



New South Wales

# Road Transport (Driver Licensing) Amendment (Visiting Drivers) Regulation 2022

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*.

NATALIE WARD, MLC  
Minister for Metropolitan Roads

## Explanatory note

The object of this Regulation is to modify the way the existing exemption from driver licensing requirements applies to certain visiting drivers who hold a temporary visa under the *Migration Act 1958* of the Commonwealth (*temporary visiting drivers*).

A temporary visiting driver will cease to be exempt from driver licensing requirements if the driver—

- (a) has resided in New South Wales for a continuous period of 6 or more months after being granted a temporary visa, or
- (b) is suspended or disqualified from driving, or
- (c) incurs 13 or more demerit points within a 3-year period, or
- (d) is convicted of certain offences.

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

## **Road Transport (Driver Licensing) Amendment (Visiting Drivers) Regulation 2022**

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### **1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Visiting Drivers) Regulation 2022*.

### **2 Commencement**

This Regulation commences on 1 July 2023.

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

**[1] Clause 4 Definitions**

Insert in alphabetical order in clause 4(1)—

*temporary visiting driver*, for Part 12—see clause 95A.

**[2] Clause 95A, heading**

Omit the heading. Insert instead—

**95A Definitions**

**[3] Clause 95A**

Insert in alphabetical order—

*temporary visiting driver* means a driver who—

- (a) is referred to in clause 96(1)(b) or (c) or (2), and
- (b) holds a temporary visa under the *Migration Act 1958* of the Commonwealth.

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

Insert after clause 96(9)—

- (9A) Subclause (4)(d), (n) and (o) do not apply to a temporary visiting driver.

**Note—** See instead clause 96AA.

**[5] Clause 96AA**

Insert before clause 96A—

**96AA Temporary visiting drivers—permanent loss of exemption**

- (1) A temporary visiting driver ceases to be exempt under clause 96 from NSW driver licence holding requirements if the driver—
  - (a) has resided in this State for a continuous period of 6 or more months after the driver was granted a temporary visa under the *Migration Act 1958* of the Commonwealth, or
  - (b) is suspended or disqualified from driving a motor vehicle on a road or road related area in any part of Australia or another country, or
  - (c) incurs 13 or more demerit points within a 3-year period, or
  - (d) is convicted of—
    - (i) an alcohol or other drug related driving offence, or
    - (ii) another offence referred to in the Act, section 224(1).
- (2) If subclause (1) applies to a temporary visiting driver, the driver is permanently ineligible to be exempt under clause 96 from NSW driver licence holding requirements.
- (3) If subclause (1)(c) applies to a temporary visiting driver, Transport for NSW must give the temporary visiting driver notice stating that—
  - (a) the driver is no longer exempt from the requirement to hold a driver licence in this State, and
  - (b) the driver must not drive a motor vehicle on a road or road related area in this State.

**[6] Clause 131**

Insert after clause 130—

**131 Transitional—Road Transport (Driver Licensing) Amendment (Visiting Drivers) Regulation 2022**

- (1) Clause 96AA(1)(a) does not apply to a temporary visiting driver who resided in this State before 1 July 2023.
- (2) Clause 96AA(1)(b) and (d) do not apply to a suspension, disqualification or conviction that occurred before 1 July 2023.
- (3) Clause 96AA(1)(c) does not apply to a temporary visiting driver unless at least 1 of the demerit points is incurred on or after 1 July 2023.
- (4) In this clause—

*temporary visiting driver* has the same meaning as in Part 12.

**Note—** 1 July 2023 is the date on which clauses 96(9A) and 96AA commence.