



Australian Capital Territory

## **Road Transport Legislation Regulations Amendment**

**Subordinate Law 2000 No 32**

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The Australian Capital Territory Executive makes the following regulations under the *Road Transport (Driver Licensing) Act 1999* and the *Road Transport (General) Act 1999*.

Dated 31 July 2000.

**BRENDAN SMYTH**  
Minister

**KATE CARNELL**  
Minister

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# Road Transport Legislation Regulations Amendment

**Subordinate Law 2000 No 32**

made under the

***Road Transport (Driver Licensing) Act 1999***

and the

***Road Transport (General) Act 1999***

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*Road Transport Legislation No 32, 2000*

**CONTENTS**—continued

Regulation

**OTHER ROAD TRANSPORT REGULATIONS AMENDED**

**PART 1—PRELIMINARY**

**1 Commencement**

These regulations commence on 1 August 2000.

**PART 2—AMENDMENTS OF ROAD TRANSPORT  
(DRIVER LICENSING) REGULATIONS**

**2 Regulations amended by pt 2 and sch 1**

This Part and Schedule 1 amend the *Road Transport (Driver Licensing) Regulations 2000*.

**3 Eligibility to apply for learner licence**

Regulation 16 is amended—

- (a) by omitting paragraphs (3) (b) and (c) and substituting the following paragraphs:

“(b) has, at any time, successfully completed an approved road ready training course; and

(c) has successfully completed an approved pre-learner rider training course within 3 months before applying for the licence.”; and

- (b) by omitting paragraph (4) (b) and substituting the following paragraph:

“(b) has, at any time, successfully completed an approved road ready training course.”.

**4 Substitution**

Regulation 26 is repealed and the following regulation substituted:

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

**“(1)** The road transport authority may 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 subparagraph 28 (2) (g) (ii) for the requirement to undertake the course mentioned in paragraph (c).

“(2) The road transport authority must notify the giving of an approval under this regulation in the Gazette.”.

## **5 Provisional licence requirement for motorcycle licences**

Regulation 29 is amended by omitting subregulation (1) and substituting the following subregulation:

“(1) A person satisfies the provisional licence requirement for the issue of a motorcycle licence if the person—

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

## **6 Provisional licence requirement for car licences etc**

Regulation 30 is amended by omitting subregulation (1) and substituting the following subregulation:

“(1) A person satisfies the provisional licence requirement for the issue of a car licence, or a driver licence of a higher class, if the person—

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

## 7 Substitution

Regulations 36 and 37 are repealed and the following regulations substituted:

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

*Note* This regulation applies to provisional licences issued on or after 1 August 2000. See Division 10.5 for the restrictions on licences issued before this date.

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

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

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

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

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

“(3) However, subregulation (2) does not apply, or ceases to apply, to the person if—

- (a) the person has held a provisional motorcycle licence for at least 6 months; and
- (b) the person has, at any time, successfully completed an approved provisional driver training course; and
- (c) the person has provided evidence to the road transport authority, in a form acceptable to the authority, that the person has successfully completed the course.

*Note 1* Under subregulation 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 subregulation 68 (2) any period when the person has, at any time, held a probationary motorcycle licence is also counted.

“(4) The provisional motorcycle licence is also subject to the condition that the person must not ride a motorbike that—

- (a) has a power-to-weight ratio over 150kW/t; or
- (b) is carrying a pillion passenger.

“(5) However, subregulation (4) does not apply, or ceases to apply, if the person has held a provisional motorcycle licence for at least 1 year.

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

“(1) This regulation applies to a person who is the holder of a provisional motorcycle licence (including a licence issued under a corresponding law).

“(2) The person must not ride a motorbike on a road or road related area (in the ACT) if the motorbike is towing another vehicle (including a trailer).

Maximum penalty: 20 penalty units.

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

*Note 1* Under subregulation 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 subregulation 68 (2) any period when the person has, at any time, held a probationary motorcycle licence is also counted.

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

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

*Note* This regulation applies to provisional licences issued on or after 1 August 2000. See Division 10.5 for the restrictions on licences issued before this date.

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

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

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

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



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

“(3) However, subregulation (2) does not apply, or ceases to apply, to the person if—

- (a) the person has held a provisional licence (other than a provisional motorcycle licence) for at least 6 months; and
- (b) the person has, at any time, successfully completed an approved provisional driver training course; and
- (c) the person has provided evidence to the road transport authority, in a form acceptable to the authority, that the person has successfully completed the course.

*Note 1* Under subregulation 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 subregulation 68 (2) any period when the person has, at any time, held a probationary car licence or licence of a higher class is also counted.

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

“(1) This regulation applies to a person who is the holder of a provisional car licence (including a licence issued under a corresponding law).

“(2) The person must not drive a motor vehicle (of a kind that may be driven by the holder of a car licence) on a road or road related area (in the ACT) if the vehicle is towing—

- (a) a vehicle other than a trailer; or
- (b) a trailer with a GVM over 750kg.

Maximum penalty: 20 penalty units.

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

*Note 1* Under subregulation 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 subregulation 68 (2) any period when the person has, at any time, held a probationary motorcycle licence is also counted.

