



New South Wales

Road Transport (Driver Licensing) Amendment (Licence Requirements) Regulation 2021

under the

Road Transport Act 2013

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

ANDREW CONSTANCE, MP
Minister for Transport and Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 2017* to—

- (a) provide that a provisional driver is not eligible to apply for a provisional P2 licence or unrestricted licence if—
 - (i) the driver has committed an alcohol or other drug related driving offence, and
 - (ii) action under the *Road Transport Act 2013*, section 59 to cancel or suspend the driver's licence has not been taken or completed, and
- (b) provide that a visiting driver is not exempt from requirements to hold a NSW driver licence if the driver commits a speeding offence in NSW, and, if the driver were to hold a NSW driver licence, Transport for NSW could suspend the licence because of the offence, and
- (c) provide that an authorised officer may give a visiting driver notice that the driver is not exempt from requirements to hold a NSW driver licence if this is indicated by the records of Transport for NSW, and
- (d) make other consequential and miscellaneous amendments.

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1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Licence Requirements) Regulation 2021*.

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 25**

Omit the clause. Insert instead—

25 Speeding offences and alcohol or other drug related driving offences—eligibility for provisional P2 licence or unrestricted licence

A person who holds a provisional P1 licence is not eligible to apply for a provisional P2 licence of the same class or an unrestricted licence of class R if—

- (a) while holding the provisional P1 licence, the person has committed—
 - (i) a speeding offence within the meaning of the Act, section 59, or
 - (ii) an alcohol or other drug related driving offence, and
- (b) action under the Act, section 59 to cancel or suspend the licence as a consequence of the offence has not been taken or completed.

[2] **Clause 31**

Omit the clause. Insert instead—

31 Speeding offences and alcohol or other drug related driving offences—eligibility for unrestricted licence

A person who holds a provisional P2 licence is not eligible to apply for an unrestricted licence of the same class if—

- (a) while holding the provisional P2 licence, the person has committed—
 - (i) a speeding offence within the meaning of the Act, section 59, or
 - (ii) an alcohol or other drug related driving offence, and
- (b) action under the Act, section 59 to cancel or suspend the licence as a consequence of the offence has not been taken or completed.

[3] **Clause 95A**

Insert before clause 95—

95A Definition

In this Part—

NSW driver licence holding requirements means requirements 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).

Example— The Act, section 53 makes it an offence for a person to drive a motor vehicle without being licensed for that purpose unless exempted by the statutory rules.

[4] **Clause 96 Interstate and international visitors**

Omit “clause 66” wherever occurring in clause 96(4)(i) and (m).

Insert instead “clause 65 or 66”.

[5] **Clause 96(4)(o)**

Insert “a speeding offence or” after “because of”.

[6] Clause 96(15)

Omit the subclause.

[7] Clause 96A

Insert after clause 96—

96A Notice to interstate and international visitors—not exempt from requirement to hold driver licence

- (1) An authorised officer may give a visiting driver notice that the driver is not exempt under clause 96 from NSW driver licence holding requirements if the records of Transport for NSW indicate the driver is not exempt.
- (2) A notice under this clause must—
 - (a) be in an approved form, and
 - (b) identify the visiting driver to whom it is given and state that TfNSW's records show the driver is not exempt from NSW driver licence holding requirements, and
 - (c) state the date and time the notice was given to the driver.
- (3) Where a notice is given by a police officer under this clause, particulars of the notice are to be forwarded to Transport for NSW immediately after the notice is given.
- (4) The giving of a notice to a visiting driver under this clause does not preclude other action against the driver in relation to an offence or alleged offence under an Act or regulation.
- (5) In this clause—
authorised officer has the same meaning as in clause 69.