



Australian Capital Territory

# Road Transport (Driver Licensing) Amendment Regulations 2002 (No 1)

**Subordinate Law SL2002-23**

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

Dated 30 August 2002.

BILL WOOD  
Minister

JON STANHOPE  
Minister

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*Road Transport (Driver Licensing) Act 1999*

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## **1 Name of regulations**

These regulations are the *Road Transport (Driver Licensing) Amendment Regulations 2002 (No 1)*.

## **2 Commencement**

These regulations commence on the day after their notification day.

## **3 Regulations amended**

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

## **4 Regulation 45 (2), note 2**

*substitute*

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

- reg 130 (4) (b) (which is about the disqualification from holding a licence by a person who incurs 2 or more demerit points while holding a restricted licence)
- reg 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).

## **5 Regulation 123 (5)**

*omit*

regulation 125 (Notice of suspension of learner and provisional licences)

*substitute*

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

**6 Regulation 123 (7), definition of *relevant number*, subparagraph (b) (i)**

*omit*

regulation 36 (3) (c) or 37 (3) (c)

*substitute*

regulation 36 (3) (b) or 37 (3) (b)

**7 Regulation 124**

*substitute*

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

- (1) This regulation applies to a person if 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 the Act, s 13B (2)).

- (2) The road transport authority must serve a notice of licence suspension on the person under regulation 125.
- (3) In this regulation:

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

*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 regulation 36 (3) (b) or 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.

*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).

## **8 Regulation 125 heading**

*substitute*

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

## **9 Regulation 125 (3)**

*substitute*

- (3) If the person is served with a notice of licence suspension under this regulation, 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 these regulations) 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 Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see *Legislation Act 2001*, s 126 and s 132).

**10 Regulation 126 (4)**

*omit*

licence suspension

*substitute*

additional provisional class suspension

**11 Regulation 129 (2), new note**

*insert*

*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 reg 49 (1)).

**12 Regulation 130 (1)**

*substitute*

- (1) This regulation 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 the Act, s 13B (2)).

**13 Regulation 130 (3) (c) and (4) (a)**

*omit*

restricted licence

*substitute*

driver licence

**14 Regulation 130 (4), new example**

*insert*



**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 Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see *Legislation Act 2001*, s 126 and s 132).

**15 Regulation 131 heading**

*substitute*

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

**16 Regulation 131 (5)**

*substitute*

- (5) However, if the road transport authority issues a probationary licence to the person under subregulation (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 regulation 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 the Act, s 13B (2)).

**17 Regulation 132 (1)**

*substitute*

- (1) This regulation 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 the Act, s 13B (2)).

**18 Regulation 133 heading**

*substitute*

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

**19 Regulation 133 (1) (c) and (2) (a)**

*omit*

probationary licence

*substitute*

driver licence

**20 Regulation 133 (2), new example**

*insert*

**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 Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see *Legislation Act 2001*, s 126 and s 132).

**21 Dictionary, definition of *incur***

*substitute*

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

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## Endnotes

### Republications of amended laws

- 1 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

### Notification

- 2 Notified under the *Legislation Act 2001* on 30 August 2002.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))

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