



New South Wales

# Road Transport (Driver Licensing) Amendment (Novice Drivers) Regulation 2007

under the

Road Transport (Driver Licensing) Act 1998

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

ERIC ROOZENDAAL, M.L.C.,  
Minister for Roads

## Explanatory note

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

- (a) to ensure that the “L” and “P” plates are displayed on vehicles in a manner that is clearly visible and does not obscure the letters on the plates, and
- (b) to make it a condition of a provisional P1 licence held by a person under 25 years of age that the holder does not drive a vehicle between 11 pm and 5 am with more than one passenger (other than the driver) who is under 21 years of age, and
- (c) to provide for exemptions from that condition, and
- (d) to increase the number of demerit points for the holder of a provisional P1 licence who drives a vehicle not more than 30 kilometres per hour in excess of the applicable limits so as to enable the Roads and Traffic Authority to suspend or cancel the licence, and
- (e) to make consequential amendments to the demerit points schedule in that Regulation, and
- (f) to include a breach of clause 47F of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* in the demerit points schedule (learner or P1 driver using mobile phone while driving).

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 15, 19 (the general regulation-making power) and 20.

**2007 No 241**

Clause 1      Road Transport (Driver Licensing) Amendment (Novice Drivers) Regulation  
2007

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**Road Transport (Driver Licensing) Amendment (Novice Drivers) Regulation 2007**

under the

Road Transport (Driver Licensing) Act 1998

**1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Novice Drivers) Regulation 2007*.

**2 Commencement**

- (1) This Regulation commences on 1 July 2007, except as provided by subclause (2).
- (2) Schedule 1 [6] and [7] commence on the date on which this Regulation is published in the Gazette.

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

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

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 12 Learner driver requirements

Omit clause 12 (1) (b). Insert instead:

- (b) a sign, issued or authorised by the Authority and displaying the letter “L” in black on a yellow background, is displayed:
  - (i) on the exterior of the vehicle in a conspicuous position at the front and the rear of the vehicle, or a conspicuous position on the roof of the vehicle, and
  - (ii) in such a manner as to be clearly visible and not to in any way obscure the letter “L” on the sign when viewed from ahead of or behind the vehicle.

### [2] Clause 12 (2) (b)

Omit the paragraph. Insert instead:

- (b) unless a sign, issued or authorised by the Authority and displaying the letter “L” in black on a yellow background, is displayed:
  - (i) in a conspicuous position at the rear of the motor bike or motor trike, and
  - (ii) in such a manner as to be clearly visible and not to in any way obscure the letter “L” on the sign when viewed from behind the motor bike or motor trike.

### [3] Clause 15 First-stage provisional licences (provisional P1)

Omit clause 15 (4) (a). Insert instead:

- (a) in the case of a provisional P1 licence of class C, the holder must not drive any motor vehicle unless a sign, issued or authorised by the Authority and displaying the letter “P” in red on a white background, is displayed:
  - (i) in a case where the vehicle is not towing a trailer, on the exterior of the vehicle in a conspicuous position at the front and the rear of the vehicle, or a conspicuous position on the roof of the vehicle, and
  - (ii) in a case where the vehicle is towing a trailer, on the exterior of the vehicle and trailer in a conspicuous position at the front of the vehicle and the rear of the trailer, or a conspicuous position on the roof of the vehicle, and

## 2007 No 241

Road Transport (Driver Licensing) Amendment (Novice Drivers) Regulation  
2007

Schedule 1 Amendments

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- (iii) in such a manner as to be clearly visible and not to in any way obscure the letter “P” on the sign when viewed from ahead of or behind the vehicle,

### [4] Clause 15 (4) (b)

Omit the paragraph. Insert instead:

- (b) in the case of a provisional P1 licence of class R, the holder must not drive any motor bike or motor trike unless a sign, issued or authorised by the Authority and displaying the letter “P” in red on a white background, is displayed:
  - (i) in a conspicuous position at the rear of the motor bike or motor trike, and
  - (ii) in such a manner as to be clearly visible and not to in any way obscure the letter “P” on the sign when viewed from behind the motor bike or motor trike,

### [5] Clause 15A Second-stage provisional licences (provisional P2)

Omit clause 15A (4). Insert instead:

- (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 a sign, issued or authorised by the Authority and displaying the letter “P” in green on a white background, is displayed:
  - (a) in a case where the vehicle is not towing a trailer, on the exterior of the vehicle in a conspicuous position at the front and the rear of the vehicle, or a conspicuous position on the roof of the vehicle, and
  - (b) in a case where the vehicle is towing a trailer, on the exterior of the vehicle and trailer in a conspicuous position at the front of the vehicle and the rear of the trailer, or a conspicuous position on the roof of the vehicle, and
  - (c) in such a manner as to be clearly visible and not to in any way obscure the letter “P” on the sign when viewed from ahead of or behind the vehicle.

### [6] Clause 15CA

Insert after clause 15C:

#### 15CA Provisional P1 licences—restrictions on passengers under 21

- (1) In addition to any other conditions that may be attached to the licence, a provisional P1 licence (other than a class R licence) is subject to the condition that, if the holder is less than 25 years of

age, he or she must not drive a vehicle at any time between 11 pm on one day and 5 am on the following day with more than one passenger in or on the vehicle who is less than 21 years of age.

- (2) 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 (1) while driving the vehicle in the performance of his or her duty.
- (3) In this clause, *passenger* means any person in or on a vehicle other than the driver.
- (4) This clause has no effect until 1 July 2007.

**[7] Clause 15D Exemptions from P1 and P2 vehicle and passenger restrictions**

Omit “or 15C” from clause 15D (1). Insert instead “, 15C or 15CA”.

