



Australian Capital Territory

Road Transport (Driver Licensing) Regulation 2000

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made under the

Road Transport (Driver Licensing) Act 1999

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About this republication

The republished law

This is a republication of the *Road Transport (Driver Licensing) Regulation 2000*, made under the *Road Transport (Driver Licensing) Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 13 May 2011. It also includes any amendment, repeal or expiry affecting the republished law to 13 May 2011.

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

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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

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



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Australian Capital Territory

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Part 1 Preliminary

1 Name of regulation

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

2 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

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

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

3 Notes

A note in this regulation is explanatory and is not part of the section.

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

4 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to the following offences against this regulation (see Code, pt 2.1):

- s 64B (Return of public vehicle driver authority)

- s 88A (Public vehicle licence—licence taken to be cancelled if holder no longer eligible)
- s 88B (Public vehicle licence—holder to give information about visa status)
- s 108 (Display of certificate of accreditation—driving instructor)
- s 108A (Display of certificate of accreditation—heavy vehicle driver assessor)
- s 108B (Production of certificate of accreditation)
- s 114A (Restrictions on dual accelerator vehicles)
- s 115 (Liability insurance compulsory)
- s 115A (Police officer or authorised person may require evidence of liability insurance).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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 this regulation:
 - (a) learner licences;
 - (b) provisional licences;
 - (c) full licences;
 - (d) restricted licences;
 - (e) probationary licences.

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

- (2) For this regulation, 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 full 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, restricted, probationary or provisional 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 Act, dictionary 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; and
- **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

- (1) A driver licence must include 1 or more of the classes mentioned in table 7 (the **driver licence classes**).

Note Section 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 table 7.

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.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (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 table 7.

Table 7 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

- (1) For this regulation, 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 s 9, the kinds of motor vehicles that the holder of a driver licence is authorised to drive.


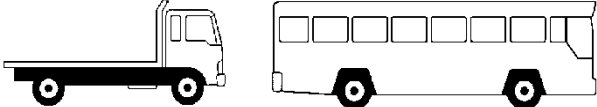
- (2) A motorcycle licence is not part of the driver licence class hierarchy.

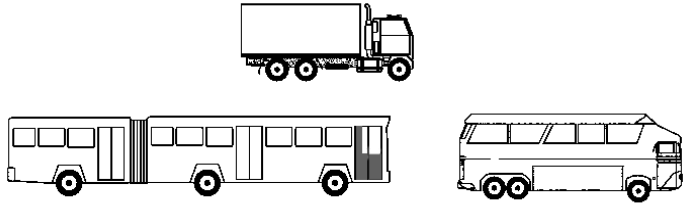

9 Vehicles authorised to be driven by licence classes

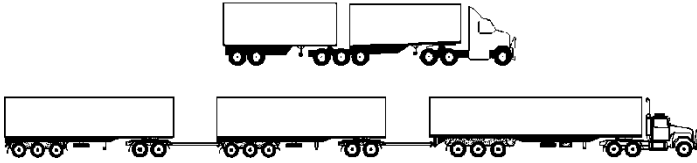
- (1) A driver licence of a particular driver licence class authorises the holder to drive a motor vehicle—
- (a) of a kind covered by that driver licence class; or
 - (b) of a kind covered by any lower class in the driver licence class hierarchy in section 8 (1).
- (2) The kinds of motor vehicles covered by each driver licence class are set out in table 9.
- (3) However, this section 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 (Mass, Dimensions and Loading) Act 2009*; 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 table 9 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 9 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 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> 

column 1 item	column 2 driver licence classes and motor vehicles covered by classes
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 with a GVM not over 9t.</p> <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 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> 

column 1 item	column 2 driver licence classes and motor vehicles covered by classes
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 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 (c) any other single trailer with a GVM over 9t. <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> 

column 1 item	column 2 driver licence classes and motor vehicles covered by classes
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

- (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 table 10.

Table 10 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

column 1 item	column 2 licence condition	column 3 code
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 concentration of alcohol of more than 0g in 100mL of blood or 210L of breath.	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 table 11.
- (3) For subsection (1), a person who holds a public vehicle licence with—
 - (a) an O code is also authorised to drive, for hire or reward, a demand responsive service vehicle that is a bus; and
 - (b) a T, H, or W code is also authorised to drive, for hire or reward, a demand responsive service vehicle that seats 9 adults or less (including the driver).
- (4) In this section:

demand responsive service vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, section 81.

Table 11 Public vehicle licence codes

column 1 item	column 2 kind of public vehicle	column 3 code
1	public bus	O
2	taxi (including a restricted taxi)	T
3	hire car (other than restricted hire car) that is not a motorbike	H
4	restricted hire car that is not a motorbike	W
5	hire car (including a restricted hire car) that is a motorbike	M

12 Form of driver licences

- (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 that complies with any standards determined under subsection (7); 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 table 7 (Driver licence classes); 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 table 10 (Driver licence condition codes); 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 table 11 (Public vehicle licence codes).
- (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 subsection (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.
 - (7) The road transport authority may determine standards for subsection (1) (c).

- (8) A determination is a notifiable instrument.

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

13 Driver licence receipts

- (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, subsection (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

Note The road transport authority has the function of keeping the driver licence register (see 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—
 - (i) the kinds of public vehicles that the holder is authorised
to drive for hire or reward; and
 - (ii) if the holder is a temporary resident who holds a visa
allowing the holder to work as a public vehicle driver—
the date the visa expires.
- (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 **Required medical standards and authorised medical reviewers**

15 **Meaning of *required medical standards***

- (1) For this regulation, the *required medical standards*, in relation to a person, are the medical standards set out in the publication *Assessing Fitness to Drive*, as amended from time to time, published by Austroads, that apply to the person.
- (2) The Legislation Act, section 47 (6) does not apply to the required medical standards.

Note The commercial standards mentioned in the required medical standards apply in relation to the accreditation of a driving instructor and of a heavy vehicle driver assessor (see s 104 (2)).

15A **Appointment of authorised medical reviewers**

The road transport authority may appoint an entity to be an authorised medical reviewer for section 69 (8) or section 78 (4).

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

Division 3.2 **Learner licences and heavy vehicle learners**

16 **Eligibility to apply for learner licence**

- (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 subsection (3) or (4) for the class of learner licence to which the application relates; or
 - (b) is exempted by the road transport authority under section 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) Subsection (1) is subject to section 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 successfully completed—
 - (i) an approved road ready training course during the 2-year period before the day the person applies for the licence; and
 - (ii) an approved pre-learner rider training course during the 3-month period before the day the person applies 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 successfully completed an approved road ready training course during the 2-year period before the day the person applies for the licence.

- (5) Subsection (3) (b) (i) and subsection (4) (b) do not apply if the person holds a driver licence of a different class.

17 Issue of learner licences

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

Note 2 If a person applies for a licence for which the person is not eligible to apply, s 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

- (1) A learner licence must be issued for 2 years.
- (2) However, a driver licence issued to a person under section 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

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

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

21 Restrictions on learner car licence drivers

- (1) In this section:

driving supervisor means a person, other than a driving instructor, who holds a full car licence, or a full licence of a higher class, and who is performing driver instruction.

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 driving supervisor.

Maximum penalty: 20 penalty units.

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

22 Learning to drive manual transmission vehicles

- (1) This section 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 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

- (1) This section 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.

- (3) While driving the motor vehicle on a road or road related area, the person is exempt under the Act, section 31 (1) (b) (Driver must be licensed) from the requirement to hold the higher class of licence if—
- (a) the person satisfies the eligibility requirements for the higher class of licence, other than the requirement in section 28 (2) (h); 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.
- (4) However, subsection (3) (b) and (c) does not apply during a test or assessment of the driver's driving ability conducted by an authorised person or heavy vehicle driver assessor.

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

Note 2 If a person who is learning to drive a heavy vehicle does not comply with s (3) (a) to (d), the person commits an offence (see Act, s 31 (1)).

Note 3 However, the offences in relation to pars (a) to (d) do not apply to a police officer, authorised person or authorised assistant who is driving a heavy vehicle or heavy combination under the *Road Transport (Mass, Dimensions and Loading) Act 2009*, s 319. Under that section, a heavy vehicle or heavy combination may be moved if it is on a road or road related area, is unattended or broken-down and is causing (or is likely to cause) either serious harm to public safety, the environment or road infrastructure or an obstruction to traffic.

Note 4 Also, the offences in relation to s (3) (a) to (d) do not apply to a person who is running the engine of a heavy vehicle or heavy combination

under the *Road Transport (Mass, Dimensions and Loading) Act 2009*, s 340. Under that section, a person may run the engine of a heavy vehicle or heavy combination to assist with powers of enforcement.

24 Unauthorised use of L-plates

- (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 section 20 (Restrictions on learner motorcycle licence riders), section 21 (Restrictions on learner car licence drivers), section 22 (Learning to drive manual transmission vehicles) or section 23 (Heavy vehicle learners).

Maximum penalty: 20 penalty units.

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

25 Approval of learner driver logbook

- (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 s 28 (2) (h) 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.

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 section 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 section 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 s 28. The provisional licence requirement for a motorcycle licence is set out in s 29 and for a car licence or licence of a higher class in s 30.

(3) Under section 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

(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 subsection (2) for the class; or
- (b) is exempt under subsection (3) from those eligibility requirements; or

- (c) is exempted by the road transport authority under section 67 (Authority may exempt from certain eligibility requirements) from an eligibility requirement mentioned in subsection (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—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
- (h) for a licence mentioned in paragraph (c), (d), (e), (f) or (g)—the person has successfully completed an approved heavy vehicle driver training course or test or assessment, set by the road transport authority for the licence class, and carried out by an authorised person or heavy vehicle driver assessor, to assess—
 - (i) the person’s knowledge of safe driving practices or road law; and
 - (ii) the person’s driving ability.

Note 1 For s (2) (h), *approved heavy vehicle driver training course*—see s 26 (1) (c).

Note 2 For s (2), under s 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 3 For s (2), under s 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 issued under the law of a recognised country that corresponds to that class or a higher class.

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

- (4) A person satisfies the eligibility requirements in subsection (2) (h) (i)—
- (a) for a medium rigid vehicle licence—if the person has successfully completed the stated test for a light rigid vehicle licence; or
 - (b) for a heavy vehicle rigid vehicle licence—if the person has successfully completed the stated test for either a light rigid vehicle licence or medium rigid vehicle licence.

29 Provisional licence requirement for motorcycle licences

- (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 subsection (3) from the requirement mentioned in paragraph (a); or
 - (c) is exempted by the road transport authority under section 67 (Authority may exempt from certain eligibility requirements) from the requirement mentioned in paragraph (a).

Note 1 Under s 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 s 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 subsection (3).

Note A motorcycle licence is not part of the driver licence class hierarchy (see s 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 issued under the law of a recognised country corresponding to a full motorcycle licence.

30 Provisional licence requirement for car licences etc

- (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 subsection (3) from the requirement mentioned in paragraph (a); or

(c) is exempted by the road transport authority under section 67 (Authority may exempt 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 s 8 (2)).

Note 2 Under s 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 s 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 subsection (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 issued under the law of a recognised country 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

- (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 s 28.

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

32 Issue of provisional licences

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

Note 2 If a person applies for a licence for which the person is not eligible to apply, s 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 section is subject to section 52 (When probationary licence must be issued).

33 Duration of provisional licences

- (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 s 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 s 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 s 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 s 8 (2)).

- (3) This section 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

- (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 s 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 s 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 s 29.

35 Duration of additional provisional classes

- (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 s 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 s 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 s 43 and s 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 s 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 s 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 s 8 (2)) and has no higher class.

36 Provisional motorcycle licence restrictions—ACT licences

- (1) This section 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 s 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 s 60).

- (3) However, subsection (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 s 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 s 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, subsection (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

- (1) This section 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, subsection (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 s 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 s 68 (2) any period when the person has, at any time, held a probationary motorcycle licence is also counted.

37 Provisional licence restrictions for cars etc—ACT licences

- (1) This section 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 s 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 s 60).

(3) However, subsection (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 s 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 s 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

- (1) This section 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, subsection (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 s 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 is counted.

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

38 Unauthorised use of P-plates

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 section 36 (Provisional motorcycle licence restrictions—ACT licences) or 37 (Provisional licence restrictions for cars etc—ACT licences) or a corresponding law.

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.

- (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

- (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 s 28. The provisional licence requirement for a motorcycle licence is set out in s 29 and for a car licence, or a driver licence of a higher class, in s 30.

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

40 Issue of full licences

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

Note 2 If a person applies for a licence for which the person is not eligible to apply, s 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 section is subject to section 52 (When probationary licence must be issued).

41 Duration of full licences

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 s 28.

- (2) This section is subject to section 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 Section 69 deals with the application procedure and s 70 sets out when an application can be refused. If an application is not refused under s 70, it must be approved unless s 71 applies (see s 72).

Note 2 If a person applies for a licence for which the person is not eligible to apply, s 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 section is subject to section 34 (When additional class to be included as provisional class).

44 Duration of varied licence

A driver licence issued to a person under section 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

- (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 66A (which is about disqualification in another jurisdiction)
- s 67 (which is about disqualification of repeat offenders)
- s 67A (2) (which is about disqualification of a first offender, under the *Road Transport (Alcohol and Drugs) Act 1977*, who exceeds the prescribed concentration of alcohol for the person by 0.05g or more)
- s 67B (which is about disqualification until a court orders otherwise)
- s 67C (which is about disqualification while holding a restricted licence)
- s 88 (4) (which is about suspension or disqualification for default in payment of an outstanding fine).

Note 2 Under the *Road Transport (General) Act 1999*, s 67A (4) and (5), a person disqualified from holding a driver licence under an automatic disqualification provision (see *Road Transport (General) Act 1999*, s 61A), other than as a first offender under the *Road Transport (Alcohol and Drugs) Act 1977*, is not eligible to apply for a restricted licence during the minimum period of disqualification.

Note 3 A person is also not eligible to apply for a restricted licence if either of the following provisions of this regulation applies to the person:

- s 130 (6) (b) (which is about the disqualification from holding a licence by a person who incurs 2 or more demerit points while holding a restricted licence)
- s 133 (2) (b) (which is about the disqualification from holding a licence by a person who incurs 2 or more demerit points while holding a probationary licence).

46 Application for order authorising issue of restricted licence

- (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

- (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 An infringement notice 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 (see Act, dict, def *infringement notice*).

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

48 Authority by court to issue restricted licence

- (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
 - Note* The classes of driver licence are set out in s 7.
 - (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 s 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 subsection (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.

U 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 Section 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.

50 Conditions of restricted licences

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 s 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 s 61).

51 Evidence of application for restricted licence inadmissible

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 section 46 (Application for order authorising issue of restricted licence);
- (b) the contents of the application or supporting affidavit.

Division 3.8 Probationary licences

U 52 When probationary licence must be issued

- (1) This section 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 (other than a learner 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 Section 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 subsection (1) (c) (ii) or (iii) applies to the person, this section 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 since the end of the disqualification.

- (3) If this section 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

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

- (a) 1 year;
- (b) if section 52 (1) (c) (ii) or (iii) applies 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

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 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 s 60).

Division 3.9 Conditional licences

55 Issue and variation of driver licences subject to conditions

- (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 subsection (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 s 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 this regulation 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 section 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 this regulation; 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 section applies to a person if the road transport authority proposes, on its own initiative (under section 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 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 s 55 (6)).

