



Australian Capital Territory

# Road Transport (Driver Licensing) Amendment Regulation 2019 (No 1)

Subordinate Law SL2019-29

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

Dated 9 December 2019.

SHANE RATTENBURY  
Minister

MICK GENTLEMAN  
Minister

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[Road Transport \(Driver Licensing\) Act 1999](#) and the [Road Transport \(General\) Act 1999](#)

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**1 Name of regulation**

This regulation is the *Road Transport (Driver Licensing) Amendment Regulation 2019 (No 1)*.

**2 Commencement**

This regulation commences on 1 January 2020.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

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

*Note* This regulation also amends other legislation (see sch 1).

**4 Legislation repealed**

The *Road Transport (Driver Licensing) Provisional Driver Training Course Approval 2014 (No 1)* (NI2014-466) is repealed.

**5 Section 4, note 1**

*insert*

- s 11A (Unauthorised use of L-plates)
- s 11B (Unauthorised use of P-plates)
- offences against div 3.2 (Learner licences)
- offences against div 3.3 (Provisional licences)

**6 New section 10A**

*insert*

**10A 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.
- (3) Subsection (2) (b) does not apply if the person—
  - (a) is a police trainee undertaking recruit training or assessment; and
  - (b) is driving a police vehicle.

**7 New sections 11A and 11B**

*insert*

**11A Unauthorised use of L-plates**

- (1) A person commits an offence if the person—
  - (a) drives a vehicle on a road or road related area; and
  - (b) displays on the vehicle an L-plate, or something that could reasonably be taken to be an L-plate; and



- (c) is not required to display the plates under—
  - (i) section 10A (Learning to drive manual transmission vehicles); or
  - (ii) section 19 (Restrictions on learner motorcycle licence riders); or
  - (iii) section 20 (Restrictions on learner car licence drivers); or
  - (iv) section 33 (Heavy vehicle learners); or
  - (v) a corresponding law of another jurisdiction.

Maximum penalty: 20 penalty units.

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

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

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

## **11B Unauthorised use of P-plates**

- (1) A person commits an offence if the person—
  - (a) drives a vehicle on a road or road related area; and
  - (b) displays on the vehicle a P-plate, or something that could reasonably be taken to be a P-plate; and
  - (c) is not required to display the plates under—
    - (i) section 28 (Provisional motorcycle licence restrictions—ACT licences); or
    - (ii) section 30 (Provisional licence condition—display P-plate); or

(iii) a corresponding law of another jurisdiction.

Maximum penalty: 20 penalty units.

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

**8 Section 12 (1) (f)**

*before*

the person's signature

*insert*

for a driver licence only—

**9 New section 12 (8A)**

*insert*

(8A) Subsections (4) and (5) do not apply to a driver licence receipt.

**10 Section 13 (3)**

*substitute*

(3) A driver licence receipt ceases to be in force on the earlier of the following:

- (a) the expiry date indicated on the receipt;
- (b) the day the person receives the licence for which the receipt was issued.

**11 Part 3 heading**

*substitute*

**Part 3                      Learner licences, provisional  
licences and heavy vehicle  
learner licences**

**12 Divisions 3.1 to 3.5**

*substitute*

**Division 3.1              Licence training courses**

**15                      Driver training course providers—approval**

- (1) A person may apply to the road transport authority for approval to provide training for any of the following:
- (a) people who wish to apply for a learner licence (a *pre-learner licence training course*);
  - (b) people who wish to complete a training course to satisfy a stated number of required driving hours (a *learner licence training course*);
  - (c) people who wish to apply for a learner motorcycle licence (a *pre-learner rider training course*);
  - (d) people who wish to apply for a provisional motorcycle licence (a *pre-provisional rider training course*);
  - (e) drivers of vehicles that may be driven by the holder of a multi-combination vehicle licence (a *heavy vehicle driver training course*).

