

Road Transport (Driver Licensing) Regulation 2017

[2017-450]



New South Wales

Status Information

Currency of version

Historical version for 23 July 2021 to 31 August 2021 (accessed 22 April 2025 at 3:49)

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.

Notes—

- **See also**
 - [Statute Law \(Miscellaneous Provisions\) Bill 2021](#)
 - [Road Transport Legislation Amendment Bill 2021](#)

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 23 July 2021

Road Transport (Driver Licensing) Regulation 2017



New South Wales

Contents

Part 1 Preliminary	8
1 Name of Regulation	8
2 Commencement	8
3 Object	8
4 Definitions	8
Part 2 Driver licences generally	12
5 Licence classes and class codes	12
6 Hierarchy of licence classes	13
7 Vehicles authorised to be driven in licence classes	13
8 Authorisation to tow trailers and semi-trailers	14
9 Conditional licences and condition codes	15
10 Form of driver licence	16
11 Additional codes on certain licences	17
Part 3 Learner licences, provisional licences and heavy vehicle learners	17
Division 1 Learner licences	17
Subdivision 1 Eligibility for, conditions of, and cancellation or suspension of learner licence	17
12 Eligibility to apply for learner licence	17

13 Conditions of learner licences.....	18
14 Cancellation or suspension of learner licence	18
Subdivision 2 Restrictions relating to learner licences	19
15 Learner licence holder must be supervised in vehicle and display “L” plates	19
16 Responsibility of person supervising holder of learner licence	20
17 Motor bikes and motor trikes.....	20
18 Restrictions on towing	21
19 Owner of vehicle must take steps to prevent breach of this Subdivision	21
Division 2 Provisional licences	21
Subdivision 1 First-stage provisional licences (provisional P1)	21
20 Issue of provisional P1 licence	21
21 Conditions to which provisional P1 licence of class C is subject	22
22 Conditions to which provisional P1 licence of class R is subject	22
23 Restrictions on towing	23
24 Cancellation or suspension of provisional P1 licence.....	23
25 Speeding offences and alcohol or other drug related driving offences—eligibility for provisional P2 licence or unrestricted licence	24
26 Provisional P1 licence ceases to be in force on issue of provisional P2 licence	24
Subdivision 2 Second-stage provisional licences (provisional P2)	24
27 Issue of provisional P2 licence	24
28 Conditions to which provisional P2 licence of class C, LR, MR or HR is subject.....	25
29 Conditions to which provisional P2 licence of class R is subject	26
30 Cancellation or suspension of provisional P2 licence.....	26
31 Speeding offences and alcohol or other drug related driving offences—eligibility for unrestricted licence	27
32 Provisional licence ceases to be in force on issue of unrestricted licence	27
Subdivision 3 Extension of provisional licence period	27
33 Definitions	27
34 Operation of Subdivision	28
35 TfNSW may extend provisional licence period.....	28

35A TfNSW may extend provisional licence period for provisional P2 licences	29
Subdivision 4 Restrictions on provisional P1 and P2 licences	30
36 High performance vehicle restrictions	30
37 12 month passenger restrictions after licence disqualification.....	30
38 Restrictions on passengers under 21.....	31
39 Exemptions from provisional P1 and P2 licence vehicle and passenger restrictions	31
Division 3 Additional restrictions on learner and provisional licences	33
40 Additional conditions on learner and provisional licences	33
Division 4 Heavy vehicle learner licences.....	34
41 Heavy vehicle learners	34
Part 4 Combined licences	34
42 Interpretation	34
43 Applications for combined licences	34
44 Information on combined licence	35
45 Expiry of combined licences	35
46 Relationship of Part to road transport legislation and marine legislation	35
Part 5 Eligibility to apply for issue or variation of driver licences.....	36
47 Application of Part to learner licences	36
48 Eligibility to apply for unrestricted licences in class R or C.....	36
49 Eligibility to apply for licences in classes LR, MR, HR, HC and MC.....	37
50 TfNSW may require competency based assessment for motorcycle licence	37
51 Eligibility to apply for additional licence class	38
52 Exemptions from eligibility criteria	38
53 Suspended or disqualified persons not eligible	38
Part 6 Applications for issue or variation of driver licences.....	39
54 Procedure to obtain or vary driver licences	39
55 Requirement for surrender of current licence before issue or variation.....	40
56 When application for driver licence can be refused.....	40
57 Issue and variation of driver licence.....	41
58 Issue of driver licence receipt as interim measure	41

59 Competency based assessment	42
Part 7 Tests and medical examinations of licensed drivers	43
60 Tests and medical examinations of licensed drivers	43
Part 8 Expiry and surrender of driver licences	44
61 Licence expiry date	44
62 Notice of renewal of driver licence	44
63 Renewal of driver licence	44
64 Application for surrender of driver licence.....	45
Part 9 Variation, suspension or cancellation of driver licences.....	46
65 Variation, suspension or cancellation of driver licence by TfNSW.....	46
66 Variation, suspension or cancellation for heavy vehicle dimension requirement offence.....	48
67 Prescribed speeding offences for suspension or cancellation of licences	49
67A Prescribed alcohol or other drug related driving offences	49
68 Procedures for variation, suspension or cancellation of driver licence	49
69 Notice of suspension or cancellation of driver licence.....	50
70 Downgrading of driver licence.....	51
71 Demerit points and offences	51
Part 10 (Repealed)	53
Part 11 Interlock driver licences and devices	53
Division 1 Interpretation.....	53
82 Interpretation	53
Division 2 Interlock driver licences	53
83 TfNSW may issue interlock driver licence.....	53
84 Additional application procedures	54
85 Additional interlock driver licence conditions	55
86 Requirement to undergo medical examination.....	56
Division 3 Offences.....	57
87 Failure to comply with a condition of approval	57
88 Installation, removal, maintenance or inspection of interlock devices	57

89 Assisting holder of interlock driver licence to disable or circumvent approved interlock device	57
90 Labelling approved interlock devices	58
91 Notification of removal of approved interlock devices.....	58
92 Tampering or otherwise interfering with labelled approved interlock device.....	58
Division 4 Miscellaneous	59
93 Police may seize motor vehicle or device	59
94 TfNSW may require evidence from persons to whom an interlock exemption order applies	59
Part 12 Exemptions from requirement to hold driver licence	59
95A Definition.....	59
95 TfNSW may exempt certain classes of driver from requirement to hold licence	59
96 Interstate and international visitors	60
96A Notice to interstate and international visitors—not exempt from requirement to hold driver licence	63
97 Golf and green keeping vehicles used on roads or road related areas	64
98 Drivers of light rail vehicles	65
99 Other exemptions from licensing.....	65
Part 13 Miscellaneous	66
Division 1 Administration	66
100 NSW driver licence register	66
101 Release of information of a personal nature.....	67
102 Release of information to Austroads.....	67
103 Release of information to Australian Electoral Commission.....	67
104 (Repealed)	67
104A Release of information to toll operators	67
105 Release of certain information for publication by TfNSW.....	68
106 Release of information relating to mandatory alcohol interlock program.....	68
107 Use of information for the purposes of the mandatory alcohol interlock program	68
108 Collection of information for the purposes of the mandatory alcohol interlock program.....	69
109 Release of certain photographs.....	69
110 Purposes for which photographs may be kept and used	70
111 Keeping and use of photographs: use of facial recognition technology.....	70

112 Release of licence and demerits points information to approved third parties.....	72
113 Disclosure of demerit points information to CTP insurers.....	72
114 Participation by TfNSW in Document Verification Service.....	73
115 Release of identifying information to certain DVS participants.....	73
Division 2 Fees	74
116 Applicable fees	74
117 Waiver of fees.....	74
118 Fee exemption for eligible pensioners	74
Division 3 Other	75
119 Failure to comply with licence conditions	75
120 Failure to return driver licence to TfNSW	75
121 Notification offence	75
122 Change of name, address or medical condition.....	76
123 Verification of information in driver licence register and monitoring of compliance.....	76
124 Damaged or lost licences	77
125 Issue of replacement driver licence.....	77
125A Additional relevant purposes for use of digital driver licence.....	77
126 Professional drivers	78
127 Exemptions for professional drivers	78
128 Suspension for failure to undertake driver education course	79
129 Application of prescribed conditions imposed by amendment to Regulation	79
130 Savings and transitional provisions	79
Schedule 1 National schedule of demerit point offences	79
Schedule 2 Additional demerit point offences	88
Schedule 3 Fees	100

Road Transport (Driver Licensing) Regulation 2017



New South Wales

Part 1 Preliminary

1 Name of Regulation (cf 2008 Reg cl 1)

This Regulation is the *Road Transport (Driver Licensing) Regulation 2017*.

2 Commencement (cf 2008 Reg cl 2)

This Regulation commences on 1 September 2017 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Road Transport (Driver Licensing) Regulation 2008*, which is repealed on 1 September 2017 by section 10(2) of the *Subordinate Legislation Act 1989*.

3 Object (cf 2008 Reg cl 3)

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 (cf 2008 Reg cl 4)

(1) In this Regulation—

address, for the service of notices, includes an electronic address.

alcohol interlock program, in relation to a person, means an interlock program referred to in Division 2 of Part 7.4 of the Act the participants in which are holders of interlock driver licences.

allied professional practitioner means a psychologist, an optometrist or an occupational therapist.

applicable fee—see clause 116.

approved form means a form approved by Transport for NSW.

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.

Assessing Fitness to Drive means the publication *Assessing Fitness to Drive* published by Austroads Ltd and approved by the Transport and Infrastructure Council, as in force from time to time.

average speed detection zone means a length of road to which an average speed detection zone sign applies, being a length of road beginning at an average speed detection zone sign and ending 300 metres along the length of road in the direction driven by a driver on the road who faces the sign before passing it.

average speed detection zone sign means a traffic sign bearing the words "AVERAGE SPEED".

bus means a motor vehicle built mainly to carry people that seats over 9 adults (including the driver).

car licence means a licence referred to in clause 7(3).

car-based motor tricycle means a motor trike that—

- (a) has displayed on it an identification plate issued as required by the [Motor Vehicle Standards Act 1989](#) of the Commonwealth, 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 B motor vehicle means—

- (a) a motor vehicle with a GVM exceeding 4.5 tonnes but not exceeding 12 tonnes, or
- (b) a motor vehicle and trailer combination with a GCM exceeding 4.5 tonnes but not exceeding 12 tonnes.

class C motor vehicle means a coach or a motor vehicle with a GVM of more than 12 tonnes.

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

converter dolly has the same meaning as it has in the *Road Transport (Vehicle Registration) Regulation 2017*.

external interlock driver licence means an Australian driver licence of another jurisdiction that is subject to a requirement under a law of that jurisdiction allowing the holder to drive only a motor vehicle fitted with an interlock device (however described).

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

heavy combination vehicle licence means a licence referred to in clause 7(8).

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

implement means a motor vehicle (other than a mobile crane) 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 class—see clause 5.

licence expiry date means the date recorded in the driver licence register, in accordance with clause 100(1)(g), as the date on which the driver licence expires.

light rigid vehicle licence means a licence referred to in clause 7(5).

medium rigid vehicle licence means a licence referred to in clause 7(6).

motor bike means a motor vehicle with 2 wheels and includes a 2 wheeled motor vehicle with a side car attached to it and supported by a third wheel.

motor trike means a motor vehicle with 3 wheels, but does not include a 2 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 7(2).

multi-combination vehicle licence means a licence referred to in clause 7(9).

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

provisional P1 licence means a provisional licence issued in accordance with clause 20.

provisional P2 licence means a provisional licence issued in accordance with clause 27.

relevant external driver licence means—

- (a) an Australian driver licence issued by a driver licensing authority in another State or an internal Territory, or
- (b) a foreign driver licence (other than a foreign driver licence that authorises its holder to learn to drive a motor vehicle).

Note—

The definition of **Australian driver licence** in section 4(1) of the Act does not include a learner licence issued in another State or Territory.

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

road and **road related area** are defined in section 4(1) of the Act.

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 300 metres along the length of road in the direction driven by a driver on the road who faces the sign before passing it.

school zone means a school zone (as defined in rule 23 of the [Road Rules 2014](#)), but only during any period in which the speed limit indicated by a school zone sign has effect, as referred to in rule 318(3-1) of those Rules.

semi-trailer has the same meaning as it has in the [Road Transport \(Vehicle Registration\) Regulation 2017](#).

the Act means the *Road Transport Act 2013*.

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.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

Note—

For the purposes of comparison, a number of provisions of this Regulation contain bracketed notes in headings drawing attention (**cf**) to equivalent or comparable (though not necessarily identical) provisions of the *Road Transport (Driver Licensing) Regulation 2008 (2008 Reg)*, as in force immediately before the repeal of that Regulation by section 10(2) of the *Subordinate Legislation Act 1989*.

Part 2 Driver licences generally

5 Licence classes and class codes (cf 2008 Reg cl 5)

(1) For the purposes of this Regulation, the classes of driver licence are as follows—

- (a) motorcycle licence,
- (b) car licence,
- (c) light rigid vehicle licence,
- (d) medium rigid vehicle licence,
- (e) heavy rigid vehicle licence,
- (f) heavy combination vehicle licence,
- (g) multi-combination vehicle licence.

(2) A licence class may be shown on a driver licence by means of a symbol or by the code (the **licence code**) shown opposite the relevant licence class in the following table.

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

heavy combination vehicle licence	HC
multi-combination vehicle licence	MC

(3) A licence class may be described by reference to its licence code.

6 Hierarchy of licence classes (cf 2008 Reg cl 6)

(1) For the purposes of this Regulation, the hierarchy of licence classes, ordered from the lowest to the highest class, is as follows—

- (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 hierarchy.

7 Vehicles authorised to be driven in licence classes (cf 2008 Reg cl 7)

(1) The holder of a licence of a particular class may drive motor vehicles of a particular kind, as set out in this clause, and motor vehicles in any lower class according to the hierarchy of licence classes.

(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.

(4) 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.

- (5) 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.
- (6) The holder of a medium rigid vehicle licence may drive a motor vehicle that has 2 axles and a GVM greater than 8 tonnes.
- (7) 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 3 or more axles and a GVM greater than 8 tonnes.
- (8) 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.
- (9) 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 (2).

8 Authorisation to tow trailers and semi-trailers (cf 2008 Reg cl 8)

- (1) The holder of a car licence or light rigid vehicle licence may drive a motor vehicle covered by that licence class that is towing a single trailer with a GVM not greater than 9 tonnes, but only if—
 - (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 by or under the *Heavy Vehicle National Law (NSW)* are met.
- (2) The holder of a medium rigid vehicle licence or heavy rigid vehicle licence 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, but only if the mass limits for combinations specified by or under the *Heavy Vehicle National Law (NSW)* are met.

- (3) Nothing in subclause (2) prevents the holder of a medium rigid vehicle licence or heavy rigid vehicle licence from towing a car carrier, horse float or like trailer that has a GVM not greater than 9 tonnes.
- (4) The driver of a vehicle towing a semi-trailer must hold a heavy combination vehicle licence or a multi-combination vehicle licence.
- (5) The requirement under subclause (4) does not apply if the semi-trailer has a GVM not greater than 9 tonnes.

9 Conditional licences and condition codes (cf 2008 Reg cl 9)

- (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) The holder of a conditional licence must, if required to do so by Transport for NSW, carry, when driving, any notice issued by Transport for NSW containing a full explanation of the conditions to which the licence is subject.

Maximum penalty—20 penalty units.

- (3) The holder of an Australian driver licence issued by a driver licensing authority in another jurisdiction that is a conditional licence bearing 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 65, must carry—
 - (a) the licence issued by the driver licensing authority in that jurisdiction that contains a full explanation of the conditions to which the licence is subject when driving in this State, or
 - (b) if the licence does not contain such an explanation, a notice issued by the driver licensing authority in that jurisdiction containing a full explanation of the conditions to which the licence is subject when driving in this State.

