



New South Wales

Motor Traffic Regulations Amendment (Driver Licensing) Regulation 1999

under the
Traffic Act 1909

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Traffic Act 1909*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to remove certain provisions of the *Motor Traffic Regulations 1935* relating to driver licensing, and to make certain other amendments, as a consequence of the enactment of the *Road Transport (Driver Licensing) Act 1998* which will regulate matters relating to driver licences.

This Regulation is made under the *Traffic Act 1909*, including section 3 (1) (the general regulation-making power).

1999 No 104

Clause 1 Motor Traffic Regulations Amendment (Driver Licensing) Regulation 1999

Motor Traffic Regulations Amendment (Driver Licensing) Regulation 1999

1 Name of Regulation

This Regulation is the *Motor Traffic Regulaitons Amendment (Driver Licensing) Regulation 1999*.

2 Commencement

This Regulation commences on 1 March 1999.

3 Amendment of Motor Traffic Regulations 1935

The *Motor Traffic Regulations 1935* are amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Regulation 2 Definitions

Insert in alphabetical order:

learner licence means a learner licence issued under the *Road Transport (Driver Licensing) Act 1998*.

[2] Part 2

Omit the heading. Insert instead:

Part 2 Miscellaneous provisions relating to licences

[3] Part 2, Divisions 1–4

Omit the Divisions.

[4] Part 2, Division 5

Omit the heading to the Division.

[5] Regulation 31

Omit the regulation. Insert instead:

31 interstate and international visitors

(1) A visiting driver who holds:

- (a) a current Australian driver licence or learner licence (including a New Zealand learner licence) issued in another jurisdiction, or
- (b) a current foreign driver licence and international driving permit, or
- (c) a current foreign driver licence that is written in English or is accompanied by an English translation.

that authorises him or her to drive a motor vehicle of a particular kind may drive a motor vehicle of that kind in this State, and is exempt from the requirement to hold a driver licence.

(2) A person ceases to be exempt under subclause (1) if any of the following things happens:

- (a) if the holder of an Australian driver licence or learner licence has resided in this State for a continuous period of more than 3 months, unless he or she also holds a valid Driver Identification Document issued by the Commonwealth Department of Defence,
- (b) if an international visitor has held a permanent visa under the *Migration Act 1958* of the Commonwealth for more than 3 months,
- (c) if the person is disqualified from driving a motor vehicle on a road or road related area in any State or Territory, or another country,
- (d) if the person is charged with an offence specified under another law of this State relating to visiting drivers,
- (e) if the person, in the reasonable opinion of the Authority, is not considered a fit and proper person to drive a motor vehicle in this State,
- (f) if, in the reasonable opinion of the Authority, the person's ability to drive safely is impaired due to a permanent or long term injury or illness,
- (g) if the person fails to comply with a request under clause 31 of the *Road Transport (Driver Licensing) Regulation 1999*.

(3) If the Authority forms an opinion on the matters set out in subclause (2) (e) or (f), the Authority must give the person notice in writing stating:

- (a) that he or she is no longer exempt from the requirement to hold a driver licence in this State, and

- (b) that he or she must not drive a motor vehicle on a road or road related area in this State, and
- (c) the reasons why the person is no longer exempt, and
- (d) any action that may be taken by the person in order to regain the exemption, and
- (e) the date by which the person must take that action.

(4) Section 7A (2) (b) and (c) of the Act do not apply to a person referred to in subclause (1):

- (a) who was previously licensed in this State, and
- (b) whose driver licence was cancelled or suspended or whose application for a driver licence was refused, and
- (c) who, if he or she made an application for a driver licence, would not, because of:
 - (i) any current period of disqualification or suspension, or
 - (ii) any failure to meet the conditions of reinstatement of a driver licence after cancellation,

be prevented from obtaining a further licence in this State.

[6] Regulation 33 Members of Police Force

Omit “and the provisions of the Regulations relating to the licensing of drivers or riders of motor vehicles”.

[7] Regulation 33 (2)

Insert at the end of regulation 33:

(2) This regulation ceases to have effect on 1 March 2000.

[8] Regulation 33B

Omit the regulation.

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Schedule 1 Amendments

[9] Regulation 34 Other exemptions from licensing

Omit “and the provisions of these Regulations relating to the licensing of drivers” wherever occurring.

[10] Regulation 34 (1) (g), (g1) and (g2)

Omit the paragraphs.

[11] Regulation 34

Insert at the end of regulation 34:

(2) Clause (1) (a) ceases to have effect on 1 March 2000.

[12] Regulation 34A Exemption under section 6B of the Act

Omit “Regulation 9 (5)” from regulation 34A (a).

Insert instead “the *Road Transport (Driver Licensing) Regulation 1999*”.

[13] Regulation 34A (b)

Omit “Regulation 12 (1) (a) or 12 (1) (h)”.

Insert instead “the *Road Transport (Driver Licensing) Regulation 1999*”.

[14] Part 2A Motor cycle rider training and testing scheme

Omit the Part.

[15] Regulation 87 Owner to inspect driver licence

Omit “licence to drive”. Insert instead ”driver licence”.

[16] Regulation 89 Spectacles

Omit “licence as a driver” from regulation 89 (1).
Insert instead “driver licence”.

[17] Regulation 111 Pillion riding

Omit “clause (5) of Regulation 12” from regulation 111 (2) (c).
Insert instead “clause 12 (2) of the *Road Transport (Driver Licensing) Regulation 1999*”.

[18] Regulation 124 Special speed limits

Omit “learner’s licence” from regulation 124 (3C) (a).
Insert instead “learner licence”.

[19] Schedule A Fees and other charges

Omit items 1–6 and 31.

[20] Schedule K Prescribed offences and penalties for the purposes of section 185 of the Act

Omit the matter relating to regulation 12BA (2) from Table A of Part 2.

[21] Schedule K, Table A

Omit “23, 31 (2),”.

[22] Schedule K, Table B

Omit the matter relating to regulation 12 (4).

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Schedule 1 Amendments

[23] Schedule K, Part 14

Insert after Part 13:

PART 14

*Offences under the Road Transport (Driver Licensing) Act 1998
and regulations under that Act*

Offence	Penalty
	\$
Road Transport (Driver Licensing) Regulation 1999	
Any offence under:	
clause 12 (1) (b), (2) (a) or (b), (3), (4) or (5), 13, 15 (6) (a) or (b), 30 (1), 56, 57 (1), (2) or (3) or 58 (2)	67

**[24] Schedule L Offences for the purposes of regulations 10B, 12A
(6) and 12B (4)**

Omit the Schedule.