- (2) An application must—
  - (a) be in writing; and
  - (b) state the course to which the application relates; and
  - (c) include details of the following:
    - (i) the applicant’s knowledge and skills to provide the training;
    - (ii) the place training is to be provided;
    - (iii) the equipment to be used to conduct the training;
    - (iv) the cost of the course to be provided;
    - (v) how the course will accommodate people from non-English speaking backgrounds or with special needs.
- (3) The road transport authority may, by written notice, request an applicant give the authority further information that the authority reasonably requires to decide the application.
- (4) The road transport authority—
  - (a) may approve an application only if satisfied that the person is suitable to provide the course applied for; and
  - (b) need not decide an application if the applicant has not complied with a request under subsection (3).
- (5) An approval—
  - (a) may be subject to conditions; and
  - (b) must be for a period not longer than 5 years; and
  - (c) if the approval is for a learner licence training course—must state the number of required hours satisfied by successful completion of the course.

- (7) An approval is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (8) In this section:

*required driving hours*—see section 22 (3) (c).

## **Division 3.2           Learner licences**

### **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 (2) or (3) 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 from certain eligibility requirements).

*Note* For eligibility of a person whose licence has been suspended or disqualified, see s 66.

- (2) 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 pre-learner rider training course within the 1-month period before the day the person applies for the licence; and
    - (ii) an approved pre-learner licence training course within the 2-year period before the day the person applies for the licence.

- (3) 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 pre-learner licence training course within the 2-year period before the day the person applies for the licence.
- (4) Subsection (2) (b) (ii) and subsection (3) (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 allows 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 motorcycle licence must be issued for 1 year.
- (2) Any other learner licence must be issued for 5 years.
- (3) 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 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*).

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 (4) does not apply if the sidecar passenger holds a full motorcycle licence.

- (7) Subsection (5) does not apply to an authorised person testing or assessing the learner rider's riding ability.
- (8) An offence against this section is a strict liability offence.

## **20 Restrictions on learner car licence drivers**

- (1) 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.

- (2) 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.

- (3) 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.

- (4) 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.

- (5) Subsection (4) does not apply to a driving supervisor if—
  - (a) the driving supervisor is a driving instructor or authorised person; and



- (b) the supervisor is conducting—
  - (i) driver assessment; or
  - (ii) competency-based driver assessment.
- (6) An offence against this section is a strict liability offence.
- (7) In this section:
  - motor vehicle* does not include a motorbike.

### **Division 3.3                      Provisional licences**

#### **21                      Definitions—div 3.3**

In this division:

*P1 licence conditions*, in relation to a provisional car licence, means each of the following:

- (a) a condition or restriction applying to a provisional car licence under this division;
- (b) a condition that the person display the P-plates for the P1 licence conditions under section 30;
- (c) a restriction on passengers under section 31.

*P2 licence conditions*, in relation to a provisional car licence, means each of the following:

- (a) a condition or restriction applying to a provisional car licence under this division;
- (b) a condition that the person display the P-plates for the P2 licence conditions under section 30.

## **22 Eligibility to apply for provisional licence**

- (1) A person is eligible to apply to the road transport authority for the issue of a provisional motorcycle or car licence, or the variation of a driver licence to include a provisional motorcycle or car licence, if the person—
- (a) satisfies the eligibility requirements set out in subsection (2) or (3) for the class of licence to which the application relates; or
  - (b) is exempted by the road transport authority under section 67 (Authority may exempt from certain eligibility requirements).

*Note* For eligibility of a person whose licence has been suspended or disqualified, see s 66.

- (2) The eligibility requirements for a provisional motorcycle licence are that the person—
- (a) is at least 17 years old; and
  - (b) has at any time held a learner motorcycle licence for at least 3 months; and
  - (c) has successfully completed an approved pre-provisional rider training course in the 1-month period before the day the person applies for the licence.
- (3) The eligibility requirements for a provisional car licence are that—
- (a) the person is at least 17 years old; and
  - (b) the person has at any time held a learner car licence for—
    - (i) if the person was 25 years old or older at the time the licence was issued or renewed—6 months; or
    - (ii) in any other case—12 months; and

