



New South Wales

Road Transport (Driver Licensing) Amendment (Rider Competency Assessment) Regulation 2018

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 replace the current motorcycle licence training and testing scheme under the *Road Transport (Driver Licensing) Regulation 2017* with a requirement that an applicant for a learner motorcycle licence be assessed, under a competency based assessment, as competent to hold the licence. The Regulation also permits Roads and Maritime Services (*RMS*) to impose an equivalent requirement on an applicant for a motorcycle licence other than a learner motorcycle licence, and clarifies the service for which the applicable fee in respect of a competency based assessment is charged by RMS.

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

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1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Rider Competency Assessment) Regulation 2018*.

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 2017

[1] Clause 12 Eligibility to apply for learner licence

Omit “clause 80” from clause 12 (1) (b). Insert instead “subclause (4A)”.

[2] Clause 12 (3) (b)

Omit the paragraph. Insert instead:

- (b) that, within the previous 3 months, the person has been assessed under a competency based assessment (within the meaning of clause 59) as competent to hold the licence.

[3] Clause 12 (4A) and (4B)

Insert after clause 12 (4):

- (4A) The Authority may, unconditionally or subject to conditions, exempt by notice any person or class of persons from the eligibility requirement in subclause (3) (b).
- (4B) Without limiting subclause (4A), the Authority may exempt a person from the eligibility requirement in subclause (3) (b) if:
 - (a) the person resides in a place that the Authority is satisfied would make it impracticable for the person to be assessed under the competency based assessment, and
 - (b) the person does any other thing required by the Authority (including any thing required under clause 54 (2)) instead of being assessed under the competency based assessment.

[4] Clause 50

Omit the clause. Insert instead:

50 Authority may require competency based assessment for motorcycle licence

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 to have been, within the previous 3 months, assessed under a competency based assessment (within the meaning of clause 59) as competent to hold the licence.

[5] Clause 52 Exemptions from eligibility criteria

Omit clause 52 (4).

[6] Clause 59 Competency based assessment

Omit “request the person’s participation in the scheme” and “offer participation in” from clause 59 (2).

Insert instead “require the person to have been assessed under the scheme as being competent to hold the licence” and “offer assessment under”, respectively.

[7] Clause 59 (2A)–(5A)

Omit clause 59 (3)–(5). Insert instead:

- (2A) Without limiting subclause (1), the Authority may, in approving a scheme under this clause, approve providers of, and assessors under, the scheme.

- (3) The Authority may issue an applicant for entry into the scheme a log book appropriate to the licence that the applicant seeks to be assessed as competent to hold, together with documentation explaining the operation of the scheme and its relationship to the issue of driver licences.
- (4) An applicant for entry into the scheme must give the provider of the scheme:
 - (a) a completed application in an approved form, and
 - (b) personal particulars necessary to identify the applicant and the applicant's residential address, including any evidence that the Authority may reasonably require to verify those particulars.
- (5) An applicant for entry into the scheme must:
 - (a) in the case of a scheme for the assessment of a person's competency to hold a motorcycle licence—be at least 16 years and 6 months of age, or
 - (b) in any other case—hold a driver licence of the class required by the Authority, or satisfy such other requirements as the Authority may impose, with regard to the purpose for which the applicant is applying for entry into the scheme.
- (5A) An applicant for a learner licence that is a motorcycle licence who is at least 16 years and 6 months of age is exempt from the requirement to hold a licence in respect of any motor bike or motor trike while it is being ridden in connection with assessment under the scheme.

[8] Clause 59 (6)

Omit "appropriate administrative fee". Insert instead "applicable fee".

[9] Part 10 Motorcycle licence training and testing scheme

Omit the Part.

[10] Schedule 3 Fees

Omit items 5 and 6. Insert instead:

- 6 Issue of the following in connection with a competency based assessment relating to heavy vehicle driver licensing:
 - (a) an initial log book and a heavy vehicle driver handbook 28
 - (b) a replacement log book 9