



# Road Transport Amendment (Learner, Provisional and Visiting Drivers) Regulation 2013

under the

Road Transport Act 2013

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

DUNCAN GAY, MLC  
Minister for Roads and Ports

## Explanatory note

The objects of this Regulation are:

- (a) to amend the *Road Transport (Driver Licensing) Regulation 2008*:
  - (i) to impose certain additional licence conditions on holders of learner licences, provisional P1 licences and provisional P2 licences, and
  - (ii) to provide that a failure by the holder of an Australian driver licence issued in another jurisdiction (as well as by the holder of a driver licence issued in New South Wales) to comply with his or her licence conditions is an offence punishable by a maximum penalty of 20 penalty units (currently, \$2,200), and
  - (iii) to clarify the kinds of driver licensing requirements under the *Road Transport Act 2013* and the Regulation from which interstate or foreign visiting licensed drivers are exempted, and
- (b) to amend the *Road Rules 2008* to increase the default speed limit for holders of learner licences issued in New South Wales from 80 kilometres per hour to 90 kilometres per hour.

This Regulation is made under the *Road Transport Act 2013*, including sections 21, 23 (the general statutory rule-making power), 24 and 53 (1) and Schedule 1.

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Clause 1      Road Transport Amendment (Learner, Provisional and Visiting Drivers)  
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**Road Transport Amendment (Learner, Provisional and Visiting Drivers) Regulation 2013**

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Road Transport Act 2013

**1 Name of Regulation**

This Regulation is the *Road Transport Amendment (Learner, Provisional and Visiting Drivers) Regulation 2013*.

**2 Commencement**

This Regulation, which is required to be published on the NSW legislation website, commences on:

- (a) 1 July 2013, or
- (b) if Schedule 1 (Repeal of certain existing road transport legislation) to the *Road Transport Legislation (Repeal and Amendment) Act 2013* commences after 1 July 2013—on the day on which that Schedule commences.

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## Schedule 1 Amendment of statutory rules

### 1.1 Road Transport (Driver Licensing) Regulation 2008 (as amended by the Road Transport (Statutory Rules) Act 2013 No 20)

#### [1] Part 3, Division 2A

Insert after Division 2:

#### **Division 2A Additional restrictions on learner and provisional licences**

##### **35A Additional conditions on learner and provisional licences**

- (1) In addition to any other conditions that may be attached to a NSW learner licence, provisional P1 licence or provisional P2 licence, such a licence is subject to the following conditions:
  - (a) the holder must not contravene any requirement that is applicable under section 110 (Presence of prescribed concentration of alcohol in person's breath or blood) of the Act to persons with the same licence as the holder,
  - (b) the holder must not drive a motor vehicle at a speed in excess of the maximum speed limit applicable under rule 24-1 (NSW rule: speed limits for learner and provisional licence holders) of the *Road Rules 2008* to drivers with the same licence as the holder,
  - (c) the holder must not drive a motor vehicle without complying with the requirements of rule 267-1 (NSW rule: restraint of drivers who are holders of learner licences or provisional P1 or P2 licences and their passengers) of the *Road Rules 2008* that are applicable to drivers with the same licence as the holder,
  - (d) in the case of the holder of a NSW learner licence or provisional P1 licence—the holder must not use a mobile phone, whether or not held in the hand, while a motor vehicle that is being driven by the holder is moving or is stationary but not parked,
  - (e) the holder must not drive a motor vehicle in contravention of a requirement that is applicable to the holder under any of the following provisions of this Regulation:
    - (i) clause 15 (1),
    - (ii) clause 17,

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Schedule 1 Amendment of statutory rules

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- (iii) clause 18,
- (iv) clause 23.

(2) In this clause:

*mobile phone* and *use* a mobile phone have the same meanings as in rule 300 of the *Road Rules 2008*.

*NSW learner licence* means a learner licence issued in New South Wales.

### [2] Clause 99 Interstate and international visitors

Omit “the requirements concerning the holding of a driver licence in this State of the Act and this Regulation (other than this clause)” wherever occurring in clause 99 (1) and (2).

Insert instead “NSW driver licence holding requirements”.

### [3] Clause 99 (4)

Omit “any requirements concerning the holding of a driver licence in this State of the Act and this Regulation”.

Insert instead “NSW driver licence holding requirements”.

### [4] Clause 99 (8)

Insert after clause 99 (7):

(8) In this clause:

*NSW driver licence holding requirements* means any requirement of the Act or this Regulation for a driver of a vehicle on a road or road related area to hold a driver licence, but does not include the requirements of clause 15 (1) (a).

**Note.** For example, section 53 of the Act makes it an offence for a person to drive a motor vehicle without being licensed for that purpose unless exempted by the statutory rules.

### [5] Clause 114 Failure to comply with licence conditions

Omit “a conditional licence or provisional licence” from clause 114 (1).

Insert instead “an Australian driver licence”.

### [6] Clause 114 (2)

Omit the subclause. Insert instead:

(2) Subclause (1) does not apply in relation to the following:

- (a) the holder of a provisional licence who is driving a motor vehicle contrary to a condition of that licence restricting the holder to driving motor vehicles with automatic

transmissions if the seat next to the holder of the licence is occupied by a person who holds an Australian driver licence (not being a learner licence or provisional licence) authorising him or her to drive such a vehicle,

- (b) a failure to comply with a condition that attaches to a NSW learner licence, provisional P1 licence or provisional P2 licence because of clause 35A.

**Note.** A failure to comply with a requirement set out in the conditions prescribed by clause 35A can constitute an offence under the Act or statutory rules referred to in the clause.

**[7] Clause 114 (4)**

Insert after clause 114 (3):

- (4) In this clause:

*Australian driver licence* includes a learner licence.

**1.2 Road Rules 2008 (as amended by the Road Transport (Statutory Rules) Act 2013 No 20)**

**Rule 24–1 NSW rule: speed limits for learner and provisional licence holders**

Omit “learner licence is 80 kilometres per hour” from rule 24–1 (1).

Insert instead “learner licence issued in New South Wales is 90 kilometres per hour”.