



New South Wales

Road Transport (Driver Licensing) Amendment (Provisional P2 Licence Extensions) Regulation 2017

under the

Road Transport Act 2013

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

MELINDA PAVEY, MP
Minister for Roads, Maritime and Freight

Explanatory note

The object of this Regulation is to authorise Roads and Maritime Services to extend, by 6 months, a person's provisional licence period each time action (such as the imposition of a licence suspension or a period of licence ineligibility) is taken against the person for certain alleged speeding offences or for the person incurring 7 or more demerit points. For each extension of the provisional licence period, a current or former P2 provisional licence holder will not be able to apply for an unrestricted licence for a further 6 months (in addition to any period of licence suspension or licence ineligibility). This Regulation also increases, from 30 months to 36 months, the period for which a provisional P2 licence is to be issued.

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

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1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Provisional P2 Licence Extensions) Regulation 2017*.

2 Commencement

This Regulation commences on 20 November 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Road Transport (Driver Licensing) Regulation 2017

[1] Clause 27 Issue of provisional P2 licence

Omit “30 months” from clause 27 (4). Insert instead “36 months”.

[2] Clause 33 Definitions

Omit “If the Authority takes action in relation to the person under this Division, the total period will in effect be extended to 42 months.” from the note.

Insert instead:

The total period will in effect be extended to 42 months if the Authority takes action in relation to the person under clause 35. The period the person is required to hold a provisional P2 licence will in effect be extended by 6 months each time the Authority takes action in relation to the person under clause 35A.

[3] Clause 35A

Insert after clause 35:

35A Authority may extend provisional licence period for provisional P2 licences

- (1) The Authority may extend, for a period of 6 months, the provisional licence period for a person who is or was the holder of a provisional P2 licence on each occasion that:
 - (a) the Authority gives the holder a notice of licence suspension or a notice of licence ineligibility under Division 3 of Part 3.2 of the Act, or
 - (b) the Authority suspends the provisional P2 licence under section 59 of the Act, or
 - (c) a police officer gives the person an immediate licence suspension notice under section 224 (1) (c) of the Act, or
 - (d) the Authority refuses, under clause 56 (2) (c), an application for issue or variation of a driver licence.
- (2) The Authority may extend a provisional licence period under this clause only if the provisional P2 licence is issued or renewed on or after 20 November 2017.
- (3) The period of 6 months for which the provisional licence period may be extended does not include:
 - (a) any period during which the provisional P2 licence is suspended otherwise than on medical grounds, or
 - (b) if the Authority gives the holder a notice of licence ineligibility—any relevant ineligibility period.
- (4) The Authority must cancel the extension of a provisional licence period under this clause if:
 - (a) the notice of licence suspension, notice of licence ineligibility or immediate licence suspension notice is withdrawn, or
 - (b) the decision to suspend the provisional P2 licence, or to give the relevant notice, is overturned on appeal, or
 - (c) the provisional P2 licence is cancelled at any time by operation of section 207 of the Act.