

Road Transport (Driver Licensing) Regulation 1999

[1999-116]



New South Wales

Status Information

Currency of version

Historical version for 6 September 2002 to 10 October 2002 (accessed 16 May 2024 at 6:21)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 9 September 2002

Road Transport (Driver Licensing) Regulation 1999



New South Wales

Contents

Part 1 Preliminary	6
1 Name of Regulation	6
2 Commencement	6
3 Object	6
4 Definitions	6
5 Notes	7
Part 2 Application for issue or variation of driver licence	8
Division 1 Eligibility to apply for licences	8
6 Eligibility to apply for issue or variation of driver licence	8
7 Eligibility to apply for issue of motorcycle licence	9
8 General provisions relating to issue or variation of driver licences	10
9 Suspended or disqualified persons not eligible	10
Division 2 Learner licences and provisional licences	10
10 Eligibility to apply for learner licence	10
11 Conditions of learner licences	11
12 Learner driver must be accompanied	11
13 Towed vehicles	12
14 Heavy vehicle learners	13
15 First-stage provisional licences (provisional P1)	13
15A Second-stage provisional licences (provisional P2)	15

Division 3 Applications to obtain or vary driver licences	17
16 Procedure to obtain or vary driver licences	17
17 Surrender of current driver licence	18
18 When application for driver licence can be refused	18
19 Issue and variation of driver licence	19
20 Issue of driver licence receipt as interim measure	19
21 Competency based assessment	19
Part 3 Driver licences	20
22 Form of driver licence	20
23 Issue of replacement driver licence	21
24 Driver licence register	21
25 Release of information in demerit points register and driver licence register	22
26 Licence classes	22
27 Order and description of licence classes	25
28 Conditional licences	25
29 Damaged or lost licences	26
Part 4 Obligations of licence applicants and licensed drivers	26
30 Change of name, address or medical condition	26
31 Tests and medical examinations of licensed drivers	27
32 Verification of record and monitoring of compliance	28
Part 5 Expiry, surrender and cancellation of driver licences	28
33 Licence expiry date	28
34 Notice of renewal of driver licence	28
35 Renewal of driver licence	29
36 Demerit points and offences	30
37 Surrender of driver licence	31
38 Variation, suspension or cancellation of driver licence	31
38A Prescribed offences for cancellation or suspension of licences	33
38B (Repealed)	33
39 Procedures for variation, suspension or cancellation of driver licence	33
40 Downgrading of driver licence	34

Part 6 Motorcycle licence riding and testing scheme	35
41 Definitions	35
42 Authorisation of operators	35
43 Accreditation of rider training instructors	35
44 Accreditation of testing officers	35
45 Objects of training course	36
46 Application to do course	36
47 Mandatory training areas	36
48 Exemption from compulsory motorcycle licence training	36
49 Exemption from licensing and other provisions	37
Part 7 (Repealed)	37
Part 8 Exemptions	37
54 Authority may exempt certain classes of driver from requirement to hold licence	37
55 Interstate and international visitors	37
55A Exemption: golf and green keeping vehicles used on roads or road related areas	39
55B Exemption: police officers and police trainees	40
55C Exemption: drivers of light rail vehicles	40
55D Other exemptions from licensing	40
Part 9 Offences	41
56 Licence conditions	41
57 Offences involving driver licence documents	42
58 Notification offences	42
59 (Repealed)	42
Part 10 Administration	42
60 (Repealed)	42
61 Delegation of Authority's powers	42
Part 11 Fees	42
Note	42
62 Fees	43
63 Waiver of fees	43

64 Fee exemption for eligible pensioners 43

Part 12 Savings and transitional provisions 44

65 Savings and transitional provisions 44

Schedule 1 Demerit points offences and penalties 44

Schedule 2 (Repealed) 50

Schedule 3 Fees 50

Schedule 4 Savings and transitional provisions 51

Dictionary 53

Editorial note 0

Road Transport (Driver Licensing) Regulation 1999



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Regulation 1999*.

2 Commencement

This Regulation commences on 1 March 1999.

3 Object

The object of this Regulation is to assist in providing for the consistent administration and enforcement of a driver licensing system throughout Australia.

4 Definitions

Expressions used in this Regulation (or in any particular provision of this Regulation) that are defined in the Dictionary at the end of this Regulation have the meanings set out in the Dictionary.

Note—

The following expressions are defined in the Dictionary to the Act:

Australian driver licence
Authority
class of a driver licence
conditional licence
corresponding law
demerit points register
drive
driver licence
driver licence receipt
driver licence register
exercise of a function
function
jurisdiction
learner licence
Ministerial Council
motor vehicle
national schedule of demerit points
penalty notice
photograph
probationary licence
provisional licence
restricted licence
road
road related area

5 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Part 2 Application for issue or variation of driver licence

Division 1 Eligibility to apply for licences

6 Eligibility to apply for issue or variation of driver licence

- (1) A person is eligible to apply for a car licence if he or she is 17 years of age or over.
- (2) A person is eligible to apply for a driver licence (not being a motorcycle licence, a car licence, a learner licence or a provisional licence) if he or she meets the relevant eligibility requirements set out in this clause for the class of licence sought, or is exempted by the Authority (in accordance with clause 8) from being required to do so.

Note—

Clause 7 sets out requirements to obtain motorcycle licences. Clause 10 sets out requirements to obtain learner licences.

- (3) A person is eligible to apply for variation of his or her driver licence to include an additional licence class if he or she:
 - (a) meets the relevant eligibility requirements for that class, or
 - (b) is exempted by the Authority (in accordance with clause 8) from meeting those requirements.
- (4) The relevant eligibility requirements are:
 - (a) for a light rigid vehicle licence or medium rigid vehicle licence—that the person has, at any time, held an Australian driver licence (including a provisional licence) of the class C for a period of, or periods totalling, at least 12 months, and
 - (b) for a heavy rigid vehicle licence—that the person has, at any time, held an Australian driver licence (including a provisional licence) of the class C for a period of, or periods totalling, at least 24 months, and
 - (c) for a heavy combination vehicle licence—that the person has, at any time, held an Australian driver licence of the class MR or HR for a period of, or periods totalling, at least 12 months, and
 - (d) for a multi-combination vehicle licence—that the person has, at any time, held an Australian driver licence of the class HR or HC for a period of, or periods totalling, at least 12 months, and the Authority is satisfied that the person has passed a training course, or has satisfied any other assessment, approved by the Authority.
- (5) In determining the periods for which a person has held a licence specified in a paragraph of subclause (4), the Authority must exclude any period for which the person's driver licence has been suspended (other than a suspension on medical grounds) or the person has been disqualified from driving.

- (6) A person who holds a provisional P1 licence is not eligible for a light rigid vehicle licence, medium rigid vehicle licence, heavy rigid vehicle licence, heavy combination vehicle licence or multi-combination vehicle licence.

Note—

A provisional P1 licence is issued to a person who is licensed under the first provisional licence stage, and a provisional P2 licence is issued to a driver who is licensed under the second provisional licence stage—see clauses 15 and 15A.

- (7) A person who holds a provisional P2 licence is not eligible to apply for a heavy combination vehicle licence or multi-combination vehicle licence unless the Authority, in its discretion, being satisfied that special circumstances exist in the particular case, determines that such a person is eligible to apply for one or the other of those unrestricted licences.

Note—

Details of licence classes, names and codes are set out in clauses 26 and 27.

7 Eligibility to apply for issue of motorcycle licence

- (1) A person is eligible to apply for a motorcycle licence if he or she:
- (a) is 17 years of age or over, and
 - (b) meets the relevant eligibility requirements set out in this clause, or is exempted by the Authority (in accordance with clause 8) from being required to do so.
- (2) The relevant eligibility requirements are:
- (a) that the person has, at any time, held an Australian driver licence of the class R, or
 - (b) that the person:
 - (i) is the holder of a current learner licence, and has held the licence for not less than 3 months (or such shorter period as the Authority may determine in respect of applicants over 30 years of age), and
 - (ii) has demonstrated to the Authority riding competence, and
 - (iii) holds, or is eligible to hold, a gold driver licence (as referred to in clause 22 (2)), or
 - (c) that the person meets the relevant eligibility requirements related to training.
- (3) The relevant eligibility requirements related to training are:
- (a) that the person is the holder of a certificate of satisfactory completion of a provisional licence rider training course under Part 6 (being a certificate that is not more than 3 months old when the person applies for the licence), or

(b) that the person is, under this clause, or any other provision of this Regulation, exempt from the requirement to hold such a certificate.

(4) Despite any other provision of this clause, the Authority may, in a particular case or class of cases, require a person applying for a motorcycle licence:

(a) to undertake an appropriate authorised rider training course referred to in Part 6 even if the person has previously undertaken such a course, and

(b) to be the holder of a certificate of satisfactory completion of that course (being a certificate that is not more than 3 months old when the person applies for the licence).

8 General provisions relating to issue or variation of driver licences

(1) The Authority must exempt a person from a relevant eligibility requirement for a driver licence (including a learner licence or a provisional licence) if the person holds an Australian driver licence of an equivalent class.

(2) The Authority may exempt a person from a relevant eligibility requirement for any such licence if the person satisfies the Authority that, because of age, experience, occupation or special circumstances, the person is fit to be granted the licence or variation sought.

(3) If a person has held a licence to drive a motor vehicle in an external Territory or another country, the Authority may take into account some or all of that period for the purposes of determining the period for which a person has previously held a licence.

9 Suspended or disqualified persons not eligible

(1) A person whose Australian driver licence has been suspended is not eligible to apply for a driver licence for the duration of the suspension.

(2) A person is not eligible to apply for a driver licence if:

(a) the person is, at the time of application, disqualified from driving in any part of Australia or another country, and

(b) in the case of a disqualification imposed in another jurisdiction or another country, the offence giving rise to the disqualification, if committed in this State, would have resulted in the person being disqualified from driving.

Division 2 Learner licences and provisional licences

10 Eligibility to apply for learner licence

(1) A person is eligible to apply for a learner licence if he or she meets the relevant eligibility requirements set out in this clause, or is exempted by the Authority (in accordance with clause 8) from being required to do so.

