



New South Wales

Road Transport (Driver Licensing) Amendment (Graduated Licensing Scheme) Regulation 2012

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*.

DUNCAN GAY, MLC
Minister for Roads and Ports

Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 2008*:

- (a) to provide for the circumstances in which provisional P1 licences and provisional P2 licences must be issued to applicants for driver licences, and
- (b) to provide for the circumstances in which a person will be eligible to be issued with an unrestricted driver licence.

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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Clause 1

Road Transport (Driver Licensing) Amendment (Graduated Licensing Scheme) Regulation 2012

**Road Transport (Driver Licensing) Amendment
(Graduated Licensing Scheme) Regulation 2012**

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Graduated Licensing Scheme) Regulation 2012*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

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

[1] Clause 4 Definitions

Insert in alphabetical order in clause 4 (1):

relevant external driver licence means:

- (a) an Australian driver licence issued in another State or an internal Territory, or
- (b) a foreign driver licence (other than a foreign driver licence that authorises its holder to learn to drive a motor vehicle).

Note. The definition of *Australian driver licence* in the Dictionary to the Act does not include a learner licence issued in another State or Territory.

[2] Clause 20

Omit the clause. Insert instead:

20 Issue of provisional P1 licence

- (1) A driver licence that is issued to an applicant must be a provisional P1 licence of class C or class R unless:
 - (a) the Authority is satisfied that the applicant should be issued with a learner licence under Division 1, or
 - (b) the applicant is required to be issued with a provisional P2 licence under clause 27, or
 - (c) the applicant is eligible to apply for an unrestricted car licence or unrestricted motor cycle licence (as the case requires) under clause 37A.
- Note.** Clause 27 provides for the issue of provisional P2 licences. Clause 37A provides for the circumstances in which a person is eligible to apply for an unrestricted car licence or unrestricted motor cycle licence.
- (2) The relevant eligibility requirement for a provisional P1 licence is that the applicant is at least 17 years of age.
 - (3) A provisional P1 licence is to be issued for a period of up to 18 months.

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[3] Clause 27

Omit the clause. Insert instead:

27 Issue of provisional P2 licence

- (1) A driver licence that is issued to an applicant must be a provisional P2 licence of class R, class C, class LR, class MR or class HR if:
 - (a) the applicant has held a licence (or combination of licences) as referred to in subclause (2), and
 - (b) the applicant is not eligible to apply for an unrestricted motor car or motor cycle licence of the class concerned under clause 37A.

Note. Clause 37A provides for the circumstances in which a person is eligible to apply for an unrestricted car licence or unrestricted motor cycle licence.
- (2) For the purposes of subclause (1) (a), the applicant must have held:
 - (a) a provisional P1 licence of a class considered appropriate by the Authority for a continuous period of at least 12 months, or
 - (b) a relevant external driver licence of a class or type considered appropriate by the Authority for a continuous period of more than 12 months but less than 36 months, or
 - (c) both a provisional P1 licence and a relevant external driver licence (both licences being of a class or type considered appropriate by the Authority) where each of the licences were held for continuous periods that, when added together, equate to a total period of at least 12 months.
- (3) In determining a continuous period for the purposes of this clause, any period of suspension of the licence concerned is not to be included.
- (4) A provisional P2 licence is to be issued for a period of up to 30 months.
- (5) 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
 - (b) would (but for this subclause) be required 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.

[4] Clause 37A

Insert after clause 37:

37A Eligibility to apply for unrestricted licences in classes R and C

- (1) A person is eligible to apply for an unrestricted licence that is a car licence or a motorcycle licence if the person is 20 years of age or over.
- (2) The relevant eligibility requirements for an unrestricted car licence are:
 - (a) that the person has held an unrestricted car licence, or
 - (b) that the person has held a provisional P2 licence that is a car licence for a continuous period of at least 24 months, or
 - (c) that the person has held a relevant external driver licence for a continuous period of at least 36 months, or
 - (d) that the person has held both a provisional licence in New South Wales that is a car licence and a relevant external driver licence of a class or type considered appropriate by the Authority where each of the licences were held for continuous periods that, when added together, equate to a total period of at least 36 months, or
 - (e) that the person has held a pre-graduated scheme provisional licence of a type considered appropriate by the Authority for a continuous period of at least 12 months.
- (3) The relevant eligibility requirements for an unrestricted motorcycle licence are:
 - (a) that the person has held an unrestricted motorcycle licence, or
 - (b) that the person is a person to whom clause 27 (5) applies, or
 - (c) that the person has held a provisional P2 licence that is a motorcycle licence for a continuous period of at least 24 months, or
 - (d) that the person has held a relevant external driver licence of a class or type considered appropriate by the Authority for a continuous period of at least 36 months, or
 - (e) that the person has held both a provisional licence in New South Wales that is a motorcycle licence and a relevant external driver licence of a class or type

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considered appropriate by the Authority where each of the licences were held for continuous periods that, when added together, equate to a total period of at least 36 months, or

- (f) that the person has held a provisional P1 licence that is a motorcycle licence issued by the Authority before 1 July 2009 for a continuous period of 12 months, or
- (g) that the person has held a pre-graduated scheme provisional licence of a type considered appropriate by the Authority for a continuous period of at least 12 months.

Note. Clause 27 (5) provides that an unrestricted licence of class R may be issued to an applicant who is eligible to be issued with a P2 provisional licence of class R in certain circumstances.

- (4) In determining a continuous period for the purposes of this clause, any period of suspension of the licence concerned is not to be included.
- (5) In this clause, *pre-graduated scheme provisional licence* means a provisional licence issued under the Act before 1 July 2000 (being the date on which the graduated licensing scheme for learner drivers was first introduced).

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

Omit clause 38 (1) and (1A).

[6] **Clause 121 Savings and transitional provisions**

Insert at the end of clause 121:

- (2) The amendments made to this Regulation by the *Road Transport (Driver Licensing) Amendment (Graduated Licensing Scheme) Regulation 2012*:
 - (a) apply to any applications made for a driver licence after the commencement of the amendments, and
 - (b) do not affect the continued validity or classification of any driver licence issued in accordance with this Regulation before the commencement of the amendments.