**[8] Clause 28A**

Insert after clause 28:

**28A Application of prescribed conditions**

If this Regulation is amended so as to impose a new condition on a driver licence (whether or not of a particular class) or to amend an existing condition applying to such a licence:

- (a) the new condition or amended condition applies to all such licences, regardless of when they were issued, unless this Regulation expressly or by necessary implication provides otherwise, and
- (b) the new condition or amended condition applies only in respect of conduct occurring after the new condition or amendment to the condition takes effect.

**[9] Schedule 1 National schedule of demerit point offences**

Omit the matter relating to Rule 20 of the *Australian Road Rules*.

Insert instead:

Rule 20 (except in school zone)	Exceeding speed limit:		
	(a) where the speed limit is exceeded by more than 45km/h	6	12

**2007 No 241**Road Transport (Driver Licensing) Amendment (Novice Drivers) Regulation  
2007

## Schedule 1 Amendments

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	(b)	where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	4	8
	(c)	where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h (otherwise than by the holder of a provisional P1 licence)	3	6
	(d)	where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h (in the case of the holder of a provisional P1 licence)	4	8
	(e)	where the speed limit is exceeded by not more than 15km/h (otherwise than by the holder of a provisional P1 licence)	3	6
	(f)	where the speed limit is exceeded by not more than 15km/h (in the case of the holder of a provisional P1 licence)	4	8
Rule 20 (in school zone)		Exceeding speed limit:		
	(a)	where the speed limit is exceeded by more than 45km/h	7	14
	(b)	where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	5	10
	(c)	where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h (otherwise than by the holder of a provisional P1 licence)	4	8

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(d)	where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h (in the case of the holder of a provisional P1 licence)	5	10
(e)	where the speed limit is exceeded by not more than 15km/h (otherwise than by the holder of a provisional P1 licence)	4	8
(f)	where the speed limit is exceeded by not more than 15km/h (in the case of the holder of a provisional P1 licence)	5	10

**[10] Schedule 2 Additional demerit point offences**

Insert “as required” after “plates” where firstly occurring in Column 2 of the matter relating to the *Road Transport (Driver Licensing) Regulation 1999*.

**[11] Schedule 2**

Omit “plates” where secondly occurring in Column 2 of the matter relating to the *Road Transport (Driver Licensing) Regulation 1999*.

Insert instead “plate as required”.

**[12] Schedule 2**

Omit “or 15C” from Column 1 of the matter relating to the *Road Transport (Driver Licensing) Regulation 1999*.

Insert instead “, 15C or 15CA”.

**[13] Schedule 2**

Insert at the end of the matter relating to the *Road Transport (Driver Licensing) Regulation 1999*:

Clause 56 (in respect of a condition under clause 15CA)	Not comply with P1 passenger restriction	3	3
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**2007 No 241**Road Transport (Driver Licensing) Amendment (Novice Drivers) Regulation  
2007

Schedule 1 Amendments

**[14] Schedule 2**Omit the matter relating to clause 38 (1), (5) or (6) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Insert instead:

Clause 38 (1), (5) or (6) (except in school zone)	Exceeding speed limit:		
	(a)	where the speed limit is exceeded by more than 45km/h	12
	(b)	where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	8
	(c)	where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h (otherwise than by the holder of a provisional P1 licence)	6
	(d)	where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h (in the case of the holder of a provisional P1 licence)	8
	(e)	where the speed limit is exceeded by not more than 15km/h (otherwise than by the holder of a provisional P1 licence)	6
Clause 38 (1), (5) or (6) (in school zone)	Exceeding speed limit:		
	(a)	where the speed limit is exceeded by more than 45km/h	14



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(b)	where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	5	10
(c)	where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h (otherwise than by the holder of a provisional P1 licence)	4	8
(d)	where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h (in the case of the holder of a provisional P1 licence)	5	10
(e)	where the speed limit is exceeded by not more than 15km/h (otherwise than by the holder of a provisional P1 licence)	4	8
(f)	where the speed limit is exceeded by not more than 15km/h (in the case of the holder of a provisional P1 licence)	5	10

**[15] Schedule 2**

Omit the matter relating to clause 40 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Insert instead:

Clause 40	Pass bus at speed in excess of 40km/h:		
(a)	where the motor vehicle is driven at a speed that exceeds 85km/h	6	12
(b)	where the motor vehicle is driven at a speed that exceeds 70km/h but does not exceed 85km/h	4	8

**2007 No 241**Road Transport (Driver Licensing) Amendment (Novice Drivers) Regulation  
2007

## Schedule 1 Amendments

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| (c) | where the motor vehicle is driven at a speed that exceeds 55km/h but does not exceed 70km/h (otherwise than by the holder of a provisional P1 licence) | 3 | 6 |
| (d) | where the motor vehicle is driven at a speed that exceeds 55km/h but does not exceed 70km/h (in the case of the holder of a provisional P1 licence)    | 4 | 8 |
| (e) | where the motor vehicle is driven at a speed that exceeds 40km/h but does not exceed 55km/h (otherwise than by the holder of a provisional P1 licence) | 3 | 6 |
| (f) | where the motor vehicle is driven at a speed that exceeds 40km/h but does not exceed 55km/h (in the case of the holder of a provisional P1 licence)    | 4 | 8 |

**[16] Schedule 2**

Insert after the matter relating to clause 47E of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*:

Clause 47F (except in school zone)	Learner or P1 driver use mobile phone while driving	3	3
Clause 47F (in school zone)	Learner or P1 driver use mobile phone while driving	4	4

BY AUTHORITY