- (2) The relevant eligibility requirement for a learner licence for a motor vehicle of a type to which a driver licence of class C relates is that the person is at least 16 years of age.
- (3) The relevant eligibility requirements for a learner licence for a motorcycle are:
 - (a) that the person is at least 16 years and 9 months of age, and
 - (b) that the person is the holder of a certificate of satisfactory completion of a learner licence rider training course under Part 6 (being a certificate that is not more than 3 months old when the person applies for the licence) or is exempted by the Authority from the requirement to hold such a certificate.
- (4) The Authority may grant a learner licence to an applicant who is under the required age, but only if the Authority is satisfied that special circumstances exist that justify the granting of a learner licence to the person.
- (5) Despite any other provision of this clause, a learner licence may be granted for any period to a person whose provisional licence, not being a motorcycle licence, has been cancelled.

11 Conditions of learner licences

A learner licence may be subject to any of the following conditions:

- (a) a condition specifying the minimum period for which a learner licence must be held before a provisional licence will be issued to the holder,
- (b) a condition limiting the hours during which and locality in which the learner may drive a motor vehicle.

12 Learner driver must be accompanied

- (1) The holder of a learner licence must not drive a motor vehicle (other than a motor bike or motor trike) on a road or road related area unless:
 - (a) the seat next to the learner is occupied by a person who holds an Australian driver licence (not being an Australian learner licence or provisional licence) authorising the holder to drive such a vehicle, or by a police officer or a person authorised by the Authority to test drivers who is submitting the learner to a driving test for the purposes of this Regulation, and
 - (b) there is displayed conspicuously at the front and the rear or on the roof of the vehicle, so as to be clearly visible from ahead of and behind the vehicle, a sign, issued or authorised by the Authority, displaying the letter "L" in black on a yellow background.
- (2) The holder of a learner licence must not ride a motor bike or motor trike on a road or

road related area:

- (a) if the motor bike or motor trike is being used for the carriage of any person except the learner, and
 - (b) unless there is displayed conspicuously at, and so as to be clearly visible from behind the motor bike or motor trike, a sign, issued or authorised by the Authority, displaying the letter "L" in black on a yellow background.
- (2A) The Authority may exempt a person from a requirement in subclause (1) (b) or (2) (b) if the person, having held a licence other than a learner licence, currently holds a learner licence because of failing a test of driving or riding ability that the Authority required the person to take.
- (3) The holder of a learner licence must not ride a motor bike or motor trike on a road or road related area unless, at the time it is ridden, the motor bike or motor trike:
- (a) is of a kind included in the list *Approved Motorcycles for Novice Riders* published by the Authority from time to time on its Internet website and also available from motor registries, and
 - (b) has an engine capacity that is not greater than 660 ml and a power to weight ratio that is not greater than 150 kilowatts per tonne.
- (4) Without limiting the liability of any other person, the owner or person in charge of a motor vehicle is guilty of an offence if he or she causes, permits or allows, or fails to take reasonable precautions to prevent, a contravention of this clause.
- (5) A person accompanying a learner in a vehicle being driven by the learner on a road or road related area must:
- (a) supervise the learner with respect to the driving of the vehicle, and
 - (b) take all reasonable precautions to prevent a contravention of the road transport legislation within the meaning of the [Road Transport \(General\) Act 1999](#).
- (6) Subclause (5) does not apply to a person submitting the learner to a driving test for any of the purposes of this Regulation.

Maximum penalty (subclauses (1)–(5)): 20 penalty units.

13 Towed vehicles

The holder of a learner licence must not drive a motor vehicle on a road or road related area if the vehicle is towing any other vehicle (whether or not a trailer).

Maximum penalty: 20 penalty units.

14 Heavy vehicle learners

- (1) The holder of an Australian driver licence (other than a learner licence) for a motor vehicle (other than a motor bike or motor trike) may drive a motor vehicle for which a higher class of driver licence is required if:
 - (a) the higher class is one the person would be eligible to apply for in accordance with this Regulation, and
 - (b) the person is receiving tuition from, and is accompanied by, a person who has held that higher class of driver licence (other than a provisional licence of that class) for a period of, or periods totalling, at least 12 months and is providing tuition in accordance with the laws of this State concerning driver instruction.
- (2) (Repealed)

15 First-stage provisional licences (provisional P1)

- (1) A licence issued to an applicant who has not previously held, for a continuous period of at least 12 months (not including any period of suspension), any of the following, namely:
 - (a) a car licence or motorcycle licence, or
 - (b) an Australian driver licence of a class considered appropriate by the Authority, or
 - (c) a foreign driver licence of a type considered appropriate by the Authority,must be a provisional licence of class C or class R, to be known as a provisional P1 licence.
- (2) A provisional P1 licence is to be issued for a period of up to 18 months.
- (3) However, the period for which a provisional P1 licence is to be issued to a licence holder transferring from being a licence holder in another State, Territory or country may be reduced by the Authority by the amount of time that the person held the licence in the other State, Territory or country.
- (4) In addition to any other conditions that may be attached to the licence, a provisional P1 licence is subject to the following conditions:
 - (a) in the case of a provisional P1 licence of class C, the holder must not drive any motor vehicle unless there is displayed conspicuously:
 - (i) at the front and rear, or on the roof, of the vehicle, or
 - (ii) if the vehicle is towing a trailer—either on the roof of the vehicle, or both on the front of the vehicle and on the rear of the trailer,so as to be visible from ahead of and behind the vehicle, a sign, issued or

authorised by the Authority, displaying the letter “P” in red on a white background,

- (a1) in the case of a provisional P1 licence of class C, the holder must not drive a car-based motor tricycle,
 - (b) in the case of a provisional P1 licence of class R, the holder must not drive any motor bike or motor trike unless there is displayed conspicuously at the rear of the motor bike or motor trike, so as to be clearly visible from behind it, a sign, issued or authorised by the Authority, displaying the letter “P” in red on a white background,
 - (c) in the case of a provisional P1 licence of class R, the holder must not drive a motor bike or motor trike with an engine capacity greater than 260 ml or a power-to-weight ratio greater than 150 kilowatts per tonne.
- (5) In addition to any other ground on which a licence may be cancelled or suspended by the Authority, a provisional P1 licence may be cancelled or suspended immediately by the Authority in the event of any of the following:
- (a) the holder of the licence is convicted of an offence under the Act or this Regulation or of an offence set out in Schedule 1,
 - (b) the holder of the licence pays a penalty pursuant to section 15 of the [Road Transport \(General\) Act 1999](#) in respect of any such offence,
 - (c) an order under Division 4 of Part 3 of the [Fines Act 1996](#) has been made, or is taken to be made, against the licence holder in respect of any such offence,
 - (d) the holder of the licence fails to observe any term or condition of the licence.
- (6) The holder of a provisional P1 licence must not drive a motor vehicle on a road or road related area if:
- (a) in the case of a provisional P1 licence of class C, the motor vehicle is towing any other motor vehicle (whether or not a trailer) having an unladen mass in excess of 250 kg, or
 - (b) in the case of a provisional P1 licence of class R, the motor bike or motor trike is towing any other vehicle (whether or not a trailer).

Maximum penalty: 20 penalty units.

- (7) A person who holds a provisional P1 licence is not eligible to apply for a provisional P2 licence of class C (where the provisional P1 licence is of class C) or for an unrestricted licence of class R (where the provisional P1 licence is of class R), if:
- (a) the person has incurred 4 or more demerit points while holding the licence, and action under section 17 of the Act to cancel or suspend the licence as a

consequence has not been taken or completed, or

(b) the person has committed speeding offences, within the meaning of section 33 of the Act, while holding the licence, and action under that section to cancel or suspend the licence as a consequence has not been taken or completed.

- (8) If a provisional P1 licence held by a person is cancelled by the operation of section 26 of the *Road Transport (General) Act 1999*, the Authority may issue another provisional P1 licence to the person and require the person to hold the licence for a period of 12 months before being eligible to apply for a provisional P2 licence or an unrestricted licence of any class.
- (9) On the issue to a person of a provisional P2 licence of class C, LR, MR or HR, any P1 licence of the same class previously issued to the person ceases to be in force.
- (10) On the issue to a person of an unrestricted licence of class R, any P1 licence of the same class previously issued to the person ceases to be in force.

15A Second-stage provisional licences (provisional P2)

- (1) A licence (other than a motorcycle licence) that is issued to an applicant who has not previously held, for a period or periods totalling at least 36 months (not including any period of suspension), any of the following, namely:
- (a) a car licence, or
 - (b) an Australian driver licence of a class considered appropriate by the Authority, or
 - (c) a foreign driver licence of a type considered appropriate by the Authority,
- must (unless clause 15 applies) be a provisional P2 licence of class C, class LR, class MR or class HR.
- (2) A provisional P2 licence is to be issued for a period of up to 30 months.
- (3) However, the period for which a provisional P2 licence must be issued to a licence holder from another State, Territory or country may be reduced by the Authority by the amount of time that the person held the licence in the other State, Territory or country.
- (4) In addition to any other conditions that may be attached to the licence, a provisional P2 licence is subject to the condition that the holder must not drive any motor vehicle unless there is displayed conspicuously:
- (a) at the front and rear, or on the roof, of the vehicle, or
 - (b) if the vehicle is towing a trailer, either:
 - (i) on the roof of the vehicle, or

- (ii) both on the front of the vehicle and on the rear of the trailer,

so as to be visible from ahead of and behind the vehicle, a sign, issued or authorised by the Authority, displaying the letter “P” in green on a white background.
- (4A) In addition to any other conditions that may be attached to the licence, a provisional P2 licence is subject to the condition that the holder must not drive a car-based motor tricycle.
- (5) The driver of an emergency vehicle, as defined in the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is exempt from the provisions of subclause (4) while driving the vehicle in the performance of his or her duty.
- (6) In addition to any other ground on which a licence may be cancelled or suspended by the Authority, a provisional P2 licence may be cancelled or suspended immediately by the Authority on any of the following grounds:
 - (a) the holder of the licence is convicted of an offence under the Act or this Regulation or of an offence set out in Schedule 1,
 - (b) the holder of the licence pays a penalty pursuant to section 15 of the *Road Transport (General) Act 1999* in respect of any such offence,
 - (c) an order under Division 4 of Part 3 of the *Fines Act 1996* has been made, or is taken to be made, against the licence holder in respect of any such offence,
 - (d) the holder of the licence fails to observe any term or condition of the licence.
- (7) A person who holds a provisional P2 licence is not eligible to apply for an unrestricted licence of the same class if:
 - (a) the person has incurred 7 or more demerit points while holding the licence, and action under section 17 of the Act to cancel or suspend the licence as a consequence has not been taken or completed, or
 - (b) the person has committed speeding offences, within the meaning of section 33 of the Act, while holding the licence, and action under that section to cancel or suspend the licence as a consequence has not been taken or completed.
- (8) If a provisional P2 licence held by a person is cancelled by the operation of section 26 of the *Road Transport (General) Act 1999*, the Authority may issue another provisional P2 licence to the person and require the person to hold the licence for a period of 24 months before being eligible to apply for an unrestricted licence of any class.
- (9) On the issue to a person of an unrestricted licence (other than a licence of class R), any provisional P2 licence previously issued to the person ceases to be in force.

