



New South Wales

Road Transport (Driver Licensing) Amendment (Extended Provisional Licence Period) 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, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to enable the Roads and Traffic Authority to extend, by 6 months, the period for which a person is required to hold a provisional driver licence if the person is convicted or found guilty of an offence under section 129 of the *Liquor Act 2007* or, if the person is issued with a penalty notice for such an offence, either pays the fine or fails to have the matter dealt with by a court. The offence under section 129 of the *Liquor Act 2007* involves persons under the age of 18 years using false evidence of age to gain entry to, or to remain in, or to obtain liquor from, licensed premises. The extension of a person's provisional licence period means that the person will be required to remain on his or her P-plates for a total period of 42 months before being eligible to be issued with an unrestricted licence.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including section 20 (2) (m1).

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Clause 1

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1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment
(Extended Provisional Licence Period) Regulation 2009*.

2 Commencement

This Regulation commences on 1 March 2009.

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

Part 3, Division 2, Subdivision 2A

Insert after Subdivision 2:

Subdivision 2A Extension of provisional licence period

31A Definitions

In this Subdivision:

false ID offence means an offence under section 129 (Minor must not use false evidence of age) of the *Liquor Act 2007* committed, or alleged to have been committed, after the commencement of this Subdivision.

provisional licence period means the minimum period for which a person is required, because of Subdivisions 1 and 2, to hold a provisional licence before being eligible to apply for a provisional P2 licence or an unrestricted licence (as the case requires).

Note. The scheme under Subdivisions 1 and 2 requires a person to hold a provisional licence (that is, a P1 licence followed by a P2 licence) for a total period of 36 months before the person can be issued with an unrestricted licence. If the Authority takes action in relation to the person under this Division, the total period will in effect be extended to 42 months.

31B Operation of Subdivision

- (1) This Subdivision has effect despite any other provision of this Regulation.
- (2) This Subdivision extends to provisional licences in force as at the commencement of this Subdivision.

31C Authority may extend provisional licence period

- (1) The Authority may extend a person's provisional licence period for a period of 6 months if:
 - (a) the person is convicted or found guilty of a false ID offence, or
 - (b) the person pays the whole or any part of the penalty specified in a penalty notice issued to the person under section 150 of the *Liquor Act 2007* in respect of a false ID offence, or

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- (c) the person has not paid the penalty specified in a penalty notice issued to the person under section 150 of the *Liquor Act 2007* in respect of a false ID offence and has not elected to have the matter dealt with by a court, and the time to have the matter so dealt with has lapsed.
- (2) The period of 6 months for which a person's provisional licence period may be extended does not include any period during which the person's provisional licence is suspended otherwise than on medical grounds.
- (3) The Authority may extend a person's provisional licence period even though the person was not, at the time the false ID offence was alleged to have been committed, the holder of a driver licence.
- (4) The extension of a person's provisional licence period applies only in respect of the issue of a driver licence within 5 years after the date on which the false ID offence was alleged to have been committed.
- (5) The Authority must not extend a person's provisional licence period if the person was, at the time the false ID offence was alleged to have been committed, under the age of 14 years.
- (6) The extension of a person's provisional licence period applies, in the case of a person who holds more than one class of driver licence, only in relation to one of those classes of licence (as determined by the Authority).
- (7) A person's provisional licence period cannot be extended on more than one occasion.
- (8) If, in the case of a provisional licence that is subject to an extension under this clause, the licence is cancelled at any time by operation of section 189 of the *Road Transport (General) Act 2005*, the provisional licence period in respect of any subsequent provisional licence that is issued to the person may, despite subclause (7), be extended by the Authority for a further period of 6 months.
- (9) The Authority must, in the case of a person whose provisional licence period is extended under this clause, cancel the extension if:
 - (a) the person's conviction or finding of guilt in respect of the false ID offence is overturned by a court on appeal, or
 - (b) the amount paid under the penalty notice in respect of the false ID offence is repaid to the person who paid it, or

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- (c) any penalty notice enforcement order under the *Fines Act 1996* made against the person in respect of the false ID offence is withdrawn.