- (c) the road transport authority is satisfied the person has successfully completed the following hours of driving while holding a learner car licence (the *required driving hours*):
    - (i) if the person was 25 years old or older at the time the licence was issued or renewed—50 hours driving, including 5 hours driving at night;
    - (ii) in any other case—100 hours driving, including 10 hours driving at night; and
  - (d) the road transport authority is satisfied the person has successfully completed a hazard perception test—
    - (i) in accordance with section 23; or
    - (ii) under the law of another jurisdiction; and
  - (e) the person has successfully completed—
    - (i) driver assessment administered by an authorised person; or
    - (ii) competency-based driver assessment administered by a driving instructor.
- (4) A person may, after holding a learner car licence for 3 months, complete an approved learner licence training course to satisfy a stated number of required driving hours.

## **23 Hazard perception test**

- (1) The road transport authority must provide a test to determine a person's ability to recognise potentially dangerous situations on a road (a *hazard perception test*).
- (2) A hazard perception test may only be completed if the person—
  - (a) holds a learner car licence; and
  - (b) has held the licence for more than 3 months.

## **24 Issue of provisional licences**

- (1) This section applies if the road transport authority approves an application by a person for the issue of a provisional licence of a particular class.
- (2) The road transport authority must issue a provisional licence of the class applied for.
- (3) A provisional car licence issued under this section is subject to—
  - (a) if the person is younger than 25 years old at the time the licence is issued—the P1 licence conditions; or
  - (b) if the person is 25 years old or older at the time the licence is issued—the P2 licence conditions.

*Note 1* Section 69 deals with the application procedure and s 70 sets out when an application can be refused.

*Note 2* If a person applies for a licence for which the person is not eligible to apply, s 71 allows 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.

*Note 3* This section is subject to s 52 (When probationary licence must be issued).

## **25 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.

- (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.
- (3) If a provisional licence is issued subject to the P1 licence conditions—
- (a) the conditions cease to apply after the licence has been held for 12 months; and
  - (b) the P2 licence conditions apply for the remaining period of the licence.
- (4) Subsections (1) and (2) do not apply to a class of licence included as an additional provisional class in a driver 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)).

**26 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 eligibility 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* See s 42 for eligibility to apply for an additional class.

- (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 eligibility 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 22.

**27 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.

## **28 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.

- (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) 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.

- (4) However, subsection (3) does not apply if the person has held a provisional motorcycle licence for at least 1 year.

## **29 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 if the motorbike is towing another vehicle (including a trailer).

Maximum penalty: 20 penalty units.

- (3) However, subsection (2) does not 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.

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



**30 Provisional licence condition—display P-plate**

- (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.
- (2) The person must not drive a motor vehicle (other than a motorbike) unless P-plates for the relevant provisional licence conditions to which the person's licence are subject, are conspicuously displayed, the correct way up, at the front and rear of the motor vehicle or on its roof, and clearly visible from ahead of and behind the vehicle.
- (3) Subsection (2) does not apply to a person if the person is—
  - (a) a police trainee undertaking recruit training or assessment; and
  - (b) driving a police vehicle.

**31 Provisional licence passenger restrictions for cars—ACT licences**

- (1) The holder of a provisional car licence subject to the P1 licence conditions must not drive a motor vehicle (other than a motorbike) at any time between 11 pm on one day and 5 am on the following day with more than 1 peer-aged passenger who is not a family member in the vehicle.
- (2) Subsection (1) does not apply if the person is—
  - (a) a police trainee—
    - (i) undertaking recruit training or assessment; and
    - (ii) driving a police vehicle; or
  - (b) is driving the motor vehicle—
    - (i) to or from an educational institution for the purpose of education; or

- (ii) to or from a place of their employment; or
- (iii) in the course of their employment.

(3) In this section:

***family member***—

- (a) includes—
  - (i) step-parent; or
  - (ii) stepson or stepdaughter; or
  - (iii) sibling; or
  - (iv) uncle or aunt; or
  - (v) nephew, niece or cousin; and
- (b) for an Aboriginal or Torres Strait Islander person—includes a person who is, in accordance with the traditions and customs of the person’s Aboriginal or Torres Strait Islander community, a family member.