Division 3 Applications to obtain or vary driver licences

16 Procedure to obtain or vary driver licences

- (1) An applicant for issue or variation of a driver licence must give the Authority:
 - (a) a completed application form in the form approved by the Authority, 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 (for example, evidence of the person's address on the electoral roll), and
 - (c) the applicable fee.
- (2) The Authority may not require the application form if it would be unreasonable or impracticable in the circumstances to do so.
- (3) The Authority may require an applicant for issue or variation of a driver licence:
 - (a) to undergo tests or assessments, or provide other evidence of the applicant's knowledge of road law, driving ability, training, experience or suitability to hold a driver licence, and
 - (b) to provide evidence of the applicant's compliance with the requirements of a law relating to the assessment of drivers convicted of offences involving alcohol or other drugs in force in the jurisdiction in which the person had last been disqualified from driving, and
 - (c) to undergo, at his or her own cost, a medical examination, or produce evidence of compliance with the medical standards contained in the documents referred to in clause 31 (2), and
 - (d) to attend a specified medical practitioner or allied professional practitioner for the purpose of that examination, and
 - (e) to provide evidence that he or she is eligible to be granted the class of licence sought, and
 - (f) to have his or her photograph taken, or to provide a photograph in a form specified by the Authority, and
 - (g) to provide a specimen signature.
- (4) The Authority may accept evidence of compliance with a requirement in subclause (3) (a), (b) or (c) obtained by an applicant in another jurisdiction.
- (5) If the Authority is satisfied that it is not practicable for the applicant to comply with the requirements in subclause (3) (b) of another jurisdiction, the Authority may require

the person to comply with the requirements of an equivalent assessment.

17 Surrender of current driver licence

- (1) If an applicant for a driver licence, or a variation of a driver licence, holds a current Australian driver licence, or a current licence to drive a motor vehicle issued in another country, the applicant must surrender that licence to the Authority before the issue of a driver licence or amended driver licence.
- (2) Despite subclause (1), the Authority may exempt a person from surrendering a licence issued in another country if the Authority is satisfied that it would be unreasonable, in the circumstances, to require that licence to be surrendered.

18 When application for driver licence can be refused

- (1) The Authority may refuse an application for issue or variation of a driver licence if the Authority is satisfied that:
 - (a) the applicant is not eligible for the licence or variation, or
 - (b) the applicant does not have sufficient driving ability or knowledge of road law, or
 - (c) the applicant is not a fit and proper person to hold a driver licence, or
 - (d) the applicant does not have sufficient knowledge of safe driving practices, or
 - (e) the applicant does not meet the medical standards contained in the documents referred to in clause 31 (2) applicable to the driver licence, or
 - (f) the applicant has not complied with the requirements of a law applying to licence applicants and relating to the assessment of drivers convicted of offences involving alcohol or other drugs in force in the jurisdiction in which the person had last been disqualified from driving, or
 - (g) a provision of the Act or this Regulation prevents approval of the application, or
 - (h) the applicant has not complied with a requirement of the Act or this Regulation relating to the application.
- (2) The Authority may refuse an application for issue or variation of a driver licence:
 - (a) in accordance with an order made by a court in Australia, or
 - (b) in accordance with a law in force in this State relating to the non-payment of fines, or
 - (c) if the applicant is a person who, if already licensed, would be liable to have his or her licence cancelled under section 33 of the Act, or
 - (d) if the applicant is a person who, if already licensed, would be liable to have action

taken against the person under section 16 (9) or 16A (8) of the Act.

19 Issue and variation of driver licence

- (1) If the Authority approves an application, it must issue a driver licence of the class or kind applied for by the applicant.
- (2) The driver licence may be issued subject to conditions.
- (3) In determining whether to issue a driver licence subject to a condition, the Authority must have regard to the objects of the Act in relation to the regulation of drivers of motor vehicles in the interests of road safety.
- (4) Without limiting subclause (2), the driver licence may also be subject to any of the conditions to which a provisional licence is subject.
- (5) If the Authority approves an application for variation of a driver licence, it may vary the licence either conditionally or unconditionally.

20 Issue of driver licence receipt as interim measure

- (1) As an interim measure, the Authority may issue a driver licence receipt.
- (2) A driver licence receipt has the same force and effect as a driver licence except that a driver licence receipt ceases to be in force on the expiry date indicated on it, or the day on which a driver licence in respect of the same licence class is given to the holder, whichever is the sooner.
- (3) A driver licence receipt must comply with the requirements of clause 22 (1), except clause 22 (1) (c).

21 Competency based assessment

- (1) The Authority may approve a scheme (to be known as competency based assessment) under which a person's competency may be assessed for the purposes of a determination in relation to a licence held or to be held by a person. The scheme applies to the extent approved by the Authority.
- (2) The Authority may request the person's participation in the scheme as a prerequisite to the making of the determination, or may instead offer participation in the scheme as an alternative to other means of testing (or provision of information) for the purposes of the determination.
- (3) The Authority may, on application by a person requesting entry into the scheme, issue to the person the log book appropriate to the class of driver licence in which the person is interested 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 Authority:
 - (a) a completed application form in the form approved by the Authority, 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, and
 - (c) the applicable fee.
- (5) An applicant for entry into the scheme must 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 desires entry into the scheme.
- (6) The Authority may issue a replacement log book, on payment of the appropriate administrative fee, if it is satisfied that a log book has been lost, stolen or damaged.
- (7) In this clause:

log book means a book, in a form approved by the Authority in relation to a particular class of driver licence:

 - (a) listing the driving competencies to be achieved in order to obtain a licence of that class, and
 - (b) providing for the recording and authentication, in space provided in the book, of particulars of assessment, in relation to those competencies, of the person to whom the book is issued.

Part 3 Driver licences

22 Form of driver licence

- (1) A driver licence must show:
 - (a) a licence number for the person to whom it is issued, and
 - (b) the full name of the person, and
 - (c) a photograph of the person, and
 - (d) the person's date of birth, and
 - (e) the person's residential address, and
 - (f) the person's signature (or a reproduction of that signature), and
 - (g) the class or classes of licence held by the person, as set out in clause 26, and
 - (h) the expiry date of the licence, and

- (i) the code of any condition to which the licence is subject, in accordance with clause 28.

(2) A driver licence may be colour coded as follows:

learner licence—green

provisional licence—red

1-year licence—silver

3-year licence—silver

5-year licence—gold

Alternatively, if the driver licence is a class HR, class HC or class MC licence, it may be coloured magenta.

23 Issue of replacement driver licence

- (1) The Authority may, on payment by the holder of a driver licence of the applicable fee, issue a driver licence to replace a driver licence that:
 - (a) has been stolen, lost, damaged or destroyed, or
 - (b) has been cancelled under clause 38 (1) (i) or (j).
- (2) A licence holder who seeks a replacement driver licence must provide to the Authority personal particulars necessary to identify the applicant, including any evidence that the Authority may reasonably require to verify those particulars.
- (3) The Authority may require a licence holder who seeks a replacement driver licence to comply with any of the requirements of clause 16 (3) in addition to the requirements of this clause.
- (4) On the issue of a replacement licence, the licence it replaces is of no effect.

24 Driver licence register

Note—

The Authority has the function of maintaining the driver licence register (see section 8 (b) of the Act).

- (1) The Authority must record the following matters in the driver licence register, in respect of each driver licence:
 - (a) the identification number allocated to the person to whom the licence was issued,
 - (b) the full name of the person,
 - (c) the person's gender and date of birth,

- (d) the person's residential address and address for service of notices (if any),
 - (e) the class or classes of the licence,
 - (f) the commencement and expiry dates of the licence,
 - (g) any conditions to which the licence is subject.
- (2) The Authority may record, in the driver licence register, other information for:
- (a) the purposes of the Act and this Regulation, or
 - (b) the purposes of another Act, or
 - (c) other purposes, as the Authority considers appropriate.
- (3) The holder of a driver licence is entitled to request a search of the driver licence register, and to obtain a certificate as to any matter appearing in the register in relation to him or her, on payment of the applicable fee.
- (4) The Authority may correct any mistake or error in, or omission of, matter recorded in the driver licence register, subject to any requirements of the Act or this Regulation.

25 Release of information in demerit points register and driver licence register

- (1) A request for information about a person recorded in the demerit points register or driver licence register must be treated by the Authority in accordance with the Information Privacy Principles contained in section 14 of the [Privacy Act 1988](#) of the Commonwealth.
- (2) For the purposes of the application of the Information Privacy Principles to a request for information referred to in subclause (1):
- (a) the information requested is taken to be personal information, and
 - (b) the Authority is taken to be the collector of the information in relation to information it collects and a record-keeper in relation to records of information in its possession or control.

26 Licence classes

- (1) The holder of a driver licence of a particular class may drive a motor vehicle of a particular kind, as set out in this clause. The classes of driver licence are car licence, motorcycle licence, light rigid vehicle licence, medium rigid vehicle licence, heavy rigid vehicle licence, heavy combination vehicle licence or multi-combination vehicle licence.
- (2) The holder of a motorcycle licence may drive a motor bike or motor trike, other than a motor trike that has a body type commonly known as, or similar to, a sedan, station

wagon, coupe, convertible, roadster, utility, tray top or van.

(3) The holder of a car licence may drive any of the following:

- (a) a motor vehicle with a GVM that is not greater than 4.5 tonnes and that is constructed or equipped to seat not more than 12 adults (including the driver),
- (b) a car-based motor tricycle,
- (c) any tractor or implement.

(3A) However, the authority conferred by a car licence does not entitle the holder to drive:

- (a) a motor bike, or
- (b) a motor trike (other than a car-based motor tricycle) that does not have a body type commonly known as, or similar to, a sedan, station wagon, coupe, convertible, roadster, utility, tray top or van.

(4) The holder of a light rigid vehicle licence may drive a motor vehicle that:

- (a) has a GVM greater than 4.5 tonnes but not greater than 8 tonnes, or
- (b) seats more than 12 adults (including the driver) and has a GVM not greater than 8 tonnes.

