



New South Wales

# Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

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

MICHAEL COSTA, M.L.C.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999* to provide for:

- (a) the imposition of a condition on provisional P1 and P2 licences to prevent provisional drivers from driving certain high performance vehicles, and
- (b) the imposition of a condition on a provisional P1 or P2 licence issued after a licence disqualification to prevent the driver from carrying more than one passenger for 12 months, and
- (c) the granting of exemptions from the new conditions in exceptional circumstances.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 19 and 20.

**2005 No 342**

Clause 1 Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005

---

**Road Transport (Driver Licensing) Amendment  
(Provisional Licence Restrictions) Regulation 2005**

under the

Road Transport (Driver Licensing) Act 1998

**1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005*.

**2 Commencement**

This Regulation commences on 11 July 2005.

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

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

---

## Schedule 1 Amendments

(Clause 3)

### [1] Clauses 15B–15D

Insert after clause 15A:

#### 15B Provisional P1 and P2 licences—high performance vehicle restrictions

- (1) In addition to any other conditions that may be attached to the licence, a provisional licence issued by the Authority (other than a class R licence) is subject to the condition that the holder must not drive a high performance vehicle.
- (2) For the purposes of this clause, a **high performance vehicle** is a vehicle:
  - (a) with an engine having 8 or more cylinders, or
  - (b) the engine of which is turbocharged or supercharged (other than a diesel powered vehicle), or
  - (c) that has had any substantial modification made to the engine of the vehicle to increase the performance of the vehicle (not being a modification made by the manufacturer of the vehicle in the course of manufacture of the vehicle), or
  - (d) that has had any modification made to the vehicle that is listed for the time being in the Authority's publication *Novice Drivers—High Performance Vehicle Restrictions* as a high performance modification for the purposes of this clause, or
  - (e) that is for the time being listed in the Authority's publication *Novice Drivers—High Performance Vehicle Restrictions* as a high performance vehicle for the purposes of this clause.
- (3) A vehicle is not a **high performance vehicle** for the purposes of this clause if it is for the time being listed in the Authority's publication *Novice Drivers—High Performance Vehicle Restrictions* as a vehicle that is not a high performance vehicle for the purposes of this clause.
- (4) This clause applies only to a provisional licence issued after the commencement of this clause but does not apply to a provisional licence issued to a person on or after the commencement of this clause if the person held a provisional licence issued at any time before the commencement of this clause (whether or not that

## 2005 No 342

### Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005

Schedule 1

Amendments

---

provisional licence was in force immediately before the commencement of this clause).

- (5) The Authority's publication *Novice Drivers—High Performance Vehicle Restrictions* is to be published on the Authority's website and is to be available for perusal free of charge at each motor registry.

#### **15C Provisional P1 and P2 licences—12-month passenger restrictions after licence disqualification**

- (1) In addition to any other conditions that may be attached to the licence, a provisional licence (other than a class R licence) that is issued to a person by the Authority after a licence disqualification is subject to the condition that the holder must not drive a vehicle with more than one passenger in or on the vehicle.
- (2) The condition applies only:
  - (a) for the first 12 months of the term of the first provisional licence issued to the person after the licence disqualification or (if that licence is issued for a term of less than 12 months) for the term of that first provisional licence, or
  - (b) (if that first provisional licence is issued for a term of less than 12 months) for the term of that first provisional licence and for such part of the term of any provisional licence issued subsequently or by way of renewal of that first provisional licence as will result in the condition applying for a total period of 12 months.
- (3) This clause applies only to a provisional licence issued after the commencement of this clause and applies only if the licence disqualification concerned relates to a conviction for an offence committed after the commencement of this clause.

- (4) In this clause:

***licence disqualification*** means disqualification of a person from holding a driver licence (whether or not by an order of a court) as a consequence of the person being convicted of an offence by a court under the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*).

***passenger*** means any person in or on a vehicle other than the driver.

---

**15D Exemptions from P1 and P2 vehicle and passenger restrictions**

- (1) The Authority may exempt the holder of a provisional licence from the operation of clause 15B or 15C if the Authority is satisfied that exceptional circumstances exist that justify the exemption.
- (2) An exemption under this clause is to be granted by the issue of an instrument in writing (which is referred to in this clause as an *exemption letter*).
- (3) An exemption may be granted subject to conditions or unconditionally. Any conditions of an exemption have effect as conditions of the licence to which the exemption relates.
- (4) The Authority may revoke a person's exemption at any time by notice in writing sent to the person.
- (5) An exemption under this clause ceases to be in force:
  - (a) when notice of revocation of the exemption is served on the person or on such later date as the Authority may specify in the notice, or
  - (b) when the person ceases to be the holder of a provisional licence that would (were it not for the exemption) be subject to the condition to which the exemption relates.
- (6) The driver of a vehicle who has an exemption under this clause must produce the driver's exemption letter on demand by a police officer acting in the execution of his or her functions under the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*).  
Maximum penalty: 20 penalty units.
- (7) A person must not:
  - (a) by any false statement, misrepresentation or other dishonest means, obtain or attempt to obtain an exemption under this clause or an exemption letter, or
  - (b) by any statement made to a police officer falsely claim to have been granted an exemption under this clause, or
  - (c) forge or fraudulently alter an exemption letter, or
  - (d) be in possession of an exemption letter knowing it to have been forged or fraudulently altered or knowing it to have been obtained by any false statement, misrepresentation or other dishonest means, or

## 2005 No 342

Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005

Schedule 1 Amendments

---

- (e) without lawful authority or reasonable excuse be in possession of an exemption letter or an article resembling an exemption letter, or
- (f) give or lend an exemption letter to another person knowing or having reasonable cause to suspect that the exemption letter may be fraudulently used by that person or another person as evidence of the grant of an exemption under this clause, or
- (g) fraudulently use or allow another person to fraudulently use an exemption letter or article resembling an exemption letter as evidence of the grant of an exemption under this clause.

Maximum penalty: 20 penalty units.

- (8) A person to whom an exemption is granted under this clause must surrender the exemption letter to the Authority within 14 days after the exemption ceases to be in force.

Maximum penalty: 20 penalty units.

### [2] Schedule 2 Additional demerit point offences

Omit the matter relating to clause 56 of the *Road Transport (Driver Licensing) Regulation 1999* in Columns 1–4.

Insert instead:

Clause 56 (except in respect of a condition under clause 15B or 15C)	Not comply with conditions of licence	2	2
Clause 56 (in respect of a condition under clause 15B)	Not comply with P1/P2 high performance vehicle restriction	7	7
Clause 56 (in respect of a condition under clause 15C)	Not comply with P1/P2 passenger restriction	4	4

BY AUTHORITY

---