Maximum penalty—20 penalty units.

- (4) A condition code in the first column of the table to this subclause may be used on a driver licence to indicate that the licence is subject to the licence condition set out in the second column opposite that code.

Condition 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 by Transport for NSW to the holder on issue or variation of the licence.
I	The holder must drive only a motor vehicle fitted with an approved interlock device within the meaning of Part 3.3 of the Act.
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 by Transport for NSW or printed on the licence.
X	The holder must comply with any condition of which the holder has been notified by Transport for NSW on issue or variation of the licence or that is printed on the licence.
Z	The holder must not drive with a breath or blood alcohol concentration of 0.02 grams or more of alcohol in 210 litres of breath or 100 millilitres of blood.

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

10 Form of driver licence (cf 2008 Reg cl 10)

(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, and
- (h) the expiry date of the licence, and
- (i) the code of any condition to which the licence is subject.

(2) Despite subclause (1)(e), Transport for NSW may issue a driver licence showing an alternative address to any of the following persons—

- (a) a judicial officer within the meaning of the *Judicial Officers Act 1986*,
- (b) a Crown Prosecutor appointed under the *Crown Prosecutors Act 1986*,

- (c) a police officer if the NSW driver licence register indicates that information relating to that officer's residential address is suppressed,
- (d) a person who lives at the same residential address as a person referred to in paragraph (a), (b) or (c).

11 Additional codes on certain licences (cf 2008 Reg cl 11)

- (1) Transport for NSW may include on a driver licence a code or symbol, together with a statement, to indicate the following—
 - (a) that the holder of the driver licence may satisfy certain criteria to drive a vehicle that provides a service to convey passengers for a fare, including a passenger service (within the meaning of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*) or a public passenger service (within the meaning of the *Passenger Transport Act 2014*),
 - (b) on a driver licence issued to a temporary overseas visitor—that the licensee has not provided Transport for NSW with evidence of permanent resident status.
- (2) In this clause, **temporary overseas visitor** means a person who—
 - (a) is not an Australian or New Zealand citizen, and
 - (b) is not a permanent resident of Australia.

Part 3 Learner licences, provisional licences and heavy vehicle learners

Division 1 Learner licences

Subdivision 1 Eligibility for, conditions of, and cancellation or suspension of learner licence

12 Eligibility to apply for learner licence (cf 2008 Reg cl 12)

- (1) A person is eligible to apply for a learner licence if the person meets the relevant eligibility requirements set out in this clause, or is exempted from being required to do so—
 - (a) in any case (including a learner licence that is a motorcycle licence)—by Transport for NSW under Part 5, or
 - (b) in the case of a learner licence that is a motorcycle licence—under subclause (4A).
- (2) The relevant eligibility requirement for a learner licence that is a car licence is that the person is at least 16 years of age.
- (3) The relevant eligibility requirements for a learner licence that is a motorcycle licence

are—

- (a) that the person is at least 16 years and 9 months of age, and
 - (b) that, within the previous 3 months, the person has been assessed under a competency based assessment (within the meaning of clause 59) as competent to hold the licence.
- (4) Transport for NSW may grant a learner licence to an applicant who is under the required age, but only if Transport for NSW is satisfied that special circumstances exist that justify the granting of a learner licence to the person.
- (4A) Transport for NSW may, unconditionally or subject to conditions, exempt by notice any person or class of persons from the eligibility requirement in subclause (3)(b).
- (4B) Without limiting subclause (4A), Transport for NSW may exempt a person from the eligibility requirement in subclause (3)(b) if—
- (a) the person resides in a place that Transport for NSW is satisfied would make it impracticable for the person to be assessed under the competency based assessment, and
 - (b) the person does any other thing required by Transport for NSW (including any thing required under clause 54(2)) instead of being assessed under the competency based assessment.
- (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.

13 Conditions of learner licences (cf 2008 Reg cl 13)

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.

14 Cancellation or suspension of learner licence (cf 2008 Reg cl 14)

In addition to any other ground on which a learner licence may be cancelled or suspended by Transport for NSW, a learner licence may be immediately cancelled or suspended by Transport for NSW in the event of any of the following—

- (a) the holder of the learner 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 learner licence pays a penalty pursuant to section 195 of the Act (or any former corresponding provision) 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 holder of the learner licence in respect of any such offence.

Subdivision 2 Restrictions relating to learner licences

15 Learner licence holder must be supervised in vehicle and display “L” plates (cf 2008 Reg cl 15)

- (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 Transport for NSW to test drivers who is submitting the learner to a driving test for the purposes of this Regulation, and
 - (b) a sign, issued or authorised by Transport for NSW and displaying the letter “L” in black on a yellow background, is displayed—
 - (i) on the exterior of the vehicle in a conspicuous position at the front and the rear of the vehicle, or a conspicuous position on the roof of the vehicle, and
 - (ii) in such a manner as to be clearly visible and not to in any way obscure the letter “L” on the sign when viewed from ahead of or behind the vehicle.

Maximum penalty—20 penalty units.

- (2) The offence under subclause (1)(a) is the offence of being the holder of a learner licence driving unaccompanied by a supervising driver for the purposes of section 224(1)(d) of the Act.
- (3) If a person is convicted of an offence under subclause (1)(a), the person is disqualified by the conviction (and without any specific order) from holding a driver licence—
 - (a) for a period of 3 months, or
 - (b) if the court on the conviction thinks fit to order a different period of disqualification determined in accordance with subclause (4), for the period specified in the order.

Note—

Section 207 of the Act provides for the effect of a disqualification (whether or not by order of a court).

- (4) In determining a different period of disqualification under subclause (3), the court may

specify a period that is—

- (a) more than 3 months but no more than 12 months, or
 - (b) less than 3 months, but only if—
 - (i) the person's driver licence or authority to drive in New South Wales has been suspended for a period (***the suspension period***) under Division 4 of Part 7.4 of the Act for that offence, and
 - (ii) the specified disqualification period, when added to the suspension period, results in a total period of not less than 3 months.
- (5) The disqualification referred to in subclause (3) is in addition to any other penalty imposed for the offence.
- (6) A period of disqualification imposed under subclause (3) commences on the date of conviction for the offence to which it relates.
- (7) Transport for NSW may exempt a person from a requirement in subclause (1)(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 ability that Transport for NSW required the person to take.
- (8) In this clause, a reference to a learner licence includes a reference to a foreign driver licence that has the same or similar effect as a learner licence.

16 Responsibility of person supervising holder of learner licence (cf 2008 Reg cl 16)

A person accompanying a learner in a vehicle being driven by the learner on a road or road related area (other than a person submitting the learner to a driving test for any of the purposes of this Regulation) 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.

Maximum penalty—20 penalty units.

17 Motor bikes and motor trikes (cf 2008 Reg cl 17)

- (1) The holder of a learner licence must not drive 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 a sign, issued or authorised by Transport for NSW and displaying the letter "L" in black on a yellow background, is displayed—

- (i) in a conspicuous position at the rear of the motor bike or motor trike, and
- (ii) in such a manner as to be clearly visible and not to in any way obscure the letter “L” on the sign when viewed from behind the motor bike or motor trike.

Maximum penalty—20 penalty units.

- (2) The holder of a learner licence must not drive a motor bike or motor trike on a road or road related area unless, at the time it is driven, the motor bike or motor trike is listed for the time being in TfNSW’s publication *Approved motorcycles for novice riders*, published on TfNSW’s website.

Maximum penalty—20 penalty units.

- (3) Transport for NSW may exempt a person from a requirement in subclause (1)(b) if the person, having held a licence other than a learner licence, currently holds a learner licence because of failing a test of riding ability that Transport for NSW required the person to take.
- (4) In this clause, a reference to a learner licence includes a reference to a foreign driver licence that has the same or similar effect as a learner licence.

18 Restrictions on towing (cf 2008 Reg cl 18)

The holder of a learner licence must not drive a motor vehicle on a road or road related area if the vehicle—

- (a) is towing any other vehicle (whether or not a trailer), or
- (b) is being towed by any other vehicle.

Maximum penalty—20 penalty units.

19 Owner of vehicle must take steps to prevent breach of this Subdivision (cf 2008 Reg cl 19)

Without limiting the liability of any other person, the owner or person in charge of a motor vehicle is guilty of an offence if the person causes, permits or allows, or fails to take reasonable precautions to prevent, a contravention of this Subdivision.

Maximum penalty—20 penalty units.

Division 2 Provisional licences

Subdivision 1 First-stage provisional licences (provisional P1)

20 Issue of provisional P1 licence (cf 2008 Reg cl 20)

- (1) A driver licence that is issued to an applicant must be a provisional P1 licence of class C or class R unless—

- (a) Transport for NSW is satisfied that the applicant should be issued with a learner licence under Division 1, or
- (b) the applicant is required to be issued with a provisional P2 licence under clause 27, or
- (c) the applicant is eligible to apply for an unrestricted car licence or unrestricted motorcycle licence (as the case requires) under clause 48.

Note—

Clause 27 provides for the issue of provisional P2 licences. Clause 48 provides for the circumstances in which a person is eligible to apply for an unrestricted car licence or unrestricted motorcycle licence.

- (2) The relevant eligibility requirement for a provisional P1 licence is that the applicant is at least 17 years of age.
- (3) A provisional P1 licence is to be issued for a period of up to 18 months.

21 Conditions to which provisional P1 licence of class C is subject (cf 2008 Reg cl 21)

- (1) A provisional P1 licence of class C is subject to the following conditions (in addition to any other conditions that may be attached to the licence)—
 - (a) the holder must not drive any motor vehicle unless a sign, issued or authorised by Transport for NSW and displaying the letter “P” in red on a white background, is displayed—
 - (i) in the case of a vehicle not towing a trailer—on the exterior of the vehicle in a conspicuous position at the front and the rear of the vehicle, or a conspicuous position on the roof of the vehicle, and
 - (ii) in the case of a vehicle towing a trailer—on the exterior of the vehicle and trailer in a conspicuous position at the front of the vehicle and the rear of the trailer, or a conspicuous position on the roof of the vehicle, and
 - (iii) in such a manner as to be clearly visible and not to in any way obscure the letter “P” on the sign when viewed from ahead of or behind the vehicle,
 - (b) the holder must not drive a car-based motor tricycle.
- (2) However, the driver of a police vehicle (within the meaning of the [Road Rules 2014](#)) is exempt from the condition set out in subclause (1)(a) while driving the vehicle in the performance of his or her duty.

22 Conditions to which provisional P1 licence of class R is subject (cf 2008 Reg cl 22)

- (1) A provisional P1 licence of class R is subject to the following conditions (in addition to any other conditions that may be attached to the licence)—

- (a) the holder must not drive any motor bike or motor trike unless a sign, issued or authorised by Transport for NSW and displaying the letter “P” in red on a white background, is displayed—
 - (i) in a conspicuous position at the rear of the motor bike or motor trike, and
 - (ii) in such a manner as to be clearly visible and not to in any way obscure the letter “P” on the sign when viewed from behind the motor bike or motor trike,
 - (b) the holder must not drive a motor bike or motor trike on a road or road related area unless, at the time it is driven, the motor bike or motor trike is listed for the time being in TfNSW’s publication *Approved motorcycles for novice riders*, published on TfNSW’s website,
 - (c) the holder must not drive a motor bike or motor trike on a road or road related area if the motor bike or motor trike is being used for the carriage of any person except the holder.
- (2) However, the driver of a police vehicle (within the meaning of the [Road Rules 2014](#)) is exempt from the condition set out in subclause (1)(a) while driving the vehicle in the performance of his or her duty.

23 Restrictions on towing (cf 2008 Reg cl 23)

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.

24 Cancellation or suspension of provisional P1 licence (cf 2008 Reg cl 24)

- (1) In addition to any other ground on which a licence may be cancelled or suspended by Transport for NSW, a provisional P1 licence may be cancelled or suspended immediately by Transport for NSW 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,
 - (b) the holder of the licence pays a penalty pursuant to section 195 of the Act (or any former corresponding provision) 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.

(2) If a provisional P1 licence held by a person is cancelled by the operation of section 207 of the Act, Transport for NSW 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.

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

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

(a) while holding the provisional P1 licence, the person has committed—

(i) a speeding offence within the meaning of the Act, section 59, or

(ii) an alcohol or other drug related driving offence, and

(b) action under the Act, section 59 to cancel or suspend the licence as a consequence of the offence has not been taken or completed.

26 Provisional P1 licence ceases to be in force on issue of provisional P2 licence (cf 2008 Reg cl 26)

On the issue to a person of a provisional P2 licence of class R, class C, class LR, class MR or class HR, any provisional P1 licence of the same class previously issued to the person ceases to be in force.

Subdivision 2 Second-stage provisional licences (provisional P2)

27 Issue of provisional P2 licence (cf 2008 Reg cl 27)

(1) A driver licence that is issued to an applicant must be a provisional P2 licence of class R, class C, class LR, class MR or class HR if—

(a) the applicant has held a licence (or combination of licences) as referred to in subclause (2), and

(b) the applicant is not eligible to apply for an unrestricted car or motorcycle licence of the class concerned under clause 48.

Note—

Clause 48 provides for the circumstances in which a person is eligible to apply for an unrestricted car licence or unrestricted motorcycle licence.

- (2) For the purposes of subclause (1)(a), the applicant must have held—
- (a) a provisional P1 licence of a class considered appropriate by Transport for NSW for a continuous period of at least 12 months, or
 - (b) a relevant external driver licence of a class or type considered appropriate by Transport for NSW for a continuous period of more than 12 months but less than 36 months, or
 - (c) both a provisional P1 licence and a relevant external driver licence (both licences being of a class or type considered appropriate by Transport for NSW) where each of the licences were held for continuous periods that, when added together, equate to a total period of at least 12 months.
- (3) In determining a continuous period for the purposes of this clause, any period of suspension of the licence concerned must be excluded.
- (4) A provisional P2 licence is to be issued for a period of up to 36 months.
- (5) Despite subclause (1), an unrestricted licence of class R may be issued to an applicant if the applicant—
- (a) is 25 years of age or over, and
 - (b) would (but for this subclause) be required to be issued with a provisional P2 licence of class R, and
 - (c) holds an unrestricted Australian driver licence of class C, class LR, class MR, class HR, class HC or class MC.

28 Conditions to which provisional P2 licence of class C, LR, MR or HR is subject (cf 2008 Reg cl 28)

- (1) A provisional P2 licence of class C, class LR, class MR or class HR is subject to the condition (in addition to any others that may be attached to the licence) that the holder must not drive any motor vehicle unless a sign, issued or authorised by Transport for NSW and displaying the letter “P” in green on a white background, is displayed—
- (a) in the case of a vehicle not towing a trailer—on the exterior of the vehicle in a conspicuous position at the front and the rear of the vehicle, or a conspicuous position on the roof of the vehicle, and
 - (b) in the case of a vehicle towing a trailer—on the exterior of the vehicle and trailer in a conspicuous position at the front of the vehicle and the rear of the trailer, or a conspicuous position on the roof of the vehicle, and
 - (c) in such a manner as to be clearly visible and not to in any way obscure the letter

“P” on the sign when viewed from ahead of or behind the vehicle.

- (2) However, the driver of an emergency vehicle or police vehicle (within the meaning of the *Road Rules 2014*), is exempt from that condition while driving the vehicle in the performance of his or her duty.
- (3) A provisional P2 licence of class C, class LR, class MR or class HR is subject to the condition that the holder must not drive a car-based motor tricycle in addition to any other conditions that may be attached to the licence.