(5) The holder of a medium rigid vehicle licence may drive a motor vehicle that has:

- (a) 2 axles, and
- (b) a GVM greater than 8 tonnes.

(6) The holder of a heavy rigid vehicle licence may drive a motor vehicle (including an articulated bus, but not including any other articulated vehicle) that has:

- (a) 3 or more axles, and
- (b) a GVM greater than 8 tonnes.

(7) The holder of a heavy combination vehicle licence may drive:

- (a) a prime mover to which is attached a single semi-trailer plus any unladen converter dolly, or
- (b) a rigid motor vehicle to which is attached a trailer that has a GVM greater than 9 tonnes plus any unladen converter dolly.

(8) The holder of a multi-combination vehicle licence may drive any motor vehicle or combination of vehicles other than a motor bike or motor trike described in subclause (3A) (b).

- (9) The holder of a licence of a particular class may, in addition to driving motor vehicles in that class, drive vehicles in any lower class according to the hierarchy set out in clause 27 (1).
- (10) The holder of a driver licence of class C or LR may drive a motor vehicle covered by that licence class that is towing a single trailer with a GVM not greater than 9 tonnes, provided that:
 - (a) in the case of a motor vehicle that has a GVM of up to 4.5 tonnes, the requirements of any law in force in this State in relation to the mass limits for combinations of light vehicles are met, or
 - (b) in the case of a motor vehicle that has a GVM greater than 4.5 tonnes, the mass limits for combinations specified in the [Road Transport \(Mass, Loading and Access\) Regulation 1996](#) are met.
- (11) The holder of a driver licence of class MR or HR may drive a motor vehicle covered by that licence class that is towing a single trailer (other than a trailer commonly known as a semi-trailer) that has a GVM not greater than 9 tonnes, provided that the mass limits for combinations specified in the [Road Transport \(Mass, Loading and Access\) Regulation 1996](#) are met.
- (12) The towing allowances of subclauses (10) and (11), other than the requirement that the driver of a vehicle towing a semi-trailer must hold a driver licence of class HC, apply irrespective of the type of connection between the trailer and the towing vehicle. Subclause (11) is not intended to prevent the holder of a medium rigid vehicle licence or heavy rigid vehicle licence from towing a car carrier, horse float or like trailer of a mass less than 9 tonnes.
- (13) A licence class may be shown on a driver licence by means of a code or symbol.
- (14) If a licence class is shown by way of a code, the code set out in the Table to this subclause must be used. In the Table, the code in Column 1 refers to the class of licence set out opposite that code in Column 2.

Table

Column 1	Column 2
Licence code	Licence class
R	motorcycle licence
C	car licence
LR	light rigid vehicle licence
MR	medium rigid vehicle licence
HR	heavy rigid vehicle licence

HC	heavy combination vehicle licence
MC	multi-combination vehicle licence

(15) A licence class may be described by reference to the code set out in the Table to subclause (14).

27 Order and description of licence classes

- (1) For the purposes of this Regulation, the order of licence classes, from the lowest to the highest, is:
 - (a) car licence,
 - (b) light rigid vehicle licence,
 - (c) medium rigid vehicle licence,
 - (d) heavy rigid vehicle licence,
 - (e) heavy combination vehicle licence,
 - (f) multi-combination vehicle licence.
- (2) A motorcycle licence is not included in the licence class hierarchy set out in subclause (1).

28 Conditional licences

- (1) A condition to which a driver licence is subject may be shown on the driver licence by means of a code or symbol.
- (2) If a condition is shown by a code or symbol, the driver licence must bear a note to the effect that the condition can be found out by inquiry of the Authority.
- (3) The Authority may require the holder of a conditional licence to carry, when driving, any notice issued by the Authority containing a full explanation of the conditions to which the licence is subject.
- (4) Despite subclause (3), the holder of an Australian driver licence issued in another jurisdiction that is a conditional licence that bears the code X, and that refers to a condition imposed under a provision of a law of that jurisdiction corresponding to this clause or clause 38, must carry a notice issued by the Authority containing a full explanation of the conditions to which the licence is subject when driving in this State.
- (5) A code in Column 1 of the Table to this subclause may be used on a driver licence to indicate that the licence is subject to the condition set out in Column 2 opposite that code.

Table

Column 1	Column 2
Licence code	Licence condition
A	The holder must drive only a motor vehicle fitted with an automatic transmission.
B	If the holder drives a heavy vehicle, the vehicle must be fitted with a synchromesh transmission or automatic transmission.
E	If the holder is the rider of a motor bike or motor trike, the motor bike or motor trike must be of restricted engine capacity as notified in writing by the Authority to the holder on issue or variation of a licence.
I	The holder must drive only a motor vehicle fitted with a breath alcohol interlock device.
S	The holder must wear corrective lenses at all times while driving.
V	The holder must drive only a motor vehicle fitted with specified driver aids, or modified as directed in writing by the Authority or printed on the driver licence.
X	The holder must comply with any condition of which he or she has been notified in writing by the Authority on issue or variation of a licence or that is printed on the driver licence.
Z	0.02 grams per 100 mls blood alcohol concentration restriction.

(6) A short description of a licence condition may be printed on a driver licence.

29 Damaged or lost licences

- (1) A licence is of no effect if it is damaged, or is in such a condition, that the particulars in the licence cannot be read.
- (2) The holder of a driver licence whose licence is damaged, stolen, lost or destroyed must notify the Authority as soon as practicable.

Part 4 Obligations of licence applicants and licensed drivers

30 Change of name, address or medical condition

- (1) The holder of a driver licence must tell the Authority, not more than 14 days after the change, about any change in his or her:
 - (a) name, or
 - (b) residential address, or address for service of notices.

- (2) Unless required by the Authority, the advice from the licence holder referred to in subclause (1) need not be in writing.
- (3) A new residential address must be an address in this State at which the Authority may ordinarily make personal contact with the person.
- (4) If there is no postal service to an applicant's or licence holder's residential address, the person must also provide an address for the service of notices.
- (5) The holder of a driver licence must, as soon as practicable, notify the Authority of any permanent or long term injury or illness that may impair his or her ability to drive safely.

31 Tests and medical examinations of licensed drivers

- (1) The Authority may, by notice in writing, require the holder of a driver licence, within a time specified in the notice:
 - (a) to submit to tests of the holder's knowledge of safe driving practices and road law, or
 - (b) to submit to tests or assessments of driving ability, or
 - (c) to undergo a medical examination by a medical practitioner or allied professional practitioner, or produce evidence of compliance with the medical standards referred to in subclause (2), to determine the person's medical fitness to hold a driver licence, or a licence of a particular class, or
 - (d) to attend a specified medical practitioner or allied professional practitioner for the purpose of that examination.
- (2) A medical examination required by a notice under this clause must be conducted in accordance with:
 - (a) in the case of a medium rigid vehicle licence, heavy rigid vehicle licence, heavy combination vehicle licence or multi-combination vehicle licence, the standards set out in the booklet *Medical Examinations of Commercial Vehicle Drivers* (November 1994) published by the National Road Transport Commission and the Federal Office of Road Safety and endorsed by the Ministerial Council, as amended from time to time, and
 - (b) in the case of a motorcycle licence, car licence or light rigid vehicle licence, one of the following publications, as determined by the Authority:
 - (i) *National Guidelines for Determining Fitness to Drive a Motor Vehicle* (1988) published by the Commonwealth Department of Transport,
 - (ii) *Assessing Fitness to Drive* (1998) published by Austroads Incorporated,

(iii) *Interim General Driver Licensing Guidelines* (1994) published by the Roads Corporation, Victoria,

(iv) *Drivers and Riders—Guidelines for General Practitioners* (1995) published by the Department of Transport, Queensland.

(3) The Authority may require the holder of a driver licence to provide to it any documents relevant to the holder's medical fitness to hold a driver licence.

(4) The Authority must accept, for the purposes of this clause, a certificate, in a form approved by the Authority, of the results of a medical examination conducted in another jurisdiction if that examination otherwise complies with this clause.

32 Verification of record and monitoring of compliance

(1) If there are reasonable grounds for believing that information contained in the driver licence register is inaccurate or misleading, the Authority may by written notice require the holder of a driver licence to provide evidence to the Authority, in a form specified by the Authority, relating to anything relevant to the issuing, variation or continuation of the licence, including:

(a) the holder's personal details, and

(b) the holder's residential address.

(2) For the purposes of this clause, the Authority may require the holder of a driver licence:

(a) to provide specified documents for inspection, and

(b) to attend at a time and place specified by the Authority for identification.

(3) If a person who is required to attend for identification requests a change to the time or place specified in the notice, the Authority must give consideration to that request and may change the time or place in accordance with the request.

Part 5 Expiry, surrender and cancellation of driver licences

33 Licence expiry date

A driver licence expires at the end of the day that is recorded in the driver licence register as the licence expiry date.

34 Notice of renewal of driver licence

(1) A notice of renewal of a driver licence is a notice:

(a) addressed to the holder of the driver licence, and

(b) stating that, if the driver licence is not renewed on or before a date specified in

the notice, the driver licence will expire.

- (2) If the Authority fails to send a notice of renewal of a driver licence, or the notice is not received by a person, that failure or non receipt does not affect:
- (a) the expiry of the driver licence, and
 - (b) the obligation of the holder of the driver licence to renew the licence if he or she wishes to continue to drive a motor vehicle on a road or road related area after the expiry of his or her existing licence.

35 Renewal of driver licence

- (1) A person may apply to the Authority to renew his or her driver licence at any time within 5 years after the licence expiry date by giving the Authority:
- (a) an application for renewal of the driver licence in the form approved by the Authority, and
 - (b) personal particulars necessary to identify the applicant, including any evidence that the Authority may reasonably require to verify those particulars, and
 - (c) the applicable fee.
- (2) The Authority may require the applicant to comply with any of the requirements of clause 16 (3) in addition to the requirements specified in subclause (1).
- (3) Subject to subclause (4), the Authority must renew the driver licence.
- (4) The Authority may refuse to renew a driver licence if the circumstances are such that, if the applicant for renewal were applying for a new licence, the Authority would refuse that application under clause 18.
- (5) The Authority may refuse to renew a driver licence if the Authority is satisfied that the photograph contained in the previous driver licence is no longer a true likeness of the applicant.
- (6) If a driver licence (the **old licence**) is renewed, the expiry date of the new licence may be calculated from:
- (a) in the case of renewal before, on, or within six months after the licence expiry date of the old licence, that expiry date of the old licence, or
 - (b) in the case of renewal within 5 years after the licence expiry date of the old licence, the day the licence is renewed.
- (7) A person whose driver licence is not renewed within 5 years after the licence expiry date is not entitled to apply for a renewal, but may apply for a new licence in accordance with clause 16.

