Act, dictionary; and
- (b) for a provisional licence of a particular class—includes an Australian driver licence that is not a provisional licence if the licence shows that class as a provisional class.

provisional licence requirement—

- (a) for the issue of a motorcycle licence—see regulation 29; and
- (b) for the issue of a car licence or a driver licence of a higher class—see regulation 30.

public bus—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

public vehicle—see the *Road Transport (General) Act 1999*, section 158.

public vehicle licence—see the Act, dictionary.

public vehicle regulations means the following:

- (a) the *Road Transport (Hire Vehicle Services) Regulations 2000*;
- (b) the *Road Transport (Public Passenger Services) Regulations 2001*;
- (c) the *Road Transport (Taxi Services) Regulations 2000*;
- (d) any standards made or approved under those regulations.

required medical standards—see regulation 15 (2).

restricted hire vehicle—see the *Road Transport (General) Act 1999*, section 100.

restricted licence—see the Act, dictionary.

restricted taxi—see the *Road Transport (General) Act 1999*, section 100.

rigid, for a vehicle, means not articulated.

road—see the Act, dictionary.

road related area—see the Act, dictionary.

road transport authority (or **authority**)—see the Act, dictionary.

road transport legislation—see the *Road Transport (General) Act 1999*, section 6.

semitrailer—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

taxi—see the *Road Transport (General) Act 1999*, section 100.

tractor—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

the Act means the *Road Transport (Driver Licensing) Act 1999*, and includes these regulations.

trailer—see the Act, dictionary.

vehicle—see the Act, dictionary.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
	<u>underlining</u> = whole or part not commenced

Endnotes

3 Legislation history

3 Legislation history

Road Transport (Driver Licensing) Regulations 2000 No 14

notified 29 February 2000 (Gaz 2000 No S6)
reg 1, reg 2 commenced 29 February 2000 (IA s 10B)
remainder (regs 3-165) commenced 1 March 2000 (reg 2 and Gaz 2000 No S5)

as amended by

Road Transport Legislation Regulations Amendment 2000 No 32 pt 2

notified 1 August 2000 (Gaz 2000 No S40)
commenced 1 August 2000 (reg 1)

Road Transport (Driver Licensing) Regulations Amendment 2001 No 3

notified 31 January 2001 (Gaz 2001 No S3)
commenced 31 January 2001 (reg 1)

Road Transport Legislation Amendment Act 2001 No 27 sch 4

notified 24 May 2001 (Gaz 2001 No 21)
s 1, s 2 commenced 24 May 2001 (IA s 10B)
sch 4 commenced 24 May 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 339

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 339 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

Road Transport (Public Passenger Services) Act 2001 No 62 pt 1.10

notified 10 September 2001 (Gaz 2001 No S66)
s 1, s 2 commenced 10 September 2001 (IA s 10B)
pt 1.10 commenced 1 December 2001 (s 2 and CN 2001 No 2)

Road Transport (Driver Licensing) Regulations Amendment SL 2001 No 44

notified LR 18 October 2001
reg 1 commenced 18 October 2001 (LA s 75)
remainder commenced 1 December 2001 (reg 2)

4 Amendment history

Commencement

reg 2 om Act 2001 No 27 amdt 4.5

Definitions—the dictionary

reg 3 am Act 2001 No 44 amdt 1.3716

Notes

reg 4 am Act 2001 No 44 amdt 1.3717

Meaning of *disqualifying offence* and *required medical standards*

reg 15 am Act 2001 No 27 amdt 4.6

Eligibility to apply for learner licence

reg 16 am 2000 No 32 reg 3

Approval of learner licence, learner rider and heavy vehicle driver training courses

reg 26 sub 2000 No 32 reg 4
am Act 2001 No 44 amdt 1.3718, amdt 1.3719

Provisional licence requirement for motorcycle licences

reg 29 am 2000 No 32 reg 5

Provisional licence requirement for car licences etc

reg 30 am 2000 No 32 reg 6

Duration of provisional licences

reg 33 am 2000 No 32 amdt 1.1

Provisional motorcycle licence restrictions—ACT licences

reg 36 sub 2000 No 32 reg 7
am 2001 No 3 amdt 1.1
note following reg 36 hdg exp 1 February 2002 (reg 171)

