



New South Wales

Road Transport (Driver Licensing) Amendment (Graduated Licensing) Regulation 2000

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 introduce a new graduated licence scheme for novice drivers, under which:
 - (i) the life of a learner licence will be extended from 15 months to 3 years, and
 - (ii) a two-stage provisional licence scheme will operate, requiring new drivers to hold a provisional licence for at least 3 years before being eligible to obtain an unrestricted licence, and
- (b) to provide an exemption from the requirement to display “L” plates where a learner licence is issued to a person who has failed an advanced age driving test, and
- (c) to enable the Roads and Traffic Authority to require evidence of the training or experience of applicants for a driver licence (or variation of a driver licence), in addition to matters already required to be assessed or tested.

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Explanatory note

Under the two-stage provisional licence scheme, a new driver or motorcycle rider applying for a driver or rider licence will first be issued with a provisional “P1” licence. That licence remains in force for 18 months unless the holder sooner graduates to a provisional “P2” car licence or an unrestricted motorcycle licence. (Graduation is achieved by passing any necessary tests taken after holding the “P1” for at least 12 months). A provisional “P1” licence is renewable if the holder has not graduated when the “P1” licence expires.

A provisional “P2” licence remains in force for 30 months unless the holder sooner graduates, by further tests passed after holding the “P2” for at least 24 months, to an unrestricted licence. A provisional “P2” licence is renewable if the holder has not graduated to an unrestricted licence when the “P2” licence expires.

Concurrently with the new scheme, the maximum permissible speed at which the holder of a provisional licence may drive is increased from 80 k/hr to 90 k/hr.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including section 19 (Regulations generally) and section 20 (Driver licensing system).

Road Transport (Driver Licensing) Amendment (Graduated Licensing) Regulation 2000

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Graduated Licensing) Regulation 2000*.

2 Commencement

This Regulation commences on 1 July 2000.

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 Amendment of Road Transport (Driver Licensing) Regulation 1999

(Clause 3)

[1] Clause 6 Eligibility to apply for issue or variation of driver licence

Insert “P1” after “provisional” in clause 6 (6).

[2] Clause 6 (6), note

Insert at the end of the subclause:

Note. A provisional P1 licence is issued to a person who is licensed under the first provisional licence stage, and a provisional P2 licence is issued to a driver who is licensed under the second provisional licence stage—see clauses 15 and 15A.

[3] Clause 6 (7)

Insert after clause 6 (6):

- (7) A person who holds a provisional P2 licence is not eligible to apply for a heavy combination vehicle licence or multi-combination vehicle licence unless the Authority, in its discretion, being satisfied that special circumstances exist in the particular case, determines that such a person is eligible to apply for one or the other of those unrestricted licences.

[4] Clause 12 Learner driver must be accompanied

Insert after clause 12 (2):

- (2A) The Authority may exempt a person from a requirement in subclause (1) (b) or (2) (b) if the person, having held a licence other than a learner licence, currently holds a learner licence because of failing a test of driving or riding ability that the Authority required the person to take.

[5] Clauses 15 and 15A

Omit clause 15. Insert instead:

15 First-stage provisional licences (provisional P1)

- (1) A licence issued to an applicant who has not previously held, for a continuous period of at least 12 months (not including any period of suspension), any of the following, namely:
 - (a) a car licence or motorcycle licence, or
 - (b) an Australian driver licence of a class considered appropriate by the Authority, or
 - (c) a foreign driver licence of a type considered appropriate by the Authority,

must be a provisional licence of class C or class R, to be known as a provisional P1 licence.