36 Demerit points and offences

- (1) For the purposes of section 15 (1) (a) of the Act, the national schedule of demerit points comprises the offences, and the points specified in relation to each offence, set out in Part 1 of Schedule 1.
- (2) For the purposes of section 15 (1) (b) of the Act, the offences, and the points specified in relation to each offence, set out in Part 2 of Schedule 1, are prescribed.
- (3) Despite subclauses (1) and (2), the number of demerit points to be allocated to an offence to which this clause applies (other than an offence under a law of another jurisdiction) committed over a long weekend is the number specified in Column 3 of Schedule 1 in respect of the offence.
- (4) Despite subclauses (1) and (2), the number of demerit points to be allocated to an offence to which this clause applies (being an offence under a law of another jurisdiction) committed over a long weekend is a number determined by the Authority (not being a number higher than the number applying under subclause (3) to the New South Wales offence with which the Authority has determined it corresponds).
- (5) In this clause:

long weekend means a period of consecutive days consisting of:

- (a) a Saturday and Sunday (the ***weekend***), and
- (b) one or more days that have been declared to be public holidays (or part of which have been declared to be public holidays) throughout the State and that are any of the following:
 - (i) the Thursday or Friday immediately before the weekend,
 - (ii) the Monday or Tuesday immediately after the weekend, and
- (c) if the Thursday (but not the Friday) immediately before the weekend is such a public holiday—the Friday, and
- (d) if the Tuesday (but not the Monday) immediately after the weekend is such a public holiday—the Monday.

over a long weekend means during:

- (a) the period commencing on the day immediately before the first day of a long weekend and ending with the last day of a long weekend (inclusive), or
- (b) any of the following days or periods:

26 December 2001

27 December 2001

37 Surrender of driver licence

- (1) The holder of a driver licence may apply, personally or by an agent who produces written evidence of his or her appointment as agent, to the Authority to surrender the licence.
- (2) The holder of a driver licence who applies for surrender of the licence must:
 - (a) return the licence to the Authority, or
 - (b) if the licence has been lost or destroyed, give the Authority a statement signed by the licence holder or agent that the licence has been lost or destroyed.
- (3) The Authority must approve an application for the surrender of a driver licence unless:
 - (a) the holder of the licence has failed to meet the requirements of this clause, or
 - (b) the Authority is taking action to suspend or cancel the licence under section 16, 17 or 33 of the Act or clause 38 or 39.
- (4) Subject to subclause (5), if a driver surrenders his or her driver licence, the Authority may refund part of the fee for the issue of the licence, calculated in accordance with the formula:

$$\frac{\text{number of days}}{\text{licence period}} \times \text{fee paid}$$

where:

number of days is the number of unexpired whole days remaining of the licence period for which the fee was paid, from the day on which the Authority approves the application to surrender the licence.

licence period is the total number of days for which the licence was issued.

fee paid is the amount, other than the administrative fee, paid for the issue of the driver licence.

- (5) The Authority may deduct from the refund the amount of any unpaid administrative fees incurred in respect of the driver licence.
- (6) If an amount of refund determined in accordance with this clause would comprise an amount that is not a whole number of dollars, the amount of refund is to be adjusted downwards to the next whole number of dollars.

38 Variation, suspension or cancellation of driver licence

- (1) The Authority may vary, suspend or cancel a person's driver licence if it appears to the Authority that:

- (a) the person has failed or refused to submit to a test or medical examination required under or in accordance with the Act or this Regulation, or has failed such a test or examination, or
- (b) it would be dangerous for the person to drive a motor vehicle because of illness or incapacity, or because of the effects of treatment for such conditions, or
- (c) the person does not have sufficient driving ability or knowledge of road law, or
- (d) the person is not a fit and proper person to hold a driver licence, or
- (e) the person has not complied with the requirements of a law relating to the assessment of drivers convicted of offences involving alcohol or drugs in force in the jurisdiction in which the person had last been disqualified from driving, or
- (f) the person is no longer eligible, in accordance with the Act or this Regulation, for a particular class or classes of licence, or
- (g) the licence was issued or renewed in error, or
- (h) the licence is incorrect in any respect, or
- (i) a non-cash payment submitted to the Authority as payment of an applicable fee has been dishonoured, or
- (j) the person has been convicted in another jurisdiction or another country of any offence which, if the person had been licensed in that jurisdiction or country, would have enabled the driver licensing authority of that jurisdiction or country to vary, suspend or cancel the person's licence, or
- (k) the person has failed to comply with a condition of the licence, or
- (l) the photograph contained in the licence is no longer a true likeness of the person.

(1A) Without limiting subclause (1), the Authority:

- (a) may suspend a person's driver licence if it appears to the Authority that, while driving a motor vehicle, the person has occasioned death or grievous bodily harm to some other person as a result of having become incapable of controlling the motor vehicle (for example, as a result of sleep or loss of consciousness), and
- (b) may do so regardless of whether the circumstances in which this has occurred have given rise to the person being prosecuted for an offence.

(1B) In deciding whether to suspend a person's driver licence under subclause (1A), the Authority need not inquire into the likelihood of the person again becoming incapable of controlling a motor vehicle in similar circumstances.

(2) The Authority must suspend or cancel a person's driver licence in accordance with:

- (a) an order made by a court in Australia, or
- (b) a law in force in this State.

- (3) If a person's driver licence expires during a period of suspension for the licence imposed under section 17 of the Act or this Regulation, the person cannot apply to the Authority for another driver licence during the unexpired portion of the period of licence suspension.

38A Prescribed offences for cancellation or suspension of licences

For the purpose of section 33 (5) (b) of the Act, an offence under section 4A (1A), (1B), (5B) or (5BA) of the [Traffic Act 1909](#) is prescribed.

38B (Repealed)

39 Procedures for variation, suspension or cancellation of driver licence

- (1) If the Authority decides to vary, suspend or cancel a person's driver licence, the Authority must give the person notice in writing of:
- (a) the reasons for the proposed variation, suspension or cancellation, and
 - (b) any action that must be taken by the licence holder in order to avoid or reverse the variation, suspension or cancellation, and
 - (c) the date after service of the notice on which the variation, suspension or cancellation takes effect.
- (2) The notice under subclause (1) must also state:
- (a) in the case of a notice to vary a person's driver licence, that if the licence is varied as set out in the notice, the person will no longer be authorised to drive a motor vehicle of a kind specified in the notice on a road or road related area, or
 - (b) in the case of a notice to suspend a person's driver licence, that if the licence is suspended, the person will not be authorised to drive a motor vehicle on a road or road related area for the period of suspension specified in the notice, or
 - (c) in the case of a notice to cancel a person's driver licence, that if the licence is cancelled, the person will no longer be authorised to drive a motor vehicle on a road or road related area.
- (2A) Despite subclause (1) (c), if the Authority decides to vary, suspend or cancel a person's driver licence on the ground that the person has failed or refused to submit to a test or medical examination required under or in accordance with the Act or this Regulation, or has failed such a test or examination, the Authority may determine that the variation, suspension or cancellation is to take effect on the service of the notice.

- (3) A notice to vary, suspend or cancel a person's driver licence must also state whether the licence is required to be returned to the Authority and, if so, specify the date by which the licence must be returned and the place to which it is to be returned.
- (4) A driver licence is varied, suspended or cancelled in accordance with the terms of a notice served under this clause unless the Authority, by further notice in writing, withdraws the notice.
- (4A) A notice to suspend a person's driver licence under clause 38 (1A) may not be withdrawn except on the order of a Local Court in respect of an appeal under clause 6 of the *Road Transport (General) Regulation 1999*.
- (5) If a person's driver licence is varied, suspended or cancelled by the Authority, the person must return the licence to the Authority within the time required by the notice served under this clause.
- (6) The Authority may decide to vary, suspend or cancel a driver licence under this Regulation without the holder of the licence having been provided with an opportunity to show cause why the licence should not be varied, suspended or cancelled.

40 Downgrading of driver licence

- (1) If a driver licence is cancelled:
 - (a) by the operation of the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*) as a result of the imposition on the holder of the licence of a period of disqualification, or
 - (b) by the Authority under section 33 of the Act,

the Authority may, if the offence or offences (or alleged offence or offences) that gave rise to the cancellation arise wholly or mainly out of the use of a motor vehicle or trailer of a class approved in writing by the Authority for the purposes of this clause, issue the former holder with another driver licence (being one that does not authorise the driving of motor vehicles or trailers of that class) in substitution for the cancelled licence.
- (2) Nothing in this clause:
 - (a) limits any discretion of the Authority to decline to issue a licence to a person, or
 - (b) permits the issue of any licence to a person who for the time being is disqualified from holding one.

Part 6 Motorcycle licence riding and testing scheme

41 Definitions

In this Part:

authorised rider training course means:

- (a) a provisional P1 licence rider training course, or
- (b) a learner licence rider training course,

provided under an agreement referred to in clause 42.

rider training centre means premises that a rider training operator is authorised to use for the purpose of providing an authorised rider training course.

rider training instructor means a person accredited under clause 43.

rider training operator means a person authorised, under an agreement referred to in clause 42, to provide an authorised rider training course.

testing officer means a person accredited under clause 44.

42 Authorisation of operators

The Authority may enter into an agreement with a person under which the person is authorised to provide a rider training course at a rider training centre specified in the agreement.

43 Accreditation of rider training instructors

The Authority may, by instrument in writing, accredit a person as a rider training instructor if the person:

- (a) is the holder of a valid and unexpired licence issued under the [Driving Instructors Act 1992](#) authorising the person to act as a driving instructor, within the meaning of that Act, in respect of motor bikes and motor trikes, and
- (b) satisfies the Authority that the person is otherwise qualified to conduct an authorised rider training course.

44 Accreditation of testing officers

The Authority may, by instrument in writing, accredit a person as a testing officer if the person:

- (a) is a riding training instructor, and
- (b) satisfies the Authority that the person is otherwise qualified to be a testing officer.