29 Conditions to which provisional P2 licence of class R is subject (cf 2008 Reg cl 28A)

- (1) A provisional P2 licence of class R is subject to the following conditions (in addition to any other conditions that may be attached to the licence)—
 - (a) the holder must not drive any motor bike or motor trike unless a sign, issued or authorised by Transport for NSW and displaying the letter “P” in green on a white background, is displayed—
 - (i) in a conspicuous position at the rear of the motor bike or motor trike, and
 - (ii) in such a manner as to be clearly visible and not to in any way obscure the letter “P” on the sign when viewed from behind the motor bike or motor trike,
 - (b) the holder must not drive a motor bike or motor trike on a road or road related area unless, at the time it is driven, the motor bike or motor trike is listed for the time being in TfNSW’s publication *Approved motorcycles for novice riders*, published on TfNSW’s website.
- (2) However, the driver of an emergency vehicle or police vehicle (within the meaning of the *Road Rules 2014*), is exempt from those conditions while driving the vehicle in the performance of his or her duty.

30 Cancellation or suspension of provisional P2 licence (cf 2008 Reg cl 29)

- (1) In addition to any other ground on which a licence may be cancelled or suspended by Transport for NSW, a provisional P2 licence may be cancelled or suspended immediately by Transport for NSW on any of the following grounds—
 - (a) the holder of the licence is convicted of an offence under the Act or this Regulation,
 - (b) the holder of the licence pays a penalty pursuant to section 195 of the Act (or any former corresponding provision) 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.

- (2) If a provisional P2 licence held by a person is cancelled by the operation of section 207 of the Act, Transport for NSW 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.

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

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

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

32 Provisional licence ceases to be in force on issue of unrestricted licence (cf 2008 Reg cl 31)

- (1) On the issue to a person of an unrestricted licence (other than a motorcycle licence), any provisional P2 licence previously issued to the person ceases to be in force.
- (2) On the issue to a person of an unrestricted motorcycle licence, any provisional P1 licence or provisional P2 licence of class R previously issued to the person ceases to be in force.

Subdivision 3 Extension of provisional licence period

33 Definitions (cf 2008 Reg cl 31A)

In this Subdivision—

false ID offence means an offence under section 129 (Minor must not use false evidence of age) of the *Liquor Act 2007* committed, or alleged to have been committed, after the commencement of this Subdivision.

provisional licence period means the minimum period for which a person is required, because of Subdivisions 1 and 2, to hold a provisional licence before being eligible to apply for a provisional P2 licence or an unrestricted licence (as the case requires).

Note—

The scheme under Subdivisions 1 and 2 requires a person to hold a provisional licence (that is, a provisional P1 licence followed by a provisional P2 licence) for a total period of 36 months before the person can be issued with an unrestricted licence. The total period will in effect be extended to 42 months if Transport for NSW takes action in relation to the person under clause 35. The period the person is required to hold a provisional P2 licence will in effect be extended by 6 months each time Transport for NSW takes action in relation to the person under clause

35A.

34 Operation of Subdivision (cf 2008 Reg cl 31B)

- (1) This Subdivision has effect despite any other provision of this Regulation.
- (2) This Subdivision extends to provisional licences in force as at the commencement of this Subdivision.

35 TfNSW may extend provisional licence period (cf 2008 Reg cl 31C)

- (1) Transport for NSW may extend a person's provisional licence period for a period of 6 months if—
 - (a) the person is convicted or found guilty of a false ID offence, or
 - (b) the person pays the whole or any part of the penalty specified in a penalty notice issued to the person under section 150 of the *Liquor Act 2007* in respect of a false ID offence, or
 - (c) the person has not paid the penalty specified in a penalty notice issued to the person under section 150 of the *Liquor Act 2007* in respect of a false ID offence and has not elected to have the matter dealt with by a court, and the time to have the matter so dealt with has lapsed.
- (2) The period of 6 months for which a person's provisional licence period may be extended does not include any period during which the person's provisional licence is suspended otherwise than on medical grounds.
- (3) Transport for NSW may extend a person's provisional licence period even though the person was not, at the time the false ID offence was alleged to have been committed, the holder of a driver licence.
- (4) The extension of a person's provisional licence period applies only in respect of the issue of a driver licence within 5 years after the date on which the false ID offence was alleged to have been committed.
- (5) Transport for NSW must not extend a person's provisional licence period if the person was, at the time the false ID offence was alleged to have been committed, under the age of 14 years.
- (6) The extension of a person's provisional licence period applies, in the case of a person who holds more than one class of driver licence, only in relation to one of those classes of licence (as determined by Transport for NSW).
- (7) A person's provisional licence period cannot be extended under this clause on more than one occasion.
- (8) If, in the case of a provisional licence that is subject to an extension under this clause,

the licence is cancelled at any time by operation of section 207 of the Act, the provisional licence period in respect of any subsequent provisional licence that is issued to the person may, despite subclause (7), be extended by Transport for NSW for a further period of 6 months.

- (9) Transport for NSW must, in the case of a person whose provisional licence period is extended under this clause, cancel the extension if—
- (a) the person's conviction or finding of guilt in respect of the false ID offence is overturned by a court on appeal, or
 - (b) the amount paid under the penalty notice in respect of the false ID offence is repaid to the person who paid it, or
 - (c) any penalty notice enforcement order under the *Fines Act 1996* made against the person in respect of the false ID offence is withdrawn.

35A TfNSW may extend provisional licence period for provisional P2 licences

- (1) Transport for NSW may extend, for a period of 6 months, the provisional licence period for a person who is or was the holder of a provisional P2 licence on each occasion that—
- (a) Transport for NSW gives the holder a notice of licence suspension or a notice of licence ineligibility under Division 3 of Part 3.2 of the Act, or
 - (b) Transport for NSW suspends the provisional P2 licence under section 59 of the Act, or
 - (c) a police officer gives the person an immediate licence suspension notice under section 224(1)(a1) or (c) of the Act, or
 - (d) Transport for NSW refuses, under clause 56(2)(c), an application for issue or variation of a driver licence.
- (2) Transport for NSW may extend a provisional licence period under this clause only if the provisional P2 licence is issued or renewed on or after 20 November 2017.
- (3) The period of 6 months for which the provisional licence period may be extended does not include—
- (a) any period during which the provisional P2 licence is suspended otherwise than on medical grounds, or
 - (b) if Transport for NSW gives the holder a notice of licence ineligibility—any relevant ineligibility period.
- (4) Transport for NSW must cancel the extension of a provisional licence period under this clause if—

- (a) the notice of licence suspension, notice of licence ineligibility or immediate licence suspension notice is withdrawn, or
- (b) the decision to suspend the provisional P2 licence, or to give the relevant notice, is overturned on appeal, or
- (c) the provisional P2 licence is cancelled at any time by operation of section 207 of the Act.

Subdivision 4 Restrictions on provisional P1 and P2 licences

36 High performance vehicle restrictions (cf 2008 Reg cl 32)

- (1) In addition to any other conditions that may be attached to a provisional licence, such a licence (other than a motorcycle licence) is subject to the condition that the holder must not drive a high performance vehicle.
- (2) For the purposes of this clause, a **high performance vehicle** is a vehicle—
 - (a) that has a power to mass ratio greater than 130 kilowatts per tonne, or
 - (b) that has had any modification made to the vehicle's engine listed for the time being in any order in force under clause 83 of the [Road Transport \(Vehicle Registration\) Regulation 2017](#), or
 - (c) that is listed for the time being in TfNSW's publication *Novice Driver—High Performance Vehicle Restrictions* as a high performance vehicle for the purposes of this clause.
- (3) If, as a result of an amendment to this clause, a vehicle that was not previously classified as a high performance vehicle becomes a high performance vehicle, subclause (1) does not apply to a provisional licence holder driving that vehicle if the licence holder was a provisional licence holder immediately before the commencement of the amendment and continues to hold that provisional licence.
- (4) For the purposes of this clause, the power to mass ratio of a vehicle is to be calculated in the manner determined by Transport for NSW and notified on its website.
- (5) A vehicle is not a **high performance vehicle** for the purposes of this clause if it is listed for the time being in TfNSW's publication *Novice Driver—High Performance Vehicle Restrictions* as a vehicle that is not a high performance vehicle.
- (6) TfNSW's publication *Novice Driver—High Performance Vehicle Restrictions* is to be published on TfNSW's website.

37 12 month passenger restrictions after licence disqualification (cf 2008 Reg cl 33)

- (1) In addition to any other conditions that may be attached to a provisional licence, such

a licence (other than a motorcycle licence) that is issued to a person by Transport for NSW after a licence disqualification is subject to the condition that the person must not drive a vehicle with more than 1 passenger in or on the vehicle.

(2) The condition applies only—

(a) for the first 12 months of the term of the first provisional licence issued to the person after the licence disqualification or (if that licence is issued for a term of less than 12 months) for the term of that first provisional licence, or

(b) if that first provisional licence is issued for a term of less than 12 months, for the term of that first provisional licence and for such part of the term of any provisional licence issued subsequently or by way of renewal of that first provisional licence as will result in the condition applying for a total period of 12 months.

(3) In this clause—

licence disqualification means disqualification of a person from holding a driver licence (whether or not by an order of a court) as a consequence of the person being convicted of an offence by a court under the road transport legislation.

passenger means any person in or on a vehicle other than the driver.

38 Restrictions on passengers under 21 (cf 2008 Reg cl 34)

(1) In addition to any other conditions that may be attached to a provisional P1 licence, such a licence (other than a class R licence) is subject to the condition that, if the holder is less than 25 years of age, the holder must not drive a vehicle at any time between 11 pm on one day and 5 am on the following day with more than 1 passenger in or on the vehicle who is less than 21 years of age.

(2) However, the driver of an emergency vehicle or police vehicle (within the meaning of the [Road Rules 2014](#)), is exempt from that condition while driving the vehicle in the performance of his or her duty.

(3) In this clause—

passenger means any person in or on a vehicle other than the driver.

39 Exemptions from provisional P1 and P2 licence vehicle and passenger restrictions (cf 2008 Reg cl 35)

(1) Transport for NSW may exempt the holder of a provisional licence from the operation of a provision of this Subdivision if Transport for NSW is satisfied that exceptional circumstances exist that justify the exemption.

(2) An exemption under this clause is to be granted by the issue of an instrument by Transport for NSW (which is referred to in this clause as an **exemption letter**).

- (3) An exemption may be granted subject to conditions or unconditionally. Any conditions of an exemption have effect as conditions of the licence to which the exemption relates.
- (4) Transport for NSW may revoke a person's exemption at any time by notice sent to the person.
- (5) An exemption under this clause ceases to be in force—
 - (a) when notice of revocation of the exemption is sent to the person or on such later date as Transport for NSW may specify in the notice, or
 - (b) when the person ceases to be the holder of a provisional licence that would (were it not for the exemption) be subject to the condition to which the exemption relates.
- (6) The driver of a vehicle who has an exemption under this clause must produce the driver's exemption letter on demand by a police officer acting in the execution of the police officer's functions under the road transport legislation.

Maximum penalty—20 penalty units.

- (7) A person must not—
 - (a) by any false statement, misrepresentation or other dishonest means, obtain or attempt to obtain an exemption under this clause or an exemption letter, or
 - (b) by any statement made to a police officer falsely claim to have been granted an exemption under this clause, or
 - (c) forge or fraudulently alter an exemption letter, or
 - (d) be in possession of an exemption letter knowing it to have been forged or fraudulently altered or knowing it to have been obtained by any false statement, misrepresentation or other dishonest means, or
 - (e) without lawful authority or reasonable excuse be in possession of an exemption letter or an article resembling an exemption letter, or
 - (f) give or lend an exemption letter to another person knowing or having reasonable cause to suspect that the exemption letter may be fraudulently used by that person or another person as evidence of the grant of an exemption under this clause, or
 - (g) fraudulently use or allow another person to fraudulently use an exemption letter or article resembling an exemption letter as evidence of the grant of an exemption under this clause.

Maximum penalty—20 penalty units.

- (8) A person to whom an exemption is granted under this clause must surrender the exemption letter to Transport for NSW within 14 days after the exemption ceases to be in force.

Maximum penalty—20 penalty units.

Division 3 Additional restrictions on learner and provisional licences

40 Additional conditions on learner and provisional licences (cf 2008 Reg cl 35A)

- (1) In addition to any other conditions that may be attached to a NSW learner licence, provisional P1 licence or provisional P2 licence, such a licence is subject to the following conditions—
- (a) the holder must not contravene any requirement that is applicable under section 110 (Presence of prescribed concentration of alcohol in person's breath or blood) of the Act to persons with the same licence as the holder,
 - (b) the holder must not drive a motor vehicle at a speed in excess of the maximum speed limit applicable under rule 24-1 (NSW rule: speed limits for learner and provisional licence holders) of the *Road Rules 2014* to drivers with the same licence as the holder,
 - (c) the holder must not drive a motor vehicle without complying with the requirements of rule 267-1 (NSW rule: restraint of drivers who are holders of learner licences or provisional P1 or P2 licences and their passengers) of the *Road Rules 2014* that are applicable to drivers with the same licence as the holder,
 - (d) the holder must not use a mobile phone, whether or not held in the hand, while a motor vehicle that is being driven by the holder is moving or is stationary but not parked,
 - (e) the holder must not drive a motor vehicle in contravention of a requirement that is applicable to the holder under any of the following provisions of this Regulation—
 - (i) clause 15(1),
 - (ii) clause 17,
 - (iii) clause 18,
 - (iv) clause 23.
- (2) Subclause (1)(d) does not apply if—
- (a) a motor vehicle that is being driven by the holder is stationary, and
 - (b) the holder is required to use a mobile phone—

(i) in order to comply with a requirement under the Act or this Regulation to produce a driver licence, or

(ii) for a function or use permitted by rule 300-1(3) of the [Road Rules 2014](#).

(3) In this clause—

mobile phone and **use** a mobile phone have the same meanings as in rule 300 of the [Road Rules 2014](#).

Division 4 Heavy vehicle learner licences

41 Heavy vehicle learners (cf 2008 Reg cl 36)

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 holder would be eligible to apply for in accordance with this Regulation, and

(b) the holder 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.

Part 4 Combined licences

42 Interpretation (cf 2008 Reg cl 36A)

In this Part—

combined licence means a driver licence that includes a boat driving licence.

included licence, in relation to a combined licence, means—

(a) the driver licence on which a boat driving licence is included, and

(b) the boat driving licence included on that driver licence.

marine legislation has the same meaning as in the [Marine Safety Act 1998](#).

43 Applications for combined licences (cf 2008 Reg cl 36B)

(1) An eligible person may apply to Transport for NSW for a combined licence by giving Transport for NSW—

(a) an application for a combined licence in an approved form, and

(b) personal particulars necessary to identify the applicant, including any evidence

that Transport for NSW may reasonably require to verify those particulars, and

(c) the applicable fee for the issue of the driver licence, and the fee under the *Marine Safety Act 1998* for the issue of the boat driving licence, proposed to be included on the combined licence.

(2) A person is an **eligible person** if the person holds (or is eligible to hold) an unrestricted driver licence under the Act and also holds (or is eligible to hold) a boat driving licence under the *Marine Safety Act 1998* that are both proposed to be included on the combined licence.

(3) Transport for NSW may require the applicant to comply with any of the requirements of clause 54(2) of this Regulation or clause 104(2) of the *Marine Safety Regulation 2016* in addition to the requirements specified in subclause (1).

44 Information on combined licence (cf 2008 Reg cl 36C)

In addition to information about the driver included on the combined licence, a combined licence may include such information about the boat driving licence included on the combined licence as may be approved by Transport for NSW.

45 Expiry of combined licences (cf 2008 Reg cl 36D)

Each of the included licences on a combined licence expires at the end of the day that is recorded in the driver licence register as the licence expiry date for the combined licence, unless sooner cancelled or suspended.

46 Relationship of Part to road transport legislation and marine legislation (cf 2008 Reg cl 36E)

(1) The ordinary licensing provisions for driver licences and boat driving licences are modified so that they have effect as if those provisions provided that they were subject to the provisions of this Part.