Provisional motorcycle licences—towing restrictions

reg 36A ins 2000 No 32 reg 7

Provisional licence restrictions for cars etc—ACT licences

reg 37 sub 2000 No 32 reg 7
am 2001 No 3 amdt 1.2
note following reg 37 hdg exp 1 February 2002 (reg 171)

Provisional car licences—towing restrictions

reg 37A ins 2000 No 32 reg 7

Unauthorised use of P-plates

reg 38 am 2000 No 32 reg 8
note following reg 38 hdg exp 1 February 2002 (reg 171)

Provisional driver training courses

reg 38A ins 2000 No 32 reg 9
am Act 2001 No 44 amdt 1.3720, amdt 1.3721

Endnotes

4 Amendment history

Eligibility to apply to Magistrates Court for order authorising issue of restricted licence

reg 45 am 2000 No 32 amdt 1.2, amdt 1.3

Procedures for variation of driver licence conditions on authority's own initiative

reg 56 am 2000 No 32 amdt 1.4

Approval of public vehicle driver training courses

reg 65 am Act 2001 No 44 amdt 1.3722, amdt 1.3723

Authority may exempt from certain eligibility requirements

reg 67 hdg am 2000 No 32 reg 10

reg 67 am 2000 No 32 reg 10

When authority may vary, suspend or cancel driver licences

reg 87 am 2000 No 32 amdt 1.5

Exemption by authority from requirement to hold licence

reg 93 am Act 2001 No 44 amdt 1.3724, amdt 1.3725

Exemption of overseas drivers

reg 94 am 2001 No 44 reg 3

Exemption of drivers of public vehicles driven for hire or reward—Acts 31 (1) (b)

reg 94A ins 2001 No 44 reg 4

When applications for accreditation can be refused

reg 106 am 2000 No 32 amdt 1.6

Replacement of certificate of accreditation

reg 107A ins 2000 No 32 amdt 1.7

Procedures for authority taking action in relation to accreditation

reg 112 am 2000 No 32 amdt 1.8

Code of practice for driving instruction

reg 118 am Act 2001 No 44 amdt 1.3726, amdt 1.3727

Approval of learner driver standards

reg 119 am Act 2001 No 44 amdt 1.3728, amdt 1.3729

Approval of driving instructors training courses

reg 122 am Act 2001 No 44 amdt 1.3730, amdt 1.3731

Demerit points incurred by applicants for issue or renewal of learner or provisional licences

reg 123 hdg sub 2000 No 32 reg 11

reg 123 am 2000 No 32 reg 11

am 2001 No 3 amdt 1.3; Act 2001 No 27 amdt 4.7

def *relevant number* sub 2000 No 32 reg 11

note to def *relevant number* exp 1 February 2004 (reg 167 (2))

Demerit points incurred by learner and provisional licence holders

reg 124 am 2000 No 32 reg 12
am 2001 No 3 amdt 1.4; Act 2001 No 27 amdt 4.8
def **relevant number** sub 2000 No 32 reg 12
note to def **relevant number** exp 1 February 2004 (reg 167 (2))

Demerit points incurred by applicants for issue or renewal of additional provisional classes

reg 126 hdg sub 2000 No 32 amdt 1.9

Demerit points incurred by holders of licences with additional provisional class

reg 127 hdg sub 2000 No 32 amdt 1.10

Demerit points incurred by applicants for restricted licences

reg 129 hdg sub 2000 No 32 amdt 1.11

Demerit points incurred by applicants for issue or renewal of probationary licences

reg 131 hdg sub 2000 No 32 amdt 1.12

Conversion of driving licences

div 10.1 hdg exp 1 March 2006 (reg 146)

Definitions for div 10.1

reg 141 exp 1 March 2006 (reg 146)

Existing kinds of licences

reg 142 exp 1 March 2006 (reg 146)

Existing licence classes

reg 143 exp 1 March 2006 (reg 146)

Existing conditions on licences

reg 144 exp 1 March 2006 (reg 146)

Existing public vehicles licences

reg 145 exp 1 March 2006 (reg 146)