45 Objects of training course

- (1) The Authority must not enter into an agreement under clause 42 unless the Authority is satisfied that the rider training course the subject of the agreement is to be directed to ensuring that a person who desires to hold:
 - (a) a motorcycle learner licence, or
 - (b) a provisional P1 licence of class R,has sufficient knowledge and skills to warrant the granting of the licence concerned.
- (2) For that purpose, any such course is to include:
 - (a) the training of applicants in the necessary skills, and
 - (b) the instruction of applicants in the relevant law and safe riding practices, and
 - (c) the testing of applicants' skills and knowledge, and
 - (d) provision for the issue of certificates, in a form approved by the Authority and signed by a rider training instructor or testing officer (or, if the Authority so requires, by both an instructor and testing officer), attesting the satisfactory completion of the course by persons undertaking it.

46 Application to do course

- (1) A person who wishes to undertake an authorised rider training course must:
 - (a) apply in writing to the Authority, in the form approved by the Authority, and
 - (b) pay to the Authority the applicable fee.
- (2) The Authority may refund all or part of the fee if:
 - (a) the person does not complete the course, and
 - (b) the Authority is satisfied that the circumstances warrant a refund.

47 Mandatory training areas

The Authority may, by instrument in writing, identify any area within the State, being an area in which a rider training centre is situated, as a mandatory training area.

48 Exemption from compulsory motorcycle licence training

- (1) A person who satisfies the Authority that the person's usual residential address is not within a mandatory training area identified under clause 47 is exempt from any requirement under this Regulation to hold a certificate issued under this Part.
- (2) The Authority may, by notice in writing, exempt any person or class of persons from

all or any of the requirements of this Part.

- (3) An exemption may be unconditional or may be subject to conditions specified in the exemption.
- (4) An exemption that is subject to conditions ceases to be in force as soon as the conditions are not complied with.
- (5) A person is exempt from any requirement of this Regulation to hold a certificate issued under this Part if:
 - (a) the person applies for the issue of a learner licence to learn to ride a motor bike or motor trike, and
 - (b) the person is, at the time of applying, the holder of a learner licence to learn to ride a motor bike or motor trike, or the equivalent of such a licence, issued under the law in force in another jurisdiction.

49 Exemption from licensing and other provisions

A person is exempt from the requirement to hold a licence in respect of any motor bike or motor trike while it is being ridden, as part of an authorised rider training course at a rider training centre referred to in this Part, by an applicant for a learner licence who is 16 years and 6 months of age or older.

Part 7

50-53 (Repealed)

Part 8 Exemptions

54 Authority may exempt certain classes of driver from requirement to hold licence

- (1) The Authority may exempt a driver or class of drivers from the requirement to hold a driver licence, or a particular class of driver licence.
- (2) An exemption under this clause may be subject to conditions specified by the Authority.
- (3) The Authority must cause notice of an exemption under this clause to be published in the Gazette.

55 Interstate and international visitors

- (1) A visiting driver who holds:
 - (a) a current Australian driver licence or learner licence (including a New Zealand driver licence or learner licence) issued in another jurisdiction, or
 - (b) a current foreign driver licence and international driving permit, or

- (c) a current foreign driver licence that is written in English or is accompanied by an English translation,

that authorises him or her to drive a motor vehicle of a particular kind may drive a motor vehicle of that kind in this State, and is exempt from the requirements of the Act and this Regulation (other than this clause).

- (2) A person ceases to be exempt under subclause (1) if any of the following things happens:
 - (a) if the holder of an Australian driver licence or learner licence or New Zealand driver licence or learner licence has resided in this State for a continuous period of more than 3 months, unless he or she also holds a valid Driver Identification Document issued by the Commonwealth Department of Defence,
 - (b) if an international visitor has held a permanent visa under the *Migration Act 1958* of the Commonwealth for more than 3 months,
 - (c) if the person is suspended or disqualified from driving a motor vehicle on a road or road related area in any part of Australia, or another country,
 - (c1) if the person would in the opinion of the Authority, if the person applied for a driver licence, be refused because of a failure to meet the conditions of reinstatement of a driver licence after cancellation,
 - (d) if the person is charged with an offence specified under another law of this State relating to visiting drivers,
 - (e) if the person, in the reasonable opinion of the Authority, is not considered a fit and proper person to drive a motor vehicle in this State,
 - (f) if, in the reasonable opinion of the Authority, the person's ability to drive safely is impaired due to a permanent or long term injury or illness,
 - (g) if the person fails to comply with a request under clause 31.
- (3) If the Authority forms an opinion on the matters set out in subclause (2) (e) or (f), the Authority must give the person notice in writing stating:
 - (a) that he or she is no longer exempt from the requirement to hold a driver licence in this State, and
 - (b) that he or she must not drive a motor vehicle on a road or road related area in this State, and
 - (c) the reasons why the person is no longer exempt, and
 - (d) any action that may be taken by the person in order to regain the exemption, and

(e) the date by which the person must take that action.

(4) Subclause (2) (d) ceases to have effect in relation to a person if the charges are withdrawn or dismissed.

(5) A visiting driver exempted under this clause must, when driving a motor vehicle or a trailer on a road or road related area:

(a) carry the licence held by the visiting driver and referred to in subclause (1), and

(b) if requested to do so by a police officer, produce the licence to the police officer.

Maximum penalty: 20 penalty units.

55A Exemption: golf and green keeping vehicles used on roads or road related areas

(1) A person is exempted from the requirements of section 25 (1) of the Act in respect of the driving of any golf vehicle or green keeping vehicle directly across a road or road related area that intersects with or traverses a golf course if the vehicle:

(a) is being used in the course of, or as an incident to, a game of golf or to observe any such game, or

(b) is proceeding to or from the golf course to be used for or in connection with the rolling or maintenance or surface improvement of any part of the golf course, or

(c) is proceeding to or from a car park or storage building that is separated from the golf course by the road or road related area.

(2) In this clause:

golf course means an area of land (which includes tees, fairways, greens, rough, pathways, bunkers and bridges) designed and used for the playing of golf.

golf vehicle means:

(a) a motorised buggy or cart that is designed and used to carry any golfer, spectator or golfing equipment on a golf course, or

(b) a motor bike having an engine capacity not exceeding 50 ml that is used to carry a golfer, spectator or golf equipment on a golf course, or

(c) any trailer that is being drawn by any such vehicle.

green keeping vehicle means any vehicle used solely or principally for or in connection with the rolling or maintenance or surface improvement of any part of a golf course.

55B Exemption: police officers and police trainees

- (1) A police officer or a police trainee who has been authorised in writing by the Commissioner of Police to drive or ride a motor vehicle in the performance of his or her duty is, while driving or riding in conformity with the authority, exempted from section 25 (1) (a) of the Act.
- (2) This clause ceases to have effect on 1 March 2000.

55C Exemption: drivers of light rail vehicles

- (1) Any requirement to be licensed imposed by this Regulation does not apply to a person who drives a light rail vehicle while driving a light rail vehicle.
- (2) In this clause:

light rail vehicle has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

55D Other exemptions from licensing

- (1) A person is exempted from the provisions of section 25 (1) of the Act in respect of the driving of any of the following vehicles:
 - (a) (Repealed)
 - (b) any motor vehicle or trailer while it is being driven by the person who is being submitted (as an applicant for a licence) to a driving test by a police officer or a person authorised by the Authority or by the Commissioner of Police to test drivers,
 - (c) any motor vehicle or trailer, weighing not more than 250 kg when unladen, that is constructed or used solely for cutting grass or for purposes incidental to cutting grass,
 - (d) any motor vehicle or trailer comprising a pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 200 watts,
 - (e) any motor vehicle or trailer that is:
 - (i) specially constructed to be used, and while on a road or road related area is used, solely for the conveyance of an invalid, and
 - (ii) weighs not more than 110 kg when unladen, and
 - (iii) not capable of travelling at more than 10 km/h.
- (2) (Repealed)

- (3) Section 25A (1) (a) and (3) (a) of the Act does not apply to the driving of any of the following vehicles:
- (a) any motor vehicle or trailer while it is being driven by the person who is being submitted (as an applicant for a licence) to a driving test by a police officer or a person authorised by the Authority or by the Commissioner of Police to test drivers,
 - (b) any motor vehicle or trailer, weighing not more than 250 kg when unladen, that is constructed or used solely for cutting grass or for purposes incidental to cutting grass,
 - (c) any motor vehicle or trailer comprising a pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 200 watts,
 - (d) any motor vehicle or trailer that is:
 - (i) specially constructed to be used, and while on a road or road related area is used, solely for the conveyance of an invalid, and
 - (ii) weighs not more than 110 kg when unladen, and
 - (iii) not capable of travelling at more than 10 km/h.

Part 9 Offences

56 Licence conditions

- (1) The holder of a conditional driver licence or provisional licence who fails to comply with a condition of that licence is guilty of an offence.
- Maximum penalty: 20 penalty units.
- (2) Subclause (1) does not apply to the holder of a provisional licence who is driving a motor vehicle contrary to a condition of that licence restricting the holder to driving motor vehicles with automatic transmissions if the seat next to the holder of the licence is occupied by a person who holds an Australian driver licence (not being an Australian learner licence or provisional licence) authorising him or her to drive such a vehicle.
- (3) For the purposes of subclause (2), a person does not hold an Australian driver licence if (whether under a law of this or another jurisdiction):
- (a) the licence has been suspended, or
 - (b) the person has been disqualified from holding a licence.

57 Offences involving driver licence documents

- (1) The holder of a driver licence who fails to return a driver licence to the Authority when required by or in accordance with this Regulation to do so is guilty of an offence.
- (2) The holder of a conditional driver licence who fails to comply with a requirement under clause 28 (3) or (4) to carry a notice about the condition is guilty of an offence.
- (3) A person who fails to comply with a requirement of the Authority under clause 32 (1) to provide evidence about the contents of the driver licence register is guilty of an offence.

Maximum penalty: 20 penalty units.

58 Notification offences

A person who does not give information to the Authority when required by this Regulation to do so is guilty of an offence.

Maximum penalty: 20 penalty units.

59 (Repealed)

Part 10 Administration

60 (Repealed)

61 Delegation of Authority's powers

The Authority may delegate all or any of its powers under the Act or this Regulation to the following persons:

- (a) a statutory authority,
- (b) the holder of a statutory office,
- (c) an officer or employee of a government department or statutory authority,
- (d) a police officer,
- (e) a local council or other local government authority,
- (f) an officer or employee of a local council or other local government authority, or
- (g) any other person who, in the opinion of the Authority, has appropriate qualifications for the exercise of the power delegated.

Part 11 Fees

Note—

Under the Act, fees may be set by the Authority, or by regulations (see section 10).

62 Fees

The applicable fee for a service provided by the Authority under the Act or this Regulation is:

- (a) the fee specified for that service in Schedule 3, or
- (b) the fee fixed for that service by the Authority under section 10 (1) of the Act.