(2) The **ordinary licensing provisions** are—

(a) for driver licences—

(i) Chapter 3 of the Act, and

(ii) the provisions of this Regulation (other than this Part), and

(b) for boat driving licences—

(i) Part 4 of the *Marine Safety Act 1998* in its application to boat driving licences, and

(ii) Divisions 1 and 4 of Part 5 of the *Marine Safety Regulation 2016*.

Part 5 Eligibility to apply for issue or variation of driver licences

47 Application of Part to learner licences (cf 2008 Reg cl 37)

This Part (except for clauses 51, 52 and 53) does not apply in respect of learner licences.

48 Eligibility to apply for unrestricted licences in class R or C (cf 2008 Reg cl 37A)

- (1) A person is eligible to apply for an unrestricted licence that is a car licence or a motorcycle licence if the person is 20 years of age or over.
- (2) The relevant eligibility requirements for an unrestricted car licence are—
 - (a) that the person has held an unrestricted car licence, or
 - (b) that the person has held a provisional P2 licence that is a car licence for a continuous period of at least 24 months, or
 - (c) that the person has held a relevant external driver licence for a continuous period of at least 36 months, or
 - (d) that the person has held both a provisional licence in New South Wales that is a car licence and a relevant external driver licence of a class or type considered appropriate by Transport for NSW where each of the licences were held for continuous periods that, when added together, equate to a total period of at least 36 months.
- (3) The relevant eligibility requirements for an unrestricted motorcycle licence are—
 - (a) that the person has held an unrestricted motorcycle licence, or
 - (b) that the person is a person to whom clause 27(5) applies, or
 - (c) that the person has held a provisional P2 licence that is a motorcycle licence for a continuous period of at least 24 months, or
 - (d) that the person has held a relevant external driver licence of a class or type considered appropriate by Transport for NSW for a continuous period of at least 36 months, or
 - (e) that the person has held both a provisional licence in New South Wales that is a motorcycle licence and a relevant external driver licence of a class or type considered appropriate by Transport for NSW where each of the licences were held for continuous periods that, when added together, equate to a total period of at least 36 months.

Note—

Clause 27(5) provides that an unrestricted licence of class R may be issued to an applicant who is eligible to be issued with a P2 provisional licence of class R in certain circumstances.

- (4) In determining a continuous period for the purposes of this clause, any period of suspension of the licence concerned must be excluded.

49 Eligibility to apply for licences in classes LR, MR, HR, HC and MC (cf 2008 Reg cl 38)

- (1) A person is eligible to apply for a driver licence that is not a car licence, a motorcycle licence or a provisional licence if the person meets the relevant eligibility requirements set out in this clause for the class of licence sought, or is exempted by Transport for NSW under this Part from being required to do so.
- (2) 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 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 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 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 class HR or HC for a period of, or periods totalling, at least 12 months, and Transport for NSW is satisfied that the person has passed a training course, or has satisfied any other assessment, approved by Transport for NSW.
- (3) In determining the period or periods for which a person has held a licence for the purposes of subclause (2), 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 must be excluded.
- (4) A person who holds a provisional P1 licence is not eligible to apply for a light rigid vehicle licence, medium rigid vehicle licence, heavy rigid vehicle licence, heavy combination vehicle licence or multi-combination vehicle licence.
- (5) 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 Transport for NSW, 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.

50 TfNSW may require competency based assessment for motorcycle licence

Despite any other provision of this Part or Part 3, Transport for NSW may, in a particular

case or class of cases, require a person applying for a motorcycle licence to have been, within the previous 3 months, assessed under a competency based assessment (within the meaning of clause 59) as competent to hold the licence.

51 Eligibility to apply for additional licence class (cf 2008 Reg cl 40)

A person is eligible to apply for variation of the person's driver licence to include an additional licence class if the person—

- (a) meets the relevant eligibility requirements for that class, or
- (b) is exempted by Transport for NSW under this Part from meeting those requirements.

52 Exemptions from eligibility criteria (cf 2008 Reg cl 41)

- (1) Transport for NSW must exempt a person from a relevant eligibility requirement for a driver licence if the person holds an Australian driver licence of an equivalent class.
- (2) Transport for NSW may exempt a person from a relevant eligibility requirement for a driver licence if the person satisfies Transport for NSW 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, Transport for NSW 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.
- (4) (Repealed)

53 Suspended or disqualified persons not eligible (cf 2008 Reg cl 42)

- (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) Despite subclause (1), a person who is issued with a notice of licence suspension under Part 3.2 of the Act is not eligible to apply for a driver licence on and from the date the notice is issued until—
 - (a) if the notice is issued under section 33 of the Act and the person elects to be of good behaviour under section 36 of the Act, the time that the person so elects, or
 - (b) if the person makes no such election or the notice is issued under section 36(4) or 40(1) of the Act, the end of the licence suspension.
- (3) 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.
- (4) Nothing in this clause restricts a person on whom a mandatory interlock order or an interlock exemption order is made from applying for an interlock driver licence under Division 2 of Part 7.4 of the Act.
- (5) Subclauses (1) and (3) do not apply to an application for renewal of an interlock driver licence by a person whose interlock driver licence is suspended (unless the licence is suspended under Division 3 of Part 4 of the *Fines Act 1996*).
- (6) A person whose licence is suspended under Division 2 or 3 of Part 3.2 of the Act and who (before the expiration of the period of licence suspension) is subsequently disqualified from driving, remains ineligible to apply for a driver licence, after the period of disqualification ends, for a further period equivalent to the unexpired portion of the period of licence suspension.

Part 6 Applications for issue or variation of driver licences

54 Procedure to obtain or vary driver licences (cf 2008 Reg cl 44)

- (1) An applicant for issue or variation of a driver licence must give Transport for NSW—
 - (a) a completed application in an approved form, and
 - (b) personal particulars necessary to identify the applicant and the applicant's residential address, including any evidence that Transport for NSW may reasonably require to verify those particulars (for example, evidence of the person's address on the electoral roll), and
 - (c) an address for the service of notices, and
 - (d) the applicable fee.
- (2) Transport for NSW may require an applicant for issue or variation of a driver licence to do any one or more of the following—
 - (a) 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,
 - (b) provide evidence of the applicant's compliance 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 applicant had last been disqualified from driving,
 - (c) undergo, at the applicant's own cost, a medical examination, or produce evidence

of compliance with the medical standards contained in Assessing Fitness to Drive,

- (d) attend a specified medical practitioner or allied professional practitioner for the purpose of that examination,
- (e) provide evidence that the applicant is eligible to be granted the class of licence sought,
- (f) have the applicant's photograph taken, or provide a photograph in a form specified by Transport for NSW.

(3) Transport for NSW may accept evidence of compliance with a requirement in subclause (2)(a), (b) or (c) obtained by an applicant in another jurisdiction.

(4) If Transport for NSW is satisfied that it is not practicable for the applicant to comply with the requirements in subclause (2)(b) of another jurisdiction, Transport for NSW may require the applicant to comply with the requirements of an equivalent assessment.

55 Requirement for surrender of current licence before issue or variation (cf 2008 Reg cl 45)

- (1) If an applicant for issue or a variation of a driver licence, holds a current Australian driver licence, or a current licence to drive a motor vehicle issued by a driver licensing authority in another country, the applicant must surrender that licence to Transport for NSW before the issue of a driver licence or varied driver licence.
- (2) Transport for NSW may exempt the applicant from surrendering a licence issued by a driver licensing authority in another country if satisfied that Transport for NSW has obtained, or has access to, sufficient information about the licence and licence holder to make the surrender of the licence unnecessary.
- (3) If a foreign driver licence is surrendered under this clause, Transport for NSW may advise the authority that issued that foreign driver licence that the licence has been surrendered.

56 When application for driver licence can be refused (cf 2008 Reg cl 46)

- (1) Transport for NSW may refuse an application for issue or variation of a driver licence if Transport for NSW 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 Assessing Fitness

to Drive that are 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 applicant 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) Transport for NSW 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 59 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 36(4) of the Act, or
- (e) if the applicant is a person who, if already licensed, would be liable to have action taken against the person under section 43A(7) of the Act.

57 Issue and variation of driver licence (cf 2008 Reg cl 47)

- (1) If Transport for NSW approves an application, it must (subject to subclause (2) and clause 83) issue a driver licence of the class or kind applied for by the applicant.
- (2) If an applicant for a driver licence is the holder of an external interlock driver licence, Transport for NSW may issue a licence that is an interlock driver licence.
- (3) The driver licence may be issued subject to conditions, including any of the conditions to which a provisional licence is subject.
- (4) In determining whether to issue a driver licence subject to a condition, Transport for NSW 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.
- (5) If Transport for NSW approves an application for variation of a driver licence, it may vary the licence either conditionally or unconditionally.

58 Issue of driver licence receipt as interim measure (cf 2008 Reg cl 48)

- (1) As an interim measure, Transport for NSW 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 contain the particulars required to be shown on a driver licence under clause 10 (other than a photograph of the person to whom it is issued).

59 Competency based assessment (cf 2008 Reg cl 49)

- (1) Transport for NSW 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 an application for the issue or variation of a driver licence held or to be held by a person. The scheme applies to the extent approved by Transport for NSW.
- (2) Transport for NSW may require the person to have been assessed under the scheme as being competent to hold the licence as a prerequisite to the making of the determination, or may instead offer assessment under the scheme as an alternative to other means of testing (or provision of information) for the purposes of the determination.
- (2A) Without limiting subclause (1), Transport for NSW may, in approving a scheme under this clause, approve providers of, and assessors under, the scheme.
- (3) Transport for NSW may issue an applicant for entry into the scheme a log book appropriate to the licence that the applicant seeks to be assessed as competent to hold, together with documentation explaining the operation of the scheme and its relationship to the issue of driver licences.
- (4) An applicant for entry into the scheme must give the provider of the scheme—
 - (a) a completed application in an approved form, and
 - (b) personal particulars necessary to identify the applicant and the applicant's residential address, including any evidence that Transport for NSW may reasonably require to verify those particulars.
- (5) An applicant for entry into the scheme must—
 - (a) in the case of a scheme for the assessment of a person's competency to hold a motorcycle licence—be at least 16 years and 6 months of age, or
 - (b) in any other case—hold a driver licence of the class required by Transport for NSW, or satisfy such other requirements as Transport for NSW may impose, with regard to the purpose for which the applicant is applying for entry into the scheme.

- (5A) An applicant for a learner licence that is a motorcycle licence who is at least 16 years and 6 months of age is exempt from the requirement to hold a licence in respect of any motor bike or motor trike while it is being ridden in connection with assessment under the scheme.
- (6) Transport for NSW may issue a replacement log book, on payment of the applicable 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 an approved form 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 7 Tests and medical examinations of licensed drivers

60 Tests and medical examinations of licensed drivers (cf 2008 Reg cl 50)

- (1) Transport for NSW may by notice 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, conducted in accordance with *Assessing Fitness to Drive*, by a medical practitioner or allied professional practitioner, or produce evidence of compliance with the medical standards set out in that publication, to determine the holder'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) Transport for NSW may require the holder of a driver licence to provide to it any information relevant to the holder's medical fitness to hold a driver licence.
- (3) Transport for NSW must accept, for the purposes of this clause, a certificate, in an approved form, of the results of a medical examination conducted in another jurisdiction if that examination otherwise complies with this clause.

Part 8 Expiry and surrender of driver licences

61 Licence expiry date (cf 2008 Reg cl 51)

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

62 Notice of renewal of driver licence (cf 2008 Reg cl 52)

- (1) A notice of renewal of a driver licence is a notice—
 - (a) addressed and sent 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 Transport for NSW fails to send a notice of renewal of a driver licence, or if the notice is not received by the holder of the driver licence, that failure or non-receipt does not affect—
 - (a) the expiry of the driver licence, or
 - (b) the obligation of the licence holder to renew the licence if the licence holder wishes to continue to drive a motor vehicle on a road or road related area after the expiry of the licence holder's existing licence.

63 Renewal of driver licence (cf 2008 Reg cl 53)

- (1) The holder of a driver licence may apply to Transport for NSW to renew the driver licence at any time within 5 years after the licence expiry date by giving Transport for NSW—
 - (a) an application for renewal of the driver licence in an approved form, and
 - (b) personal particulars necessary to identify the applicant, including any evidence that Transport for NSW may reasonably require to verify those particulars, and
 - (c) the applicable fee.
- (2) Transport for NSW may require the applicant to comply with any of the requirements of clause 54(2) in addition to the requirements specified in subclause (1).
- (3) Transport for NSW may refuse to renew the driver licence only if—
 - (a) the circumstances are such that, if the applicant for renewal were applying for a new licence, Transport for NSW would refuse that application under Part 6, or
 - (b) Transport for NSW is satisfied that the photograph contained in the previous driver licence is no longer a true likeness of the applicant.

- (4) If a driver licence (the **old licence**) is renewed, the expiry date of the renewed licence may be calculated from—
 - (a) in the case of renewal before or on, or within 6 months after, the licence expiry date of the old licence—that expiry date of the old licence, or
 - (b) in the case of renewal 6 months after the licence expiry date of the old licence, but within 5 years after that expiry—the day the licence is renewed.
- (5) 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 the requirements of Part 6.

64 Application for surrender of driver licence (cf 2008 Reg cl 54)

- (1) The holder of a driver licence may apply, personally or by an agent who produces evidence of his or her appointment as agent, to Transport for NSW to surrender the licence.
- (2) An application for the surrender of a driver licence must be in an approved form.
- (3) The holder of a driver licence who applies for surrender of the licence must return the licence to Transport for NSW, unless the holder of the driver licence notifies Transport for NSW under clause 124 that the licence is lost or destroyed.
- (4) Transport for NSW 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) Transport for NSW is taking action to suspend or cancel the licence under Division 2 or 3 of Part 3.2 or section 59 of the Act or clause 65 or 68, or
 - (c) the licence is suspended under any of the following provisions—
 - (i) Division 2 of Part 3.2 of the Act,
 - (ii) Division 3 of Part 3.2 of the Act,
 - (iii) section 59 of the Act,
 - (iv) Division 4 of Part 7.4 of the Act,
 - (v) clause 65 or 68.
- (5) If the holder of a driver licence surrenders the licence, Transport for NSW 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—

fee paid is the amount paid for the issue of the driver licence.

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 Transport for NSW approves the application to surrender the licence.

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

- (6) Transport for NSW may deduct from the refund the amount of any unpaid administrative fees incurred in respect of the driver licence.
- (7) If the amount of the refund (less any deduction) would comprise an amount that is not a whole number of dollars, the amount is to be adjusted downwards to the next whole number of dollars.
- (8) The holder of a driver licence that has been suspended under a provision referred to in subclause (4)(c) may give custody of the licence to Transport for NSW. If the holder of the driver licence does so—
 - (a) the holder of the driver licence is not eligible for a refund under this clause of any part of the licence fee, and
 - (b) Transport for NSW may dispose of the licence as it thinks fit.

Part 9 Variation, suspension or cancellation of driver licences

65 Variation, suspension or cancellation of driver licence by TfNSW (cf 2008 Reg cl 55)

- (1) Transport for NSW may vary, suspend or cancel a person's driver licence if it appears to Transport for NSW 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 applying to licence applicants and 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 Transport for NSW 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, or
 - (m) the licence has been issued or renewed, or a notice of suspension of the licence has been withdrawn, on the basis of information that has been provided in purported compliance with a request under section 61 of the Act and that is false or misleading in a material particular.
- (2) Without limiting subclause (1), Transport for NSW—
- (a) may suspend a person's driver licence if it appears to Transport for NSW 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.
- (3) In deciding whether to do so, Transport for NSW need not inquire into the likelihood of the person again becoming incapable of controlling a motor vehicle in similar circumstances.
- (4) Without limiting subclause (1), Transport for NSW may vary an interlock driver licence by recording in the NSW driver licence register—
- (a) the removal of the interlock condition to which the licence is subject if—
 - (i) the holder of the licence has completed the applicable interlock period, and
 - (ii) Transport for NSW is satisfied that the holder has not, during the applicable interlock period, contravened a condition of the licence imposed under clause 83(3) or 85(1)(e) or (f), other than a contravention that led to a suspension or

other sanction, and

(iii) Transport for NSW is satisfied that, after any medical examination required under clause 86, the interlock condition may be removed, or

(b) the extension of the interlock condition in accordance with clause 86.