- (3) The notice may, but need not, provide an opportunity for the person to make representations about 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 this regulation 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 professional practitioner; 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 this regulation 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 s 15 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 subsection (2) (h).

Maximum penalty (for subsection (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 s 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 s 61).

58 Duration of varied licence

A driver licence issued to a person under section 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

- (1) A person mentioned in section 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 section.

- (2) A person must not, without reasonable excuse, fail to comply with subsection (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 subsection (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 person 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 section 57 (3); or
- (b) for the holder of a conditional licence issued in any other jurisdiction—any notice mentioned in this section, subsection (3) 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 s 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) Subsection (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

- (1) A person is eligible to apply to the road transport authority for the issue of a full licence as, or the variation of a full licence to include, a public vehicle licence for a kind of public vehicle if the person—
- (a) satisfies the eligibility requirements in subsection (3) for the public vehicle licence; or
 - (b) is exempted by the road transport authority under section 67 (Authority may exempt from certain eligibility requirements) from an eligibility requirement and satisfies the other eligibility requirements for the public vehicle licence.
- (2) Subsection (1) is subject to section 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 20 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
- Note* For matters the road transport authority may have regard to, see s 70 (3).
- (d) the person is medically fit to hold a public vehicle licence; and
 - (e) the person is—
 - (i) an Australian citizen; or
 - (ii) a permanent resident; or
 - (iii) a temporary resident who holds a visa that allows the person to work as a public vehicle driver; and
 - (f) 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 in the year before the day the application is made; and
 - (g) for a public vehicle licence for a hire car that is a motorbike—
 - (i) the person holds a full motorcycle licence; and
 - (ii) the person has held a full motorcycle licence, or an Australian driver licence that corresponds to a full motorcycle licence, for at least 1 year (or periods totalling 1 year) in the previous 3 years; and

- (h) for a public vehicle licence for a public bus—
- (i) the person holds a full licence to drive the kind of public vehicle to which the application relates, or a full licence of a higher class; and

Examples

- 1 A person who applies for a public vehicle licence to drive a small bus (with a GVM not over 4.5t) that is equipped to seat 11 adults (including the driver) requires a full car licence (see table 9, item 2).
- 2 A person who applies for a public vehicle licence to drive a bus (with a GVM over 4.5t, but not over 8t) that is equipped to seat 15 adults (including the driver) requires a full light rigid vehicle licence (see table 9, item 3).

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (ii) the person has held a licence mentioned in subparagraph (i), or an Australian driver licence that corresponds to a licence mentioned in subparagraph (i), for at least 1 year (or for periods totalling 1 year) in the previous 3 years; and
- (i) for a public vehicle licence to drive any other kind of public vehicle—
- (i) the person holds a full car licence or a full licence of a higher class; and

- (ii) the person has held a licence mentioned in subparagraph (i), or an Australian driver licence that corresponds to a licence mentioned in subparagraph (i), for at least 1 year (or for periods totalling 1 year) in the previous 3 years.

Note Under s 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, during the 3-year period, held a full licence is counted.

- (4) For subsection (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 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 standards.

63 Issue of driver licence that includes public vehicle licence

- (1) Subsection (2) applies if the road transport authority approves an application by a person for—
 - (a) the issue of a driver licence that includes a public vehicle licence for a kind of public vehicle; or
 - (b) the variation of a driver licence to include a public vehicle licence for a kind of public vehicle.
- (2) The road transport authority must issue to the person a driver licence that includes a public vehicle licence for that kind of public vehicle.
- (3) 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 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 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 s 60).

64 Duration of driver licence that includes public vehicle licence

- (1) If a full licence is varied to include a public vehicle licence, the replacement licence must be issued for—
 - (a) the remainder of the period of the full licence; or
 - (b) if the full licence is held by a visa holder and the visa expires before the expiry date for the full licence—the remainder of the period for which the visa is in force.
- (2) If a full licence is issued to include a public vehicle licence, the licence must be issued for—
 - (a) the period decided under section 41 (Duration of full licences) for the full licence; or
 - (b) if the licence is issued to a visa holder and the visa expires before the expiry date for the licence worked out under paragraph (a)—the remainder of the period for which the visa is in force.

- (3) In this section:

visa holder means a temporary resident who holds a visa that allows the person to work as a public vehicle driver

64A Authority cards for public vehicle drivers

- (1) The road transport authority must issue a public vehicle driver authority card to the holder of a public vehicle licence.

Note A public vehicle driver must display the card while driving a public passenger vehicle for hire or reward (see *Road Transport (Public Passenger Services) Regulation 2002*, s 307).

- (2) The card issued to the person must—

- (a) include on one side—

- (i) a photograph of the person; and
- (ii) a unique authority number for the card; and
- (iii) the kind of public vehicle the person is authorised to drive for hire or reward; and
- (iv) the card's expiry date; and

Note For par (i), the road transport authority may use the person's photograph that the authority holds for the *Road Transport (Driver Licensing) Act 1999*, s 36 (see s 138AB).

- (b) include on the other side—

- (i) the person's driver licence number and the first 2 letters of the person's surname; and
- (ii) the date the card was issued.

- (3) The card's expiry date must not be later than the expiry date of the person's public vehicle licence.

64B Return of public vehicle driver authority card

- (1) This section applies if—

- (a) a public vehicle driver authority card is issued to a person; and

(b) any of the following events happens:

- (i) the person ceases to be authorised to drive a kind of public vehicle stated in the card;
 - (ii) the person changes the person's name;
 - (iii) the authority takes action under section 87 (1) (l) in relation to the person's driver licence.
- (2) The person must return the card to the road transport authority as soon as practicable (but within 7 days) after the event happens.

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.

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.

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

66 Eligibility to apply for licence if disqualified or licence suspended

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

Note Section 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.

- (5) For this section, a person's licence is taken to be *suspended* if—
- (a) the person has received notice from a court or the licensing authority of another jurisdiction that suspension of the licence will take effect for a period beginning on a future date; or
 - (b) the road transport authority believes on reasonable grounds that suspension of the person's license will take effect in another jurisdiction for a period beginning on a future date.

Examples—reasonable grounds

- 1 The road transport authority is told by the licensing authority of another jurisdiction that the suspension will take effect on a future date.

- 2 Search of a database that has information about suspensions discloses that the suspension will take effect on a future date.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

67 Authority may exempt from certain eligibility requirements

- (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) section 16 (3) (a) or (b) or (4) (a) or (b) (Eligibility to apply for learner licence);
 - (b) section 28 (2) (a) to (g) (Eligibility requirements for licence classes);
 - (c) section 29 (1) (a) (Provisional licence requirement for motorcycle licences);
 - (d) section 30 (1) (a) (Provisional licence requirement for car licences etc);
 - (e) section 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 subsection (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 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 s 60).

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (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 section 62 (3) (f) (which is about the successful completion of an approved public vehicle driver training course).
- (5) An exemption given under subsection (4) may be conditional.
- (6) If an exemption under this section 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

- (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 territory driver licence or a foreign driver licence issued under the law of a recognised country 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 territory driver licence or a foreign driver licence issued under the law of a recognised country); 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 territory driver licence or a foreign driver licence issued under the law of a recognised country 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 territory driver licence or a foreign driver licence issued under the law of a recognised country corresponding to a probationary licence of that class).
- (3) To remove any doubt, any period when the probationary licence (or the external territory driver licence or a foreign driver licence issued under the law of a recognised country) was suspended, or the person was disqualified from holding or obtaining an Australian driver licence (or external territory driver licence or a foreign driver licence issued under the law of a recognised country), is not to be counted under subsection (2).
- (4) A reference in this section 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 s (4)

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

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Division 3.12 Applications to obtain or vary driver licences

69 Application procedure for issue and certain variations of driver licences

- (1) This section 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 s 74 and s 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) For an application for the issue of a driver licence (other than a restricted licence), if—
- (a) the person has at any time held a driver licence (other than a restricted licence); and
 - (b) the application is made 5 years or more after the date the person's previous licence expired;

the person must also give the road transport authority evidence that the person has successfully completed the knowledge test component of an approved road ready training course during the 2-year period before the day the application is made.

- (5) 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 statement supplied by a police officer about—
- (a) the applicant's criminal history (if any); and
 - (b) the infringement notices (if any) served on the person.

Note An infringement notice 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 (see Act, dict, def *infringement notice*).

- (6) 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 professional practitioner (or a stated doctor or allied professional practitioner) in accordance with the 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.
- (7) The road transport authority may accept evidence of compliance with a requirement in subsection (6) (b) to (e) or (h) that the person has obtained in another jurisdiction.
- (8) The road transport authority may also do 1 or more of the following:
- (a) require a person who has undergone a medical examination under subsection (6) (d) to undergo an examination by an authorised medical reviewer for assessment of the person's medical fitness to hold a driver licence or to drive a particular class or kind of motor vehicle in accordance with the required medical standards;

- (b) refer a report or other evidence mentioned in subsection (6) (e) to an authorised medical reviewer for assessment of the person's medical fitness to hold a driver licence or to drive a particular class or kind of motor vehicle in accordance with the required medical standards;
 - (c) require the person to pay for an assessment under paragraph (a) or (b).
- (9) 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 subsection (6) (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

- (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 s 15 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 subsection (1) (c), the road transport authority may refuse an application for a public vehicle licence under subsection (1) because the person is not a suitable person to hold a driver licence or a driver licence of the class or kind applied for if—
 - (a) the person has been convicted or found guilty of an offence that the road transport authority considers is relevant to the application; or

Note The road transport authority must comply with any guidelines approved by the Minister under s 90A (Public vehicle licence guidelines—relevant offences).

- (b) within the 5-year period before the day the application is made—
 - (i) 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
 - (ii) the person's Australian driver licence, or right to drive a motor vehicle (however described), has been suspended or cancelled under the law of any jurisdiction.
- (4) However, subsection (3) (b) (ii) does not apply if the suspension or cancellation is—
 - (a) for the nonpayment of an infringement notice penalty; or
 - (b) under the *Road Transport (General) Act 1999*, part 6 (Fine defaulters) or a corresponding law.

Note An infringement notice penalty includes an amount payable under an infringement notice served on a person under the law of another jurisdiction (see Act, dict, def *infringement notice penalty*).

- (5) This section is subject to section 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 section 70 or deal with the application under section 71.

73 Surrender of current driver licence and duration of replacement licence

- (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.

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.

U Division 3.13 Alcohol awareness courses

U Division 3.14 Drug awareness courses

Part 4 **Obligations of driver licence holders and exempt drivers**

74 Change of name or address

- (1) If a person who is the holder of a driver licence changes his or her name, the person must apply in accordance with section 89 (Procedure to replace driver licence or public vehicle driver authority card) for the issue of a replacement driver licence as soon as practicable (but within 14 days) after the change of name.

Maximum penalty: 20 penalty units.

- (2) If a person who is the holder of a driver licence changes his or her home address or address for service of notices, the person must tell the road transport authority about the change—
 - (a) orally not later than 14 days after the change; and
 - (b) if the authority asks the person to tell the authority about the change in writing—in writing within the period (not less than 14 days) required by the authority.

Maximum penalty: 20 penalty units.

75 Damaged, stolen, lost or destroyed licences or public vehicle authority cards

- (1) If a person's driver licence or public vehicle driver authority card has been damaged in a material respect or is stolen, lost or destroyed, the person must apply in accordance with section 89 (Procedure to replace driver licence or public vehicle driver authority card) for the issue of a replacement driver licence or public vehicle driver authority card as soon as practicable (but within 14 days) after the licence or card is damaged, stolen, lost or destroyed.

Maximum penalty: 20 penalty units.

- (2) For this section, a driver licence is damaged in a *material respect* if anything that is required under section 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 s 90).

- (3) Also for this section, a public vehicle driver authority card is damaged in a *material respect* if anything that is required under section 64A (Authority cards for public vehicle drivers) to be shown on the card is missing or cannot readily be read.

Note A public vehicle driver authority card that is damaged in a material respect is of no effect (see s 90).

76 Authority may request suspended or cancelled licence to be returned

- (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 to the authority as soon as practicable (but within 7 days)—
- (a) the licence; and
 - (b) if the licence is a public vehicle licence—the person’s public vehicle driver authority card.
- (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 to the authority as soon as practicable (but within 7 days) after the suspension or cancellation takes effect—
- (a) the licence; and
 - (b) if the licence is a public vehicle licence—the person’s public vehicle driver authority card.

- (3) A notice to a person under subsection (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 subsection (1) or (2).

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

77 Medical condition or treatment affecting driving ability

- (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 section 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 subsection.

78 Tests and medical examinations of drivers etc

(1) In this section:

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 ACT;
 - (c) undergo, at the person's own cost, a medical examination by a doctor or allied professional practitioner (or a stated doctor or allied professional practitioner) in accordance with the required medical standards;
 - (d) if the person has undergone a medical examination mentioned in paragraph (c)—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 ACT;
 - (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 subsection (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 required medical standards.
- (4) The road transport authority may also do 1 or more of the following:
- (a) require a person to undergo an examination by an authorised medical reviewer in accordance with the required medical standards;
 - (b) refer a medical report or other information relevant to the person's medical fitness to an authorised medical reviewer for assessment of the person's fitness to hold a driver licence or to drive a particular class or kind of motor vehicle in accordance with the required medical standards;

- (c) require the person to pay for an assessment under paragraph (a) or (b).
- (5) The road transport authority may accept evidence of compliance with a requirement in subsection (2) (a), (b) or (h) that the person has obtained in another jurisdiction.
- (6) 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 subsection (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

- (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 section.

Maximum penalty (for subsection (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 or public vehicle authority card

- (1) A person who is the holder of a driver licence or public vehicle driver authority card may apply to the road transport authority to surrender the licence or card.
- (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 licence or card to the road transport authority; or
 - (b) if the licence or card has been stolen, lost or destroyed—give the authority a statement, signed by the person or agent, that the licence or card has been stolen, lost or destroyed.
- (4) If the applicant complies with this section, the road transport authority must approve the application unless the authority is taking action to suspend, vary or cancel the licence or card.

Note The *Road Transport (General) Regulation 2000* provides 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 section 89 (Procedure to replace driver licence or public vehicle driver authority card) to surrender a licence class, or the public vehicle licence, and for the issue of a replacement driver licence.

83 When licences expire

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

- (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.
- (3) The road transport authority may include information or material not related to driver licences with notices of renewal sent to licence holders if satisfied on reasonable grounds that providing the information or material is in the public interest.

Example—information or material that may be provided in the public interest
promotional information or material that is part of a public awareness campaign on a health or safety issue

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

85 Application procedure for renewal of driver licence

- (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—
- (a) during the 12-month period before it expires; or
 - (b) during the 5-year period after it expires.

Note A driver licence expires at the end of the day of its expiry date (see s 83).

- (2) The person must give 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; and
 - (c) for an application to renew a learner licence—evidence that the person has successfully completed the knowledge test component of an approved road ready training course during the 2-year period before the day the application is made.
- (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 person's driver licence includes a public vehicle licence, the person must also give the road transport authority a statement supplied by a police officer about—
- (a) the applicant's criminal history (if any); and
 - (b) the infringement notices (if any) served on the person.