***peer-aged passenger*** means a person aged between 16 and 22 years old.

## **32 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 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) Subsection (2) does not 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.

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

## **Division 3.4                    Heavy vehicle learner and licence eligibility**

### **33                    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) 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 34 (2); 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) Subsection (3) (b) and (c) do 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 30).

*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 the [Act](#), s 31 (1)).

*Note 3* However, the offences in relation to s (3) (a) to (d) do not apply to an authorised officer (including a police officer) or authorised assistant who drives a heavy vehicle under the [Heavy Vehicle National Law \(ACT\)](#), s 519 (Moving unattended heavy vehicle on road if causing harm etc.).

*Note 4* Also, the offences in relation to s (3) (a) to (d) do not apply to a person who starts or stops a heavy vehicle's engine under the [Heavy Vehicle National Law \(ACT\)](#), s 523 (Starting or stopping heavy vehicle engine). Under that section, an authorised officer or authorised assistant may start or stop a heavy vehicle's engine to assist with the exercise of powers under that Law.

*Note 5* Also, the offences in relation to s (3) (a) to (d) do not apply to a person who is required by an authorised officer under the [Heavy Vehicle National Law \(ACT\)](#), s 577 (Power to require reasonable help) to start or stop a heavy vehicle's engine.

**34 Heavy vehicle licence eligibility**

- (1) A person satisfies the eligibility requirements for a heavy vehicle licence of a particular class if the person—
  - (a) successfully completes the relevant assessment for the class of licence; and
  - (b) has at any time—
    - (i) for a light rigid vehicle licence—held a provisional or full car licence (or both of them) for at least 1 year; or
    - (ii) for a medium rigid vehicle licence—held a provisional or full car licence (or both of them) for at least 1 year; or
    - (iii) for a heavy rigid vehicle licence—held a provisional or full car licence (or both of them) for at least 2 years; or
    - (iv) for a heavy combination vehicle licence—held a provisional or full medium rigid vehicle or heavy rigid vehicle licence (or a mix of them) for at least 1 year; or
    - (v) for a multi-combination vehicle licence—held a provisional or full heavy rigid vehicle or heavy combination vehicle licence (or a mix of them) for at least 1 year.
- (2) For subsection (1) (a), the relevant assessment for a class of heavy vehicle licence is either of the following:
  - (a) an approved heavy vehicle driver training course for the class;
  - (b) a test or assessment, set by the road transport authority for the 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* **Approved heavy vehicle driver training course**—see dict.

*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 the relevant class of licence 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.

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

## **Division 3.5 Full licences**

### **35 Eligibility to apply for full licence**

- (1) A person is eligible to apply to the road transport authority for the issue of a full car licence or full motorcycle licence, or a driver licence of a higher class, if the person—
    - (a) satisfies the eligibility requirements set out in subsection (2) or (3) for the class of licence to which the application relates; or
    - (b) is exempted by the road transport authority under section 67 (Authority may exempt from certain eligibility requirements).
- Note* For eligibility of a person whose licence has been suspended or disqualified, see s 66.
- (2) The eligibility requirement for a full car licence is that the person has held a provisional licence (other than a provisional motorcycle licence) for at least 3 years.

- (3) The eligibility requirement for a full motorcycle licence is that the person has held a provisional motorcycle licence for at least 3 years.
- (4) The eligibility requirements for a variation of a motorcycle licence to include a car licence, or a driver licence of a higher class as an additional class are that the person has held a provisional licence (other than a provisional motorcycle licence) for at least 1 year.

*Note* Section 66A deals with exemptions for licence eligibility requirements generally.

- (5) The eligibility requirements for a variation of a licence to include a motorcycle licence as an additional class are that the person has held a provisional motorcycle licence for at least 1 year.

### **36 Issue of full licences**

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 52 deals with the issue of a licence to a person who has been, but is no longer, disqualified from holding or obtaining a licence.

*Note 2* 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 3* If a person applies for a licence for which the person is not eligible to apply, s 71 allows 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.

### **37 Duration of full licences**

A full licence must be issued to a person for the period (not longer than 11 years) decided by the road transport authority.

