



New South Wales

# Road Transport (Driver Licensing) Amendment (Graduated Rider Licensing) Regulation 2009

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 DALEY, MP  
Minister for Roads

## Explanatory note

The object of this Regulation is to make new riders of motor bikes and motor trikes subject to a graduated licence scheme similar to that to which new drivers of cars are subject. This is done by the introduction of a two-stage provisional licence scheme that requires a rider to hold a provisional licence for at least 3 years before being eligible to obtain an unrestricted licence.

Under the two-stage provisional licence scheme, a new rider applying for a motorcycle licence will first be issued with a provisional P1 licence (as is currently the case). After the rider has held the provisional P1 licence for at least 12 months, he or she may graduate to a provisional P2 licence. (Currently a rider graduates to an unrestricted licence from a provisional P1 licence.)

However if the rider is 25 years of age or over, has met the eligibility requirements to progress to a provisional P2 licence and holds an unrestricted Australian driver licence, the rider may graduate directly to an unrestricted rider licence from a provisional P1 licence.

A provisional P2 licence is subject to the conditions requiring the holder to display a "P" when riding and to only ride approved motorcycles. Failure to comply with these conditions incurs 2 and 7 demerit points, respectively. After the rider has held the provisional P2 licence for at least 24 months, he or she may graduate to an unrestricted licence.

This Regulation also makes it a condition of a provisional P1 licence that the holder not carry a passenger when riding. Failure to comply with this condition incurs 3 demerit points.

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

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**Road Transport (Driver Licensing) Amendment  
(Graduated Rider Licensing) Regulation 2009**

under the

Road Transport (Driver Licensing) Act 1998

**1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Graduated Rider Licensing) Regulation 2009*.

**2 Commencement**

This Regulation commences on 1 June 2009 and is required to be published on the NSW legislation website.

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## **Schedule 1      Amendment of Road Transport (Driver Licensing) Regulation 2008**

**[1]    Clause 22 Conditions to which provisional P1 licence of class R is subject**

Insert after clause 22 (b):

- (c) the holder must not ride a motor bike or motor trike on a road or road related area if the motor bike or motor trike is being used for the carriage of any person except the holder.

**[2]    Clause 25 Demerit points and speeding offences—eligibility for provisional P2 licence or unrestricted licence**

Insert “a provisional P2 licence of class R or” before “an unrestricted licence”.

**[3]    Clause 26**

Omit the clause. Insert instead:

**26    Provisional P1 licence ceases to be in force on issue of provisional P2 licence**

On the issue to a person of a provisional P2 licence of class R, class C, class LR, class MR or class HR, any provisional P1 licence of the same class previously issued to the person ceases to be in force.

**[4]    Clause 27 Issue of provisional P2 licence**

Omit “(other than a motorcycle licence)” from clause 27 (1).

**[5]    Clause 27 (1) (a)**

Omit the paragraph. Insert instead:

- (a) a motorcycle licence if the licence to be issued is of class R or a car licence in any other case, or

**[6]    Clause 27 (1)**

Insert “class R,” after “P2 licence of”.

**[7]    Clause 27 (4)**

Insert after clause 27 (3):

- (4) Despite subclause (1), an unrestricted licence of class R may be issued to an applicant if the applicant:
  - (a) is 25 years of age or over, and

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- (b) is eligible to be issued with a provisional P2 licence of class R, and
- (c) holds an unrestricted Australian driver licence of class C, class LR, class MR, class HR, class HC or class MC.

**[8] Clause 28 Conditions to which provisional P2 licence of class C, LR, MR or HR is subject**

Insert “of class C, class LR, class MR or class HR” after “A provisional P2 licence” wherever occurring in clause 28 (1) and (3).

**[9] Clause 28A**

Insert after clause 28:

**28A Conditions to which provisional P2 licence of class R is subject**

- (1) A provisional P2 licence of class R is subject to the following conditions (in addition to any other conditions that may be attached to the licence):
  - (a) 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 green 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,
  - (b) the holder must not drive a motor bike or motor trike on a road or road related area unless, at the time it is driven, the motor bike or motor trike:
    - (i) is listed for the time being in the Authority’s publication *Approved motorcycles for novice riders*, published on the Authority’s website and available from motor registries, and
    - (ii) has an engine capacity that is not greater than 660 ml and a power to weight ratio that is not greater than 150 kilowatts per tonne.
- (2) However, the driver of an emergency vehicle, within the meaning of the *Road Rules 2008*, is exempt from those conditions while driving the vehicle in the performance of his or her duty.

**[10] Clause 31 Provisional licence ceases to be in force on issue of unrestricted licence**

Insert at the end of the clause:

- (2) On the issue to a person of an unrestricted motorcycle licence, any provisional P1 licence or provisional P2 licence of class R previously issued to the person ceases to be in force.

**[11] Clause 38 Eligibility to apply for licences in classes R, C, LR, MR, HR, HC and MC**

Insert after clause 38 (1):

- (1A) A person is eligible to apply for a motorcycle licence if the person is 17 years of age or over.

**[12] Clause 39**

Omit the clause. Insert instead:

**39 Authority may require riders to undertake training course**

Despite any other provision of this Part or Part 3, the Authority may, in a particular case or class of cases, require a person applying for a motorcycle licence:

- (a) to undertake an appropriate authorised rider training course referred to in Part 9 even if the person has previously undertaken such a course, and
- (b) to be the holder of a certificate of satisfactory completion of that course (being a certificate that is not more than 3 months old when the person applies for the licence).

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

Omit all matter relating to clause 114 in Columns 1, 2, 3 and 4 of the matter relating to the *Road Transport (Driver Licensing) Regulation 2008*.

Insert instead in Columns 1, 2, 3 and 4, respectively:

Clause 114:

- |     |  |   |   |   |
|-----|--|---|---|---|
| (a) | in relation to a condition imposed by clause 22 (b) or 28A (1) (b) | Not comply with P1/P2 (class R) restriction on capacity/power | 7 | 7 |
| (b) | in relation to a condition imposed by clause 22 (c)                | Not comply with P1 pillion passenger restriction              | 3 | 3 |
| (c) | in relation to a condition imposed by clause 32                    | Not comply with P1/P2 high performance vehicle restriction    | 7 | 7 |

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(d)	in relation to a condition imposed by clause 33	Not comply with P1/P2 passenger restriction	7	7
(e)	in relation to a condition imposed by clause 34	Not comply with P1 passenger restriction	3	3
(f)	in relation to any other licence condition	Not comply with conditions of licence	2	2