Note An infringement notice 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 (see Act, dict, def *infringement notice*).

- (5) The road transport authority may require the person to comply with a requirement mentioned in section 69 (6) (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.
- (6) For subsection (5), section 69 (7) and (9) applies in relation to the person.
- (7) The road transport authority must renew the driver licence if the person complies with this section.
- (8) However, the road transport authority may refuse to renew the driver licence if the authority could have refused, under section 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 Act, s 10 (4)).

- (9) 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 section 69.

86 Duration of renewed driver licences

- (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

U 87 When authority may vary, suspend or cancel driver licences

- (1) The road transport authority may vary, suspend or cancel a person's driver licence on its own initiative under section 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; or
- (n) the person has failed to comply with a request under section 88B (2); or
- (o) the person has failed to return the person's public vehicle driver authority card to the authority as required under section 64B (2).

Note See s 15 for the meaning of *required medical standards*.

- (2) The road transport authority may also suspend or cancel a person's driver licence under section 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) Regulation 2000*, s 17 and s 19).

- (3) Without limiting subsection (1) (c), the road transport authority may suspend or cancel a person's public vehicle licence under section 88 because 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 if—

- (a) the person has been convicted or found guilty of an offence that the road transport authority considers is relevant to the person's suitability to hold the licence or the class or kind of licence; or

Note The road transport authority must comply with any guidelines approved by the Minister under s 90A (Public vehicle licence guidelines—relevant offences).

- (b) the person has contravened the *Road Transport (Public Passenger Services) Act 2001*.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

- (4) For subsection (1) (i), a driver licence is incorrect in a **material respect** if anything that is required under section 12 (Form of driver licences) to be shown on the licence is incorrect.

- (5) This section does not apply to the making of a condition variation.

Note 1 Condition variations are made under div 3.9.

Note 2 A court may also order licence variation, suspension and cancellation under the *Road Transport (Mass, Dimensions and Loading) Act 2009*, s 204.

88 Procedures for variation, suspension and cancellation of driver licences

- (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.

- (3) The notice may, but need not, provide an opportunity for the person to make representations about 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 this regulation 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 professional practitioner; 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 this regulation 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 s 15 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 subsection (1) (g).

Maximum penalty: 20 penalty units.

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

Note Condition variations are made under div 3.9.

88A Public vehicle licence—licence taken to be cancelled if holder no longer eligible

- (1) This section applies if—
 - (a) a person holds a public vehicle licence; and
 - (b) when the person applied for the licence, the person was eligible, under section 62 (3) (e), to apply because the person was a temporary resident who held a visa that allowed the person to work as a public vehicle driver.

- (2) The person's public vehicle licence is taken to be cancelled if the visa expires, is revoked or changes so that the person is no longer allowed to work as a public vehicle driver.
- (3) However, subsection (2) does not apply if the person may lawfully work as a public vehicle driver for another reason.

Examples—other reasons

- 1 the person is issued with a permanent resident visa
- 2 the person is issued with a new temporary visa

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (4) If a person's public vehicle licence is taken to be cancelled under this section, the person must return the licence, and the person's public vehicle driver authority card, as soon as practicable (but within 7 days) after the day the licence is taken to be cancelled, to the road transport authority.

Maximum penalty: 20 penalty units.

- (5) An offence against this section is a strict liability offence.

88B Public vehicle licence—licence holder to give information about visa status

- (1) This section applies if—
 - (a) a person holds a public vehicle licence; and
 - (b) when the person applied for the licence, the person was eligible, under section 62 (3) (e), to apply because the person was a temporary resident who held a visa that allowed the person to work as a public vehicle driver.

- (2) The person commits an offence if—
- (a) the road transport authority asks the person, in writing, to give the authority evidence that the person holds a visa that allows the person to work as a public vehicle driver; and
 - (b) the person fails to comply with the request within the stated time or within 14 days after the day the request was made.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

Division 5.3 Replacement of driver licences and public vehicle driver authority cards

89 Procedure to replace driver licence or public vehicle driver authority card

- (1) This section applies to an application by a person for the issue of a replacement driver licence or public vehicle driver authority card—
- (a) if the person is the holder of a driver licence or public vehicle driver authority card 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 that includes a public vehicle licence and the person ceases to be eligible to hold the public vehicle licence; or
 - (d) if the person is the holder of a driver licence or public vehicle driver authority card and the licence or card has been damaged, stolen, lost or destroyed; or

- (e) 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 s 74).

Note 2 Section 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 or public vehicle driver authority card 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 or card (see s 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 or public vehicle driver authority card to the road transport authority; or
 - (b) if the licence or card has been stolen, lost or destroyed—give the authority a signed statement that the licence or card 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 section (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 or card.
- (6) If the road transport authority approves the application, the authority must issue a replacement driver licence or public vehicle driver authority card to the person.
- (7) A driver licence or public vehicle driver authority card issued to a person under subsection (6) must be issued for the remainder of the period of the licence or card that it replaces.

Division 5.4 Other matters

90 Damaged licences and public vehicle driver authority cards of no effect

- (1) A driver licence or public vehicle driver authority card is of no effect if it is damaged in a material respect.
- (2) For subsection (1), a driver licence is damaged in a *material respect* if anything that is required under section 12 (Form of driver licences) to be shown on the licence is missing or cannot readily be read.
- (3) Also for subsection (1), a public vehicle driver authority card is damaged in a *material respect* if anything that is required under section 64A (Authority cards for public vehicle drivers) to be shown on the card is missing or cannot readily be read.

90A Public vehicle licence guidelines—relevant offences

- (1) The Minister may approve guidelines about the exercise of the road transport authority's functions under the following sections:
 - (a) section 70 (3) (a) (When applications for issue and certain variations of driver licences can be refused);

- (b) section 87 (3) (a) (When authority may vary, suspend or cancel driver licences).
- (2) Without limiting subsection (1), the guidelines may make provision about—
- (a) the offences that are relevant in relation to—
- (i) an application for a public vehicle licence; and
 - (ii) the suitability of a person to continue to hold a public vehicle licence; and
- (b) the matters or circumstances that may or must be considered, in deciding whether—
- (i) an application for a public vehicle licence may or must be refused; or
 - (ii) a public vehicle licence may or must be suspended or cancelled.

Examples for par (b)

- 1 whether a person has been convicted for a single offence or multiple offences and the nature and seriousness of the offence
- 2 the age of the person when the offence was committed
- 3 the time elapsed since the offence was committed

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) The road transport authority must comply with any guidelines approved under this section.
- (4) Approved guidelines are a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Part 6 **Interstate drivers, overseas drivers and other exemptions**

Division 6.1 **General**

91 **Meaning of *automatic disqualifying circumstance***

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 section:

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

- (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 section may be subject to conditions stated in the exemption.
- (3) An exemption under this section is a notifiable instrument.

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

- (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—Act, s 31 (1) (b)

- (1) This section 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) 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) If the licence held by the person authorises the person to drive a motor vehicle (other than a motor bike) with a GVM not over 3.5t, the person is also 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) that—
- (a) has a GVM not over 4.5t; and
 - (b) is constructed or equipped to seat not more than 12 adults (including the driver).
- (4) However, the person ceases to be exempt under subsection (2) or (3) 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 section 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 section 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.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (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, a person who is a NSW country taxi-cab driver is exempt from holding a public vehicle licence that authorises the person to drive a taxi on a road or road related area (in the ACT) if the person—
- (a) is driving a vehicle for which a taxi licence has been issued; and
 - (b) has successfully completed an approved public vehicle driver training course.

Note A reference to a **taxi licence** includes a reference to a **restricted taxi licence** (see the *Road Transport (Public Passenger Services) Act 2001*, s 37).

A restricted taxi licence may be issued for a NSW cross-border taxi or a wheelchair-accessible taxi (see the *Road Transport (Public Passenger Services) Regulation 2002*, s 82A).

NSW cross-border taxi and **wheelchair-accessible taxi** are defined in the *Road Transport (Public Passenger Services) Regulation 2002*, dictionary.

- (4) 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 section 103 (Procedure to disqualify holders of interstate or external licences from driving).

(5) In this section:

NSW country taxi-cab driver means a person who—

- (a) holds an authority under the *Passenger Transport Act 1990* (NSW), part 4, division 5 that is valid for the category mentioned in the *Passenger Transport Regulation 2007* (NSW), section 28 (1) (f); and
- (b) first started driving a vehicle, for which a taxi licence has been issued, after 31 March 2008.

taxi licence—see the *Road Transport (Public Passenger Services) Act 2001*, section 37.

95 Exemption of drivers of vehicles used for agricultural work

- (1) This section 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 section:

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.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

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 section:

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

- (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 section:

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

- (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 Section 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.

Note A bicycle does not include any vehicle with an auxiliary motor capable of generating a power output over 200W (see *Road Transport (General) Act 1999*, dictionary and the Australian Road Rules).

- (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 subsection (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.

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 person 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

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 section 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 s 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

The road transport authority may disqualify under section 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 section 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 s 15 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*).

- (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 about 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 this regulation 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 professional practitioner; 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 this regulation 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 s 15 for the meaning of *required medical standards*.

Part 7 **Accreditation of driving instructors and heavy vehicle driver assessors**

Division 7.1 **Accreditation**

103A **Meaning of *accreditation*—pt 7**

In this part:

accreditation means accreditation under section 107 as a driving instructor or heavy vehicle driver assessor.

104 **Eligibility to apply for accreditation**

- (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—
 - (i) for a heavy vehicle driver assessor—a licence of the same class as, or a higher class than, the licence class for which the person is applying for accreditation as an assessor; or
 - (ii) for a driving instructor—a full car licence or a full licence of a higher class; and
 - (c) the person has sufficient driving ability, and knowledge of safe driving practices and road law, to provide—
 - (i) if the person applies for accreditation as a heavy vehicle driver assessor—heavy vehicle driver assessment; and
 - (ii) if the person applies for accreditation as a driving instructor—driver instruction and assessment; and
 - (d) the person has the other skills needed to provide—

- (i) if the person applies for accreditation as a heavy vehicle driver assessor—driver assessment for the licence class for which application is made; and
 - (ii) if the person applies for accreditation as a driving instructor—driver instruction and assessment; and
 - (e) the person is a suitable person to be accredited; and
 - (f) the person is medically fit to be accredited; and
 - (g) the person has complied with the required training for accreditation under section 104A; and
 - (h) the person is not disqualified under section 112 (Procedures for authority taking action in relation to accreditation) from applying for accreditation.
- (2) For subsection (1) (f), 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 commercial standards mentioned in the 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.

104A Required training for accreditation

- (1) For section 104 (1) (g), a person has complied with the required training for accreditation if—
- (a) the person has, within the 1-year period before the day the application for accreditation is made, successfully completed—
 - (i) if the person is applying for accreditation as a driving instructor—a training course that is approved under section 122 (Approval of training courses) for, or for people who wish to become, driving instructors; or

- (ii) if the person is applying for accreditation as a heavy vehicle driver assessor—a training course that is approved under section 122 for, or for people who wish to become, heavy vehicle driver assessors for the licence class, or a higher class, for which accreditation is sought; or
 - (b) the person has, within the 5-year period before the day the application for accreditation is made, been accredited for the licence class, or a higher class, for which accreditation is sought.
- (2) If the road transport authority is satisfied that a person has appropriate training or experience for accreditation, the authority may exempt the person from section 104 (1) (g).
- (3) An exemption under subsection (2) may be conditional.
- (4) If an exemption under subsection (2) is subject to conditions, the exemption applies only if all the conditions of the exemption are being complied with.

105 Application procedure for accreditation

- (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 section 104 (2); and
 - (c) a statement supplied by a police officer about the applicant's criminal history (if any) and the infringement notices (if any) served on the person.

Note An infringement notice 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 (see Act, dict, def *infringement notice*).

- (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 did not successfully complete any training that the authority has, under section 121, required the person to undertake; or
 - (c) 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
 - (d) the person has breached an applicable code of practice approved under section 118 (Code of practice for instructors and assessors).
- (2) Without limiting subsection (1) (a), the road transport authority may refuse to approve the application because the person is not a suitable person to be accredited if—
- (a) the person has been convicted or found guilty of an offence that the road transport authority considers is relevant to the application; or

Note The road transport authority must comply with any guidelines approved by the Minister under s 122A (Accreditation guidelines—relevant offences).

- (b) within the 5-year period before the day the application is made—
 - (i) 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
 - (ii) the person's Australian driver licence, or right to drive a motor vehicle (however described), has been suspended or cancelled under the law of any jurisdiction.
- (3) However, subsection (2) (b) (ii) does not apply if the suspension or cancellation is—
 - (a) for the nonpayment of an infringement notice penalty; or
 - (b) under the *Road Transport (General) Act 1999*, part 6 (Fine defaulters) or a corresponding law.

Note An infringement notice penalty includes an amount payable under an infringement notice served on a person under the law of another jurisdiction (see Act, dict, def *infringement notice penalty*).

107 Accreditation and certificates of accreditation

- (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; and
 - (f) for a heavy vehicle driver assessor—the licence class for which the person is accredited.

- (3) The maximum period the road transport authority may accredit a person is 5 years.

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 of certificate of accreditation—driving instructor

- (1) If a driving instructor is using a motor vehicle for driver instruction or assessment, the instructor must display the instructor's certificate of accreditation—
- (a) so that the information on the photo-side of the certificate can reasonably be read by a person in the driver's seat of the vehicle; or
 - (b) in accordance with any guidelines made under this section; or
 - (c) in accordance with an approval given under this section.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) The road transport authority may make guidelines about the display of certificates of accreditation.
- (4) A guideline is a notifiable instrument.

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

- (5) On application by a driving instructor, the road transport authority may, in writing, approve a way in which the driving instructor may display the instructor's certificate of accreditation.

108A Display of certificate of accreditation—heavy vehicle driver assessor

- (1) A heavy vehicle driver assessor commits an offence if the assessor—
- (a) uses a motor vehicle that is owned by the assessor or the assessor's employer for driver assessment; and
 - (b) does not display the assessor's certificate of accreditation—
 - (i) so that the information on the photo-side of the certificate can reasonably be read by a person in the driver's seat of the vehicle; or
 - (ii) in accordance with an approval under this section.

Maximum penalty: 5 penalty units.

- (2) On application by a heavy vehicle driver assessor, the road transport authority may, in writing, approve a way in which the heavy vehicle driver assessor may display the assessor's certificate of accreditation.
- (3) A heavy vehicle driver assessor commits an offence if the assessor—
- (a) uses a motor vehicle that is not owned by the assessor or the assessor's employer for driver assessment; and
 - (b) fails to show, before beginning assessment, the assessor's certificate of accreditation to the person being assessed.

Maximum penalty: 5 penalty units.

- (4) For subsection (3), the assessor must show the assessor's certificate of accreditation so that the information on the photo-side of the certificate can reasonably be read by the person to whom it is shown.
- (5) An offence against this section is a strict liability offence.

108B Production of certificate of accreditation

- (1) If an examiner is using a motor vehicle for driver instruction or assessment, the examiner commits an offence if the examiner fails to produce the examiner's certificate of accreditation for inspection when required to do so by a police officer or authorised person.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
(3) In this section:

examiner means a driving instructor or a heavy vehicle driver assessor.