**13 Sections 42 and 43**

*substitute*

**42 Eligibility to apply for additional licence class**

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* For eligibility of a person whose licence has been suspended or disqualified, see s 66.

**43 Issue of driver licence with additional class**

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 26 deals with the issue of an additional licence to a person as a provisional class.

*Note 2* 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 3* If a person applies for a licence for which the person is not eligible to apply, s 71 allows 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.

**14 Section 48 (2), note**

*omit*



**15 Section 56 (5), note**

*omit*

s 15

*substitute*

s 78A

**16 Section 59 (1)**

*omit*

(Issue of varied driver licence and explanatory notice)

**17 New section 60 (3)**

*after the notes, insert*

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

**18 Section 64 (2) (a)**

*omit*

section 41

*substitute*

section 37

**19 New section 66A**

*insert*

**66A Licence eligibility requirement exemptions—generally**

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.

## **20 Section 67 (1)**

*substitute*

- (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 under any of the following provisions:
  - (a) section 22 (2) (a) or (b) (Eligibility to apply for provisional licence);
  - (b) section 22 (3) (a), (b) or (c) (other than (c) (i)).

## **21 Section 69 (4)**

*omit*

an approved road ready training course

*substitute*

an approved pre-learner licence training course

## **22 Section 70 (1), note 1**

*omit*

s 15

*substitute*

s 78A

---

**23 New sections 78A and 78B**

*insert*

**78A 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)).

**78B Appointment of authorised medical reviewers**

The road transport authority may appoint an entity as 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).

**24 Section 85 (2) (c)**

*omit*

an approved road ready training course

*substitute*

an approved pre-learner licence training course

**25 Section 86 (2) (a)**

*substitute*

- (a) for a learner licence (other than a motorcycle licence)—5 years;  
or
- (aa) for a learner motorcycle licence—2 years; or

**26 Sections 87 (1), note and 88 (5), note**

*omit*

s 15

*substitute*

s 78A

**27 Section 99 (1), note**

*omit*

Section 23

*substitute*

Section 33

**28 Section 99A (1), note**

*omit*

s 40

*substitute*

s 36

**29 Section 99A (2) (b)**

*substitute*

(b) the following provisions:

- (i) division 3.2 (Learner licences);
- (ii) division 3.3 (Provisional licences).

**30 Section 99B (2), note**

*omit*

s 40

*substitute*

s 36

**31 Sections 102, note and 103 (5), note**

*omit*

s 15

*substitute*

s 78A

**32 Section 103A, definition of *accreditation***

*substitute*

***accreditation*** means accreditation under section 107 as either of the following:

- (a) a driving instructor;
- (b) a heavy vehicle driver assessor.

**33 New section 104 (1) (c) (iii)**

*insert*

- (iii) if the person applies for accreditation as a driving instructor to provide driver instruction only—driver instruction; and

**34 New section 104 (1) (d) (iii)**

*insert*

- (iii) if the person applies for accreditation as a driving instructor to provide driver instruction only—driver instruction; and

**35 New section 107 (2) (aa)**

*insert*

- (aa) if the accreditation is for driver instruction only—that fact; and

**36 New section 107 (4)**

*insert*

- (4) The road transport authority may approve an application by a person for accreditation as a driving instructor to provide driving instruction only.

**37 Section 114 (1) (a)**

*omit*

section 21 (3)

*substitute*

section 20 (2)

**38 Section 114A (2) (a)**

*after*

driving instructor

*insert*

or authorised person

**39 Section 116**

*omit*

**40 Section 123 (5)**

*omit*

has incurred the relevant number or more demerit points

*substitute*

has incurred 4 or more demerit points

**41 Section 123 (7), definition of *relevant number***

*omit*

**42 Section 124 (1)**

*omit*

incurs the relevant number or more demerit points

*substitute*

incurs 4 or more demerit points

**43 Section 124 (5), definition of *relevant number***

*omit*

**44 Section 125 (3)**

*omit*

incurred the relevant number of demerit points

*substitute*

incurred 4 or more demerit points

**45 Section 125 (3), example 1**

*omit*

the prescribed number of demerit points

*substitute*

4 demerit points

**46 Section 126 (2)**

*omit*

section 34

*substitute*

section 26



**47 New section 138C**

*in part 9, insert*

**138C Verifying eligibility requirement falsely etc**

A person commits an offence if—

- (a) the person makes a record of, or purports to verify, the successful completion of all or part of an eligibility requirement for a licence; and
- (b) the record or purported verification is false, misleading or incomplete in a material particular.

