



New South Wales

# Road Transport (Driver Licensing) Amendment (Law Revision) Regulation 1999

under the

Road Transport (Driver Licensing) Act 1998

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

CARL SCULLY, M.P.,  
Minister for Roads

## Explanatory note

The objects of this Regulation are:

- (a) to make amendments to the *Road Transport (Driver Licensing) Regulation 1999* that are consequential on the repeal of the *Traffic Act 1909* and *Motor Traffic Regulations 1935* and the enactment of the *Road Transport (Safety and Traffic Management) Act 1999* and *Road Transport (General) Act 1999*, and
- (b) to exempt certain drivers from licensing requirements (Schedule 1 [2]).

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 19 (the general regulation-making power), 25 and 25A (5).

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**Road Transport (Driver Licensing) Amendment  
(Law Revision) Regulation 1999**

**1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Law Revision) Regulation 1999*.

**2 Commencement**

This Regulation commences on 1 December 1999.

**3 Amendment of Road Transport (Driver Licensing) Regulation 1999**

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

**4 Notes**

The explanatory note does not form part of this Regulation.

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## Schedule 1 Amendments

(Clause 3)

### [1] Part 7 Review and appeal rights

Omit the Part.

### [2] Clauses 55A–55D

Insert after clause 55:

#### **55A Exemption: Golf and green keeping vehicles used on roads or road related areas**

- (1) A person is exempted from the requirements of section 25 (1) of the Act in respect of the driving of any golf vehicle or green keeping vehicle directly across a road or road related area that intersects with or traverses a golf course if the vehicle:
  - (a) is being used in the course of, or as an incident to, a game of golf or to observe any such game, or
  - (b) is proceeding to or from the golf course to be used for or in connection with the rolling or maintenance or surface improvement of any part of the golf course, or
  - (c) is proceeding to or from a car park or storage building that is separated from the golf course by the road or road related area.
- (2) In this clause:  
***golf course*** means an area of land (which includes tees, fairways, greens, rough, pathways, bunkers and bridges) designed and used for the playing of golf.

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***golf vehicle*** means:

- (a) a motorised buggy or cart that is designed and used to carry any golfer, spectator or golfing equipment on a golf course, or
- (b) a motor bike having an engine capacity not exceeding 50 ml that is used to carry a golfer, spectator or golf equipment on a golf course, or
- (c) any trailer that is being drawn by any such vehicle.

***green keeping vehicle*** means any vehicle used solely or principally for or in connection with the rolling or maintenance or surface improvement of any part of a golf course.

#### **55B Exemption: police officers and police trainees**

- (1) A police officer or a police trainee who has been authorised in writing by the Commissioner of Police to drive or ride a motor vehicle in the performance of his or her duty is, while driving or riding in conformity with the authority, exempted from section 25 (1) (a) of the Act.
- (2) This clause ceases to have effect on 1 March 2000.

#### **55C Exemption: drivers of light rail vehicles**

- (1) Any requirement to be licensed imposed by this Regulation does not apply to a person who drives a light rail vehicle while driving a light rail vehicle.
- (2) In this clause:

***light rail vehicle*** has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

#### **55D Other exemptions from licensing**

- (1) A person is exempted from the provisions of section 25 (1) of the Act in respect of the driving of any of the following vehicles:
  - (a) any fire engine or other motor vehicle or trailer under the control of New South Wales Fire Brigades that is:
    - (i) used for fire-fighting purposes, and