Expiry of div 10.1

reg 146 sub 2000 No 32 amdt 1.13
exp 1 March 2006 (reg 146)

Licensing of drivers

div 10.2 hdg exp 1 June 2001 (reg 155)

Definitions for div 10.2

reg 147 exp 1 June 2001 (reg 155)

Pending applications for the grant, renewal or variation of driving licences

reg 148 exp 1 June 2001 (reg 155)

Pending applications to Magistrates Court for special probationary licences

reg 149 exp 1 June 2001 (reg 155)

Endnotes

4 Amendment history

Medical examinations

reg 150 exp 1 June 2001 (reg 155)

Driving tests

reg 151 exp 1 June 2001 (reg 155)

Residents with interstate licences

reg 152 exp 1 June 2001 (reg 155)

Suspension or cancellation of licences

reg 153 exp 1 June 2001 (reg 155)

Form of driver licences

reg 154 exp 1 June 2001 (reg 155)

Expiry of div 10.2

reg 155 sub 2000 No 32 amdt 1.14
exp 1 June 2001 (reg 155)

Driving instruction

div 10.3 hdg exp 1 June 2001 (reg 161)

Interpretation for div 10.3

reg 156 exp 1 June 2001 (reg 155)

Existing driving instructors

reg 157 exp 1 June 2001 (reg 155)

Suspension etc of accreditation

reg 158 exp 1 June 2001 (reg 155)

Pending applications for accreditation

reg 159 exp 1 June 2001 (reg 155)

Direction to undertake further training

reg 160 exp 1 June 2001 (reg 155)

Expiry of div 10.3

reg 161 sub 2000 No 32 amdt 1.15
exp 1 June 2001 (reg 161)

Demerit points

div 10.4 hdg exp 1 February 2004 (reg 167 (2))

Interpretation for div 10.4

reg 162 exp 1 June 2001 (reg 167 (1))

Warning notices

reg 163 exp 1 June 2001 (reg 167 (1))

Notices of suspension etc of driving licences

reg 164 exp 1 June 2001 (reg 167 (1))

Demerit points—renewal of provisional licences issued before 1 August 2000

reg 165 sub 2000 No 32 reg 13
exp 1 February 2004 (reg 167 (2))

Demerit points—provisional licences issued before 1 August 2000

reg 166 ins 2000 No 32 reg 13
exp 1 February 2004 (reg 167 (2))

Expiry of div 10.4 etc

reg 167 ins 2000 No 32 reg 13
 (1) exp 1 June 2001 (reg 167 (1))
exp 1 February 2004 (reg 167 (2))

Provisional licence restrictions

div 10.5 hdg ins 2000 No 32 reg 13
 exp 1 February 2002 (reg 171)

Provisional motorcycle licence restrictions—licences issued before 1 August 2000

reg 168 ins 2000 No 32 reg 13
 exp 1 February 2002 (reg 171)

Provisional licence restrictions for cars etc—licences issued before 1 August 2000

reg 169 ins 2000 No 32 reg 13
 exp 1 February 2002 (reg 171)

Display of P-plates

reg 170 ins 2000 No 32 reg 13
 exp 1 February 2002 (reg 171)

Expiry of div 10.5 etc

reg 171 ins 2000 No 32 reg 13
 exp 1 February 2002 (reg 171)

Dictionary

dict def **approved provisional driver training course** ins 2000 No 32 amdt 1.19
 def **approved road ready training course** ins 2000 No 32 amdt 1.19
 def **approved heavy vehicle driver training course** am 2000 No 32 amdt 1.16
 def **approved learner rider training course** sub 2000 No 32 amdt 1.17
 def **public bus** sub Act 2001 No 62 amdt 1.32
 def **public vehicle** sub Act 2001 No 62 amdt 1.32
 def **public vehicle regulations** am Act 2001 No 62 amdt 1.33
 def **provisional** ins 2000 No 32 amdt 1.18
 def **provisional licence** om 2000 No 32 amdt 1.18

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Republication No	Amendments to	Republication date
1	not amended	1 March 2000
2	Act 2001 No 44	12 September 2001
3	SL 2001 No 44	1 December 2001

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