*Note 3* It is an offence against the *Road Transport (Alcohol and Drugs) Act 1977* for the holder of a provisional licence to drive with a blood alcohol concentration of

0.02g/100mL or more (see s 19 of that Act and the definitions of *special driver* (s 4B of that Act) and *prescribed concentration* (in the dictionary to that Act)).”.

## **8 Unauthorised use of P-plates**

Regulation 38 is amended by inserting after the heading the following note:

“*Note* It is not an offence to display P-plates in accordance with regulation 168 or 169 (which apply to provisional licences issued before 1 August 2000 (see reg 170)).”.

## **9 Insertion**

After regulation 38 the following regulation is inserted in Division 3.4:

### **“38A Provisional driver training courses**

“(1) The road transport authority may approve courses, conducted in the ACT or elsewhere, for the training of the holders of provisional licences.

“(2) The road transport authority must notify the giving of an approval under this regulation in the Gazette.

“(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.”.

## **10 Authority may exempt person from certain eligibility requirements**

Regulation 67 is amended—

- (a) by omitting “**person**” from the heading; and
- (b) by omitting from paragraph (1) (a) “16 (3) (a) or (4) (a)” and substituting “16 (3) (a), (b) or (c) or 16 (4) (a) or (b)”; and
- (c) by omitting paragraph (1) (c) and substituting the following paragraphs:
  - “(c) paragraph 29 (1) (a) (Provisional licence requirement for motorcycle licences);
  - (d) paragraph 30 (1) (a) (Provisional licence requirement for car licences etc);
  - (e) paragraph 62 (3) (a) (Eligibility to apply for public vehicle licence)”; and
- (d) by omitting from subregulation (2) “**must**” and substituting “**may**”; and

- (e) by omitting from subregulation (2) all the words after “subject to” and substituting the following paragraphs:
  - “(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.”; and
- (f) by omitting from regulation (5) “this regulation” and substituting “regulation (4)”.

**11 Demerit points incurred by applicant for issue or renewal of learner or provisional licences**

Regulation 123 is amended—

- (a) by omitting the heading and substituting the following heading:

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

and
- (b) by omitting from subregulation (7) the definition of *relevant number* and substituting the following definition and note:

*“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 acceptable to the road transport authority that the person has successfully completed an approved provisional driver training course—8; or
    - (ii) in any other case—4.

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

**12 Demerit points incurred by learner and provisional licence holders**

Regulation 124 is amended by omitting from subregulation (3) the definition of *relevant number* and substituting the following definition and note:

- “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 acceptable to the road transport authority that the person has successfully completed an approved provisional driver training course—8; or
- (ii) in any other case—4.

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

### **13 Substitution**

Regulation 165 is repealed and the following regulations and Division are substituted:

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

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

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

#### **“166 Demerit points—provisional licences issued before 1 August 2000**

“(1) This regulation applies to the holder of a provisional licence issued before 1 August 2000 and to a provisional licence that is the renewal of a provisional licence issued before that date.

“(2) For regulation 124 (Demerit points incurred by learner and provisional licence holders), the relevant number of demerit points is 8.

#### **“167 Expiry of div 10.4 etc**

“(1) Regulations 162 to 164 and this subregulation cease to have effect on 1 June 2001.

“(2) This Division, and the notes to the definition of *relevant number* in regulations 123 and 124, cease to have effect on 1 February 2004.

**“Division 10.5—Provisional licence restrictions**

**“168 Provisional motorcycle licence restrictions—licences issued before 1 August 2000**

“(1) This regulation applies to a person who is the holder of a provisional motorcycle licence issued by the road transport authority if the licence was issued before 1 August 2000.

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

“(2) Regulation 36 (Provisional motorcycle licence restrictions—ACT licences) does not apply to the person.

“(3) If the person has held a provisional motorcycle licence for less than 1 year, the licence is subject to the following conditions:

- (a) 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;
- (b) the person must not ride a motorbike that—
  - (i) has a power-to-weight ratio over 150kW/t; or
  - (ii) is carrying a pillion passenger.

*Note 1* The conditions apply while the person is riding on a road or road related area in the ACT or another jurisdiction (see reg 61).

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

*Note 3* Under subregulation 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 4* Under subregulation 68 (2) any period when the person has, at any time, held a probationary motorcycle licence is also counted.

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

“(1) This regulation applies to a person who is the holder of a provisional licence (other than a provisional motorcycle licence) issued by the road transport authority if the licence was issued before 1 August 2000.

*Note 1* The definition of *provisional licence* in the dictionary includes a class of driver licence held as an additional provisional class.

“(2) Regulation 37 (Provisional licence restrictions for cars etc—ACT licences) does not apply to the person.

“(3) If the person has held a provisional licence (other than a provisional motorcycle licence) for less than 1 year, the licence is subject to the condition that the person must not drive a motor vehicle (other than a motorbike) unless P-plates are conspicuously displayed, the correct way up, at the front and rear of the motor vehicle or on its roof, and are clearly visible from ahead of and behind the vehicle.