Maximum penalty: 20 penalty units.

**48 New part 11**

*insert*

**Part 11 Transitional—Road Transport  
(Driver Licensing) Amendment  
Regulation 2019 (No 1)**

**172 Definitions—pt 11**

In this part:

*commencement day* means the day the *Road Transport (Driver Licensing) Amendment Regulation 2019 (No 1)*, section 3 commences.

*old licence*—

- (a) means a learner licence or provisional licence, in force immediately before the commencement day; but
- (b) does not include a licence mentioned in paragraph (a) renewed on or after the commencement day.

*pre-amendment regulation* means this regulation, as in force immediately before the commencement day.

**173 Eligibility to apply for learner licence—s 16**

- (1) This section applies if—
  - (a) a person applies for a learner licence on or after the commencement day; and
  - (b) the person has, within 2 years before the day the person applies, successfully completed an approved road ready training course under the pre-amendment regulation.
- (2) The person is taken, on the commencement day, to have completed an approved pre-learner licence training course.

**174 Eligibility to apply for provisional licence—s 22**

The eligibility requirements for a provisional car licence for a person who holds an old licence that is a learner car licence are the requirements under the pre-amendment regulation.

**175 Old provisional licence holders not subject to P1 licence conditions**

- (1) This section applies to a person who holds an old licence that is a provisional licence on or after the commencement day.
- (2) The conditions that applied to the old licence under the pre-amendment regulation continue to apply to the licence.

- (3) However, if the person is required to display P-plates under the pre-amendment regulation, section 37 (2) the person may display P-plates that comply with the requirements for the P2 licence conditions.
- (4) Also, the person need not display P-plates under the pre-amendment regulation, section 36 (2) or section 37 (2) if—
- (a) the person—
    - (i) has, before the commencement day, successfully completed an approved provisional driver training course under the pre-amendment regulation for the licence class; and
    - (ii) at any time before, on or after the commencement day, provides evidence in a form acceptable to the road transport authority of the person's successful completion of the course; or
  - (b) the person, before the commencement day—
    - (i) is at least 26 years old; and
    - (ii) has held the provisional licence for at least 6 months.
- (5) To remove any doubt, an exception provided under the pre-amendment regulation, sections 36 (3) or 37 (3) does not apply.

## **176 Pre-learner licence training course providers**

- (1) This section applies to a course provider mentioned in an approval in force under the pre-amendment regulation, section 26 (1) (a).
- (2) The course provider is, on the commencement day, taken to be a course provider under section 15 (Driver training course providers—approval) to provide the course mentioned in the instrument of approval as a pre-learner licence training course.

- (3) An approval under this section is for 12 months unless repealed sooner.

**177 Applications for driver training course approvals—s 15**

- (1) The road transport authority need not consider an application for approval of a course mentioned in section 15 (1) (b) before 1 February 2020.
- (2) The road transport authority need not consider an application for approval of a course mentioned in section 15 (1) (a) before 1 June 2020.

**178 Training course providers**

- (1) This section applies to a course provider mentioned in an instrument of approval.
- (2) The course provider is, on the commencement day, taken to be a course provider under section 15 (Driver training course providers—approval) to provide the course mentioned in the instrument of approval.
- (3) In this section:

*instrument of approval* means either of the following instruments as in force before the commencement day:

- (a) the *Road Transport (Driver Licensing) Rider Training Course Approval 2018 (No 1)* (NI2018-624);
- (b) the *Road Transport (Driver Licensing) Heavy Vehicle Driver Training Course Approval 2019 (No 1)* (NI2019-664).