- (2) A provisional P1 licence is to be issued for a period of up to 18 months.
- (3) However, the period for which a provisional P1 licence is to be issued to a licence holder transferring from being a licence holder in another State, Territory or country may be reduced by the Authority by the amount of time that the person held the licence in the other State, Territory or country.
- (4) In addition to any other conditions that may be attached to the licence, a provisional P1 licence is subject to the following conditions:
 - (a) in the case of a provisional P1 licence of class C, the holder must not drive any motor vehicle unless there is displayed conspicuously:
 - (i) at the front and rear, or on the roof, of the vehicle, or
 - (ii) if the vehicle is towing a trailer—either on the roof of the vehicle, or both on the front of the vehicle and on the rear of the trailer,so as to be visible from ahead of and behind the vehicle, a sign, issued or authorised by the Authority, displaying the letter “P” in red on a white background,

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- (b) in the case of a provisional P1 licence of class R, the holder must not drive any motor bike or motor trike unless there is displayed conspicuously at the rear of the motor bike or motor trike, so as to be clearly visible from behind it, a sign, issued or authorised by the Authority, displaying the letter "P" in red on a white background,
 - (c) in the case of a provisional P1 licence of class R, the holder must not drive a motor bike or motor trike with an engine capacity greater than 260 ml or a power-to-weight ratio greater than 150 kilowatts per tonne.
- (5) In addition to any other ground on which a licence may be cancelled or suspended by the Authority, a provisional P1 licence may be cancelled or suspended immediately by the Authority in the event of any of the following:
- (a) the holder of the licence is convicted of an offence under the Act or this Regulation or of an offence set out in Schedule 1,
 - (b) the holder of the licence pays a penalty pursuant to section 15 of the *Road Transport (General) Act 1999* in respect of any such offence,
 - (c) an order under Division 4 of Part 3 of the *Fines Act 1996* has been made, or is taken to be made, against the licence holder in respect of any such offence,
 - (d) the holder of the licence fails to observe any term or condition of the licence.
- (6) The holder of a provisional P1 licence must not drive a motor vehicle on a road or road related area if:
- (a) in the case of a provisional P1 licence of class C, the motor vehicle is towing any other motor vehicle (whether or not a trailer) having an unladen mass in excess of 250 kg, or
 - (b) in the case of a provisional P1 licence of class R, the motor bike or motor trike is towing any other vehicle (whether or not a trailer).

Maximum penalty: 20 penalty units.

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- (7) A person who holds a provisional P1 licence is not eligible to apply for a provisional P2 licence of class C (where the provisional P1 licence is of class C) or for an unrestricted licence of class R (where the provisional P1 licence is of class R), if:
- (a) the person has incurred 4 or more demerit points while holding the licence, and action under section 17 of the Act to cancel or suspend the licence as a consequence has not been taken or completed, or
 - (b) the person has committed speeding offences, within the meaning of section 33 of the Act, while holding the licence, and action under that section to cancel or suspend the licence as a consequence has not been taken or completed.
- (8) If a provisional P1 licence held by a person is cancelled by the operation of section 26 of the *Road Transport (General) Act 1999*, the Authority may issue another provisional P1 licence to the person and require the person to hold the licence for a period of 12 months before being eligible to apply for a provisional P2 licence or an unrestricted licence of any class.
- (9) On the issue to a person of a provisional P2 licence of class C, LR, MR or HR, any P1 licence of the same class previously issued to the person ceases to be in force.
- (10) On the issue to a person of an unrestricted licence of class R, any P1 licence of the same class previously issued to the person ceases to be in force.

15A Second-stage provisional licences (provisional P2)

- (1) A licence (other than a motorcycle licence) that is issued to an applicant who has not previously held, for a period or periods totalling at least 36 months (not including any period of suspension), any of the following, namely:
- (a) a car licence, or
 - (b) an Australian driver licence of a class considered appropriate by the Authority, or