109 Surrender of accreditation

- (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 section, the road transport authority must approve the application unless the authority is taking action to suspend or cancel the person's accreditation.

- (f) the person has breached a code of practice approved under section 118 (Code of practice for instructors and assessors).

112 Procedures for authority taking action in relation to accreditation

- (1) The road transport authority may take the following action under this section 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 section 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 section 111 (When authority may take action in relation to accreditation) exists to take action under this section, 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, disqualified from applying for accreditation.

113 Return of certificate of accreditation

- (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 Driver instruction and assessment

114 Use of vehicle for instruction

- (1) A driving instructor must not use a motor vehicle for driver instruction or driver assessment if the vehicle—
 - (a) does not display L-plates in accordance with section 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.

Maximum penalty: 20 penalty units.

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

114A Restrictions on dual accelerator vehicles

- (1) A person commits an offence if the person drives a vehicle that has a foot-operated accelerator on the passenger side.

Maximum penalty: 20 penalty units.

- (2) Subsection (1) does not apply if—
- (a) the person is receiving driver instruction or driver assessment from a driving instructor; or
 - (b) the accelerator is made inoperable by mechanical or other means; or
 - (c) the vehicle is fitted with full dual control including a dual steering wheel.

Examples of vehicles fitted with full dual control

- 1 dual-control garbage truck
- 2 dual-control street sweeper

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) An offence against this section is a strict liability offence.

115 Liability insurance compulsory

- (1) A driving instructor or heavy vehicle driver assessor commits an offence if—
- (a) the instructor or assessor instructs or assesses a person in a motor vehicle; and

- (b) there is not in force an insurance policy that insures the instructor or assessor against liability for at least \$5 000 000, in relation to the death of, or bodily injury to, a person caused by, or arising out of the use of, the motor vehicle (whether or not on a road or road related area) for providing driver instruction or assessment.

Maximum penalty: 20 penalty units.

- (2) To remove any doubt, it is irrelevant that an insurance policy mentioned in subsection (1) also insures the instructor or assessor against other risks.
- (3) An offence against this section is a strict liability offence.

115A Police officer or authorised person may require evidence of liability insurance

- (1) A police officer or authorised person may require a driving instructor or heavy vehicle driver assessor to produce evidence that a liability insurance policy is in force for the vehicle in which the instructor or assessor conducts driver instruction or assessment.
- (2) The driving instructor or heavy vehicle driver assessor must not fail to produce the evidence when required to do so.

Maximum penalty: 5 penalty units.

- (3) It is a defence to an offence against subsection (2) if the driving instructor or heavy vehicle driver assessor—
- (a) has a reasonable excuse for failing to produce the evidence when required to do so; and
- (b) within 3 days after being required to produce the evidence, produces the evidence as directed by the police officer or authorised person.

- (4) In this section:

liability insurance policy means an insurance policy mentioned in section 115 (1) (b).

116 Completion of learner driver logbooks

- (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.

Maximum penalty: 20 penalty units.

117 Pretending to be accredited

A person must not pretend to be accredited.

Maximum penalty: 20 penalty units.

118 Code of practice for instructors and assessors

- (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—
 - (i) driver instruction and assessment; or
 - (ii) heavy vehicle driver assessment;
 - (b) motor vehicles to be used for—
 - (i) driver instruction and assessment; or
 - (ii) heavy vehicle driver 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—
 - (i) driver instruction or assessment provided by a driving instructor; or
 - (ii) driver assessment provided by a heavy vehicle driver assessor;
 - (e) anything else in relation to—
 - (i) the accreditation of a person; or
 - (ii) driver instruction or driver assessment.
- (2) A code of practice approved under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
- (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 assessment standards

- (1) The road transport authority must approve standards for the assessment of a person's suitability to be issued with—
- (a) a provisional car licence; or
 - (b) a licence to drive a heavy vehicle.
- (2) Standards approved under this section are a notifiable instrument.

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

119A Heavy vehicle driver assessor authorised for lower licence classes

A heavy vehicle driver assessor who is accredited for a particular licence class is authorised to assess a heavy vehicle driver for that licence class and for lower licence classes, but not to instruct or assess a driver for a provisional car licence.

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—
 - (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 or assessment; or
 - (ii) provide other evidence of the person's suitability to be accredited;

- (b) if the person is accredited—
 - (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 professional practitioner (or a stated doctor or allied professional practitioner) in accordance with the required medical standards; or
 - (iv) if the person has undergone a medical examination mentioned in subparagraph (iii)—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 subsection (1) (b) (iii) or (iv), 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 required medical standards.

- (3) The road transport authority may accept evidence of compliance with a requirement in subsection (1) (a) (i) or (ii) or (b) (i), (ii) or (v) that the person has obtained in another jurisdiction.

121 Authority may require instructor or assessor to undertake training

- (1) The road transport authority may, by written notice given to a driving instructor or heavy vehicle driver assessor, require the instructor or assessor, within a stated period—
- (a) to undertake a training course approved under section 122 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 training has been successfully completed.
- (2) A course or training required to be undertaken under subsection (1) must be relevant to the instructor's or assessor's accreditation.

122 Approval of training courses

- (1) The road transport authority may, in writing, approve courses for—
- (a) training people who wish to become driving instructors or heavy vehicle driver assessors; and
 - (b) training driving instructors and heavy vehicle driver assessors.
- (2) An approval is a notifiable instrument.

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

122A Accreditation guidelines—relevant offences

- (1) The Minister may approve guidelines about the exercise of the road transport authority's functions under the following sections:
- (a) section 106 (2) (a) (When applications for accreditation can be refused);

- (b) section 111 (b) (When authority may take action in relation to accreditation).
- (2) Without limiting subsection (1), the guidelines may make provision about—
 - (a) the offences that are relevant in relation to—
 - (i) an application for accreditation; and
 - (ii) the suitability of a person to continue to hold an accreditation; and
 - (b) the matters or circumstances that may or must be considered, in deciding whether—
 - (i) an application for accreditation may or must be refused; or
 - (ii) an accreditation may or must be suspended or cancelled.

Examples for par (b)

- 1 whether a person has been convicted for a single offence or multiple offences and the nature and seriousness of the offence
- 2 the age of the person when the offence was committed
- 3 the time elapsed since the offence was committed

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) The road transport authority must comply with any guidelines approved under this section.
- (4) Approved guidelines are a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Part 8 **Licence demerit points**

Note For demerit points for a licence that is not a learner, provisional, restricted or probationary licence, see the Act, pt 2.3.

Division 8.1 **Demerit points—learner and provisional licences**

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

- (1) This section 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 subsection (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 subsection (4), or renews the person's licence under the subsection, 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 section 125 (Notice of licence suspension for demerit points incurred by learner and provisional licence holders).

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

(7) In this section:

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 section 36 (3) (b) or section 37 (3) (b)) 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.

124 Demerit points incurred by learner and provisional licence holders

(1) This section applies to a person if the person incurs the relevant number or more demerit points within the previous 3 years while the person is the holder of a learner or provisional licence issued by the road transport authority.

Note Demerit points are incurred on the day when the offence to which the demerit points relate was committed (see Act, s 13B (2)).

(2) The road transport authority must serve a notice of licence suspension on the person under section 125.

(3) If the person's licence is already suspended (the *current suspension*) under a territory law, before serving a notice of licence

suspension the road transport authority must serve a notice on the person stating that—

- (a) the person has incurred the demerit points; and
 - (b) the licence suspension under section 125 is additional to, not concurrent with, the current suspension; and
 - (c) the person will be served with a notice of licence suspension under section 125.
- (4) Failure to comply with subsection (3) does not affect the validity of anything done by the road transport authority or a court.
- (5) In this section:

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 has provided evidence (under section 36 (3) (b) or section 37 (3) (b)) acceptable to the road transport authority that the person has successfully completed an approved provisional driver training course—8; or
 - (ii) if the holder 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.

125 Notice of licence suspension for demerit points incurred by learner and provisional licence holders

- (1) A notice of licence suspension served on a person by the road transport authority under this section—

- (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 section, any driver licence held by the person is suspended for the period of licence suspension even though the person may not have incurred the relevant number of demerit points under the Act (or this regulation) for the suspension of the kind of driver licence held by the person.

Examples

- 1 If a person incurs the prescribed number of demerit points for a provisional licence held by the person and, before a notice of licence suspension takes effect, the person is issued with a full licence, the full licence is suspended even though the person has not incurred 12 or more demerit points (see the Act, s 16).
- 2 If a driver licence held by the person mentioned in example 1 included an additional class, the additional class is also suspended.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (4) A person whose driver licence is suspended under this section is not entitled to apply for, or be issued with, a restricted licence during the suspension period.

- (4) However, if the road transport authority issues a driver licence that includes the additional provisional class to the person under subsection (3), or renews the person's driver licence that includes an additional provisional class under the subsection, 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 additional provisional class suspension on the person under section 128 (Notice of suspension of additional provisional class).
- (5) In this section:
- 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 section 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 subsection (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 section 128.

- (4) If the person's additional provisional class is already suspended (the *current suspension*) under a territory law, before serving a notice of additional provisional class suspension the road transport authority must serve a notice on the person stating that—
- (a) the person has incurred the demerit points; and
 - (b) the additional provisional class suspension under section 128 is additional to, not concurrent with, the current suspension; and
 - (c) the person will be served with a notice of additional provisional class suspension under section 128.
- (5) Failure to comply with subsection (4) does not affect the validity of anything done by the road transport authority or a court.

128 Notice of suspension of additional provisional class

- (1) A notice of additional provisional class suspension under this section—
- (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 section, 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 section 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 section, and taken into account for the notice, are taken to be deleted.
- (7) Subsection (6) does not prevent the road transport authority from keeping records of deleted demerit points.

Division 8.3 Demerit points—restricted licences

129 Demerit points incurred by applicants for restricted licences

- (1) This section 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.

Note The road transport authority may issue a restricted licence to a person only if the Magistrates Court has made an order authorising the authority to issue the licence to the person (see s 49 (1)).

- (3) In this section:

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

- (1) This section applies to a person if the person incurs 2 or more demerit points while the person is the holder of a restricted licence issued by the road transport authority.

Note Demerit points are incurred on the day when the offence to which the demerit points relate was committed (see Act, s 13B (2)).

- (2) The road transport authority must serve a notice of licence cancellation on the person.
- (3) If the person's licence is suspended (the *current suspension*) under a territory law, before serving a notice of licence cancellation the road transport authority must serve a notice on the person stating that—
- (a) the person has incurred the demerit points; and
 - (b) the licence cancellation under this section is additional to, not concurrent with, the current suspension; and
 - (c) the person will be served with a notice of licence cancellation under this section.
- (4) Failure to comply with subsection (3) does not affect the validity of anything done by the road transport authority or a court.
- (5) 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 driver 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.
- (6) If the person is served with a notice of licence cancellation under this section—
- (a) the person’s driver 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.

Example for par (a)

If a person incurs 2 or more demerit points while the holder of a restricted licence and, before a notice of licence cancellation takes effect, the person is issued with a probationary licence, the probationary licence is cancelled even though the person has not incurred demerit points while the holder of a probationary licence.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (7) 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 section, and taken into account for the notice, are taken to be deleted.
- (8) Subsection (7) does not prevent the road transport authority from keeping records of deleted demerit points.

Division 8.4 Demerit points—probationary licences

131 Demerit points incurred by applicants for or holders of probationary licences

- (1) This section 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 section 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 subsection (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 section 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 subsection (4) and the person incurs 2 or more demerit points while the person is the holder of the probationary licence, the authority must serve a notice of licence cancellation under section 133 (Notice of licence cancellation for demerit points incurred by probationary licence holders).

Note Demerit points are incurred on the day when the offence to which the demerit points relate was committed (see Act, s 13B (2)).

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

(7) In this section:

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

(1) This section applies to a person if the person incurs 2 or more demerit points while the person is the holder of a probationary licence issued by the road transport authority.

Note Demerit points are incurred on the day when the offence to which the demerit points relate was committed (see Act, s 13B (2)).

(2) The road transport authority must serve a notice of licence cancellation on the person under section 133.

(3) If the person's licence is suspended (the *current suspension*) under a territory law, before serving a notice of licence cancellation the road transport authority must serve a notice on the person stating that—

- (a) the person has incurred the demerit points; and
- (b) the licence cancellation under section 133 is additional to, not concurrent with, the current suspension; and
- (c) the person will be served with a notice of licence cancellation under section 133.

(4) Failure to comply with subsection (3) does not affect the validity of anything done by the road transport authority or a court.

133 Notice of licence cancellation for demerit points incurred by probationary licence holders

(1) A notice of licence cancellation served on a person by the road transport authority under this section—

- (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 driver 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 section—
- (a) the person's driver 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.

Example for par (a)

If a person incurs 2 or more demerit points while the holder of a probationary licence and, before a notice of licence cancellation takes effect, the person is issued with another kind of driver licence, that licence is cancelled even though the person has not incurred demerit points while the holder of the other licence or has not incurred the relevant number of demerit points for the suspension or cancellation of the other licence.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

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

Division 8.5 Demerit points—other provisions for this part

134 Demerit points—points incurred but not taken into account for notices under pt 8

- (1) This section applies to—
 - (a) demerit points that are 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.

135 Demerit points—pt 8 not affected by suspension etc under another law

- (1) A period of licence suspension under this part is additional to, not concurrent with, any period of licence suspension otherwise imposed under this division or another territory law.
- (2) A period of disqualification from holding or obtaining a driver licence under this part is additional to, not concurrent with, any period of disqualification or licence suspension otherwise imposed under this division or another 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.

136 Demerit points—notices under pt 8

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 about why the notice should not be given.

Division 8.6 Demerit points—general

137 Demerit points—notices under Act, div 2.3

A notice under the Act, division 2.3 (Demerit points system) 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.

137A Demerit points—effect of withdrawal of infringement notice

- (1) This section applies in relation to a person if—
- (a) an infringement notice for a demerit points offence is served on the person; and
 - (b) demerit points for the offence are recorded against the person in the demerits points register under the Act, section 13A (1) (b), (c) or (d) (Recording of demerit points); and
 - (c) the infringement notice is withdrawn.

- (2) The demerit points are taken, for all purposes, never to have been recorded against the person and the road transport authority must delete them from the register.
- (3) Without limiting subsection (2), if any of the following happened because of the recording of the demerit points against the person, they are taken, by force of that subsection, never to have happened in relation to the person:
- (a) the sending of a warning notice under the Act, section 15;
 - (b) the refusal of an application for a licence under the Act, section 17;
 - (c) the service of a notice of ineligibility to obtain a driver licence, or a period of such ineligibility or disqualification, under the Act, section 20;
 - (d) the service of a notice of licence suspension, or a licence suspension, under the Act, section 18, section 19 or section 21 or under this part;
 - (e) the making of an election to be of good behaviour under the Act, section 19 or section 21;
 - (f) the service of a notice of additional provisional class suspension under section 128 (Notice of suspension of additional provisional class);
 - (g) the service of a notice of licence cancellation, or a licence cancellation, under section 130 (Demerit points incurred by restricted licence holders) or section 133 (Notice of licence cancellation for demerit points incurred by probationary licence holders);
 - (h) the deletion of the demerit points from the demerit points register because of something mentioned in paragraphs (a) to (g).