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- (ii) being driven on any road or road related area by the person in the course of the person's employment with New South Wales Fire Brigades,
  - (b) any motor vehicle or trailer while it is being driven by the person who is being submitted (as an applicant for a licence) to a driving test by a police officer or a person authorised by the Authority or by the Commissioner of Police to test drivers,
  - (c) any motor vehicle or trailer, weighing not more than 250 kg when unladen, that is constructed or used solely for cutting grass or for purposes incidental to cutting grass,
  - (d) any motor vehicle or trailer comprising a pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 200 watts,
  - (e) any motor vehicle or trailer that is:
    - (i) specially constructed to be used, and while on a road or road related area is used, solely for the conveyance of an invalid, and
    - (ii) weighs not more than 110 kg when unladen, and
    - (iii) not capable of travelling at more than 10 km/h.
  - (2) Subclause (1) (a) ceases to have effect on 1 March 2000.
  - (3) Section 25A (1) (a) and (3) (a) of the Act does not apply to the driving of any of the following vehicles:
    - (a) any motor vehicle or trailer while it is being driven by the person who is being submitted (as an applicant for a licence) to a driving test by a police officer or a person authorised by the Authority or by the Commissioner of Police to test drivers,
    - (b) any motor vehicle or trailer, weighing not more than 250 kg when unladen, that is constructed or used solely for cutting grass or for purposes incidental to cutting grass,

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- (c) any motor vehicle or trailer comprising a pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 200 watts,
- (d) any motor vehicle or trailer that is:
  - (i) specially constructed to be used, and while on a road or road related area is used, solely for the conveyance of an invalid, and
  - (ii) weighs not more than 110 kg when unladen, and
  - (iii) not capable of travelling at more than 10 km/h.

#### [3] **Clause 59 Short descriptions of offences**

Omit the clause.

#### [4] **Clause 60 Service of notices on persons**

Omit the clause.

#### [5] **Schedule 1 Demerit points offences and penalties**

Omit Parts 1 and 2. Insert instead:

### **Part 1**

Column 1	Column 2	Column 3
Offences	Demerit points	Provisions where offences created, except where indicated
Exceeding speed limit by more than 45 km/h	6	Rule 20 of <i>Australian Road Rules</i> or clause 38 (1) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Exceeding speed limit by more than 30 km/h but not more than 45 km/h	4	Rule 20 of <i>Australian Road Rules</i> or clause 38 (1) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>

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Exceeding speed limit by more than 15 km/h but not more than 30 km/h	3	Rule 20 of <i>Australian Road Rules</i> or clause 38 (1) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Exceeding speed limit by not more than 15 km/h	1	Rule 20 of <i>Australian Road Rules</i> or clause 38 (1) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Disobeying traffic light	3	Rule 57, 60, 61 or Part 17 of <i>Australian Road Rules</i> Rule 56 or 59 of <i>Australian Road Rules</i> , but only at traffic lights other than traffic lights at toll booths
Disobeying stop or give way sign or line, or police directing traffic	3	Rule 67, 68, 69, 70, 71 or 101 of <i>Australian Road Rules</i>
Failing to give way	3	Rule 62, 63, 64, 73, 74, 75, 87, 148 or 149 of <i>Australian Road Rules</i> Rule 72 (1) of <i>Australian Road Rules</i> , but only in the circumstances referred to in rule 72 (2), (3) (a) or (4) (a)
Failing to stop or give way at pedestrian, children's or level crossing	3	Rule 65 (2) (a), 80, 81 (2), 121 or 122 of <i>Australian Road Rules</i>
Driving with unrestrained passengers under the age of 16 years	3	Rule 266 of <i>Australian Road Rules</i>
Using vehicle contrary to defect notice:		Clause 84 (2) of <i>Road Transport (Vehicle Registration) Regulation 1998</i>
(a) in the case of a major defect	3	
(b) in the case of a minor defect	1	

