

1990 - No. 643

**TRAFFIC ACT 1909 - REGULATION**

(Relating to drivers' licences)

NEW SOUTH WALES



*[Published in Gazette No. 120 of 28 September 1990]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

WAL MURRAY  
Minister for Roads.

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The Motor Traffic Regulations 1935 are amended by omitting Regulation 7A and by inserting instead the following Regulation:

**Holders of interstate drivers' licences**

7A. (1) A driver's licence is not to be granted to a person who holds a licence to drive a motor vehicle, or the equivalent of such a licence, issued under the law in force in another State or Territory unless the person, when making application for the licence, delivers to the Authority

- (a) the licence (or equivalent) issued under that other law; and
- (b) a written request for cancellation of that licence (or equivalent) addressed to the person or body that issued it.

(2) If a person who is the holder of a driver's licence under the Act is, after 5 October 1990, granted a licence to drive a motor vehicle, or the equivalent of such a licence, under the law in force in another State or Territory:

- (a) the person's New South Wales driver's licence is to be taken to be cancelled on and from the date the other licence (or equivalent) so granted takes effect; and
  - (b) the person must:
    - (i) immediately notify the Authority of the grant of the other licence; and
    - (ii) surrender the New South Wales licence to the Authority.
- (3) If a person is, on 5 October 1990, the holder of a driver's licence under the Act as well as a licence to drive a motor vehicle, or the equivalent of such a licence, issued under the law in force in another State or Territory, the Authority may immediately cancel the person's New South Wales driver's licence unless the person has, before that date, either in accordance with the terms of the letter sent to the person by the Authority in June 1990 or otherwise, delivered to the Authority:
- (a) the licence (or equivalent) issued under the law in force in the other State or Territory; and
  - (b) a written request for the cancellation of that licence (or equivalent) addressed to the person or body that issued it.

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#### EXPLANATORY NOTE

The object of this Regulation is to amend the Motor Traffic Regulations 1935 in so far as they relate to the rights of persons who hold drivers' licences issued in other jurisdictions to be granted and retain New South Wales licences.

At present, a New South Wales driver's licence may not be granted to the holder of a driver's licence issued in another jurisdiction (whether Australian or not) unless the holder surrenders that licence to the Roads and Traffic Authority with a letter (addressed to the issuing person or body) requesting its cancellation. Furthermore, the issue to a person of a driver's licence in another jurisdiction has the effect of cancelling any New South Wales driver's licence held by the person.

As a result of the amendment:

- (a) the holding of a licence issued in a jurisdiction outside Australia will have no effect on the rights of a person to obtain and continue to hold a New South Wales driver's licence; and
- (b) a New South Wales driver's licence held by a person who also holds a licence issued in another Australian jurisdiction is liable to be cancelled by the Roads and Traffic Authority unless, before 5 October 1990, the person surrenders his or her other licence to the Authority with an appropriate letter requesting its cancellation; and

**1990 - No. 643**

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- (c) a New South Wales driver's licence held by a person who, after 5 October 1990, obtains a driver's licence issued in another Australian jurisdiction is automatically cancelled.