(5) Any period during which an interlock driver licence held by a person is suspended is not to be taken into account when determining whether the person has completed the interlock period applicable to the person for the purposes of subclause (4).

(6) The holder of an interlock driver licence varied under subclause (4) is not required to observe any of the interlock conditions to which the licence was subject before the variation.

(7) Transport for NSW 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.

(8) In this clause—

applicable interlock period, in relation to the holder of an interlock driver licence, means the following—

(a) if the holder is subject to a mandatory interlock order or the licence was issued under section 213(2) of the Act—the interlock period within the meaning of Division 2 of Part 7.4 of the Act,

(b) if the interlock driver licence was issued to the holder under clause 83(1)(b)—the interlock period notified to the holder by Transport for NSW under clause 83(4).

66 Variation, suspension or cancellation for heavy vehicle dimension requirement offence (cf 2008 Reg cl 55A)

(1) Transport for NSW may vary, suspend or cancel a person's driver licence for a period not exceeding 3 months if—

(a) a court convicts the person of a dimension requirement offence involving a heavy vehicle (whether or not it imposes any penalty), or

(b) an amount is paid under a penalty notice issued to the person in respect of a dimension requirement offence involving a heavy vehicle, or

(c) a penalty notice enforcement order under the *Fines Act 1996* is made against the person in respect of a dimension requirement offence involving a heavy vehicle, or

(d) Transport for NSW is satisfied that a dimension requirement offence involving a

heavy vehicle has been committed by the person and the vehicle—

- (i) caused damage to road infrastructure, or
- (ii) was involved in an accident, or
- (iii) caused a danger or obstruction to traffic, or
- (iv) caused an adverse effect on public amenity.

(2) In this clause, a ***dimension requirement offence*** is—

- (a) an offence against rule 102, 103, 104 or 106(2) of the *Road Rules 2014*, or
- (b) an offence against section 96 or 102 of the *Heavy Vehicle National Law (NSW)*.

67 Prescribed speeding offences for suspension or cancellation of licences (cf 2008 Reg cl 56)

For the purposes of the definition of ***speeding offence*** in section 59(6) of the Act, any offence that involves exceeding a speed limit fixed by or under the Act applicable to the relevant driver or vehicle by more than 30 kilometres per hour is prescribed.

67A Prescribed alcohol or other drug related driving offences

For the purposes of the definition of ***alcohol or other drug related driving offence*** in section 4(1) of the Act, offences against section 110(1), (2) or (3) or 111(1) of the Act are prescribed.

68 Procedures for variation, suspension or cancellation of driver licence (cf 2008 Reg cl 57)

(1) If Transport for NSW decides to vary, suspend or cancel a person's driver licence, Transport for NSW must give the person notice 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 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.

- (3) Despite subclause (1)(c), if Transport for NSW 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, Transport for NSW may determine that the variation, suspension or cancellation is to take effect on the service of the notice.
- (4) A notice to vary, suspend or cancel a person's driver licence must also state whether the licence is required to be returned to Transport for NSW and, if so, specify the date by which the licence must be returned and the place to which it is to be returned.
- (5) A driver licence is varied, suspended or cancelled in accordance with the terms of a notice served under this clause unless Transport for NSW, by further notice, withdraws the notice.
- (6) A notice to suspend a person's driver licence under clause 65(2) may not be withdrawn except on the order of the Local Court in respect of an appeal under Part 7.8 of the Act.
- (7) If a person's driver licence is varied, suspended or cancelled by Transport for NSW, the person must, if required to do so, return the licence to Transport for NSW within the time required by the notice served under this clause.
- (8) Transport for NSW 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.

69 Notice of suspension or cancellation of driver licence (cf 2008 Reg cl 58)

- (1) An authorised officer may give a person notice that the person's driver licence is suspended or cancelled if the records of Transport for NSW indicate that the person's driver licence is suspended or cancelled.
- (2) A notice under this clause—
 - (a) must be in an approved form, and
 - (b) must identify the person to whom it is given and state that TfNSW's records show that the person's driver licence has been suspended or cancelled, and
 - (c) must state the date and time that the notice was given to the person.

- (3) Where a notice is given by a police officer under this clause, particulars of the notice are to be forwarded to Transport for NSW immediately after the notice is given.
- (4) The giving of a notice to a person under this clause does not preclude any other action against the person in relation to an offence or alleged offence under any Act or regulation (including proceedings for an offence against section 54 of the Act).
- (5) In this clause—

authorised officer means any of the following—

- (a) a police officer,
- (b) a person who is appointed by Transport for NSW as an authorised officer for the purposes of this clause.

70 Downgrading of driver licence (cf 2008 Reg cl 59)

- (1) If a driver licence is cancelled—
 - (a) by the operation of the road transport legislation as a result of the imposition on the holder of the licence of a period of disqualification, or
 - (b) under section 59 of the Act,

Transport for NSW 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 by Transport for NSW 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 Transport for NSW 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.

71 Demerit points and offences (cf 2008 Reg cl 60)

- (1) For the purposes of section 32(1)(a) of the Act, the national schedule of demerit points comprises the offences set out in Columns 1 and 2 of Schedule 1, and the points specified in relation to each offence set out in Column 3 of Schedule 1.
- (2) For the purposes of section 32(1)(b) of the Act, the offences set out in Columns 1 and 2 of Schedule 2, and the points specified in relation to each offence set out in Column 3 of Schedule 2, are prescribed.

- (3) Despite subclauses (1) and (2), the number of demerit points to be allocated to an offence committed over a long weekend (other than an offence of another jurisdiction) is the number of points specified in Column 4 of Schedule 1 or 2, as the case may be, in respect of the offence.
- (4) Despite subclauses (1) and (2), the number of demerit points to be allocated to an offence referred to in either of those subclauses (being an offence under a law of another jurisdiction) committed over a long weekend is a number determined by Transport for NSW (not being a number higher than the number applying under subclause (3) to the New South Wales offence with which Transport for NSW 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) the following periods in a year—
- (i) if 25 December is a Monday—22 December until 1 January the following year (inclusive),
- (ii) if 25 December is a Tuesday—21 December until 1 January the following year (inclusive),
- (iii) if 25 December is a Wednesday—20 December until 1 January the following year (inclusive),
- (iv) if 25 December is a Thursday—24 December until 4 January the following year

(inclusive),

(v) if 25 December is a Friday—24 December until 3 January the following year (inclusive),

(vi) if 25 December is a Saturday—24 December until 3 January the following year (inclusive),

(vii) if 25 December is a Sunday—23 December until 2 January the following year (inclusive).

Part 10

72-81 (Repealed)

Part 11 Interlock driver licences and devices

Division 1 Interpretation

82 Interpretation (cf 2008 Reg cl 71)

(1) In this Part—

acceptable provider means—

(a) an accredited interlock service provider, or

(b) a person referred to in clause 51 of Schedule 4 to the Act (an existing approved interlock installer or existing approved interlock service provider).

labelled approved interlock device means an approved interlock device labelled with the words “NSW approved interlock device”.

maintenance, in relation to an interlock device, has the same meaning as in Part 3.3 of the Act.

(2) A reference in this Part to a function exercised by an acceptable provider includes a reference to the exercise of that function by an employee or agent of the provider who is authorised to exercise the function by the provider.

Division 2 Interlock driver licences

83 TfNSW may issue interlock driver licence (cf 2008 Reg cl 72)

(1) Without limiting clause 57, Transport for NSW may—

(a) approve an application for, and issue, an interlock driver licence to a person in respect of whom a mandatory interlock order has been made, or

(b) approve an application for, and issue, an interlock driver licence to a person under

section 213 of the Act, or

- (c) approve an application for a licence other than an interlock driver licence but issue an interlock driver licence.
- (2) Without limiting subclause (1)(c), an interlock driver licence may be issued under that subclause if a medical practitioner has recommended that an interlock condition should be imposed following an assessment of the applicant's fitness to drive conducted in accordance with Assessing Fitness to Drive.
- (3) An interlock driver licence is issued subject to the condition that the holder of the licence may only drive a motor vehicle if an approved interlock device that was installed by an acceptable provider is fitted to the motor vehicle.
- (4) If an interlock driver licence is issued under subclause (1)(c) to a person, the interlock period applicable to the person is the period specified by Transport for NSW by notice to the person—
 - (a) starting on the day the person is issued with the interlock driver licence, and
 - (b) ending on the day specified by Transport for NSW in the notice.

Note—

Section 209 of the Act defines **interlock period** for holders of licences issued under subclause (1)(a) and (b).

- (5) The applicable interlock period for the holder of an external interlock driver licence who applies for issue of an interlock driver licence in this State is the period specified by Transport for NSW by notice to the person—
 - (a) starting on the day the person is issued with the interlock driver licence, and
 - (b) ending on the day specified by Transport for NSW in the notice and verified under subclause (6).
- (6) Transport for NSW is to verify the day on which the applicant would have been eligible to have his or her requirement to hold the external interlock driver licence reviewed or removed by the relevant court or other authority of the jurisdiction that imposed the requirement had that licence remained in force.

84 Additional application procedures (cf 2008 Reg cl 73)

- (1) In addition to any other requirement applying to an applicant under Part 6, an applicant for issue of an interlock driver licence must—
 - (a) undergo, at the applicant's own cost, a consultation with a medical practitioner for the purpose of discussing and giving advice to the applicant about the risks of alcohol consumption, and

- (b) provide to Transport for NSW a certificate, in an approved form, from that medical practitioner confirming that the applicant has undergone the consultation, and
 - (c) provide to Transport for NSW a certificate, in an approved form, from an acceptable provider certifying that, at the request of the applicant, the provider has installed an approved interlock device (identified in the certificate) in a vehicle (identified in the certificate), and
 - (d) give authority in an approved form for the collection, use and disclosure by an acceptable provider, Transport for NSW or any person on behalf of Transport for NSW of information obtained as a result of the applicant's participation in the alcohol interlock program, and
 - (e) give Transport for NSW the interlock administration fee.
- (2) In addition to any relevant requirements applying to an applicant under Part 6 and subclause (1), a holder of an external interlock driver licence who applies for issue of an interlock driver licence of this State must give Transport for NSW—
- (a) any evidence that Transport for NSW may reasonably require to verify the day on which the applicant would be eligible to have their requirement to hold the external interlock driver licence reviewed or removed by a relevant court or other authority of the jurisdiction concerned, and
 - (b) any data or other information that Transport for NSW requests in relation to the performance of the applicant in the interlock program (however described) in that jurisdiction.
- (3) In this clause, **evidence** includes—
- (a) an order or other document of the relevant court or other authority of the jurisdiction concerned, or
 - (b) the expiry date specified in the external interlock driver licence held by the applicant for the requirement allowing the holder of the licence to drive only a motor vehicle fitted with an interlock device.
- (4) Subclause (1)(a) and (b) do not apply to a holder of an external interlock driver licence who applies for issue of an interlock driver licence of this State.

85 Additional interlock driver licence conditions (cf 2008 Reg cl 74)

- (1) An interlock driver licence is subject to the following conditions in addition to the condition set out in clause 83(3)—
- (a) the holder of the licence must not drive a motor vehicle with a placard load within the meaning of the [Dangerous Goods \(Road and Rail Transport\) Regulation 2014](#),

- (b) for the purpose of counselling the holder of the licence with respect to the consumption of alcohol, the holder must (at the holder's own cost) undergo such medical consultations, with such medical practitioners and at such times, as may be required by Transport for NSW,
 - (c) the holder of the licence must ensure that an approved interlock device is installed in at least 1 nominated motor vehicle at all times,
 - (d) the holder of the licence must ensure that the approved interlock device installed in any nominated motor vehicle has been maintained in accordance with the requirements of Transport for NSW,
 - (e) the holder of the licence must not drive any motor vehicle in which an approved interlock device is installed if the device is not functioning properly or if any features of the interlock device (including any driver identification features of the device) have been circumvented or interfered with,
 - (f) the holder of the licence must not drive a motor vehicle to which an approved interlock device is fitted if any breath sample required to start or operate the vehicle is provided by another person.
- (2) Transport for NSW may, by notice given to the holder of an interlock driver licence, impose such other conditions relating to the use of an interlock device installed in a motor vehicle driven by the licence holder as Transport for NSW considers appropriate.
 - (3) Transport for NSW may, by notice given to the holder of the licence, vary or revoke any such conditions.
 - (4) If the holder of an interlock driver licence (including a person who is the subject of a mandatory interlock order) fails to comply with a condition under clause 83(3) or subclause (1)(e) or (f), Transport for NSW may extend the interlock period applicable to the holder by 3 months from the date of the expiry of the interlock period applicable to the holder under clause 83(4).
 - (5) If the holder of an interlock driver licence (including a person who is the subject of a mandatory interlock order) fails to comply with a condition under clause 83(3) or subclause (1)(a)-(d), Transport for NSW may suspend the interlock driver licence until such time as Transport for NSW indicates by notice to the person that the period of suspension has ended.
 - (6) The holder of an interlock driver licence must nominate, in an approved form, a motor vehicle for the purposes of this clause (a ***nominated motor vehicle***).

86 Requirement to undergo medical examination (cf 2008 Reg cl 75)

- (1) In determining whether to vary an interlock driver licence under clause 65(4), Transport for NSW may require the holder of an interlock driver licence to undergo an

examination to ensure that the holder meets the medical standards contained in Assessing Fitness to Drive that are applicable to the driver licence.

- (2) The interlock condition is not to be removed if Transport for NSW is satisfied that a medical practitioner has recommended that the interlock condition should be retained following an assessment of the licence holder's fitness to drive.
- (3) In that case, Transport for NSW may vary the interlock driver licence by extending the interlock period applicable to the holder by 6 months from the date of the expiry of the interlock period applicable to the holder under clause 83(4).
- (4) For the purposes of this clause, Transport for NSW may consider any relevant data or other information collected by an approved interlock device installed in the motor vehicle driven by the holder of an interlock driver licence.

Division 3 Offences

87 Failure to comply with a condition of approval (cf 2008 Reg cl 86)

- (1) The holder of an approval who fails to comply with a condition of the approval is guilty of an offence.

Maximum penalty—20 penalty units.

- (2) In this clause—

approval means approval of a person referred to in clause 51 of Schedule 4 to the Act (an existing approved interlock installer or existing approved interlock service provider).

88 Installation, removal, maintenance or inspection of interlock devices (cf 2008 Reg cl 87)

- (1) A person must not install, remove, carry out maintenance on or service, or conduct an inspection of, an approved interlock device for the purposes of Division 2 of Part 7.4 of the Act unless the person is an acceptable provider.
- (2) A person must not carry out maintenance on or service an approved interlock device for the purposes of Division 2 of Part 7.4 of the Act unless the device is clearly labelled in an approved form with the words "NSW approved interlock device".

Maximum penalty—20 penalty units.

89 Assisting holder of interlock driver licence to disable or circumvent approved interlock device (cf 2008 Reg cl 88)

A person must not, without reasonable excuse, assist the holder of an interlock driver licence to start or drive a motor vehicle to which an approved interlock device is fitted—

- (a) by supplying a breath sample for use in the interlock device, or

- (b) by disabling or otherwise circumventing any features of the interlock device (including any driver identification features of the device).

Maximum penalty—20 penalty units.