- (4) Also without limiting subsection (2), if, immediately before the withdrawal of the infringement notice, the person is subject to a period of licence ineligibility, disqualification, good behaviour or licence suspension (the *designated period*), or the person's licence has been cancelled, because of the recording of the demerit points in the demerit points register, the designated period or cancellation ends by force of that subsection.
- (5) Subsection (2) does not prevent the road transport authority keeping records of the demerit points deleted under subsection (2) or anything mentioned in subsection (3) or (4).
- (6) To remove any doubt, subsection (5) is subject to subsection (2).

138 Demerit points register—inspection

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.

Note A fee may be determined under the *Road Transport (General) Act 1999*, s 96 for this section.

Part 8A Protection of photographs and signatures

138A Definitions for pt 8A

In this part:

photograph—see the Act, section 35.

signature—see the Act, section 35.

138AB Use of photographs by road transport authority—Act, s 36 (1) (g)

- (1) This section applies to a photograph taken by the road transport authority, or given to the authority, in relation to an application by a person for the issue, replacement, renewal or variation by the authority of a driver licence or proof of age card.
- (2) The road transport authority may use a photograph in producing a public vehicle driver authority card for section 64A.

Note For other circumstances when a photograph or signature may be disclosed by the road transport authority, see the Act, s 36.

138B Disclosure of photographs and signatures by road transport authority—Act, s 37 (1) (g)

- (1) This section applies to a photograph or signature taken by the road transport authority, or given to the authority, in relation to an application by a person for the issue, replacement, renewal or variation by the authority of a driver licence or proof of age card.
- (2) The road transport authority may disclose a photograph or signature to the commissioner for fair trading and to public servants assisting the commissioner for the following purposes:
 - (a) for the issue of a proof of age card to the person;

- (b) to assist in establishing the identity of the person to decide whether to issue, replace, renew or vary a proof of age card;
- (c) for the administration or enforcement of the *Liquor Act 2010* (including in relation to the investigation of, or the conduct of a criminal proceeding for, an offence in relation to a proof of age card).

Note For other circumstances when a photograph or signature may be disclosed by the road transport authority, see the Act, s 37.

Part 9 Miscellaneous

139 Home address and addresses for service

- (1) For this regulation, 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 subsection (1), the authority may act on behalf of the licensing authority of the other jurisdiction or external territory in giving effect to the request.

141 Meaning of *recognised country*

- (1) For this regulation, a *recognised country*, in relation to a foreign driver licence, means a country listed as a recognised country by Austroads and published on its website from time to time.

Note The list of recognised countries is available at www.austroads.com.au/overseas.html

- (2) The Legislation Act, section 47 (6) does not apply to the list of recognised countries.

U Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to these regulations.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- commissioner for fair trading
- fail
- function
- give
- home address
- in relation to
- may (see s 146)
- penalty unit (see s 133)
- the Territory
- under.

Note 3 Terms used in these regulations have the same meaning that they have in the *Road Transport (Driver Licensing) Act 1999* (see Legislation Act, s 148.) For example, the following terms are defined in the *Road Transport (Driver Licensing) Act 1999*, dict:

- additional provisional class
- corresponding law
- demerit points register
- drive
- driver licence
- external driver licence
- external territory driver licence
- foreign driver licence
- incur (demerit points for an offence)
- licensing authority
- photograph
- public vehicle
- public vehicle licence
- road

- road related area
- vehicle.

Note 4 The *Road Transport (General) Act 1999* contains definitions relevant to this regulation. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- Australian Road Rules
- bicycle
- combination
- jurisdiction
- motor vehicle
- ride
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6)
- taxi
- trailer.

accreditation, for part 7 (Accreditation of driving instructors and heavy vehicle driver assessors)—see section 103A.

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).

address for service, of notices, means the address for the service of notices mentioned in section 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.

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

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

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

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

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

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

Australian citizen means a person who is an Australian citizen under the *Australian Citizenship Act 1948* (Cwlth).

Austroads means Austroads Ltd ABN 16 245 787 323.

authorised medical reviewer means an authorised medical reviewer under section 15A.

authorised person, for a provision of this regulation, means a person who is appointed as an authorised person under the *Road Transport (General) Act 1999*, section 19 for the provision.

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

axle—see the *Road Transport (Vehicle Registration) Regulation 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 section 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*.

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) Regulation 2000*, dictionary.

driver assessment means—

- (a) in relation to a driving instructor—the assessment of a person’s suitability to hold a car licence in accordance with the applicable standards approved under section 119; and
- (b) in relation to a heavy vehicle driver assessor—the assessment of a person’s suitability to hold a class of licence for a heavy vehicle licence in accordance with the applicable standards approved under section 119.

driver instruction means the instruction of a person to drive a motor vehicle (other than a tractor or implement) of a kind that may be driven by the holder of a car licence.

driver licence condition code means a code mentioned in table 10 (Driver licence condition codes).

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

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

eligibility requirements, for a class of driver licence, means the eligibility requirements under section 28.

full, for a particular class of Australian driver licence, means a full licence of that class.

Example

A reference to a full car licence is a reference to a full licence of that class.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

full licence—see section 5 (2).

GVM—see the *Road Transport (Vehicle Registration) Regulation 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.

heavy vehicle driver assessor means a person accredited under section 107 (Accreditation and certificates of accreditation) to conduct assessments of drivers for heavy vehicles.

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

hire car—see the *Road Transport (Public Passenger Services) Act 2001*, section 67.

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

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

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.

learner, for a particular class of Australian driver licence, means a learner licence of that class.

Example

A reference to a learner car licence is a reference to a learner licence of that class.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

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

licence expiry date—see section 83.

licensing authority—

- (a) for another jurisdiction—see the Act, dictionary; and
- (b) for an external territory or foreign country—the entity that has functions under the law of that 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.

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.

permanent resident means—

- (a) a person who holds a permanent visa for the *Migration Act 1958* (Cwlth), section 30; or
- (b) a New Zealand citizen who holds a special category visa under the *Migration Act 1958* (Cwlth), section 32.

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) Regulation 2000*, dictionary.

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

proof of age card, for part 8A (Protection of photographs and signatures)—see the Act, dictionary.

provisional, for a particular class of Australian driver licence—

- (a) means a provisional licence of that class; and
- (b) includes an Australian driver licence of that class if the licence shows the class as a provisional class.

Example for par (a)

A reference to a provisional motorcycle licence is a reference to a provisional licence of that class.

Example for par (b)

A reference to a provisional car licence includes a licence that shows a car licence as a provisional class.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

provisional licence requirement means—

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

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

public vehicle driver authority card means a card issued by the road transport authority under section 64A.

recognised country, in relation to a foreign driver licence—see section 141.

required medical standards, in relation to a person—see section 15.

restricted hire car—see the *Road Transport (Public Passenger Services) Act 2001*, section 68.

restricted taxi—see the *Road Transport (Public Passenger Services) Act 2001*, section 46.

rigid, for a vehicle, means not articulated.

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

signature, for part 8A (Protection of photographs and signatures)—see the Act, section 35.

temporary resident means a person who holds a temporary visa for the *Migration Act 1958* (Cwlth), section 30.

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

the Act means the *Road Transport (Driver Licensing) Act 1999*, and includes this regulation.

Endnotes

1 About the endnotes

Endnotes

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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 and expiries 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 endnote.

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.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 **Legislation history**

This regulation was originally the *Road Transport (Driver Licensing) Regulations 2000*. It was renamed under the *Legislation Act 2001*.

Road Transport (Driver Licensing) Regulation 2000 No 14

notified 29 February 2000 (Gaz 2000 No S6)
s 1, s 2 commenced 29 February 2000 (IA s 10B)
remainder commenced 1 March 2000 (s 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 (s 1)

Road Transport (Driver Licensing) Regulations Amendment 2001 No 3

notified 31 January 2001 (Gaz 2001 No S3)
commenced 31 January 2001 (s 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 see 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 CN2001-2)

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

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

Endnotes

3 Legislation history

Road Transport Legislation Amendment Regulations 2002 SL No 2 pt 2

notified LR 27 February 2002
s 1, s 2 commenced 27 February 2002 (LA s 75)
pt 2 commenced 1 March 2002 (s 2 and see CN 2002 No 2)

Road Transport (Driver Licensing) Amendment Regulations 2002 (No 1) SL2002-23

notified LR 30 August 2002
s 1, s 2 commenced 30 August 2002 (LA s 75)
remainder commenced 31 August 2002 (s 2)

Statute Law Amendment Act 2002 No 30 pt 3.67

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.67 commenced 17 September 2002 (s 2 (1))

Road Transport Legislation Amendment Regulations 2002 (No 2) SL2002-31 pt 2

notified LR 31 October 2002
s 1, s 2 commenced 31 October 2002 (LA s 75 (1))
pt 2 commenced 1 November 2002 (s 2 (1))

Road Transport Legislation (Taxi Services) Amendment Regulations 2003 (No 1) SL 2003-32 sch 2 pt 2.1

notified LR 22 September 2003
s 1, s 2 commenced 22 September 2003 (LA s 75 (1))
sch 2 pt 2.1 commenced 23 September 2003 (s 2)

Road Transport (Driver Licensing) Amendment Regulations 2003 (No 1) SL2003-34

notified LR 7 October 2003
s 1, s 2 commenced 7 October 2003 (LA s 75 (1))
remainder commenced 8 October 2003 (s 2 and LA s 73 (3) (b))

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.80

notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.80 commenced 9 April 2004 (s 2 (1))

**Road Transport Legislation Amendment Regulations 2004 (No 1)
SL2004-47 pt 2**

notified LR 9 September 2004
s 1, s 2 commenced 9 September 2004 (LA s 75 (1))
pt 2 commenced 10 September 2004 (s 2)

**Road Transport (Driver Licensing) Amendment Regulation 2004
(No 1) SL2004-59**

notified LR 16 December 2004
s 1, s 2 commenced 16 December 2004 (LA s 75 (1))
remainder commenced 17 December 2004 (s 2)

**Road Transport Legislation (Hire Cars) Amendment Regulation 2005
(No 1) SL2005-4 sch 2 pt 2.1**

notified LR 7 March 2005
s 1, s 2 commenced 7 March 2005 (LA s 75 (1))
sch 2 pt 2.1 commenced 9 March 2005 (s 2 and see Road Transport
(Public Passenger Services) (Hire Cars) Amendment Act 2004
A2004-69, s 2 and LA s 79)

**Road Transport Legislation Amendment Regulation 2005 (No 1)
SL2005-39 pt 2**

notified LR 14 December 2005
s 1, s 2 commenced 14 December 2005 (LA s 75 (1))
pt 2 commenced 15 December 2005 (s 2)

**Road Transport Legislation (Taxi Licences) Amendment
Regulation 2006 (No 1) SL2006-5 sch 1 pt 1.1**

notified LR 6 March 2006
s 1, s 2 commenced 6 March 2006 (LA s 75 (1))
sch 1 pt 1.1 commenced 7 March 2006 (s 2)

**Road Transport (Public Passenger Services) Amendment Regulation
2006 (No 1) SL2006-32 sch 1 pt 1.1**

notified LR 26 June 2006
s 1, s 2 commenced 26 June 2006 (LA s 75 (1))
sch 1 pt 1.1 commenced 3 July 2006 (s 2 (2))

**Road Transport (Driver Licensing) Amendment Regulation 2006
(No 1) SL2006-50**

notified LR 30 November 2006
s 1, s 2 commenced 30 November 2006 (LA s 75 (1))

Endnotes

3 Legislation history

remainder commenced 1 December 2006 (s 2)

**Road Transport Legislation (Accreditation and Licensing)
Amendment Regulation 2006 (No 1) SL2006-59 pt 2**

notified LR 18 December 2006

s 1, s 2 commenced 18 December 2006 (LA s 75 (1))

pt 2 commenced 1 January 2007 (s 2 and CN2006-24)

**Road Transport (Driver Licensing) Amendment Regulation 2006
(No 2) SL2006-60**

notified LR 21 December 2006

s 1, s 2 commenced 21 December 2006 (LA s 75 (1))

remainder commenced 22 December 2006 (s 2)

**Road Transport (Driver Licensing) Amendment Regulation 2007
(No 1) SL2007-32**

notified LR 4 October 2007

s 1, s 2 commenced 4 October 2007 (LA s 75 (1))

remainder commenced 5 October 2007 (s 2)

**Road Transport (Driver Licensing) Amendment Regulation 2008
(No 1) SL2008-5**

notified LR 11 March 2008

s 1, s 2 commenced 11 March 2008 (LA s 75 (1))

remainder commenced 12 March 2008 (s 2)

**Road Transport Legislation Amendment Regulation 2008 (No 1)
SL2008-30 pt 2**

notified LR 7 July 2008

s 1, s 2 commenced 7 July 2008 (LA s 75 (1))

pt 2 commenced 8 July 2008 (s 2)

Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.51

notified LR 12 August 2008

s 1, s 2 commenced 12 August 2008 (LA s 75 (1))

sch 3 pt 3.51 commenced 26 August 2008 (s 2)

Road Transport Legislation Amendment Act 2009 A2009-5 pt 3

notified LR 4 March 2009

s 1, s 2 commenced 4 March 2009 (LA s 75 (1))

pt 3 commenced 8 March 2009 (s 2 and CN2009-6)

**Road Transport Legislation Amendment Regulation 2009 (No 1)
SL2009-6 pt 2**

notified LR 11 March 2009
s 1, s 2 commenced 11 March 2009 (LA s 75 (1))
pt 2 commenced 16 March 2009 (s 2 and CN2009-7)

Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.65

notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
sch 3 pt 3.65 commenced 22 September 2009 (s 2)

**Road Transport (Mass, Dimensions and Loading) Act 2009 A2009-22
sch 1 pt 1.4**

notified LR 3 September 2009
s 1, s 2 commenced 3 September 2009 (LA s 75 (1))
sch 1 pt 1.4 commenced 3 March 2010 (s 2 and LA s 79)

Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.61

notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 3 pt 3.61 commenced 17 December 2009 (s 2)

**Road Transport Legislation Amendment Regulation 2010 (No 2)
SL2010-7 pt 2, sch 1 pt 1.1**

notified LR 16 March 2010
s 1, s 2 commenced 16 March 2010 (LA s 75 (1))
s 4, ss 7-13, s 15, ss 17-20, ss 22-30, s 32, amdt 1.1, amdt 1.11,
amdt 1.12 commenced 7 April 2010 (s 2 (2))
pt 2 remainder, sch 1 pt 1.1 remainder commenced 17 March 2010
(s 2 (1))

Statute Law Amendment Act 2010 A2010-18 sch 3 pt 3.13

notified LR 13 May 2010
s 1, s 2 commenced 13 May 2010 (LA s 75 (1))
sch 3 pt 3.13 commenced 3 June 2010 (s 2)

**Road Transport Legislation Amendment Regulation 2010 (No 3)
SL2010-28 pt 2**

notified LR 30 June 2010
s 1, s 2 commenced 30 June 2010 (LA s 75 (1))
pt 2 commenced 31 August 2010 (s 2 (3))

Endnotes

4 Amendment history

Liquor (Consequential Amendments) Act 2010 A2010-43 sch 1 pt 1.18

notified LR 8 November 2010

s 1, s 2 commenced 8 November 2010 (LA s 75 (1))

sch 1 pt 1.18 commenced 1 December 2010 (s 2 (4) and see Liquor Act 2010 A2010-35, s 2 (3) (as am by A2010-43 amdt 1.19) and CN2010-14)