63 Waiver of fees

- (1) The Authority may waive the payment of a fee payable under the Act or this Regulation, or both, in a particular case if the Authority is of the opinion that in the particular case it is appropriate to do so.
- (2) Without limiting subclause (1), the Authority may waive payment of a fee in relation to a learner licence if the applicant is, when making the application, the holder of a learner licence issued by another jurisdiction.

64 Fee exemption for eligible pensioners

- (1) An eligible pensioner is not required to pay a fee in respect of the pensioner's driver licence.
- (2) In this clause:

eligible pensioner means a person:

- (a) who is the holder of a Pensioner Concession Card that is in force issued by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs, or
- (b) who is in receipt of a pension or other amount paid by the Commonwealth Department of Veterans' Affairs in respect of a war-caused disability seriously affecting the person's powers of movement, being a pension or other amount (or a pension or other amount below a rate) approved by the Authority for the purposes of this paragraph, or
- (c) who is an armed services widow within the meaning of the *Social Security Act 1991* of the Commonwealth, and:
 - (i) who is in receipt of a pension under Part II or IV of the *Veterans' Entitlements Act 1986* of the Commonwealth at the maximum rate applicable under section 1064 (5) of the *Social Security Act 1991* of the Commonwealth, and
 - (ii) who is under the pension age for the person set out in section 5QA of the *Veterans' Entitlements Act 1986* of the Commonwealth, and

- (d) who is the holder of a current driver licence, being a licence for which no fee was payable by virtue of this Regulation, or
- (e) who is not the holder of any such current driver licence, but:
 - (i) who has satisfied the Authority, by the production of a certificate from a medical practitioner, that the person is not medically unfit to drive a motor vehicle, or
 - (ii) who has otherwise satisfied the Authority that the person should be treated as an eligible pensioner for the purposes of this clause.

Part 12 Savings and transitional provisions

65 Savings and transitional provisions

Schedule 4 has effect.

Schedule 1 Demerit points offences and penalties

(Clause 36)

Part 1

Column 1	Column 2	Column 3	Column 4
Offences	Demerit Points	Long weekend demerit points	Provisions where offences created, except where indicated
Exceeding speed limit by more than 45 km/h	6	12	Rule 20 of Australian Road Rules
Exceeding speed limit by more than 30 km/h but not more than 45 km/h	4	8	Rule 20 of Australian Road Rules
Exceeding speed limit by more than 15 km/h but not more than 30 km/h	3	6	Rule 20 of Australian Road Rules
Exceeding speed limit by not more than 15 km/h	1	2	Rule 20 of Australian Road Rules
Disobeying traffic light	3	4	Rule 57, 60, 61, 63 (2), 66 (except at level crossing) or Part 17 of Australian Road Rules Rule 56 or 59 of Australian Road Rules , but only at traffic lights other than traffic lights at toll booths
Disobeying stop or give way sign or line, or police directing traffic	3	4	Rule 67, 68, 69, 71 or 101 of Australian Road Rules

Failing to give way	3	4	Rule 62, 63 (3), 64, 73, 74, 75, 84, 87, 148 or 149 of Australian Road Rules Rule 72 (1) of Australian Road Rules , but only in the circumstances referred to in rule 72 (2), (3) (a) or (4) (a)
Failing to stop or give way at pedestrian, children's or level crossing	3	4	Rule 65 (2) (a), 80, 81 (2), 121 or 122 of Australian Road Rules
Driving with unrestrained passengers under the age of 16 years	3	6	Rule 266 of Australian Road Rules
Using vehicle contrary to defect notice:			
(a) in the case of a major defect	3	4	Clause 84 (2) of Road Transport (Vehicle Registration) Regulation 1998
(b) in the case of a minor defect	1	2	
Driving on wrong side of dividing lines	3	4	Rule 132 (2) of Australian Road Rules
Driver not wearing seat belt (no unrestrained passengers)	3	6	Rule 264 of Australian Road Rules
Ride motor bike without helmet (rider alone)	3	6	Rule 270 (1) (a) of Australian Road Rules
Unlawfully driving past safety zone or tram or failing to give way to pedestrian crossing near stopped tram	3	4	Rule 162, 163 or 164 of Australian Road Rules
Negligent driving	3	4	Section 42 (1) (c) of Road Transport (Safety and Traffic Management) Act 1999
Improper passing or overtaking	2	3	Rule 93, 94, 140, 141, 142, 143 or 144 of Australian Road Rules Rule 46 (1) or 48 (1) of Australian Road Rules , but only in the circumstances referred to in rule 46 (2) or 48 (2) respectively or rule 53, 112, 113, 117 or 118 (1) of those Rules
Changing direction or stopping without signalling	2	3	
Turning improperly	2	3	Rule 27, 28, 29, 31, 32, 33 or 43 of Australian Road Rules
Failing to keep left	2	3	Rule 129, 130, 131, 132 (1), 135 or 137 of Australian Road Rules

Failure to dip headlights	1	2	Rule 218 of Australian Road Rules
Following too closely	1	2	Rule 126 of Australian Road Rules

Part 2

Column 1	Column 2	Column 3	Column 4
Offence	Demerit points	Long weekend demerit points	Provision where offence created, except where indicated
Exceeding speed limit by more than 45 km/h	6	12	Clause 38 (1), (5) or (6) or 39 of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999
Exceeding speed limit by more than 30 km/h but not more than 45 km/h	4	8	Clause 38 (1), (5) or (6) or 39 of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999
Exceeding speed limit by more than 15 km/h but not more than 30 km/h	3	6	Clause 38 (1), (5) or (6) or 39 of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999
Exceeding speed limit by not more than 15 km/h	1	2	Clause 38 (1), (5) or (6) or 39 of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999
Conduct associated with road or drag racing	3	4	Section 41 (1) or (2) of Road Transport (Safety and Traffic Management) Act 1999
Not stop and supply required particulars at scene of crash	3	4	Rule 287 of Australian Road Rules
Disobey give way sign on bridge/narrow road	3	4	Rule 70 of Australian Road Rules
Drive vehicle towing excess weight	2	3	Clause 15 (6) (a) of Road Transport (Driver Licensing) Regulation 1999
Ride motor bike or motor trike towing other vehicle	2	3	Clause 15 (6) (b) of Road Transport (Driver Licensing) Regulation 1999
Not comply with conditions of licence	2	3	Clause 56 of Road Transport (Driver Licensing) Regulation 1999
Use vehicle when child is in child restraint in front seat position where airbag fitted	3	6	Clause 46 of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

Drive vehicle with one unrestrained passenger	3	6	Clause 47B of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999
Drive vehicle with 2 or more unrestrained passengers	6	12	Clause 47B of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999
Drive vehicle not wearing seatbelt and with one unrestrained passenger only	6	12	Clause 47B of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999
Drive vehicle not wearing seatbelt and with 2 or more unrestrained passengers	9	18	Clause 47B of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999
Ride motor bike with one passenger not wearing helmet	3	6	Rule 270 (1) (b) of Australian Road Rules
Ride motor bike with 2 or more passengers not wearing helmet	6	12	Rule 270 (1) (b) of Australian Road Rules
Ride motor bike without helmet and with one passenger only not wearing helmet	6	12	Rule 270 (1) (a) and (b) of Australian Road Rules
Ride motor bike without helmet and with 2 or more passengers not wearing helmet	9	18	Rule 270 (1) (a) and (b) of Australian Road Rules
Disobey trucks and buses low gear sign	3	4	Rule 108 of Australian Road Rules
Drive contrary to roundabout road rules	3	4	Part 9 (except rules 112, 113, 117 and 118 (1)) of Australian Road Rules
Bus or truck driver fail to drive in bus lane or in truck lane where required	3	4	Rule 159 of Australian Road Rules
Drive in bus lane	3	4	Rule 154 of Australian Road Rules
Drive in truck lane	3	4	Rule 157 of Australian Road Rules
Disobey overhead lane control device	3	4	Rule 152 of Australian Road Rules
Cross continuous line separating marked lanes, other than where vehicle crossing is:			
(a) a class C motor vehicle, and	3	4	Rule 147 of Australian Road Rules
(b) in a Safe-T-Cam zone			

Cross continuous line separating marked lanes, where vehicle crossing line is:			
(a) a class C motor vehicle, and	4	5	Rule 147 of Australian Road Rules
(b) in a Safe-T-Cam zone			
Not drive within single marked lane or line of traffic, other than where vehicle not driven within single marked lane or line of traffic is:	3	4	Rule 146 of Australian Road Rules
(a) a class C motor vehicle, and			
(b) in a Safe-T-Cam zone			
Not drive within single marked lane or line of traffic, where vehicle not driven within single marked lane or line of traffic is:	4	5	Rule 146 of Australian Road Rules
(a) a class C motor vehicle, and			
(b) in a Safe-T-Cam zone			
Overtake or pass stationary vehicle at pedestrian crossing or children's crossing	3	4	Rule 82 of Australian Road Rules
Increase speed while being overtaken	3	4	Rule 145 of Australian Road Rules
Long vehicle following other long vehicle too closely, other than where following long vehicle is:			
(a) a class C motor vehicle, and	3	4	Rule 127 of Australian Road Rules
(b) in a Safe-T-Cam zone			
Long vehicle following other long vehicle too closely, where following long vehicle is:			
(a) a class C motor vehicle, and	4	5	Rule 127 of Australian Road Rules
(b) in a Safe-T-Cam zone			
Make unlawful U-turn	2	3	Rule 37, 38, 39, 40, 41 or 42 of Australian Road Rules
Not give proper signal when drawing out from side of road	3	4	Rule 46 (1) or 48 (1) of Australian Road Rules , but only in the circumstances referred to in rule 46 (3) or 48 (3) respectively

Not have proper control of vehicle	3	4	Rule 297 of <i>Australian Road Rules</i>
Unauthorised carriage of pillion passenger on motor bike or motor trike	2	3	Clause 12 (2) of <i>Road Transport (Driver Licensing) Regulation 1999</i> , clause 45A (1) or 47A (1) of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i> or rule 271 (4) of <i>Australian Road Rules</i>
Driving at night/dark without headlight alight, other than where vehicle driven is: (a) a class C motor vehicle, and (b) in a Safe-T-Cam zone	1	2	Clause 53 (1) of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Driving at night/dark without headlight light, where vehicle driven is: (a) a class C motor vehicle, and (b) in a Safe-T-Cam zone	4	5	Clause 53 (1) of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Pass bus at speed in excess of 40 km/h: (a) where the motor vehicle is driven at a speed that exceeds 85 km/h (b) where the motor vehicle is driven at a speed that exceeds 70 km/h but does not exceed 85 km/h (c) where the motor vehicle is driven at a speed that exceeds 55 km/h but does not exceed 70 km/h (d) where the motor vehicle is driven at a speed that exceeds 40 km/h but does not exceed 55 km/h	6 4 3 1	12 8 6 2	Clause 40 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>