90 Labelling approved interlock devices (cf 2008 Reg cl 91)

- (1) A person must not label an interlock device with the words “NSW approved interlock device” unless—

- (a) the device is an approved interlock device, and
- (b) the person is an acceptable provider.

Maximum penalty—20 penalty units.

- (2) A person must not remove a label bearing the words “NSW approved interlock device” from an interlock device unless—

- (a) the person is an acceptable provider, and
- (b) the interlock device is no longer an approved interlock device or the label is to be immediately replaced with another such label.

Maximum penalty—20 penalty units.

91 Notification of removal of approved interlock devices (cf 2008 Reg cl 92)

An approved interlock installer who removes a labelled approved interlock device from a motor vehicle must give Transport for NSW notice, in an approved form, of the removal not later than at the end of the day of the removal.

Maximum penalty—20 penalty units.

92 Tampering or otherwise interfering with labelled approved interlock device (cf 2008 Reg cl 93)

- (1) A person who, without reasonable excuse, tampers or otherwise interferes with a labelled approved interlock device installed in a motor vehicle (including tampering or otherwise interfering with a part of the device that enables it to identify the person using the device) is guilty of an offence.

Maximum penalty—20 penalty units.

- (2) A person who aids, abets or causes or permits the commission of an offence referred to in subclause (1) is guilty of an offence.

Maximum penalty—20 penalty units.

Division 4 Miscellaneous

93 Police may seize motor vehicle or device (cf 2008 Reg cl 96)

- (1) A police officer may stop and inspect a motor vehicle driven on a road or road related area if the officer reasonably suspects that the motor vehicle may be fitted with an interlock device.
- (2) A police officer may seize a motor vehicle driven by the holder of an interlock driver licence in which an interlock device is installed if the officer reasonably suspects that the device has been used in contravention of the Act or the regulations.
- (3) A person must not refuse to allow a police officer to inspect an interlock device fitted to a motor vehicle.

Maximum penalty—20 penalty units.

94 TfNSW may require evidence from persons to whom an interlock exemption order applies (cf 2008 Reg cl 97)

- (1) Transport for NSW may require a person to whom an interlock exemption order applies who has completed the disqualification period applicable to the person and who applies for a licence to provide evidence acceptable to Transport for NSW of the person's completion of a drink driving education program nominated by Transport for NSW within a period specified by Transport for NSW.
- (2) Transport for NSW may refuse to issue a licence to the person if the person fails to provide the evidence required by Transport for NSW under subclause (1).

Part 12 Exemptions from requirement to hold driver licence

95A Definition

In this Part—

NSW driver licence holding requirements means requirements of the Act or this Regulation for a driver of a vehicle on a road or road related area to hold a driver licence, but does not include the requirements of clause 15(1)(a).

Example—

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

95 TfNSW may exempt certain classes of driver from requirement to hold licence (cf 2008 Reg cl 98)

- (1) Transport for NSW 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 Transport

for NSW.

- (3) Transport for NSW must cause notice of an exemption under this clause to be published in the Gazette.

96 Interstate and international visitors (cf 2008 Reg cl 99)

- (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 by a driver licensing authority 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 its holder to drive a motor vehicle of a particular kind may drive a motor vehicle of that kind in this State, and is exempt from NSW driver licence holding requirements in relation to driving that particular kind of motor vehicle.

- (2) In addition to, and without limiting, subclause (1), a visiting driver who holds—

- (a) a current foreign driver licence and international driving permit, or
- (b) a current foreign driver licence that is written in English or is accompanied by an English translation,

that authorises its holder to drive a light motor vehicle may, in this State, drive a light 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), and is exempt from NSW driver licence holding requirements in relation to driving a light motor vehicle.

Note—

Certain foreign driver licences limit the holder to driving motor vehicles of a certain weight (eg 3.5 tonne GVM) in the foreign jurisdiction. The holder of such a foreign driver licence may, in NSW, drive any light motor vehicle under 4.5 tonne GVM.

- (3) Subclause (2) does not apply to a driver licence that authorises its holder to drive only a motor bike, motor trike or motor vehicle referred to in clause 99(1)(c) or (d).
- (4) A visiting driver ceases to be exempt under this clause from NSW driver licence holding requirements if any of the following happen—
- (a) in the case of a visiting driver who is the holder of an Australian driver licence or learner licence or New Zealand driver licence or learner licence—the driver has resided in this State for a continuous period of more than 3 months, unless the driver also holds a valid Driver Identification Document issued by the Department

of Defence of the Commonwealth,

- (b) in the case of a visiting driver visiting the State from a foreign country (other than New Zealand)—the driver holds a permanent visa under the [Migration Act 1958](#) of the Commonwealth and has resided in this State for a continuous period of more than 3 months since the granting of the visa,
- (c) in the case of a visiting driver visiting the State from a foreign country (other than New Zealand) who is an Australian citizen—the driver has resided in this State for a continuous period of more than 3 months,
- (d) the visiting driver is suspended or disqualified from driving a motor vehicle on a road or road related area in any part of Australia or another country,
- (e) the visiting driver would, if the driver applied for a driver licence, be refused because of a failure to meet the conditions of reinstatement of a driver licence after cancellation,
- (f) the visiting driver is charged with an offence specified under another law of this State relating to visiting drivers,
- (g) if, in the reasonable opinion of Transport for NSW, the visiting driver is not a fit and proper person to drive a motor vehicle in this State,
- (h) if, in the reasonable opinion of Transport for NSW, the visiting driver's ability to drive safely is impaired due to a permanent or long term injury or illness,
- (i) if, in the reasonable opinion of Transport for NSW, Transport for NSW could, under clause 65 or 66, vary, suspend or cancel a NSW driver licence held by the visiting driver, if the driver were to hold such a licence,
- (j) the visiting driver is a fine defaulter (within the meaning of the [Fines Act 1996](#)) and Transport for NSW suspends the visitor driver privileges of the fine defaulter in accordance with that Act,
- (k) the visiting driver applies for a NSW driver licence and that application is refused under clause 56,
- (l) the visiting driver obtains a NSW driver licence,
- (m) the visiting driver's NSW driver licence is suspended, varied or cancelled under clause 65 or 66 or surrendered under clause 64,
- (n) if, in the reasonable opinion of Transport for NSW, Transport for NSW could, under section 33 of the Act, suspend a NSW driver licence held by the visiting driver, if the driver were to hold such a licence, as the driver incurred 13 or more demerit points (whether or not the person is a professional driver) within the period specified in that section,

- (o) if, in the reasonable opinion of Transport for NSW, Transport for NSW could, under section 59 of the Act, suspend a NSW driver licence held by the visiting driver, if the driver were to hold such a licence, because of a speeding offence or an alcohol or other drug related driving offence.
- (5) However, if Transport for NSW forms an opinion that subclause (4)(g) or (h) applies to a visiting driver, the cessation of the exemption does not take effect until the date nominated by Transport for NSW for cessation of the exemption in the notice given to the visiting driver under subclause (9).
- (6) If Transport for NSW forms an opinion that subclause (4)(i) applies to a visiting driver, the cessation of the exemption applies only for 3 months (or such lesser period as may be specified by Transport for NSW in the notice given to the visiting driver under subclause (9)).
- (7) If Transport for NSW forms an opinion that subclause (4)(n) applies to a visiting driver—
 - (a) the cessation of the exemption applies for the same period of time the driver would be suspended under section 33 of the Act if the driver held a NSW driver licence, and
 - (b) the visiting driver is ineligible to apply for a NSW driver licence for the same period of time in which the driver would be ineligible under section 35 of the Act if the driver held a NSW driver licence.

Note—

Section 36 of the Act does not apply to a visiting driver who is ineligible to apply for a NSW driver licence under this clause.

- (7A) If Transport for NSW forms an opinion that subclause (4)(o) applies to a visiting driver, the cessation of the exemption applies for the same period of time the driver would be suspended under section 59 of the Act if the driver held a NSW driver licence.
- (8) Subclause (4)(f) ceases to have effect in relation to a visiting driver if the charge is withdrawn or dismissed.
- (9) If subclause (4)(g), (h), (i), (j), (n) or (o), (5) or (6) applies to a visiting driver, Transport for NSW must give the visiting driver notice stating—
 - (a) that the visiting driver is, on and from the date nominated in the notice, for a period specified in the notice, no longer exempt from the requirement to hold a driver licence in this State, and
 - (b) that the visiting driver must not drive a motor vehicle on a road or road related area in this State, and

- (c) the reasons why the visiting driver is no longer exempt, and
 - (d) the period in which the driver is ineligible to hold a NSW driver licence (if any), and
 - (e) if the visiting driver can take action to regain the exemption—
 - (i) the action the visiting driver needs to take, and
 - (ii) the date by which the action must be taken.
- (10) Subclause (4)(j) applies in relation to a visiting driver only while the suspension of the driver's visitor driver privileges has effect.
- (11) A suspension of visitor driver privileges has effect until it is removed by Transport for NSW in accordance with the *Fines Act 1996*.
- (12) If Transport for NSW removes a suspension of visitor driver privileges in accordance with the *Fines Act 1996*, Transport for NSW must give the visiting driver notice stating that the exemption from the requirement to hold a driver licence in this State has been restored.
- (13) If subclause (4)(l) applies to a visiting driver, the driver is bound by the conditions to which the NSW driver licence is subject (whether or not the driver holds a foreign driver licence).
- (14) 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 referred to in subclause (1) or (2), and
 - (b) if the visiting driver also holds a Driver Identification Document referred to in subclause (4)(a), carry the Driver Identification Document, and
 - (c) if requested to do so by a police officer, produce to the police officer the licence and, if subclause (b) applies, the Driver Identification Document.

Maximum penalty—20 penalty units.

- (15) (Repealed)

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

- (1) An authorised officer may give a visiting driver notice that the driver is not exempt under clause 96 from NSW driver licence holding requirements if the records of Transport for NSW indicate the driver is not exempt.
- (2) A notice under this clause must—

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

authorised officer has the same meaning as in clause 69.

97 Golf and green keeping vehicles used on roads or road related areas (cf 2008 Reg cl 100)

- (1) A person is exempted from the requirements of section 53(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.

98 Drivers of light rail vehicles (cf 2008 Reg cl 101)

A person is exempted from the requirements of section 53(3) of the Act in respect of the driving of a light rail vehicle.

99 Other exemptions from licensing (cf 2008 Reg cl 102)

- (1) A person is exempted from the requirements of section 53(1) of the Act in respect of 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 Transport for NSW 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 power-assisted pedal cycle within the meaning of vehicle standards, as amended from time to time, determined under section 7 of the *Motor Vehicle Standards Act 1989* of the Commonwealth other than one that has an internal combustion engine or engines,
 - (d) any motor vehicle or trailer that—
 - (i) is specially constructed to be used, and while on a road or road related area is used, solely for the conveyance of a person with a disability which impairs the person's mobility, and
 - (ii) is not capable of travelling at more than 10 km/h (on level ground).

Note—

Power-assisted pedal cycle is defined in the *Vehicle Standard (Australian Design Rule - Definitions and Vehicle Categories) 2005* determined under section 7 of the *Motor Vehicle Standards Act 1989* of the Commonwealth. The definition of **power-assisted pedal cycle** includes pedalecs within the meaning of that Standard (which may have one or more auxiliary propulsion motors generating a combined power output not exceeding 200 watts).

- (2) Section 54(1)(a), (3)(a), (4)(a) and (5)(a)(i) and (b)(i) 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 a person who is being submitted (as an applicant for a licence) to a driving test by a police officer or a person authorised by Transport for NSW 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 power-assisted pedal cycle within the meaning of vehicle standards, as amended from time to time, determined under section 7 of the *Motor Vehicle Standards Act 1989* of the Commonwealth other than one that has an internal combustion engine or engines,
- (d) any motor vehicle or trailer that is specially constructed to be used, and while on a road or road related area is used, solely for the conveyance of a person with a disability which impairs the person's mobility and is not capable of travelling at more than 10 km/h (on level ground).

Part 13 Miscellaneous

Division 1 Administration

100 NSW driver licence register (cf 2008 Reg cl 103)

- (1) Transport for NSW must record the following matters in the NSW 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,
 - (e) the person's address for the service of notices,
 - (f) the class or classes of the licence,
 - (g) the commencement and expiry dates of the licence,
 - (h) any conditions to which the licence is subject.
- (2) Transport for NSW may record, in the NSW driver licence register, other information—
 - (a) for the purposes of the Act and this Regulation, or
 - (b) for the purposes of another Act, or
 - (c) for other purposes, as Transport for NSW considers appropriate.
- (3) The holder of a driver licence is entitled to request a search of the NSW driver licence register, and to obtain a certificate as to any matter appearing in the NSW driver licence register in relation to him or her, on payment of the applicable fee.

- (4) Transport for NSW may correct any mistake or error in, or omission of, matter recorded in the NSW driver licence register, subject to any requirements of the Act or this Regulation.

101 Release of information of a personal nature (cf 2008 Reg cl 103A)

- (1) Section 30 of the Act does not prevent the release of information contained in the NSW driver licence register that is of a personal nature unless the privacy legislation would also prevent the particular release.

- (2) In this clause—

privacy legislation means the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* and any regulations or codes of practice under either of those Acts.

102 Release of information to Austroads (cf 2008 Reg cl 103B)

- (1) Transport for NSW may provide to Austroads any information recorded in the NSW driver licence register for the purposes of the National Exchange of Vehicle and Driver Information System.

- (2) This clause does not authorise Transport for NSW to provide to Austroads any photograph to which Part 3.5 of the Act applies or any photographic image or other matter contained in any database of such photographs.

- (3) In this clause—

Austroads means Austroads Ltd (ABN 16 245 787 323), and includes any successor to or continuation of that company.

103 Release of information to Australian Electoral Commission (cf 2008 Reg cl 104)

- (1) Transport for NSW may provide to the Australian Electoral Commission any information recorded in the driver licence register for the purpose of assisting the Australian Electoral Commission to carry out its functions under the *Commonwealth Electoral Act 1918* of the Commonwealth.

- (2) Transport for NSW may provide the information to the Australian Electoral Commission on such conditions as are agreed between Transport for NSW and the Commission, or if there is no agreement, as are determined by Transport for NSW.

104 (Repealed)

104A Release of information to toll operators

- (1) Transport for NSW may, in connection with the release of information to 1 or more toll operators under clause 133 of the *Road Transport (Vehicle Registration) Regulation 2017*, provide the driver licence number of a registered operator of a vehicle to the

toll operator or toll operators for the purposes of enabling the toll operator or toll operators to recover an unpaid toll or charge from the registered operator.

- (2) In this clause, **toll operator** means a toll operator under the *Roads Act 1993* other than Transport for NSW.

105 Release of certain information for publication by TfNSW (cf 2008 Reg cl 105)

Transport for NSW may cause the following information recorded in the driver licence register to be published—

- (a) the name of any driving school (within the meaning of the *Driving Instructors Act 1992*) that has presented persons to Transport for NSW for submission to a driving test for a learner licence of class C, being a driving test—
- (i) conducted in a vehicle of the driving school, and
 - (ii) to which the student has not previously submitted,
- (b) the percentage of those persons who passed the driving test on their first attempt.

106 Release of information relating to mandatory alcohol interlock program (cf 2008 Reg cl 106)

- (1) Transport for NSW may, for the purpose of enabling Transport for NSW to perform functions conferred or imposed on Transport for NSW in relation to the mandatory alcohol interlock program under Division 2 of Part 7.4 of the Act, disclose to the following persons data or information recorded in the NSW driver licence register—
- (a) an acceptable provider (within the meaning of Part 11),
 - (b) a person who has entered into an agreement with Transport for NSW under section 46 of the Act,
 - (c) a person who provides any services to a person who has entered into such an agreement in connection with the alcohol interlock program.
- (2) Transport for NSW may, for the purpose of enabling an acceptable provider to exercise functions with respect to the provision of interlock services, disclose to the acceptable provider, data or information recorded in the NSW driver licence register.
- (3) In this clause, **data or information** does not include a photograph to which Part 3.5 of the Act applies.