Road Transport (Alcohol and Drugs) Legislation Amendment Act 2010 A2010-47 pt 4

notified LR 25 November 2010

s 1, s 2 commenced 25 November 2010 (LA s 75 (1))

ss 122, 123, 126-128 awaiting commencement (s 2)

pt 4 remainder commenced 1 December 2010 (s 2 (2) and see Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Act 2010 A2010-27, s 2 and CN2010-15)

Note default commencement under s 2 (3): 25 November 2011 (default commencement under LA s 79 does not apply to this Act)

Road Transport (Alcohol and Drugs) Legislation Amendment Act 2011 A2011-15 pt 4

notified LR 12 May 2011

s 1, s 2 commenced 12 May 2011 (LA s 75 (1))

pt 4 commenced 13 May 2011 (s 2)

4 Amendment history

Name of regulation

s 1 am R15 LA

Dictionary

s 2 om Act 2001 No 27 amdt 4.5
ins SL2004-47 s 4

Notes

s 3 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 3 am Act 2001 No 44 amdt 1.3716
sub SL2004-47 s 4

Offences against regulation—application of Criminal Code etc

s 4 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 4 am Act 2001 No 44 amdt 1.3717; Act 2002 No 30 amdt 3.710
(2), (3) exp 17 September 2002 (s 4 (3))
sub SL2004-47 s 4

am SL2010-7 amdt 1.2; SL2010-7 amdt 1.1; SL; SL2010-28
s 4

Basic kinds of driver licence

s 5 am SL2004-47 s 5

Conditional and public vehicle licences

s 6 am SL2006-50 ss 4-6
(3), (4) exp 1 December 2009 (s 6 (4))
am SL2010-7 amdt 1.3

Driver licence classes, class codes and class short descriptions

s 7 hdg bracketed note exp 17 September 2002 (s 4 (3))

Driver licence class hierarchy

s 8 hdg bracketed note exp 17 September 2002 (s 4 (3))

Vehicles authorised to be driven by licence classes

s 9 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 9 table am SL2009-6 ss 4-7
am A2009-22 amdt 1.5

Driver licence condition codes

s 10 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 10 table am A2010-47 s 112

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

s 11 am 2002 No 2 s 4; SL2005-4 amdt 2.1; SL2006-32 amdt 1.1

Form of driver licences

s 12 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 12 am SL2009-6 s 8, s 9

Driver licence receipts

s 13 hdg bracketed note exp 17 September 2002 (s 4 (3))

Driver licence register

s 14 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 14 am SL2010-7 s 4

Required medical standards and authorised medical reviewers

div 3.1 hdg sub SL2006-59 s 4; SL2009-6 s 10

Meaning of required medical standards

s 15 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 15 am Act 2001 No 27 amdt 4.6; SL2003-34 s 4
sub SL2006-59 s 4
am SL2010-28 s 5; A2011-15 s 75

Appointment of authorised medical reviewers

s 15A ins SL2009-6 s 11

Endnotes

4 Amendment history

Eligibility to apply for learner licence

s 16 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 16 am 2000 No 32 s 3; SL2006-60 ss 4-6

Issue of learner licences

s 17 hdg bracketed note exp 17 September 2002 (s 4 (3))

Duration of learner licences

s 18 hdg bracketed note exp 17 September 2002 (s 4 (3))

Learner driver logbook to be issued to learner car drivers

s 19 hdg bracketed note exp 17 September 2002 (s 4 (3))

Restrictions on learner motorcycle licence riders

s 20 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 20 am A2010-47 s 113

Restrictions on learner car licence drivers

s 21 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 21 am A2010-47 ss 114-117

Learning to drive manual transmission vehicles

s 22 am SL2004-47 s 6

Heavy vehicle learners

s 23 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 23 am SL2008-5 s 4, s 5; ss renum R26 LA; A2009-22 amdt 1.6;
SL2010-28 s 6, s 7

Unauthorised use of L-plates

s 24 hdg bracketed note exp 17 September 2002 (s 4 (3))

Approval of learner driver logbook

s 25 hdg bracketed note exp 17 September 2002 (s 4 (3))

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

s 26 sub 2000 No 32 s 4
am Act 2001 No 44 amdt 1.3718, amdt 1.3719; SL2008-5 s 6

Eligibility requirements for licence classes

s 28 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 28 am SL2008-5 s 7, s 8; SL2010-28 s 8, s 9; A2011-15 s 76

Provisional licence requirement for motorcycle licences

s 29 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 29 am 2000 No 32 s 5; A2011-15 s 77

Provisional licence requirement for car licences etc

s 30 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 30 am 2000 No 32 s 6; A2011-15 s 78

Eligibility to apply for provisional licence

s 31 hdg bracketed note exp 17 September 2002 (s 4 (3))

Issue of provisional licences

s 32 hdg bracketed note exp 17 September 2002 (s 4 (3))

Duration of provisional licences

s 33 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 33 am 2000 No 32 amdt 1.1

When additional class to be included as provisional class

s 34 hdg bracketed note exp 17 September 2002 (s 4 (3))

Duration of additional provisional classes

s 35 hdg bracketed note exp 17 September 2002 (s 4 (3))

Provisional motorcycle licence restrictions—ACT licences

s 36 hdg bracketed note exp 17 September 2002 (s 4 (3))
note following s 36 hdg exp 1 February 2002 (s 171)
sub 2000 No 32 s 7
s 36 am 2001 No 3 amdt 1.1

Provisional motorcycle licences—towing restrictions

s 36A hdg bracketed note exp 17 September 2002 (s 4 (3))
s 36A ins 2000 No 32 s 7
am A2010-47 s 118

Provisional licence restrictions for cars etc—ACT licences

s 37 hdg bracketed note exp 17 September 2002 (s 4 (3))
note following s 37 hdg exp 1 February 2002 (s 171)
s 37 sub 2000 No 32 s 7
am 2001 No 3 amdt 1.2

Provisional car licences—towing restrictions

s 37A hdg bracketed note exp 17 September 2002 (s 4 (3))
s 37A ins 2000 No 32 s 7
am SL2010-7 amdt 1.4; A2010-47 s 119

Unauthorised use of P-plates

s 38 hdg bracketed note exp 17 September 2002 (s 4 (3))
note following s 38 hdg exp 1 February 2002 (s 171)
s 38 am 2000 No 32 s 8; A2010-18 amdt 3.19

Provisional driver training courses

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

Eligibility to apply for full licence

s 39 hdg bracketed note exp 17 September 2002 (s 4 (3))

Issue of full licences

s 40 hdg bracketed note exp 17 September 2002 (s 4 (3))

Endnotes

4 Amendment history

Duration of full licences

s 41 hdg bracketed note exp 17 September 2002 (s 4 (3))

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

s 45 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 45 am 2000 No 32 amdt 1.2, amdt 1.3; 2002 No 23 s 4; Act 2002 No 30 amdt 3.711, amdt 3.712; A2010-47 s 120

Application for order authorising issue of restricted licence

s 46 hdg bracketed note exp 17 September 2002 (s 4 (3))

Circumstances in which court may give order authorising issue of restricted licence

s 47 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 47 am SL2003-32 amdt 2.29

Authority by court to issue restricted licence

s 48 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 48 am SL2010-7 amdt 1.5

Issue of restricted licence by road transport authority

s 49 am A2010-47 s 121; A2010-47 s 122

Conditions of restricted licences

s 50 hdg bracketed note exp 17 September 2002 (s 4 (3))

Evidence of application for restricted licence inadmissible

s 51 hdg bracketed note exp 17 September 2002 (s 4 (3))

When probationary licence must be issued

s 52 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 52 am SL2008-5 s 9; A2010-18 amdt 3.20; A2010-47 s 123

Duration of probationary licences

s 53 hdg bracketed note exp 17 September 2002 (s 4 (3))

Conditions of probationary licences

s 54 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 54 am A2010-47 s 124

Issue and variation of driver licences subject to conditions

s 55 hdg bracketed note exp 17 September 2002 (s 4 (3))

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

s 56 am 2000 No 32 amdt 1.4; Act 2002 No 30 amdt 3.713, amdt 3.714; SL2004-59 amdt 1.1; SL2006-59 s 19; SL2010-28 s 34

Duties of holders of conditional licences

s 59 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 59 am SL2010-7 amdt 1.6

Eligibility to apply for public vehicle licence

s 62 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 62 am SL2003-34 s 5; SL2004-47 s 7; SL2005-4 amdt 2.2;
 SL2006-50 s 7, s 8; SL2008-5 s 10; SL2010-7 s 5, amdt 1.7,
 amdt 1.8

Issue of driver licence that includes public vehicle licence

s 63 am SL2003-34 s 6; SL2010-7 amdt 1.9; ss renum R35 LA;
 A2010-47 s 125

Duration of driver licence that includes public vehicle licence

s 64 sub SL2010-7 s 6

Authority cards for public vehicle drivers

s 64A ins SL2010-7 s 7

Return of public vehicle driver authority card

s 64B ins SL2010-7 s 7

Approval of public vehicle driver training courses

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

Eligibility to apply for licence if disqualified or licence suspended

s 66 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 66 am SL2009-6 s 12

Authority may exempt from certain eligibility requirements

s 67 hdg am 2000 No 32 s 10
 bracketed note exp 17 September 2002 (s 4 (3))
 s 67 am 2000 No 32 s 10; SL2004-47 s 8; SL2006-60 s 7;
 SL2008-5 s 11; SL2010-7 amdt 1.10

Working out period a class or kind of licence has been held

s 68 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 68 am A2011-15 s 79

Application procedure for issue and certain variations of driver licences

s 69 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 69 am SL2003-32 amdt 2.30; SL2003-34 s 6; SL2006-60 s 8;
 ss renum R23 LA; SL2009-6 s 13; ss renum R30 LA;
 SL2010-28 s 34

When applications for issue and certain variations of driver licences can be refused

s 70 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 70 am SL2003-32 amdt 2.31, amdt 2.32; SL2006-59 s 5, s 19;
 A2010-18 amdt 3.21

Surrender of current driver licence and duration of replacement licence

s 73 hdg bracketed note exp 17 September 2002 (s 4 (3))

Endnotes

4 Amendment history

Alcohol awareness courses

div 3.13 hdg ins A2010-47 s 126

Application—div 3.13

s 73A ins A2010-47 s 126

Definitions—div 3.13

s 73B ins A2010-47 s 126

def **alcohol awareness course** ins A2010-47 s 126

def **alcohol-related disqualifying offence** ins A2010-47 s 126

Requirement to complete alcohol awareness course—person not disqualified

s 73C ins A2010-47 s 126

Requirement to complete alcohol awareness course—person disqualified and not eligible for restricted licence

s 73D ins A2010-47 s 126

Requirement to complete alcohol awareness course—person disqualified and eligible for restricted licence

s 73E ins A2010-47 s 126

Requirement to complete alcohol awareness course—person no longer disqualified and eligible for probationary licence

s 73F ins A2010-47 s 126

Exemption from alcohol awareness course—application

s 73G ins A2010-47 s 126

Exemption from alcohol awareness course—decision on application

s 73H ins A2010-47 s 126

Alcohol awareness course—approval

s 73I ins A2010-47 s 126

Drug awareness courses

div 3.14 hdg ins A2010-47 s 126

Application—div 3.14

s 73J ins A2010-47 s 126

Definitions—div 3.14

s 73K ins A2010-47 s 126

def **drug awareness course** ins A2010-47 s 126

def **drug-related disqualifying offence** ins A2010-47 s 126

Requirement to complete drug awareness course—person not disqualified

s 73L ins A2010-47 s 126

Requirement to complete drug awareness course—person disqualified and not eligible for restricted licence

s 73M ins A2010-47 s 126

Requirement to complete drug awareness course—person disqualified and eligible for restricted licence

s 73N ins A2010-47 s 126

Requirement to complete drug awareness course—person no longer disqualified and eligible for probationary licence

s 73O ins A2010-47 s 126

Exemption from drug awareness course—application

s 73P ins A2010-47 s 126

Exemption from drug awareness course—decision on application

s 73Q ins A2010-47 s 126

Drug awareness course—approval

s 73R ins A2010-47 s 126

Change of name or addresss 74 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 74 am SL2010-7 amdt 1.11**Damaged, stolen, lost or destroyed licences or public vehicle authority cards**s 75 hdg bracketed note exp 17 September 2002 (s 4 (3))
sub SL2010-7 s 8
s 75 am SL2010-7 ss 9-11, amdt 1.11**Authority may request suspended or cancelled licence to be returned**s 76 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 76 am SL2010-7 s 12**Medical condition or treatment affecting driving ability**

s 77 hdg bracketed note exp 17 September 2002 (s 4 (3))

Tests and medical examinations of drivers etcs 78 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 78 am 2002 No 31 s 4; SL2003-34 s 6, s 7; SL2009-6 s 14;
ss renum R30 LA; SL2010-28 s 34**Verification of driver licence register and monitoring of compliance**

s 80 hdg bracketed note exp 17 September 2002 (s 4 (3))

Surrender of driver licence or public vehicle authority cards 81 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 81 sub SL2010-7 s 13**Surrender of licence class or public vehicle licence**

s 82 am SL2010-7 amdt 1.11

Endnotes

4 Amendment history

When licences expire

s 83 hdg bracketed note exp 17 September 2002 (s 4 (3))

Notice of renewal for driver licence

s 84 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 84 am SL2008-30 s 4

Application procedure for renewal of driver licence

s 85 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 85 am SL2003-32 amdt 2.33; SL2006-60 s 9; ss renum R23 LA

Duration of renewed driver licences

s 86 hdg bracketed note exp 17 September 2002 (s 4 (3))

When authority may vary, suspend or cancel driver licences

s 87 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 87 am 2000 No 32 amdt 1.5; SL2005-4 amdt 2.3; SL2006-59 s 6,
s 19; A2009-22 amdt 1.7; SL2010-7 s 14, s 15; A2010-47
s 127

Procedures for variation, suspension and cancellation of driver licences

s 88 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 88 am Act 2002 No 30 amdt 3.715; SL2004-59 amdt 1.1;
SL2006-59 s 19; SL2010-28 s 34

Public vehicle licence—licence taken to be cancelled if holder no longer eligible

s 88A ins SL2010-7 s 16
am SL2010-7 amdt 1.12

Public vehicle licence—licence holder to give information about visa status

s 88B ins SL2010-7 s 16

Replacement of driver licences and public vehicle driver authority cards

div 5.3 hdg sub SL2010-7 s 17

Procedure to replace driver licence or public vehicle driver authority card

s 89 hdg bracketed note exp 17 September 2002 (s 4 (3))
sub SL2010-7 s 18
s 89 am SL2010-7 s 21; pars renum R35 LA; SL2010-7 s 19, s 20,
ss 22-28

Damaged licences and public vehicle driver authority cards of no effect

s 90 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 90 sub SL2010-7 s 29

Public vehicle licence guidelines—relevant offences

s 90A ins SL2006-59 s 7

Meaning of *automatic disqualifying circumstance*

s 91 hdg bracketed note exp 17 September 2002 (s 4 (3))

Exemption by authority from requirement to hold licence

s 93 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 93 am Act 2001 No 44 amdt 1.3724, amdt 1.3725