**179 Renewal of learner licence—s 85**

- (1) This section applies if—
  - (a) a person applies to renew a learner licence within the 12-month period before it expires; and
  - (b) the learner licence is an old licence.
- (2) The person is taken to have satisfied the requirement under section 85 (2) (c) if the person gives the road transport authority evidence that the person has successfully completed the knowledge component of an approved road ready training course within the 2-year period before the day the application is made.

**180 Renewal of provisional car licence—s 85**

- (1) This section applies if a person applies to renew an old licence that is a provisional car licence under section 85.
- (2) The renewed licence is subject to—
  - (a) if the person is younger than 25 years old at the time the licence is renewed—the P1 licence conditions; or
  - (b) if the person is 25 years old or older at the time the licence is renewed—the P2 licence conditions.

**181 Demerit points and old licences**

- (1) This section applies to a person who incurs the relevant number of demerit points whether before or after the commencement day while the person holds an old licence.
- (2) The pre-amendment regulation, division 8.1 (Demerit points—learner and provisional licences) continues to apply to the person.

(3) In this section:

**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 the pre-amendment regulation, section 37 (3) (b) or section 38 (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.

## 182 Expiry—pt 11

This part expires 4 years after the commencement day.

*Note* Transitional provisions are kept in the regulation for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

## 49 Dictionary, definition of **approved heavy vehicle driver training course**

*substitute*

**approved heavy vehicle driver training course** means a course mentioned in section 15 (1) (e) provided by a person approved under section 15 to provide the course.

**50 Dictionary, new definitions**

*insert*

***approved learner licence training course*** means a course mentioned in section 15 (1) (b) provided by a person approved under section 15 to provide the course.

***approved pre-learner licence training course*** means a course mentioned in section 15 (1) (a) provided—

- (a) by a person approved under section 15 to provide the course; or
- (b) as part of a course of study leading to the completion of year 10.

**51 Dictionary, definition of *approved pre-learner rider training course***

*substitute*

***approved pre-learner rider training course*** means a course mentioned in section 15 (1) (c) provided by a person approved under section 15 to provide the course.

**52 Dictionary, definition of *approved pre-provisional rider training course***

*substitute*

***approved pre-provisional rider training course*** means a course mentioned in section 15 (1) (d) provided by a person approved under section 15 to provide the course.

**53 Dictionary, definition of *approved provisional driver training course***

*omit*

**54 Dictionary, definition of *approved road ready training course***

*omit*

**55 Dictionary, definition of *authorised medical reviewer***

*omit*

section 15A

*substitute*

section 78B

**56 Dictionary, new definition of *competency-based driver assessment***

*insert*

*competency-based driver assessment* means the assessment of a person's suitability to hold a provisional car licence in accordance with the applicable standards approved under section 119.

**57 Dictionary, definition of *driver assessment*, paragraph (a)**

*after*

a driving instructor

*insert*

or authorised person



**58 Dictionary, new definition of *driving supervisor***

*insert*

***driving supervisor***—

- (a) means a person who holds a full car licence, or a full licence of a higher class, and who is supervising a learner driver's driving of a motor vehicle; and
- (b) includes either of the following:
  - (i) a driving instructor who is providing driving instruction or assessment;
  - (ii) an authorised person who is providing driving assessment.

**59 Dictionary, definition of *eligibility requirements***

*substitute*

***eligibility requirements***, for a class of driver licence, means the requirements set out for the licence under the following provisions:

- (a) for a learner car licence—section 16 (3);
- (b) for a learner motorcycle licence—section 16 (2);
- (c) for a provisional car licence—section 22 (3);
- (d) for a provisional motorcycle licence—section 22 (2);
- (e) for a full motorcycle licence—section 35 (3);
- (f) for a full car licence—section 35 (2);
- (g) for a heavy vehicle licence—section 34.

**60 Dictionary, new definition of *hazard perception test***

*insert*

***hazard perception test***—see section 23 (1).

**61 Dictionary, definition of *learner driver logbook***

*omit*

**62 Dictionary, definition of *P-plate***

*substitute*

***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’—
  - (i) for the holder of a provisional car licence subject to the P1 licence conditions—in red on a white background; or
  - (ii) for the holder of a provisional car licence subject to the P2 licence conditions—in green on a white background; or
  - (iii) for the holder of a provisional motorcycle licence—in red on a white background.