107 Use of information for the purposes of the mandatory alcohol interlock program (cf 2008 Reg cl 106A)

- (1) Transport for NSW may use data or information recorded in the NSW driver licence register for the purpose of research and evaluation of the mandatory alcohol interlock

program under Division 2 of Part 7.4 of the Act.

- (2) In this clause, **data or information** does not include a photograph to which Part 3.5 of the Act applies.

108 Collection of information for the purposes of the mandatory alcohol interlock program (cf 2008 Reg cl 106B)

Transport for NSW may collect data or information in respect of an interlock driver licence holder from an acceptable provider (within the meaning of Part 11) for the purpose of enabling Transport for NSW to perform functions conferred or imposed on Transport for NSW by or under the Act in relation to the mandatory alcohol interlock program under Division 2 of Part 7.4 of the Act.

109 Release of certain photographs (cf 2008 Reg cl 107)

- (1) For the purposes of section 57(1)(k) of the Act, a photograph to which Part 3.5 of the Act applies may be released by Transport for NSW—
- (a) to the New South Wales Crime Commission for the purposes of the investigation or prosecution of a relevant criminal activity, or a relevant offence (within the meaning of the [Crime Commission Act 2012](#)), or
 - (b) to the New South Wales Crime Commission for the purposes of the investigation of a terrorist act (within the meaning of the [Terrorism \(Police Powers\) Act 2002](#)) or a threat of such a terrorist act, or
 - (c) to ASIO if—
 - (i) the Director-General of ASIO has requested that the photograph concerned be released for a purpose connected with the exercise of ASIO's functions under the [Australian Security Intelligence Organisation Act 1979](#) of the Commonwealth, and
 - (ii) the photograph is released to an employee or other staff member of ASIO who is authorised in writing by the Director-General to receive the photograph, and
 - (iii) the authorised employee or other staff member certifies in writing that the photograph sought is reasonably necessary for ASIO to exercise its functions under the [Australian Security Intelligence Organisation Act 1979](#) of the Commonwealth, or
 - (d) to the inter-agency team known as the Identity Security Strike Team (Sydney), being a team hosted by the Australian Federal Police and charged with investigating serious identity-related crime.
- (2) Any release of a photograph under this clause must be in accordance with any protocol approved by the Privacy Commissioner, as required by section 57(2) of the

Act.

(3) In this clause—

ASIO means the Australian Security Intelligence Organisation continued in existence by the *Australian Security Intelligence Organisation Act 1979* of the Commonwealth.

Note 1—

Transport for NSW is authorised to release to the NSW Police Force any photographs to which Part 3.5 of the Act applies (see section 57(1)(a) of the Act). Such release must be in accordance with any protocol approved by the Privacy Commissioner.

Note 2—

The following legislation provides that any photograph taken for the purposes of that legislation may be released for any purpose for which a photograph to which Part 3.5 of the Act applies may be released by Transport for NSW—

- (a) section 19(1)(g) of the *Photo Card Act 2005* (which relates to photographs taken or provided in relation to applications for the issue of Photo Cards),
- (b) section 80(1)(f) of the *Licensing and Registration (Uniform Procedures) Act 2002* (which relates to photographs taken or provided in relation to applications for the issue of licences or registrations issued under the uniform licensing procedure scheme),
- (c) clause 109(1)(d1) of the *Road Transport (General) Regulation 2013* (which relates to photographs taken for the purposes of applications for the issue of mobility parking scheme authorities).

As a result, photographs to which that legislation relates may be released for the purposes prescribed by this clause.

110 Purposes for which photographs may be kept and used (cf 2008 Reg cl 108)

For the purposes of section 56(1)(j) of the Act, Transport for NSW may keep or use a photograph for any of the following purposes—

- (a) to assist Transport for NSW in the process of issuing, replacing or renewing a driver licence, including the administration of any test to obtain a driver licence,
- (b) any purpose for which a photograph of a person taken for the purposes of a mobility parking scheme authority may be kept and used by Transport for NSW under the statutory rules made under the Act.

111 Keeping and use of photographs: use of facial recognition technology (cf 2008 Reg cl 108A)

(1) For the purposes of section 56(1)(j) of the Act, Transport for NSW may keep or use a photograph to which Part 3.5 of the Act applies to conduct comparisons using facial recognition technology—

- (a) to check whether an applicant for the issue, replacement or renewal of a relevant permit has previously been issued with a relevant permit using another identity, or

- (b) to check whether any person's photograph has been taken and recorded using more than one identity, or
- (c) to discover or confirm a person's identity if Transport for NSW is required or authorised by or under law to use or disclose personal information about that person.

(2) In this clause—

facial recognition technology means a biometric technology used to identify a person by a comparison of digital images of human faces, using various facial features such as a person's eyes, nose and mouth as the points of comparison.

relevant permit means any of the following—

- (a) a driver licence,
- (b) a "proof of age" card,
- (c) a Photo Card issued under the *Photo Card Act 2005*,
- (d) a licence or permit under the *Firearms Act 1996*,
- (e) a licence under the *Security Industry Act 1997*,
- (f) a permit under the *Weapons Prohibition Act 1998*,
- (g) any other licence, permit or similar authority issued using a photograph to which Part 3.5 of the Act applies,
- (h) the registration of a vehicle within the meaning of the Act,
- (i) a licence or certificate of registration referred to in Schedule 3A to the *Licensing and Registration (Uniform Procedures) Act 2002*,
- (j) any other licence, permit or similar authority issued using a photograph kept or used by Transport for NSW for any purpose for which a photograph to which Part 4A of the *Licensing and Registration (Uniform Procedures) Act 2002* applies may be used,
- (k) a mobility parking scheme authority under the statutory rules made under the Act.

Note—

Section 80H(1)(f) of the *Licensing and Registration (Uniform Procedures) Act 2002* provides that a photograph taken for the purposes of that Act may be kept and used for any purpose for which a photograph to which Part 3.5 of the *Road Transport Act 2013* applies may be kept and used by Transport for NSW. Section 18(1)(e) of the *Photo Card Act 2005* makes similar provision for photographs taken under that Act.

As a result, photographs to which those Acts apply may be kept and used for the purposes prescribed by this clause.

112 Release of licence and demerits points information to approved third parties (cf 2008 Reg cl 108B)

- (1) Transport for NSW may enter into an agreement with an approved third party (a **driver licence information disclosure agreement**) that provides for the release to the third party of licence and demerit points information with respect to a person.
- (2) A driver licence information disclosure agreement must include provisions that require the approved third party to obtain the consent of the person to whom the licence and demerit points information relates before the information is released to the third party by Transport for NSW.
- (3) Transport for NSW must consult with the Privacy Commissioner before entering into a driver licence information disclosure agreement.
- (4) Transport for NSW is authorised to release licence and demerit points information on the driver licence register and demerit points register in accordance with a driver licence information disclosure agreement.
- (5) A driver licence information disclosure agreement may provide for the payment of fees by the approved third party to Transport for NSW in connection with the agreement, including fees for the release of information in accordance with the agreement.
- (6) In this clause—

approved third party means any person or body approved by Transport for NSW, or of a class approved by Transport for NSW, for the purposes of this clause.

licence and demerit points information with respect to a person means—

- (a) information recorded in the driver licence register as to whether the person has a current driver licence and the class or classes of any driver licence held by the person, and
- (b) information recorded in the demerit points register as to whether there are any demerit points recorded against the person.

113 Disclosure of demerit points information to CTP insurers (cf 2008 Reg cl 109)

- (1) Transport for NSW may enter into an agreement with a CTP insurer (a **points disclosure agreement**) that provides for the disclosure to the CTP insurer with the consent of a person of information as to the number of demerit points recorded against the person on the demerit points register.
- (2) Transport for NSW must consult with the Privacy Commissioner before entering into a points disclosure agreement.

- (3) Transport for NSW is authorised to disclose information on the demerits point register in accordance with a points disclosure agreement.
- (4) A points disclosure agreement may provide for the payment of fees by a CTP insurer to Transport for NSW in connection with the agreement, including fees for the disclosure of information in accordance with the agreement.
- (5) In this clause—

CTP insurer means a licensed insurer under the *Motor Accidents Compensation Act 1999*.

114 Participation by TfNSW in Document Verification Service (cf 2008 Reg cl 109A)

- (1) Transport for NSW may enter into an arrangement (by agreement, understanding or otherwise) for facilitating participation by Transport for NSW in the DVS.
- (2) Transport for NSW is authorised to participate in the DVS and to exercise functions conferred on Transport for NSW as a participant in the DVS.
- (3) In particular, Transport for NSW is authorised to collect, use and disclose information in the course of TfNSW's participation in the DVS for the purposes of or in connection with assisting Transport for NSW or another participant in the DVS to verify the validity of proof of identity documents in the course of the exercise of the functions of Transport for NSW or other participant.
- (4) An arrangement entered into by Transport for NSW for facilitating its participation in the DVS may provide for the payment of fees by participants in the DVS, including fees for the disclosure of information in accordance with the arrangement.
- (5) In this clause—

DVS means the Document Verification Service established as an element of the National Identity Security Strategy endorsed by the Council of Australian Governments at its meeting in April 2007.

115 Release of identifying information to certain DVS participants (cf 2008 Reg cl 109B)

- (1) If in response to a verification request the DVS returns a result other than a result that verifies the validity of the driver licence, Transport for NSW may—
 - (a) carry out a search of the NSW driver licence register for information directly relating to that verification request, and
 - (b) provide to the user agency making that verification request only so much of the information referred to in clause 100(1) as is necessary to satisfy the verification request.
- (2) In this clause—

DVS has the same meaning as in clause 114.

user agency means a DVS participant that is a government agency of this or any other Australian jurisdiction.

verification request means a request sent by a user agency via the DVS to verify the validity of a NSW driver licence.

Division 2 Fees

116 Applicable fees (cf 2008 Reg cl 111)

The applicable fee for a service provided by Transport for NSW 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 Transport for NSW under section 271(1) of the Act.

117 Waiver of fees (cf 2008 Reg cl 112)

- (1) Transport for NSW may waive (whether wholly or in part) the payment of a fee payable under the Act in connection with driver licensing or this Regulation, or both, in a particular case if Transport for NSW is of the opinion that in the particular case it is appropriate to do so.
- (2) Without limiting subclause (1), Transport for NSW may—
 - (a) 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 a driver licensing authority in another jurisdiction, or
 - (b) waive payment of part of any fee payable for the renewal of a driver licence (other than a provisional licence or learner licence) by an amount not exceeding 50 per cent of that fee.

118 Fee exemption for eligible pensioners (cf 2008 Reg cl 113)

- (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 has the same meaning as it has in the [Motor Vehicles Taxation Act 1988](#).

Division 3 Other

119 Failure to comply with licence conditions (cf 2008 Reg cl 114)

- (1) The holder of an Australian driver 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 in relation to the following—

- (a) 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 a learner licence or provisional licence) authorising him or her to drive such a vehicle,
- (b) a failure to comply with a condition that attaches to a NSW learner licence, provisional P1 licence or provisional P2 licence because of clause 40.

Note—

A failure to comply with a requirement set out in the conditions prescribed by clause 40 can constitute an offence under the Act or statutory rules referred to in that clause.

- (3) For the purposes of this clause, 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.

- (4) In this clause—

Australian driver licence includes a learner licence.

120 Failure to return driver licence to TfNSW (cf 2008 Reg cl 115)

The holder of a driver licence who fails to return a driver licence to Transport for NSW when required by or in accordance with this Regulation to do so is guilty of an offence.

Maximum penalty—20 penalty units.

121 Notification offence (cf 2008 Reg cl 116)

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

Maximum penalty—20 penalty units.

122 Change of name, address or medical condition (cf 2008 Reg cl 117)

- (1) The holder of a driver licence must notify Transport for NSW, not more than 14 days after the change, about any change in the holder's—
 - (a) name, or
 - (b) residential address, or
 - (c) address for the service of notices.

Maximum penalty—20 penalty units.

- (2) The new residential address advised of by the licence holder must be an address in this State at which Transport for NSW may ordinarily make personal contact with the holder.

(Repealed)

- (4) The holder of a driver licence must, as soon as practicable, notify Transport for NSW of any permanent or long term injury or illness that may impair the licence holder's ability to drive safely.
- (5) A notification under this clause may, as required by Transport for NSW, be in an approved form or given by other means (whether in person or electronically).

123 Verification of information in driver licence register and monitoring of compliance (cf 2008 Reg cl 118)

- (1) If there are reasonable grounds for believing that information contained in the driver licence register is inaccurate or misleading, Transport for NSW may by notice require the holder of a driver licence to provide evidence to Transport for NSW, in a form specified by Transport for NSW, relating to anything relevant to the issuing, variation or continuation of the licence, including—
 - (a) the licence holder's personal details, and
 - (b) the licence holder's residential address.

- (2) If the licence holder fails to comply with the notice, the licence holder is guilty of an offence.

Maximum penalty—20 penalty units.

- (3) For the purposes of this clause, Transport for NSW may require the licence holder—
 - (a) to provide specified documents for inspection, and
 - (b) to attend at a time and place specified by Transport for NSW for identification.

- (4) If a licence holder who is required to attend for identification requests a change to the time or place specified in the notice, Transport for NSW must give consideration to that request and may change the time or place in accordance with the request.

124 Damaged or lost licences (cf 2008 Reg cl 119)

- (1) A licence is of no effect if it is so 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 Transport for NSW as soon as practicable.

125 Issue of replacement driver licence (cf 2008 Reg cl 120)

- (1) Transport for NSW 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 65(1)(i) or (j).
- (2) A licence holder who seeks a replacement driver licence must provide to Transport for NSW personal particulars necessary to identify the applicant, including any evidence that Transport for NSW may reasonably require to verify those particulars.
- (3) Transport for NSW may require a licence holder who seeks a replacement driver licence to comply with any of the requirements of clause 54(2) in addition to the requirements of this clause.
- (4) On the issue of a replacement licence, the licence it replaces is of no effect.

125A Additional relevant purposes for use of digital driver licence

- (1) For the definition of **relevant purpose** in section 61A(d) of the Act, the following are prescribed as purposes for which a person may use a digital driver licence by displaying the licence—
 - (a) to provide proof of the person's identity to a NSW Government agency,
 - (b) to provide proof of the person's date of birth to a NSW Government agency,
 - (c) to comply with a request of an authorised officer under clause 71(1) of the [Point to Point Transport \(Taxis and Hire Vehicles\) Regulation 2017](#) to produce a driver licence,
 - (d) to comply with a request of an authorised officer under clause 45(1) of the [Passenger Transport \(General\) Regulation 2017](#) to produce a driver licence.
- (2) For the purposes of subclause (1), a NSW Government agency may refuse to accept a

digital driver licence as proof of a persons identity or date of birth if accepting a digital driver licence—

- (a) would be incompatible with a requirement of the Act or another law, or
- (b) is impractical having regard to the purpose for which the proof of identity or date of birth is required.

126 Professional drivers (cf 2008 Reg cl 120A)

- (1) For the purposes of the definition of **professional driver** in section 4(1) of the Act, the following classes of persons are professional drivers—
 - (a) a person whose primary work is personally driving a motor vehicle to transport goods,
 - (b) a person who is the holder of an authority under Division 2 of Part 2 of the [Passenger Transport Act 1990](#),
 - (c) a person who drives a taxi or a hire vehicle (within the meaning of the [Point to Point Transport \(Taxis and Hire Vehicles\) Act 2016](#)) for the purposes of the provision of a passenger service under that Act.
- (2) For the purposes of the definition of **professional driver** in section 4(1) of the Act, the following classes of persons are not professional drivers—
 - (a) a person who trades goods or provides services from a vehicle, such as a mobile food vendor or pet groomer,
 - (b) a person whose primary work of personally driving a motor vehicle does not ordinarily exceed 20 hours in any 7-day period,
 - (c) a person in respect of whose primary work of personally driving a motor vehicle no remuneration is payable,
 - (d) a person whose primary work is driving an implement.