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

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

*Note 3* Under subregulation 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 4* Under subregulation 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.

**“170 Display of P-plates**

Regulation 38 (Unauthorised display of P-plates) does not apply to a P-plate displayed in accordance with regulation 168 or 169.

**“171 Expiry of div 10.5 etc**

This Division, and the note after the headings to regulations 36, 37 and 38 about the application of the regulations, cease to have effect on 1 February 2002.”.

**PART 3—AMENDMENTS OF OTHER ROAD TRANSPORT REGULATIONS**

**14 Other road transport regulations amended—sch 2**

These regulations amend the regulations mentioned in Schedule 2.

**SCHEDULE 1**

(See reg 2)

**ADDITIONAL AMENDMENTS OF ROAD TRANSPORT  
(DRIVER LICENSING) REGULATIONS 2000**

**[1.1] Regulation 33—**

Insert at the end the following subregulation:

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

**[1.2] Regulation 45 (note after subregulation (2))—**

Omit “Note”, substitute “Note 1”.

**[1.3] Regulation 45—**

Insert the following note after Note 1:

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

- paragraph 130 (4) (b) (which is about the disqualification of a restricted licence holder who incurs 2 or more demerit points since the person was issued with the licence)
- paragraph 133 (2) (b) (which is about the disqualification of a probationary licence holder who incurs 2 or more demerit points since the person was issued with the licence).”.

**[1.4] Regulation 56 (1)—**

Insert “(under subregulation 55 (2))” after “on its own initiative”.

**[1.5] Regulation 87 (note after subregulation (2))—**

Omit the note, substitute the following note:

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

**[1.6] Paragraph 106 (1) (e)—**

Omit the paragraph, substitute the following paragraph:

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

**[1.7] New regulation 107A—**

After regulation 107 insert the following regulation:

**SCHEDULE 1—continued**

**“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.”.

**[1.8] Regulation 112 (note after subregulation (2))—**

Omit the note.

**[1.9] Regulation 126—**

Omit the heading, substitute the following heading:

**“126 Demerit points incurred by applicants for issue or renewal of additional provisional classes”.**

**[1.10] Regulation 127—**

Omit the heading, substitute the following heading:

**“127 Demerit points incurred by holders of licences with additional provisional class”.**

**[1.11] Regulation 129—**

Omit the heading, substitute the following heading:

**“129 Demerit points incurred by applicants for restricted licences”.**

**[1.12] Regulation 131—**

Omit the heading, substitute the following heading:

**“131 Demerit points incurred by applicants for issue or renewal of probationary licences”.**

**[1.13] Regulation 146—**

Omit the regulation, substitute the following regulation:

**“146 Expiry of div 10.1**

This Division ceases to have effect on 1 March 2006.”.

**[1.14] Regulation 155—**

Omit the regulation, substitute the following regulation:



**SCHEDULE 1**—continued

**“155 Expiry of div 10.2**

This Division ceases to have effect on 1 June 2001.”.

**[1.15] Regulation 161—**

Omit the regulation, substitute the following regulation:

**“161 Expiry of div 10.3**

This Division ceases to have effect on 1 June 2001.”.

**[1.16] Dictionary (definition of *approved heavy vehicle driver training course*)—**

Omit “regulation 26”, substitute “paragraph 26 (1) (c)”.

**[1.17] Dictionary (definition of *approved learner rider training course*)—**

Omit the definition, substitute the following definition:

**“*approved pre-learner rider training course* means a course that is approved under paragraph 26 (1) (b).”.**

**[1.18] Dictionary (definition of *provisional licence*)—**

Omit the definition, substitute the following definition:

**“*provisional*—**

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

**[1.19] Dictionary (new definitions)—**

Insert the following definitions:

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

***approved road ready training course* means a course that is approved under paragraph 26 (1) (a).”.**

**SCHEDULE 2**

(See reg 14)

**OTHER ROAD TRANSPORT REGULATIONS AMENDED**

***Road Transport (General) Regulations 2000***

**[2.1] Schedule 1, Part 1.4, items 1 and 2—**

Omit the items, substitute the following items:

1	26 (1) (a)	road transport authority—refuse to approve road ready training course
1A	26 (1) (b)	road transport authority—refuse to approve approved pre-learner rider training course
2	26 (1) (c)	road transport authority—refuse to approve multi-combination vehicle licence driver training course
2A	38A	road transport authority—refuse to approve provisional driver training course

***Road Transport (Offences) Regulations 2000***

**[2.2] Schedule, Part 6, item 14—**

Omit from column 2 “36 (3)”, substitute “36A (2)”.

**[2.3] Schedule, Part 6, item 15—**

Omit from column 2 “37 (4)”, substitute “37A (2)”.

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**Endnotes**

**Regulations amended**

- 1 **For pt 2 and sch 1**—Republished as in force on 1 March 2000. (Republication No 1).
- 2 **For pt 3 and sch 2**—Republished as in force on 1 March 2000. (Republication No 1). See also SL 2000 Nos 21 and 22.

**Notification**

- 3 Notified in the Gazette on 1 August 2000.

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