



New South Wales

# Passenger Transport (General) Amendment (Driver Authorities) Regulation 2023

under the

Passenger Transport Act 1990

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following regulation under the *Passenger Transport Act 1990*.

JO HAYLEN, MP  
Minister for Transport

## Explanatory note

The object of this regulation is to amend the *Passenger Transport (General) Regulation 2017*—

- (a) to require an applicant for an authority to drive a public passenger vehicle to pass a medical assessment before submitting the application, and
- (b) to clarify that a driver authority card is evidence of a person's driver authority and displays the expiry date of the driver authority, and
- (c) to remove the requirement to satisfy TfNSW that an applicant may lawfully work in Australia, and
- (d) to enable a driver authority to be granted to an applicant who—
  - (i) holds a relevant Australian driver licence, and
  - (ii) is at least 25 years of age, and
  - (iii) has held a relevant Australian driver licence or recognised overseas driver licence for a period of at least 3 years during the 4 years immediately before the date the application is made, and
- (e) to clarify that driver authorities may be issued, and documents may be given to persons, electronically, and
- (f) to require TfNSW to give a driver authority card to a person who is authorised under the *Passenger Transport Act 1990* to drive a public passenger vehicle, and
- (g) to make other minor or consequential amendments.

This regulation is made under the *Passenger Transport Act 1990*, including sections 12 and 63, the general regulation-making power.

## **Passenger Transport (General) Amendment (Driver Authorities) Regulation 2023**

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### **1 Name of regulation**

This regulation is the *Passenger Transport (General) Amendment (Driver Authorities) Regulation 2023*.

### **2 Commencement**

This regulation commences on 26 October 2023.

## Schedule 1 Amendment of Passenger Transport (General) Regulation 2017

### [1] Clause 3 Definitions

Omit “Division 2 of Part 2” from clause 3(1), definition of *driver authority*.

Insert instead “the Act, Part 2, Division 2”.

### [2] Clause 3, definition of “driver authority card”

Omit the definition. Insert instead—

*driver authority card* means a card, given to a person by TfNSW under clause 31, that is evidence of the person’s driver authority.

### [3] Clause 3(1), definition of “motor vehicle”

Insert in alphabetical order—

*motor vehicle* has the same meaning as in the *Road Transport Act 2013*.

### [4] Clause 21 Records of drivers

Omit clause 21(c). Insert instead—

(c) the number allocated by TfNSW as the person’s driver authority number and displayed on the person’s driver authority card,

(c1) the date of expiry of the person’s driver authority,

### [5] Clauses 29–30A

Omit clause 29. Insert instead—

#### 29 Medical assessments

(1) For the Act, sections 12(3) and 63(2)(g)(ii), a person must, before applying for a driver authority, pass a medical assessment to assess the person’s fitness to drive a public passenger vehicle.

(2) An application for a driver authority must be accompanied by evidence the applicant has passed the medical assessment.

#### 30 Criteria for grant of authority—the Act, s 12(2) and 63(2)(g)(iii)

(1) TfNSW must not grant a driver authority to an applicant unless satisfied the applicant—

(a) is at least 20 years of age, and

(b) is, in the opinion of TfNSW, of good repute and a fit and proper person to drive a public passenger vehicle, and

(c) has sufficient responsibility to drive the vehicle in accordance with law and custom, and

(d) has sufficient experience to drive the vehicle.

(2) For subclause (1)(d), an applicant has sufficient experience to drive the vehicle if—

(a) the applicant—

(i) holds a relevant licence, and

(ii) is at least 25 years of age, and

- (iii) has held one or more of the following for a cumulative period of at least 3 years during the 4 years immediately before the date the application is made—
    - (A) the relevant licence,
    - (B) a provisional licence,
    - (C) a licence issued in a jurisdiction outside Australia that TfNSW is satisfied authorises the holder of the licence to drive a motor vehicle, or
  - (b) the applicant—
    - (i) holds a relevant licence, and
    - (ii) has held the relevant licence for a period of at least 12 months during the 2 years immediately before the date the application is made.
- (3) TfNSW must not grant an authority to drive a bus to an applicant unless satisfied the applicant—
  - (a) has successfully completed a bus driver training course approved by TfNSW and conducted by a registered training organisation, or
  - (b) is otherwise competent to drive buses.
- (4) In this clause—

**relevant licence** means the following—

  - (a) an unrestricted Australian driver licence,
  - (b) a conditional licence—
    - (i) subject only to a condition that the holder must wear corrective lenses while driving, and
    - (ii) issued under a law in force in a State or Territory authorising the holder to drive a motor vehicle on a road or road related area.

**unrestricted Australian driver licence** means an Australian driver licence, other than the following—

  - (a) a conditional licence,
  - (b) a driver licence receipt,
  - (c) a learner licence,
  - (d) a probationary licence,
  - (e) a provisional licence,
  - (f) a restricted licence.
- (5) Words used in this clause have the same meanings as in the *Road Transport Act 2013*.

**30A Form of authority**

- (1) For the Act, section 63(2)(g)(i), a driver authority may be issued in hard copy or electronic form.
- (2) For the Act, section 63(2)(g)(iii) and (3), a person issued a driver authority in electronic form is exempt from the Act, section 53B.

**[6] Clause 31 Driver authority cards**

Omit clause 31(1). Insert instead—

- (1) For the Act, section 63(2)(g)(v), TfNSW must give a driver authority card to a person who is authorised under the Act to drive a public passenger vehicle.

**[7] Clause 31(2)(c)**

Omit “for the card”. Insert instead “of the authority”.

**[8] Clause 31(4) and (5)**

Omit the subclauses. Insert instead—

- (4) A driver authority expires at midnight on the date specified on the driver authority card as the expiry date for the authority.
- (5) A person’s authority to drive public passenger vehicles is taken to be suspended if the person’s driver licence has no effect.

**[9] Clause 238**

Omit the clause. Insert instead—

**238 Service of documents**

A document authorised or required to be given to a person may be given by—

- (a) for an individual—
- (i) delivering it to the person personally, or
  - (ii) sending it by post to the address specified by the person for the giving of documents or, if no address is specified, the last known residential or business address of the person, or
  - (iii) sending it by electronic transmission to an address or location specified by the person for the giving of documents, or
- (b) for a corporation—
- (i) leaving it at the registered office or another office of the corporation with a person who is apparently at least 16 years of age, or
  - (ii) sending it by post to the registered office or another office of the corporation or another address specified by the corporation for the giving of documents, or
  - (iii) sending it by electronic transmission to an address or location specified by the corporation for the giving of documents.