Exemption of overseas drivers—Act, s 31 (1) (b)

s 94 hdg bracketed note exp 17 September 2002 (s 4 (3))
 sub SL2007-32 s 4
 s 94 am 2001 No 44 s 3; SL2007-32 ss 5-7; ss renum R25 LA

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

s 94A ins 2001 No 44 s 4
 am SL2005-39 ss 4-6; SL2006-5 amdt 1.1; SL2008-5
 ss 12-15; SL2010-7 amdt 1.13

Exemption of drivers of golf and green keeping vehicles

s 98 hdg bracketed note exp 17 September 2002 (s 4 (3))

Other exemptions from requirement to hold driver licence

s 99 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 99 am A2010-18 amdt 3.22, amdt 3.23

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

s 100 am SL2010-7 amdt 1.14

When holders of interstate licences cannot drive

s 101 hdg bracketed note exp 17 September 2002 (s 4 (3))

When authority may disqualify interstate and overseas licence holders from driving in ACT

s 102 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 102 am SL2006-59 s 19

Procedure to disqualify holders of interstate or external licences from driving

s 103 am Act 2002 No 30 amdt 3.715; SL2004-59 amdt 1.1;
 SL2006-59 s 19; SL2010-28 s 34

Accreditation of driving instructors and heavy vehicle driver assessors

pt 7 hdg sub SL2010-28 s 10

Accreditation

div 7.1 hdg sub SL2010-28 s 10

Meaning of accreditation—pt 7

s 103A ins SL2010-28 s 11

Endnotes

4 Amendment history

Eligibility to apply for accreditation

- s 104 hdg bracketed note exp 17 September 2002 (s 4 (3))
sub SL2010-28 s 12
- s 104 am SL2003-34 s 8; SL2006-59 ss 8-10; pars renum R24 LA;
SL2010-28 s 13, s 14

Required training for accreditation

- s 104A hdg sub SL2010-28 s 15
- s 104A ins SL2006-59 s 10
am SL2010-28 s 15

Application procedure for accreditation

- s 105 hdg bracketed note exp 17 September 2002 (s 4 (3))
- s 105 am SL2003-32 amdt 2.34

When applications for accreditation can be refused

- s 106 am 2000 No 32 amdt 1.6; SL2003-32 amdt 2.35; SL2006-59
s 11, s 12; pars renum R24 LA; A2010-18 amdt 3.24;
SL2010-28 s 16

Accreditation and certificates of accreditation

- s 107 hdg bracketed note exp 17 September 2002 (s 4 (3))
- s 107 am SL2006-59 s 13; SL2010-28 s 17

Replacement of certificate of accreditation

- s 107A ins 2000 No 32 amdt 1.7

Display of certificate of accreditation—driving instructor

- s 108 hdg bracketed note exp 17 September 2002 (s 4 (3))
- s 108 sub SL2010-28 s 18

Display of certificate of accreditation—heavy vehicle driver assessor

- s 108A ins SL2010-28 s 18

Production of certificate of accreditation

- s 108B ins SL2010-28 s 18

Surrender of accreditation

- s 109 hdg bracketed note exp 17 September 2002 (s 4 (3))

Automatic suspension or cancellation of accreditation

- s 110 hdg bracketed note exp 17 September 2002 (s 4 (3))

When authority may take action in relation to accreditation

- s 111 hdg bracketed note exp 17 September 2002 (s 4 (3))
- s 111 am SL2006-59 s 14, s 15; pars renum R24 LA; SL2010-28
s 19

Procedures for authority taking action in relation to accreditation

- s 112 hdg bracketed note exp 17 September 2002 (s 4 (3))
- s 112 am 2000 No 32 amdt 1.8; SL2010-28 s 20

Return of certificate of accreditation

s 113 hdg bracketed note exp 17 September 2002 (s 4 (3))

Driver instruction and assessment

div 7.3 hdg sub SL2010-28 s 21

Use of vehicle for instruction

s 114 hdg bracketed note exp 17 September 2002 (s 4 (3))

s 114 am SL2004-47 regs 9-11

Restrictions on dual accelerator vehicles

s 114A ins SL2004-47 s 12

Liability insurance compulsory

s 115 hdg bracketed note exp 17 September 2002 (s 4 (3))

s 115 sub SL2010-28 s 22

Police officer or authorised person may require evidence of liability insurance

s 115A ins SL2010-28 s 22

Completion of learner driver logbooks

s 116 hdg bracketed note exp 17 September 2002 (s 4 (3))

s 116 am A2004-15 amdt 2.169, amdt 2.170

Pretending to be accredited

s 117 hdg bracketed note exp 17 September 2002 (s 4 (3))

Code of practice for instructors and assessors

s 118 hdg bracketed note exp 17 September 2002 (s 4 (3))

sub SL2010-28 s 23

s 118 am Act 2001 No 44 amdt 1.3726, amdt 1.3727; SL2010-28 s 23

Approval of assessment standards

s 119 hdg sub SL2010-28 s 24

s 119 am Act 2001 No 44 amdt 1.3728, amdt 1.3729; SL2010-28 s 24

Heavy vehicle driver assessor authorised for lower licence classes

s 119A ins SL2010-28 s 25

Tests and medical examinations of driving instructors etc

s 120 am 2002 No 31 s 5, s 6; SL2003-34 s 9, s 10; SL2010-28 s 26, s 27, s 34

Authority may require instructor or assessor to undertake training

s 121 sub SL2010-28 s 28

Approval of training courses

s 122 hdg bracketed note exp 17 September 2002 (s 4 (3))

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

sub SL2010-28 s 28

Endnotes

4 Amendment history

Accreditation guidelines—relevant offences

s 122A ins SL2006-59 s 16
am SL2010-28 s 29

Licence demerit points

pt 8 hdg sub SL2004-59 amdt 1.2

Demerit points—learner and provisional licences

div 8.1 hdg sub SL2004-59 amdt 1.3

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

s 123 hdg sub 2000 No 32 s 11
s 123 am 2000 No 32 s 11
am 2001 No 3 amdt 1.3; Act 2001 No 27 amdt 4.7; 2002 No 23
s 5
def **relevant number** sub 2000 No 32 s 11
am 2002 No 23 s 6
note to def **relevant number** exp 1 February 2004 (s 167)

Demerit points incurred by learner and provisional licence holders

s 124 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 124 am 2000 No 32 s 12
am 2001 No 3 amdt 1.4; Act 2001 No 27 amdt 4.8
sub 2002 No 23 s 7
def **relevant number** sub 2000 No 32 s 12
note to def **relevant number** exp 1 February 2004 (s 167)
am A2009-5 s 7; ss renum R29 LA

Notice of licence suspension for demerit points incurred by learner and provisional licence holders

s 125 hdg sub 2002 No 23 s 8
s 125 am 2002 No 23 s 9; SL2009-6 s 15; ss renum R30 LA

Demerit points—additional provisional class

div 8.2 hdg sub SL2004-59 amdt 1.4

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

s 126 hdg sub 2000 No 32 amdt 1.9
s 126 am 2002 No 23 s 10

Demerit points incurred by holders of licences with additional provisional class

s 127 hdg sub 2000 No 32 amdt 1.10
s 127 am A2009-5 s 8

Demerit points—restricted licences

div 8.3 hdg sub SL2004-59 amdt 1.5

Demerit points incurred by applicants for restricted licences

s 129 hdg sub 2000 No 32 amdt 1.11
 s 129 am 2002 No 23 s 11

Demerit points incurred by restricted licence holders

s 130 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 130 am 2002 No 23 regs 12-14; A2009-5 s 9; ss renum R29 LA

Demerit points—probationary licences

div 8.4 hdg sub SL2004-59 amdt 1.6

Demerit points incurred by applicants for or holders of probationary licences

s 131 hdg sub 2000 No 32 amdt 1.12; 2002 No 23 s 15
 s 131 am 2002 No 23 s 16

Demerit points incurred by probationary licence holders

s 132 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 132 am 2002 No 23 s 17; A2009-5 s 10

Notice of licence cancellation for demerit points incurred by probationary licence holders

s 133 hdg sub 2002 No 23 s 18
 s 133 am 2002 No 23 s 19, s 20

Demerit points—other provisions for this part

div 8.5 hdg sub SL2004-59 amdt 1.7

Demerit points—points incurred but not taken into account for notices under pt 8

s 134 sub SL2004-59 amdt 1.7

Demerit points— pt 8 not affected by suspension etc under another law

s 135 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 135 sub SL2004-59 amdt 1.7
 am A2009-5 s 11

Demerit points—notices under pt 8

s 136 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 136 sub SL2004-59 amdt 1.7

Demerit points—general

div 8.6 hdg ins SL2004-59 amdt 1.7

Demerit points—notices under Act, div 2.3

s 137 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 137 sub SL2004-59 amdt 1.7

Demerit points—effect of withdrawal of infringement notice

s 137A ins SL2004-59 s 4

Demerit points register—inspection

s 138 sub SL2004-59 amdt 1.7

Endnotes

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Protection of photographs and signatures

pt 8A hdg ins 2002 No 31 s 7

Definitions for pt 8A

s 138A def **photograph** ins 2002 No 30 s 7
def **proof of age card** ins 2002 No 30 s 7
om R15 LA
def **signature** ins 2002 No 30 s 7

Use of photographs by road transport authority—Act, s 36 (1) (g)

s 138AB ins SL2010-7 s 30

Disclosure of photographs and signatures by road transport authority—Act, s 37 (1) (g)

s 138B ins 2002 No 31 s 7
am A2009-20 amdt 3.187; A2010-43 amdt 1.65

Home address and addresses for service

s 139 hdg bracketed note exp 17 September 2002 (s 4 (3))

Transitional

pt 10 hdg om R19 LA

Conversion of driving licences

div 10.1 hdg exp 1 March 2006 (s 146)

Meaning of *recognised country*

s 141 exp 1 March 2006 (s 146)
ins A2011-15 s 80

Existing kinds of licences

s 142 exp 1 March 2006 (s 146)

Existing licence classes

s 143 hdg bracketed note exp 17 September 2002 (s 4 (3))
s 143 exp 1 March 2006 (s 146)

Existing conditions on licences

s 144 exp 1 March 2006 (s 146)

Existing public vehicles licences

s 145 exp 1 March 2006 (s 146)

Expiry of div 10.1

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

Medical standards

div 10.2 hdg exp 1 June 2001 (s 155)
ins SL2003-34 s 11
exp 1 April 2004 (s 148)

Medical fitness

s 147 exp 1 June 2001 (s 155)
ins SL2003-34 s 11
exp 1 April 2004 (s 148)

Expiry of div 10.2

s 148 exp 1 June 2001 (s 155)
ins SL2003-34 s 11
exp 1 April 2004 (s 148)

Pending applications to Magistrates Court for special probationary licences

s 149 exp 1 June 2001 (s 155)

Medical examinations

s 150 exp 1 June 2001 (s 155)

Driving tests

s 151 exp 1 June 2001 (s 155)

Residents with interstate licences

s 152 exp 1 June 2001 (s 155)

Suspension or cancellation of licences

s 153 exp 1 June 2001 (s 155)

Form of driver licences

s 154 exp 1 June 2001 (s 155)

Expiry of div 10.2

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

Driving instruction

div 10.3 hdg exp 1 June 2001 (s 161)

Interpretation for div 10.3

s 156 exp 1 June 2001 (s 155)

Existing driving instructors

s 157 exp 1 June 2001 (s 155)

Suspension etc of accreditation

s 158 exp 1 June 2001 (s 155)

Pending applications for accreditation

s 159 exp 1 June 2001 (s 155)

Direction to undertake further training

s 160 exp 1 June 2001 (s 155)

Expiry of div 10.3

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

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Demerit points

div 10.4 hdg exp 1 February 2004 (s 167)

Interpretation for div 10.4

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

Warning notices

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

Notices of suspension etc of driving licences

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

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

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

Demerit points—provisional licences issued before 1 August 2000

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

Expiry of div 10.4 etc

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

Provisional licence restrictions

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

Provisional motorcycle licence restrictions—licences issued before 1 August 2000

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

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

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

Display of P-plates

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

Expiry of div 10.5 etc

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

Dictionary

dict hdg

dict

am SL2004-47 s 13
 am SL2008-5 s 16; A2008-28 amdt 3.159; SL2009-6 s 16;
 A2009-20 amdt 3.188; A2009-49 amdt 3.149; A2010-18
 amdt 3.25, amdt 3.26
 def **accreditation** sub SL2010-28 s 30
 def **additional provisional class** om R15 LA
 def **address for service** sub SL2004-47 s 14
 def **alcohol awareness course** ins A2010-47 s 128
 def **alcohol-related disqualifying offence** ins A2010-47
 s 128
 def **another jurisdiction** om R15 LA
 def **approved driving instructors training course** om
 SL2010-28 s 31
 def **approved heavy vehicle driver training course** am 2000
 No 32 amdt 1.16
 def **approved learner driver standards** om SL2010-28 s 31
 def **approved learner rider training course** sub 2000 No 32
 amdt 1.17
 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 **Australian citizen** ins SL2010-7 s 31
 def **Australian driver licence** om R15 LA
 def **Australian Road Rules** om A2010-18 amdt 3.27
 def **Austroads** ins A2011-15 s 81
 def **authorised medical reviewer** ins SL2009-6 s 17
 def **authorised person** sub Act 2002 No 30 amdt 3.716
 def **combination** om A2010-18 amdt 3.28
 def **conditional licence** om R15 LA
 def **corresponding law** om R15 LA
 def **demerit points register** om R15 LA
 def **disqualifying offence** om SL2006-59 s 17
 def **drive** om R15 LA
 def **driver assessment** ins SL2004-47 s 15
 sub SL2010-28 s 32
 def **driver assessment and instruction** om SL2004-47 s 15
 def **driver instruction** ins SL2004-47 s 15
 def **driver licence** om R15 LA
 def **driver licence receipt** om R15 LA
 def **driver licence register** om R15 LA
 def **drug awareness course** ins A2010-47 s 128
 def **drug-related disqualifying offence** ins A2010-47 s 128
 def **eligibility requirements** sub SL2004-47 s 16
 def **external driver licence** om R15 LA
 def **external Territory driver licence** om R15 LA

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def **foreign driver licence** om R15 LA
def **full** ins SL2004-47 s 17
def **heavy vehicle driver assessor** ins SL2010-28 s 33
def **hire car** ins SL2005-4 amdt 2.4
def **home address** om A2009-49 amdt 3.150
def **incur** sub 2002 No 23 s 21
def **jurisdiction** om R15 LA
def **learner** ins SL2004-47 s 18
def **learner licence** om R15 LA
def **motor vehicle** om R15 LA
def **permanent resident** ins SL2010-7 s 31
def **photograph** om R15 LA
def **probationary licence** om R15 LA
def **proof of age card** ins 2002 No 31 s 8
def **provisional** ins 2000 No 32 amdt 1.18
sub SL2004-47 s 19
def **provisional licence** om 2000 No 32 amdt 1.18
def **provisional licence requirement** sub SL2004-47 s 20
def **public bus** sub Act 2001 No 62 amdt 1.32
def **public vehicle** sub Act 2001 No 62 amdt 1.32
om A2008-28 amdt 3.160
def **public vehicle driver authority card** ins SL2010-7 s 32
def **public vehicle licence** om R15 LA
def **public vehicle regulation** am Act 2001 No 62 amdt 1.33
sub 2002 No 2 s 5
om SL2005-4 amdt 2.5
def **recognised country** ins A2011-15 s 81
def **required medical standards** sub SL2003-34 s 12
am SL2006-59 s 18
def **restricted hire car** ins SL2005-4 amdt 2.6
def **restricted hire vehicle** om SL2005-4 amdt 2.6
def **restricted licence** om R15 LA
def **road** om R15 LA
def **road related area** om R15 LA
def **road transport authority** om R15 LA
def **road transport legislation** om A2010-18 amdt 3.29
def **signature** ins 2002 No 31 s 8
def **taxi** sub 2002 No 2 s 6
om A2010-18 amdt 3.30
def **temporary resident** ins SL2010-7 s 33
def **trailer** om R15 LA
def **vehicle** om R15 LA