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- (c) a foreign driver licence of a type considered appropriate by the Authority,
- must (unless clause 15 applies) be a provisional P2 licence of class C, class LR, class MR or class HR.
- (2) A provisional P2 licence is to be issued for a period of up to 30 months.
- (3) However, the period for which a provisional P2 licence must be issued to a licence holder from another State, Territory or country may be reduced by the Authority by the amount of time that the person held the licence in the other State, Territory or country.
- (4) In addition to any other conditions that may be attached to the licence, a provisional P2 licence is subject to the condition that the holder must not drive any motor vehicle unless there is displayed conspicuously:
- (a) at the front and rear, or on the roof, of the vehicle, or
- (b) if the vehicle is towing a trailer, either:
- (i) on the roof of the vehicle, or
- (ii) both on the front of the vehicle and on the rear of the trailer,
- so as to be visible from ahead of and behind the vehicle, a sign, issued or authorised by the Authority, displaying the letter "P" in green on a white background.
- (5) The driver of an emergency vehicle, as defined in the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is exempt from the provisions of subclause (4) while driving the vehicle in the performance of his or her duty.
- (6) In addition to any other ground on which a licence may be cancelled or suspended by the Authority, a provisional P2 licence may be cancelled or suspended immediately by the Authority on any of the following grounds:
- (a) the holder of the licence is convicted of an offence under the Act or this Regulation or of an offence set out in Schedule 1,

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- (b) the holder of the licence pays a penalty pursuant to section 15 of the *Road Transport (General) Act 1999* in respect of any such offence,
 - (c) an order under Division 4 of Part 3 of the *Fines Act 1996* has been made, or is taken to be made, against the licence holder in respect of any such offence,
 - (d) the holder of the licence fails to observe any term or condition of the licence.
- (7) A person who holds a provisional P2 licence is not eligible to apply for an unrestricted licence of the same class if:
- (a) the person has incurred 7 or more demerit points while holding the licence, and action under section 17 of the Act to cancel or suspend the licence as a consequence has not been taken or completed, or
 - (b) the person has committed speeding offences, within the meaning of section 33 of the Act, while holding the licence, and action under that section to cancel or suspend the licence as a consequence has not been taken or completed.
- (8) If a provisional P2 licence held by a person is cancelled by the operation of section 26 of the *Road Transport (General) Act 1999*, the Authority may issue another provisional P2 licence to the person and require the person to hold the licence for a period of 24 months before being eligible to apply for an unrestricted licence of any class.
- (9) On the issue to a person of an unrestricted licence (other than a licence of class R), any provisional P2 licence previously issued to the person ceases to be in force.

[6] Clause 16 Procedure to obtain or vary driver licences

Insert “, training, experience” after “ability” in clause 16 (3) (a).

[7] Clause 41 Definitions

Insert “P1” after “provisional” in paragraph (a) of the definition of *authorised rider training course*.

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[8] Clause 45 Objects of training course

Insert “P1” after “provisional” in clause 45 (1) (b).

[9] Schedule 1 Demerit points offences and penalties

Insert “, (5) or (6)” after “clause 38 (1)” wherever occurring in the first 4 entries in Column 3 in Part 1 of the Schedule.

[10] Schedule 3 Fees

Omit paragraphs (d) and (e) from item 1 (Issue or renewal of driver licences).

Insert instead:

(d)	provisional P1 licence	\$35
(e)	provisional P2 licence	\$56
(f)	learner licence	\$14

[11] Schedule 4 Savings and transitional provisions

Insert after clause 4:

5 Saving of provisional licences on introduction of two-stage scheme

- (1) A provisional licence issued in accordance with clause 15 before 1 July 2000 and in force immediately before that date continues, on and from that date, to be a driver licence and may be dealt with in all respects as though the amendments made to this Regulation by the *Road Transport (Driver Licensing) Amendment (Graduated Licensing) Regulation 2000* had not been made, except as provided by this clause.
- (2) In particular, those amendments do not prevent the issue in due course, to the holder of a provisional licence that was in force immediately before 1 July 2000, of an unrestricted licence in accordance with the provisions of this Regulation as in force immediately before that date.
- (3) A licence referred to in subclause (1) cannot, however, be renewed, after 1 July 2000, on its expiry or cancellation.

- (4) A condition of a provisional licence referred to in subclause (1) that, immediately before 1 July 2000, prohibited the holder from driving a motor vehicle on a road at a speed in excess of 80 k/hr is to be construed, on and from that date, as though the reference to 80 k/hr were a reference to 90 k/hr.

[12] Dictionary

Insert in alphabetical order:

provisional P1 licence means a provisional licence issued in accordance with clause 15 (1).

provisional P2 licence means a provisional licence issued in accordance with clause 15A (1).