**63 Dictionary, new definitions**

*insert*

***P1 licence conditions***, in relation to a provisional car licence, for division 3.3 (Provisional licences)—see section 21.

***P2 licence conditions***, in relation to a provisional car licence, for division 3.3 (Provisional licences)—see section 21.

**64 Dictionary, definition of *provisional licence requirement***

*omit*

**65 Dictionary, definition of *required medical standards***

*omit*

section 15

*substitute*

section 78A

## **Schedule 1** Consequential amendments

(see s 3)

### **Part 1.1** Road Transport (General) Regulation 2000

#### **[1.1] Schedule 1, part 1.4, item 1, column 3**

*omit*

road ready training course

*substitute*

pre-learner licence training course

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## Part 1.2 Road Transport (Offences) Regulation 2005

### [1.2] Schedule 1, part 1.6, new items 1A and 1B

*before item 1, insert*

1A	11A (1)	unauthorised use of L-plate/plates	20	203	
1B	11B	unauthorised use of P-plate/plates	20	203	

### [1.3] Schedule 1, part 1.6, items 1 to 12

*substitute*

1	19 (1) (a)	learner ride motorbike of prohibited power-to-weight ratio	20	203	
2	19 (1) (b)	learner rider tow vehicle	20	203	

**Schedule 1** Consequential amendments  
**Part 1.2** Road Transport (Offences) Regulation 2005

Amendment [1.3]

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3	19 (2)	learner rider not display L-plate as required	20	203	
4	19 (3)	learner ride motorbike with pillion passenger	20	203	
5	19 (4)	learner ride motorbike with sidecar passenger not licensed	20	203	
6	19 (5) (a)	sidecar passenger not supervise learner rider	20	203	
7	19 (5) (b)	sidecar passenger not take precautions to prevent contravention by learner rider	20	203	
8	20 (1)	learner driver tow prohibited vehicle	20	203	
9	20 (2)	learner driver not display L-plates as required	20	203	
10	20 (3)	unaccompanied learner driver	20	203	

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11	20 (4) (a)	driving supervisor not supervise learner driver	20	203	
12	20 (4) (b)	driving supervisor not take precautions to prevent contravention by learner driver	20	203	

**[1.4] Schedule 1, part 1.6, item 13**

*omit*

**[1.5] Schedule 1, part 1.6, item 14, column 2**

*omit*

36A (2)

*substitute*

29 (2)

**[1.6] Schedule 1, part 1.6, item 15, column 2**

*omit*

37A (2)

*substitute*

32 (2)

**[1.7] Schedule 1, part 1.6, item 16**

*omit*



**[1.8] Schedule 1, part 1.6, item 21**

*substitute*

21	60 (1)			
21.1	<ul style="list-style-type: none"> <li>by contravening condition under 28 (2)</li> </ul>	provisional rider not display P-plate as required	20	203
21.2	<ul style="list-style-type: none"> <li>by contravening condition under 28 (3)</li> </ul>	provisional rider ride motorbike with power-to-weight ratio over 150kW/t/carrying pillion passenger (other than provisional rider holding licence at least 1 year)	20	203
21.3	<ul style="list-style-type: none"> <li>by contravening condition under 30 (2)</li> </ul>	provisional driver not display P-plate as required	20	203

**Schedule 1** Consequential amendments  
**Part 1.2** Road Transport (Offences) Regulation 2005

Amendment [1.8]

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21.4	<ul style="list-style-type: none"><li>by contravening condition under 31 (1)</li></ul>	drive motor vehicle between 11 pm and 5 am with more than 1 peer-aged passenger	20	480	3
21.5	<ul style="list-style-type: none"><li>by contravening any other condition</li></ul>	contravene conditions of driver licence (other than restricted licence or driver licence with interlock condition)	20	203	

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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) on 12 December 2019.

**2 Republications of amended laws**

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

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