5 Earlier republications

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

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

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
4	SL 2001 No 44	2 February 2002
5*	SL 2002 No 2	1 March 2002
6	SL 2002 No 23	31 August 2002
7	Act 2002 No 30	27 September 2002
8	SL2002-31	1 November 2002
9	SL2003-32	23 September 2003
10	SL2003-34	8 October 2003
11	SL2003-34	2 February 2004
12	SL2003-34	2 April 2004
13	A2004-15	9 April 2004
14	SL2004-47	10 September 2004
15	SL2004-47	2 November 2004
16	SL2004-59	17 December 2004
17*	SL2005-4	9 March 2005
18	SL2005-39	15 December 2005
19	SL2005-39	2 March 2006
20	SL2006-5	7 March 2006
21	SL2006-32	3 July 2006

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Republication No	Amendments to	Republication date
22	SL2006-50	1 December 2006
23	SL2006-60	22 December 2006
24	SL2006-60	1 January 2007
25	SL2007-32	5 October 2007
26*	SL2008-5	12 March 2008
27	SL2008-30	8 July 2008
28	A2008-28	26 August 2008
29	A2009-5	8 March 2009
30	SL2009-6	16 March 2009
31	A2009-22	22 September 2009
32	<u>A2009-49</u>	2 December 2009
33	A2009-49	17 December 2009
34	A2009-49	3 March 2010
35	<u>SL2010-7</u>	17 March 2010
36	SL2010-7	7 April 2010
37	A2010-18	3 June 2010
38	SL2010-28	31 August 2010
39	A2010-47	1 December 2010

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

**Road Transport (Alcohol and Drugs) Legislation
Amendment Act 2010 A2010-47 ss 122, 123, 126-128**

122 Section 49 (3), new note

insert

Note The road transport authority must not issue a restricted licence to a person if s 73E (2) or s 73N (2) applies.

**123 When probationary licence must be issued
Section 52 (3), new note**

insert

Note The road transport authority must not issue a probationary licence to a person if s 73D (3) or s 73M (3) applies.

126 New divisions 3.13 and 3.14

insert

Division 3.13 Alcohol awareness courses**73A Application—div 3.13**

This division applies to a person who commits an alcohol-related disqualifying offence on or after the day the Act, section 28 (2) (s) commences.

73B Definitions—div 3.13

In this division:

alcohol awareness course means a course approved under section 73I (Alcohol awareness course—approval).

alcohol-related disqualifying offence means an offence against any of the following provisions of the *Road Transport (Alcohol and Drugs) Act 1977* that relates to alcohol:

- (a) section 19 (Prescribed concentration of alcohol in blood or breath);
- (b) section 22 (Refusing to provide breath sample);
- (c) section 23 (Refusing blood test etc);
- (d) section 24 (Driving under the influence of intoxicating liquor or a drug);
- (e) another provision prescribed by regulation.

**73C Requirement to complete alcohol awareness course—
person not disqualified**

- (1) This section applies to a person who—
 - (a) is found guilty of an alcohol-related disqualifying offence; and
 - (b) is not disqualified from holding or obtaining a driver licence; and
 - (c) has not completed an alcohol awareness course within the previous 12 months.
- (2) The person must complete an alcohol awareness course within 6 months after being found guilty of the disqualifying offence.
- (3) If the person does not complete an alcohol awareness course and give the road transport authority written evidence to that effect within the 6-month period, the authority must suspend the person's driver licence.
- (4) However, the road transport authority must end the suspension if the authority receives written evidence that the person has completed an alcohol awareness course.

**73D Requirement to complete alcohol awareness course—
person disqualified and not eligible for restricted licence**

- (1) This section applies to a person who—
 - (a) is convicted or found guilty of an alcohol-related disqualifying offence; and
 - (b) is disqualified from holding or obtaining a driver licence; and
 - (c) is not eligible to apply for, or be issued with, a restricted licence; and
 - (d) has not completed an alcohol awareness course within the previous 12 months.
- (2) The person must complete an alcohol awareness course before the end of the period of disqualification.
- (3) Despite section 52 (3) (When probationary licence must be issued), if the person does not complete an alcohol awareness course and give the road transport authority written evidence to that effect before the end of the period of disqualification, the authority must not issue a probationary licence to the person.
- (4) However, the road transport authority must issue a probationary licence to the person if—
 - (a) after the end of the period of disqualification, the authority receives written evidence that the person has completed an alcohol awareness course; or
 - (b) the authority—
 - (i) receives written notice from the person before the end of the period of disqualification stating that—
 - (A) the person has made genuine attempts to enrol in an alcohol awareness course before the end of the period of disqualification but has not been able to do so; and

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(B) the person is enrolled in an alcohol awareness course that will be completed on a stated date after the end of the period of disqualification; and

(ii) is satisfied on reasonable grounds of the matters mentioned in the notice.

Examples—s (4) (b) (i) (A)

- 1 all alcohol awareness courses are fully booked during the person's period of disqualification
- 2 no alcohol awareness courses are being conducted during the person's period of disqualification

Note 1 A probationary licence issued under s (4) (b) is issued after the person's period of disqualification has ended—see s 52 (1).

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (5) If, in relation to a person issued with a probationary licence under subsection (4) (b) the road transport authority does not, within 7 days after the day the alcohol awareness course mentioned in that subsection ends, receive written evidence that the person has completed the course, the authority must suspend the licence.
- (6) However, the road transport authority must end the suspension if the authority receives written evidence that the person has completed an alcohol awareness course.

73E Requirement to complete alcohol awareness course— person disqualified and eligible for restricted licence

- (1) This section applies to a person if—
 - (a) the person is convicted or found guilty of an alcohol-related disqualifying offence; and
 - (b) the person is disqualified from holding or obtaining a driver licence; and

- (c) the Magistrates Court has made an order authorising the road transport authority to issue a restricted licence to the person; and
 - (d) the person has not completed an alcohol awareness course within the previous 12 months.
- (2) Despite section 49 (Issue of restricted licence by road transport authority), the road transport authority must not issue a restricted licence to the person unless the person has completed an alcohol awareness course and given the road transport authority written evidence to that effect.

**73F Requirement to complete alcohol awareness course—
person no longer disqualified and eligible for
probationary licence**

- (1) This section applies to a person if—
- (a) the person was convicted or found guilty of an alcohol-related disqualifying offence; and
 - (b) the person was disqualified from holding or obtaining a driver licence for the offence; and
 - (c) the Magistrates Court made an order authorising the road transport authority to issue a restricted licence to the person for the period of disqualification; and
 - (d) the person—
 - (i) did not apply for, or was not issued with, a restricted licence; and
 - (ii) is eligible to apply for, or be issued with, a probationary licence because the person is no longer disqualified from holding or obtaining a probationary driver licence; and
 - (iii) has not completed an alcohol awareness course within the previous 12 months.

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- (2) Despite section 52 (3) (When probationary licence must be issued), the road transport authority must not issue a probationary licence to the person unless the person has completed an alcohol awareness course and given the road transport authority written evidence to that effect.

73G Exemption from alcohol awareness course—application

- (1) The road transport authority may, on application, grant a person an exemption from the requirement to complete an alcohol awareness course because of exceptional circumstances.
- (2) The road transport authority may, in writing, require the applicant to give the authority additional information or documents that the authority reasonably needs to decide the application.
- (3) If the applicant does not comply with a requirement under subsection (2), the road transport authority may refuse to consider the application.

73H Exemption from alcohol awareness course—decision on application

- (1) On an application by a person for an exemption from the requirement to attend an alcohol awareness course, the road transport authority must—
 - (a) grant the exemption; or
 - (b) refuse to grant the exemption.
- (2) The road transport authority must refuse to grant the exemption if satisfied on reasonable grounds that exceptional circumstances do not exist for granting the exemption.

73I Alcohol awareness course—approval

- (1) The road transport authority may approve a course (an *alcohol awareness course*) about the effects of alcohol, including its effects on driving and health.

- (2) An approval is a notifiable instrument.

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

Division 3.14 Drug awareness courses

73J Application—div 3.14

This division applies to a person who commits a drug-related disqualifying offence on or after the day the Act, section 28 (2) (t) commences.

73K Definitions—div 3.14

In this division:

drug awareness course means a course approved under section 73R (Drug awareness course—approval).

drug-related disqualifying offence means an offence against any of the following provisions of the *Road Transport (Alcohol and Drugs) Act 1977* that relates to a prescribed drug:

- (a) section 20 (Driving with prescribed drug in oral fluid or blood);
- (b) section 22A (Refusing to provide oral fluid sample);
- (c) section 23 (Refusing blood test etc);
- (d) section 24 (Driving under the influence of intoxicating liquor or a drug);
- (e) another provision prescribed by regulation.

73L Requirement to complete drug awareness course—person not disqualified

- (1) This section applies to a person who—
- (a) is found guilty of a drug-related disqualifying offence; and

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- (b) is not disqualified from holding or obtaining a driver licence;
and
 - (c) has not completed a drug awareness course within the previous
12 months.
- (2) The person must complete a drug awareness course within 6 months
after being found guilty of the disqualifying offence.
 - (3) If the person does not complete a drug awareness course and give
the road transport authority written evidence to that effect within the
6-month period, the authority must suspend the person's driver
licence.
 - (4) However, the road transport authority must end the suspension if the
authority receives written evidence that the person has completed a
drug awareness course.

73M Requirement to complete drug awareness course— person disqualified and not eligible for restricted licence

- (1) This section applies to a person who—
 - (a) is convicted or found guilty of a drug-related disqualifying
offence; and
 - (b) is disqualified from holding or obtaining a driver licence; and
 - (c) is not eligible to apply for, or be issued with, a restricted
licence; and
 - (d) has not completed a drug awareness course within the previous
12 months.
- (2) The person must complete a drug awareness course before the end
of the period of disqualification.
- (3) Despite section 52 (3) (When probationary licence must be issued),
if the person does not complete a drug awareness course and give
the road transport authority written evidence to that effect before the

end of the period of disqualification, the authority must not issue a probationary licence to the person.

- (4) However, the road transport authority must issue a probationary licence to the person if—
- (a) after the end of the period of disqualification, the authority receives written evidence that the person has completed a drug awareness course; or
 - (b) the authority—
 - (i) receives written notice from the person before the end of the period of disqualification stating that—
 - (A) the person has made genuine attempts to enrol in a drug awareness course before the end of the period of disqualification but has not been able to do so; and
 - (B) the person is enrolled in a drug awareness course that will be completed on a stated date after the end of the period of disqualification; and
 - (ii) is satisfied on reasonable grounds of the matters mentioned in the notice.

Examples—s (4) (b) (i) (A)

- 1 all drug awareness courses are fully booked during the person's period of disqualification
- 2 no drug awareness courses are being conducted during the person's period of disqualification

Note 1 A probationary licence issued under s (4) (b) is issued after the person's period of disqualification has ended—see s 52 (1).

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

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- (5) If, in relation to a person issued with a probationary licence under subsection (4) (b), the road transport authority does not, within 7 days after the day the drug awareness course mentioned in that subsection ends, receive written evidence that the person has completed the course, the authority must suspend the licence.
- (6) However, the road transport authority must end the suspension if the authority receives written evidence that the person has completed a drug awareness course.

73N Requirement to complete drug awareness course— person disqualified and eligible for restricted licence

- (1) This section applies to a person if—
 - (a) the person is convicted or found guilty of a drug-related disqualifying offence; and
 - (b) the person is disqualified from holding or obtaining a driver licence; and
 - (c) the Magistrates Court has made an order authorising the road transport authority to issue a restricted licence to the person; and
 - (d) the person has not completed a drug awareness course within the previous 12 months.
- (2) Despite section 49 (Issue of restricted licence by road transport authority), the road transport authority must not issue a restricted licence to the person unless the person has completed a drug awareness course and given the road transport authority written evidence to that effect.

**730 Requirement to complete drug awareness course—
person no longer disqualified and eligible for
probationary licence**

- (1) This section applies to a person if—
 - (a) the person was convicted or found guilty of a drug-related disqualifying offence; and
 - (b) the person was disqualified from holding or obtaining a driver licence for the offence; and
 - (c) the Magistrates Court made an order authorising the road transport authority to issue a restricted licence to the person for the period of disqualification; and
 - (d) the person—
 - (i) did not apply for, or was not issued with, a restricted licence; and
 - (ii) is eligible to apply for, or be issued with, a probationary licence because the person is no longer disqualified from holding or obtaining a probationary driver licence; and
 - (iii) has not completed a drug awareness course within the previous 12 months.
- (2) Despite section 52 (3) (When probationary licence must be issued), the road transport authority must not issue a probationary licence to the person unless the person has completed a drug awareness course and given the road transport authority written evidence to that effect.

73P Exemption from drug awareness course—application

- (1) The road transport authority may, on application, grant a person an exemption from the requirement to complete a drug awareness course because of exceptional circumstances.
- (2) The road transport authority may, in writing, require the applicant to give the authority additional information or documents that the authority reasonably needs to decide the application.
- (3) If the applicant does not comply with a requirement under subsection (2), the road transport authority may refuse to consider the application.

73Q Exemption from drug awareness course—decision on application

- (1) On an application by a person for an exemption from the requirement to attend a drug awareness course, the road transport authority must—
 - (a) grant the exemption; or
 - (b) refuse to grant the exemption.
- (2) The road transport authority must refuse to grant the exemption if satisfied on reasonable grounds that exceptional circumstances do not exist for granting the exemption.

73R Drug awareness course—approval

- (1) The road transport authority may approve a course (a *drug awareness course*) about the effects of prescribed drugs, including their effects on driving and health.
- (2) An approval is a notifiable instrument.

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

127 **When authority may vary, suspend or cancel driver licences**
New section 87 (1) (p)

before the note, insert

- (p) the person has failed to complete—
- (i) an alcohol awareness course as required under section 73C (Requirement to complete alcohol awareness course—person not disqualified); or
 - (ii) a drug awareness course as required under section 73L (Requirement to complete drug awareness course—person not disqualified).

128 **Dictionary, new definitions**

insert

alcohol awareness course, for division 3.13 (Alcohol awareness courses)—see section 73B.

alcohol-related disqualifying offence, for division 3.13 (Alcohol awareness courses)—see section 73B.

drug awareness course, for division 3.14 (Drug awareness courses)—see section 73K.

drug-related disqualifying offence, for division 3.14 (Drug awareness courses)—see section 73K.

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