Drive on/over continuous white edge line, where vehicle driven is:			
(a) a class C motor vehicle, and	4	5	Rule 150 of Australian Road Rules
(b) in a Safe-T-Cam zone			
Approach pedestrian crossing too quickly to stop safely if necessary	3	4	Rule 81 (1) of Australian Road Rules
Start or drive a vehicle causing unnecessary noise or smoke	2	3	Rule 291 of Australian Road Rules
Use hand-held mobile phone while driving	3	4	Rule 300 of Australian Road Rules
Driver of a motor vehicle with a sound system driving or using the motor vehicle on a road or road related area where the sound system emits offensive noise	2	3	Clause 17A (1) of Protection of the Environment Operations (Noise Control) Regulation 2000

Schedule 2 (Repealed)

Schedule 3 Fees

(Clause 62)

		\$
1	Issue or renewal of driver’s licence:	
	(a) 1-year	37
	(b) 3-year	91
	(c) 5-year	122
	(d) provisional P1 licence	37
	(e) provisional P2 licence	60
	(f) learner licence	15
2	Replacement or duplicate licence:	
	(a) learner licence	15
	(b) any other licence	18

3	Application for driving or riding test	38
4	Competency based assessment:	
	(a) scheme participation fee	18
	(b) replacement log book	6
5	Entry fee for authorised rider training course:	
	(a) provisional licence rider training course	94
	(b) learner licence rider training course	63
6	Certificate from Authority's records	21
7	Information from records (other than a certificate)	15
8	Hazard Perception Test	31
9	Driver Qualification Test	31
10	Driver Knowledge Test	31
11	Fee per copy for provision of handbook:	
	(a) Road Users' Handbook (including any foreign language version of that handbook)	25
	(b) Heavy Vehicle Drivers' Handbook	25
	(c) Motorcycle Riders' Handbook	25
	(d) Hazard Perception Handbook	25
	(e) Driver Qualification Handbook	25

Schedule 4 Savings and transitional provisions

(Clause 65)

1 Licences issued under previous legislation

- (1) A superseded licence (that is, a licence (including a probationary licence) issued under a law in force in this State before the commencement of the Act) has effect for the remainder of its duration as if it had been issued under the Act and this Regulation, and may be renewed, varied, cancelled or suspended in all respects as though it were a driver licence.
- (2) A superseded licence authorises the holder to drive vehicles in the licence class specified in clause 26 that is most nearly equivalent to the class specified in the

licence (or applicable to the licence), as specified in the notice published under subclause (4).

- (3) Despite any other provision of this Regulation, in issuing a driver licence under this Regulation in place of, or following the expiry of, a superseded licence, the Authority must have regard to the principle that where direct translation to a licence class is not possible, the licence holder should be issued with the next highest licence class.
- (4) The Authority must cause a notice specifying the nearest equivalent licence class for each of the classes of superseded licence to be published in the Gazette. The Authority may revoke or amend any such notice.
- (5) Despite subclause (1), a superseded licence that is a probationary licence may not be renewed.

2 Continuation of existing competency based assessment scheme

A competency based assessment scheme approved under the *Motor Traffic Regulations 1935*, and in force immediately before the commencement of this Regulation, is taken to have been approved by the Authority under clause 21.

3 Continuation of rider training schemes

- (1) An authorised rider training course provided under an agreement entered into by the Authority, and in force immediately before the commencement of this Regulation, is taken to have been provided under an agreement entered into under clause 42.
- (2) A person accredited as a rider training instructor or testing officer under the *Motor Traffic Regulations 1935* immediately before the commencement of this Regulation is taken to have been accredited under Part 6.
- (3) An area identified as a mandatory training area under the *Motor Traffic Regulations 1935* for the purposes of the rider training scheme immediately before the commencement of this Regulation is taken to be a mandatory training area for the purposes of Part 6.
- (4) A certificate issued under Part 2A of the *Motor Traffic Regulations 1935*, and in force immediately before the commencement of this Regulation, is taken to have been issued under Part 6.

4 Cancellation of probationary licences

- (1) This clause applies to a probationary licence continued in force under clause 1.
- (2) A probationary licence may be cancelled by the Authority if the licence holder incurs 2 or more demerit points.
- (3) Despite clause 1, a probationary licence is not to be treated as a driver licence for the

purposes of section 16 of the Act.

- (4) Clause 39 applies to a decision by the Authority to cancel a licence under this clause.

5 Saving of provisional licences on introduction of two-stage scheme

- (1) A provisional licence issued in accordance with clause 15 before 1 July 2000 and in force immediately before that date continues, on and from that date, to be a driver licence and may be dealt with in all respects as though the amendments made to this Regulation by the *Road Transport (Driver Licensing) Amendment (Graduated Licensing) Regulation 2000* had not been made, except as provided by this clause.
- (2) In particular, those amendments do not prevent the issue in due course, to the holder of a provisional licence that was in force immediately before 1 July 2000, of an unrestricted licence in accordance with the provisions of this Regulation as in force immediately before that date.
- (3) A licence referred to in subclause (1) cannot, however, be renewed, after 1 July 2000, on its expiry or cancellation.
- (4) A condition of a provisional licence referred to in subclause (1) that, immediately before 1 July 2000, prohibited the holder from driving a motor vehicle on a road at a speed in excess of 80 k/hr is to be construed, on and from that date, as though the reference to 80 k/hr were a reference to 90 k/hr.

Dictionary

allied professional practitioner means a clinical psychologist, an optometrist or occupational therapist registered or licensed under a State or Territory law that provides for the registration or licensing of such persons.

applicable fee—see clause 62.

articulated bus means a bus consisting of more than one rigid section with passenger access between the sections and the sections connected to one another so as to allow rotary movement between the sections.

Australian Road Rules has the same meaning as it has in the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

breath alcohol interlock device means a device fitted to a motor vehicle that is capable of:

- (a) analysing a breath sample for the presence of alcohol, and
- (b) interacting with the motor vehicle in such a way that a positive result at a designated blood alcohol level will inhibit the use of the motor vehicle or trigger an alarm.

car licence means a licence referred to in clause 26 (3).

car-based motor tricycle means a motor trike that:

- (a) has displayed on it a compliance plate issued by the Australian Transport Safety Bureau, with the category LEM, LEP or LEG, and
- (b) has a GVM that is not greater than 1 tonne, and
- (c) is constructed or equipped to seat not more than 3 adult persons including the driver, and
- (d) has a rear mounted engine of a kind manufactured for a motor car, and
- (e) has a transmission of a kind manufactured for a motor car with direct drive to the rear wheels, and
- (f) has at least 2 of the following characteristics:
 - (i) pedal operated clutch or automatic transmission,
 - (ii) pedal operated fully integrated braking system,
 - (iii) left-hand operated gear stick not mounted on the handlebars.

class C motor vehicle means a coach (within the meaning of the [Road Transport \(Safety and Traffic Management\) Act 1999](#)) or a motor vehicle with a GVM of more than 12 tonnes.

class of licence—see clauses 26 and 27.

Contracting State means a foreign country that is a signatory to the *United Nations Convention on Road Traffic, Geneva, 1949*.

converter dolly means a trailer with one axle group or single axle and a fifth wheel coupling designed to convert a semi-trailer into a dog trailer.

foreign driver licence means a licence to drive a motor vehicle held by an international visitor and issued in the country in which the person is ordinarily resident.

GVM (gross vehicle mass) of a vehicle means the maximum loaded mass of the vehicle:

- (a) as specified by the vehicle's manufacturer, or
- (b) as specified by the Authority, if:
 - (i) the manufacturer has not specified a maximum loaded mass, or
 - (ii) the manufacturer cannot be identified, or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate.

heavy combination vehicle licence means a licence referred to in clause 26 (7).

heavy rigid vehicle licence means a licence referred to in clause 26 (6).

implement means a motor vehicle that comprises an excavator, road grader, road roller, bulldozer, forklift truck or other machinery or apparatus and is not constructed on a chassis of a type normally used in the construction of a motor lorry.

international driving permit means a permit issued by:

- (a) a competent authority of a Contracting State or a subdivision of such a State, or
- (b) an association duly empowered by such an authority in accordance with the *United Nations Convention on Road Traffic, Geneva, 1949*.

international visitor means a person who:

- (a) is ordinarily resident in a foreign country, and
- (b) is not a permanent resident of Australia.

licence expiry date means the date recorded in the driver licence register, in accordance with clause 24 (1) (f), as the date on which the driver licence expires.

light rigid vehicle licence means a licence referred to in clause 26 (4).

medical practitioner means a person registered or licensed as a medical practitioner under a State or Territory law that provides for the registration or licensing of such persons.

medium rigid vehicle licence means a licence referred to in clause 26 (5).

motor bike means a motor vehicle with two wheels and includes a two wheeled motor vehicle with a side car attached to it and supported by a third wheel.

motor trike means a motor vehicle with three wheels, but does not include a two wheeled motor vehicle with a side car attached to it and supported by a third wheel.

motorcycle licence means a licence referred to in clause 26 (2).

multi-combination vehicle licence means a licence referred to in clause 26 (8).

prime mover means a motor vehicle built to tow a semi-trailer.

provisional P1 licence means a provisional licence issued in accordance with clause 15 (1).

provisional P2 licence means a provisional licence issued in accordance with clause 15A (1).

rigid means not articulated, other than in respect of an articulated bus.

Safe-T-Cam sign means a traffic sign bearing the words "SAFE-T-CAM MANAGING SPEED AND FATIGUE".

Safe-T-Cam zone means a length of road to which a Safe-T-Cam sign applies, being a length of road beginning at a Safe-T-Cam sign and ending 100 metres along the length of road in the direction driven by a driver on the road who faces the sign before passing it.

semi-trailer means a trailer (including a pole-type trailer) that has:

- (a) one axle group or single axle towards the rear, and
- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover.

the Act means the *Road Transport (Driver Licensing) Act 1998*.

trailer means a vehicle that is built to be towed, or is towed, by a motor vehicle but does not include a motor vehicle being towed.