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Driving on wrong side of dividing lines	3	Rule 132 (2) of <i>Australian Road Rules</i>
Driver not wearing a seat belt	3	Rule 264 of <i>Australian Road Rules</i>
Motorbike rider not wearing approved motor bike helmet	3	Rule 270 (1) (a) of <i>Australian Road Rules</i>
Unlawfully driving past safety zone or tram or failing to give way to pedestrian crossing near stopped tram	3	Rule 162, 163 or 164 of <i>Australian Road Rules</i>
Negligent driving	3	Section 42 (1) (c) of <i>Road Transport (Safety and Traffic Management) Act 1999</i>
Improper passing or overtaking	2	Rule 140, 141, 142 or 144 of <i>Australian Road Rules</i>
Changing direction or stopping without signalling	2	Rule 46 (1) or 48 (1) of <i>Australian Road Rules</i> , but only in the circumstances referred to in rules 46 (2) or 48 (2) respectively Rule 53, 112, 113, 117 or 118 (1) of <i>Australian Road Rules</i>
Turning improperly	2	Rule 27, 28, 31, 32, 33 or 43 of <i>Australian Road Rules</i>
Failing to keep left	2	Rule 129, 130, 131, 132 (1), 135 or 137 of <i>Australian Road Rules</i>
Failure to dip headlights	1	Rule 218 of <i>Australian Road Rules</i>
Following too closely	1	Rule 126 of <i>Australian Road Rules</i>
Driving at night/dark without headlight alight	1	Clause 53 (1) of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>



**Part 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Offence</b>	<b>Demerit points</b>	<b>Provision where offence created, except where indicated</b>
Conduct associated with street racing	3	Section 41 (1) or (2) of <i>Road Transport (Safety and Traffic Management) Act 1999</i>
Not stop and supply required particulars at scene of crash	3	Rule 287 of <i>Australian Road Rules</i>
Drive vehicle towing excess weight	2	Clause 15 (6) (a) of <i>Road Transport (Driver Licensing) Regulation 1999</i>
Ride motor bike or motor trike towing other vehicle	2	Clause 15 (6) (b) of <i>Road Transport (Driver Licensing) Regulation 1999</i>
Not comply with conditions of licence	2	Clause 56 of <i>Road Transport (Driver Licensing) Regulation 1999</i>
Disobey "Trucks and buses low gear" sign	3	Rule 108 of <i>Australian Road Rules</i>
Drive contrary to roundabout road rules	3	Part 9 (except rules 112, 113, 117 and 118 (1)) of <i>Australian Road Rules</i>
Fail to drive in bus lane or in truck lane where required	3	Rule 159 of <i>Australian Road Rules</i> .
Disobey overhead lane control device	3	Rule 152 of <i>Australian Road Rules</i>
Cross continuous line separating marked lanes	3	Rule 147 of <i>Australian Road Rules</i>
Not drive within single marked lane or line of traffic	3	Rule 146 of <i>Australian Road Rules</i>
Overtake or pass stationary vehicle at pedestrian crossing or children's crossing	3	Rule 82 of <i>Australian Road Rules</i>

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Increase speed while being overtaken	3	Rule 145 of <i>Australian Road Rules</i>
Long vehicle following other long vehicle too closely	3	Rule 127 of <i>Australian Road Rules</i>
Make unlawful U turn	2	Rule 38, 40 or 42 of <i>Australian Road Rules</i>
Not give proper signal when drawing out from side of road	3	Rule 46 (1) or 48 (1) of the <i>Australian Road Rules</i> , but only in the circumstances referred to in rules 46 (3) or 48 (3) respectively
Not have proper control of vehicle	3	Rule 297 of <i>Australian Road Rules</i>
Unauthorised carriage of pillion passenger on motor bike or motor trike	2	Clause 12 (2) of <i>Road Transport (Driver Licensing) Regulation 1999</i> or rule 271 (4) of the <i>Australian Road Rules</i>
Pass bus at speed in excess of 40 km/h:		Clause 40 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
(a) where the motor vehicle is driven at a speed that exceeds 85 km/h	6	
(b) where the motor vehicle is driven at a speed that exceeds 70 km/h but does not exceed 85 km/h	4	
(c) where the motor vehicle is driven at a speed that exceeds 55 km/h but does not exceed 70 km/h	3	
(d) where the motor vehicle is driven at a speed that exceeds 40 km/h but does not exceed 55 km/h	1	

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**[6] Schedule 2 Short descriptions of offences**

Omit the Schedule.

**[7] Dictionary**

Insert in appropriate alphabetical order:

***Australian Road Rules*** has the same meaning as it has in  
the *Road Transport (Safety and Traffic Management)*  
(*Road Rules*) Regulation 1999.