Note—

The definition of **professional driver** in section 4(1) of the Act provides that a professional driver is a person whose primary work is personally driving a motor vehicle on roads in or outside of the State. It includes the classes prescribed by subclause (1) but excludes the classes prescribed by subclause (2). Accordingly, a person is not a professional driver if the person's primary work does not meet this description. For example, an electrician who drives a motor vehicle for transport to premises on which he or she carries out electrical work, which is his or her primary work, is not a professional driver.

127 Exemptions for professional drivers (cf 2008 Reg cl 120B)

- (1) Section 33(1) of the Act, to the extent that it provides for a threshold of 14 or more demerit points for the suspension of a licence of a professional driver, does not apply

in respect of a person if the person is not a professional driver at the time the person is given the notice of licence suspension under that section.

(2) Section 34(2)(a) of the Act, to the extent that it provides for a threshold of 14 or more demerit points for the refusal of an application of a professional driver, does not apply in respect of a person if, at the time the person's application is refused under that section—

(a) the person is not a professional driver, or

(b) the person has previously been disqualified for a period of more than 6 months from holding a driver licence and has not held a driver licence since that disqualification, or

(c) the person's driver licence has been expired for a period of more than 6 months and the person has not held a driver licence since that expiry.

128 Suspension for failure to undertake driver education course (cf 2008 Reg cl 120C)

For the purposes of section 43A(7) of the Act, the driver licence held by a person is suspended until such time as Transport for NSW indicates by notice to the person that the period of suspension has ended.

129 Application of prescribed conditions imposed by amendment to Regulation (cf 2008 Reg cl 122)

If this Regulation is amended so as to impose a new condition on a driver licence (whether or not of a particular class) or to amend an existing condition applying to such a licence—

(a) the new condition or amended condition applies to all such licences, regardless of when they were issued, unless this Regulation expressly or by necessary implication provides otherwise, and

(b) the new condition or amended condition applies only in respect of conduct occurring after the new condition or amendment to the condition takes effect.

130 Savings and transitional provisions (cf 2008 Reg cl 121)

Any act, matter or thing that had effect under the [Road Transport \(Driver Licensing\) Regulation 2008](#) immediately before the repeal of that Regulation is taken to have effect under this Regulation.

Schedule 1 National schedule of demerit point offences

(Clause 71(1) and (3))

Heavy Vehicle National Law (NSW)

Column 1

Column 2

Column 3

**Column
4**

Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Section 228(1)	Driving heavy vehicle while fatigued	3	3
Section 250(1)	Solo driver under standard hours working for more than the maximum work time or resting for less than minimum rest time—		
	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
Section 251(1)	Two-up driver under standard hours working for more than the maximum work time or resting for less than minimum rest time—		
	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
Section 254(1)	Solo driver under BFM hours working for more than the maximum work time or resting for less than minimum rest time—		
	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
Section 256(1)	Two-up driver under BFM hours working for more than the maximum work time or resting for less than minimum rest time—		
	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
Section 258(1)	Driver under AFM hours working for more than the maximum work time or resting for less than minimum rest time—		
	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4

Section 260(1)	Driver under exemption hours working for more than the maximum work time or resting for less than minimum rest time—		
	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
Section 529	Using heavy vehicle contrary to defect notice—		
	(a) in case of a minor defect notice	1	1
	(b) in case of a major defect notice	3	3

Road Rules 2014

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Rule 20, in the case of— • a class A motor vehicle that is not in a school zone, or • a class B or class C motor vehicle that is not in a school zone and where evidence of average speed between detection points is not used to establish the offence, but not where the applicable speed limit is specified by rule 24-1, 24-2, 24-3 or 24-4	Exceeding speed limit—		
	(a) where the speed limit is exceeded by more than 45km/h	6	12
	(b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	5	10
	(c) where the speed limit is exceeded by more than 20km/h but not exceeded by more than 30km/h	4	8
	(d) where the speed limit is exceeded by more than 10km/h but not exceeded by more than 20km/h (otherwise than by the holder of a learner licence, provisional P1 licence or provisional P2 licence)	3	6

	(e) where the speed limit is exceeded by more than 10km/h but not exceeded by more than 20km/h (in the case of the holder of a learner licence, provisional P1 licence or provisional P2 licence)	4	8
	(f) where the speed limit is exceeded by not more than 10km/h (otherwise than by the holder of a learner licence, provisional P1 licence or provisional P2 licence)	1	2
	(g) where the speed limit is exceeded by not more than 10km/h (in the case of the holder of a learner licence, provisional P1 licence or provisional P2 licence)	4	8
	Exceeding speed limit—		
	(a) where the speed limit is exceeded by more than 45km/h	7	14
Rule 20, in the case of—	(b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	6	12
• a class A motor vehicle in a school zone, or			
• a class B or class C motor vehicle that is in a school zone or where evidence of average speed between detection points is used to establish the offence,	(c) where the speed limit is exceeded by more than 20km/h but not exceeded by more than 30km/h	5	10
but not where the applicable speed limit is specified by rule 24-1, 24-2, 24-3 or 24-4	(d) where the speed limit is exceeded by more than 10km/h but not exceeded by more than 20km/h (otherwise than by the holder of a learner licence, provisional P1 licence or provisional P2 licence)	4	8
	(e) where the speed limit is exceeded by more than 10km/h but not exceeded by more than 20km/h (in the case of the holder of a learner licence, provisional P1 licence or provisional P2 licence)	5	10

	(f) where the speed limit is exceeded by not more than 10km/h (otherwise than by the holder of a learner licence, provisional P1 licence or provisional P2 licence)	2	4
	(g) where the speed limit is exceeded by not more than 10km/h (in the case of the holder of a learner licence, provisional P1 licence or provisional P2 licence)	5	10
Rule 27, 28(1), 28(1A), 29, 31, 32(1) or 33	Turning improperly	2	2
Rule 37, 39, 40, 41 or 42 (except in school zone)	Make unlawful U-turn	2	2
Rule 37, 39, 40, 41 or 42 (in school zone)	Make unlawful U-turn	3	3
Rule 38, 62, 63(3) or 64 (except in school zone)	Failing to give way	3	3
Rule 38, 62, 63(3) or 64 (in school zone)	Failing to give way	4	4
Rule 46(1) or 48(1), but only in the circumstances referred to in rule 46(3) or 48(3) respectively	Not give proper signal when driving out from side of road	2	2
Rule 46(1) or 48(1) (but only in the circumstances referred to in rule 46(2) or 48(2) respectively), 53, 112, 113, 117 or 118(1)	Changing direction or stopping without signalling	2	2
Rule 56 or 59, but only at traffic lights other than traffic lights at toll booths or in school zones	Disobeying traffic light	3	3
Rule 56 or 59, but only at traffic lights in school zones, other than traffic lights at toll booths	Disobeying traffic light	4	4

Rule 57, 60, 60A, 61 or 63(2) (except at level crossing or in school zone)	Disobeying traffic light	3	3
Rule 57, 60, 60A, 61 or 63(2) (in school zone but not at level crossing)	Disobeying traffic light	4	4
Rule 66 (except at level crossing), 281, 282, 284, 286(2) or 286(3)	Disobeying traffic light	3	3
Rule 65(2)(a), 80 or 81(2) (except in school zone)	Failing to stop or give way at pedestrian, children's or marked crossing	3	3
Rule 65(2)(a), 80 or 81(2) (in school zone)	Failing to stop or give way at pedestrian, children's or marked crossing	4	4
Rule 65(2)(b) (except in school zone)	Obstruct pedestrian—flashing yellow light	3	3
Rule 65(2)(b) (in school zone)	Obstruct pedestrian—flashing yellow light	4	4
Rule 65(2)(c) (except in school zone)	Overtake/pass vehicle—flashing yellow light	3	3
Rule 65(2)(c) (in school zone)	Overtake/pass vehicle—flashing yellow light	4	4
Rule 67, 68, 69, 71 or 101 (except in school zone)	Disobeying stop (including hand-held stop) or give way sign or line	3	3
Rule 67, 68, 69, 71 or 101 (in school zone)	Disobeying stop (including hand-held stop) or give way sign or line	4	4
Rule 70 (except in school zone)	Disobey give way sign on bridge/narrow road	3	3
Rule 70 (in school zone)	Disobey give way sign on bridge/narrow road	4	4
Rule 72(1), 73, 74, 75, 84, 87, 114, 148, 148A or 149	Failing to give way	3	3
Rule 76(1)	Drive into path of approaching tram	3	3
Rule 76(2)	Not move out of path of approaching tram	3	3

Rule 77(1)	Drive in left lane/traffic line not give way to bus	3	3
Rule 78(1)	Move into path of police or emergency vehicle	3	3
Rule 78(2)	Not move out of path of police or emergency vehicle	3	3
Rule 79(1)	Not give way to police or emergency vehicle	3	3
Rule 81(1) (except in school zone)	Approach pedestrian crossing too quickly to stop safely if necessary	3	3
Rule 81(1) (in school zone)	Approach pedestrian crossing too quickly to stop safely if necessary	4	4
Rule 82 (except in school zone)	Overtake or pass vehicle—children's or pedestrian crossing	3	3
Rule 82 (in school zone)	Overtake or pass vehicle—children's or pedestrian crossing	4	4
Rule 83	Not give way to pedestrian in shared zone	3	3
Rule 85	Not give way to vehicle in/entering turning lane	3	3
Rule 86(1)	Not give way to vehicle (median turning bay)	3	3
Rule 88, 89, 90 or 91	Disobey traffic sign	2	2
Rule 93, 94, 143(1) or 143(2)	Overtake/pass vehicle contrary to sign	2	2
Rule 115	Not drive to left of central traffic island in the roundabout	2	2
Rule 121 or 122	Failing to stop or give way at level crossing	3	3
Rule 123(a)	Enter a level crossing when warning lights or bells operating	3	3
Rule 123(b)	Enter a level crossing when gate, boom or barrier is closed, opening or closing	3	3
Rule 123(c)	Enter a level crossing when a train or tram is on or entering the crossing	3	3
Rule 123(d)	Enter a level crossing when a train or tram is approaching the crossing	3	3

Rule 123(e)	Enter a level crossing when crossing or road beyond is blocked	3	3
Rule 126	Following too closely	3	3
Rule 129	Not drive far left side of road	2	2
Rule 130, 131 or 132(1)	Failing to keep left	2	2
	Failing to keep left—		
	(a) where vehicle is a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	4	4
Rule 132(2)	(b) where vehicle is not a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	3	3
Rule 132(2A)	Drive across dividing lines to perform a U-turn	3	3
Rule 135	Failing to keep left of median strip	3	3
Rule 140	Overtake vehicle when unsafe	2	2
Rule 141(1)	Overtake to left of vehicle	2	2
Rule 142(1)	Overtake to right of vehicle turning right/making U-turn	2	2
Rule 144	Fail to keep safe distance when overtaking	2	2
Rule 152	Disobey overhead lane control device	3	3
Rule 155	Drive in a tram lane	1	1
Rule 162, 163 or 164	Unlawfully driving past safety zone or stopped tram or failing to give way to pedestrian crossing near stopped tram	2	2
Rule 218	Failure to dip headlights	1	1
Rule 219	Use lights to dazzle another road user	1	1
Rule 264	Driver not wearing seat belt	3	6
Rule 265(3)	Drive with 1 unrestrained passenger	3	6
Rule 265(3)	Drive with 2 or more unrestrained passengers	6	12
Rule 266	Drive with unrestrained passengers under the age of 16 years	3	6

Rule 270(1)(a)	Ride motor bike without helmet (rider alone)	3	6
Rule 270(1)	Ride motor bike without helmet and with 1 passenger only not wearing helmet	6	12
Rule 270(1)	Ride motor bike without helmet and with 2 or more passengers not wearing helmets	9	18
Rule 288(4) (except in school zone)	Driver not give way to user/animal on path	3	3
Rule 288(4) (in school zone)	Driver not give way to user/animal on path	4	4
Rule 289(2) (except in school zone)	Driver not give way to road user/animal on nature strip	3	3
Rule 289(2) (in school zone)	Driver not give way to road user/animal on nature strip	4	4
Rule 300	Driver (other than learner, provisional P1 or provisional P2 driver) use hand-held mobile phone while driving	5	10
Rule 304	Fail to obey police direction	3	3

Road Transport Act 2013

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Section 117(1)(c)	Negligent driving (but not occasioning death or grievous bodily harm)	3	3

Road Transport (Vehicle Registration) Regulation 2017

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 128(2)	Use vehicle contrary to a defect notice— (a) in case of a major defect	3	3

(b) in case of a minor defect

1

1

Schedule 2 Additional demerit point offences

(Clause 71(2) and (3))

Heavy Vehicle National Law (NSW)

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Section 60(1)	Use vehicle with defective brakes	3	3
Section 60(1)	Use vehicle with defective steering	3	3
Section 60(1)	Use vehicle with seatbelt missing/defective	3	3
Section 60(1)	Use vehicle with defective seating	3	3
Section 60(1)	Use vehicle not fitted/equipped with seatbelts/anchorages	3	3
Section 60(1)	Use vehicle with dangerous protrusion	3	3

Local Government Act 1993

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Section 650(1)	Park in a free parking area otherwise than as permitted by a notice or sign designating a parking space in the area as a space for the sole use of persons with disabilities	1	1

Protection of the Environment Operations (Noise Control) Regulation 2017

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 33(1)	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	2

Road Rules 2014

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Rule 20 (where the applicable speed limit is specified by rule 24-1(1), (2) or (3), except in a school zone)	Exceeding speed limit for learner or provisional driver—		
	(a) where the speed limit is exceeded by more than 45km/h	6	12
	(b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	5	10
Rule 20 (in school zone where the applicable speed limit is specified by rule 24-1(1), (2) or (3))	(c) where the speed limit is exceeded by not more than 30km/h	4	8
	Exceeding speed limit for learner or provisional driver—		
	(a) where the speed limit is exceeded by more than 45km/h	7	14
	(b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	6	12
	(c) where the speed limit is exceeded by not more than 30km/h	5	10
Rule 20 (where the applicable speed limit is specified by rule 24-2)	Exceeding speed limit on Lord Howe Island—		
	(a) where the speed limit is exceeded by more than 45km/h	6	12
	(b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	5	10
	(c) where the speed limit is exceeded by more than 20km/h but not exceeded by more than 30km/h	4	8

	(d) where the speed limit is exceeded by more than 10km/h but not exceeded by more than 20km/h	3	6
	(e) where the speed limit is exceeded by not more than 10km/h	1	2
	Pass bus at speed in excess of 40km/h—		
	(a) where the motor vehicle is driven at a speed that exceeds 85km/h	6	12
	(b) where the motor vehicle is driven at a speed that exceeds 70km/h but does not exceed 85km/h	5	10
	(c) where the motor vehicle is driven at a speed that exceeds 60km/h but does not exceed 70km/h	4	8
	(d) where the motor vehicle is driven at a speed that exceeds 50km/h but does not exceed 60km/h (otherwise than by the holder of a learner licence, provisional P1 licence or provisional P2 licence)	3	6
Rule 20 (where the applicable speed limit is specified by rule 24-3)	(e) where the motor vehicle is driven at a speed that exceeds 50km/h but does not exceed 60km/h (in the case of the holder of a learner licence, provisional P1 licence or provisional P2 licence)	4	8
	(f) where the motor vehicle is driven at a speed that exceeds 40km/h but does not exceed 50km/h (otherwise than by the holder of a learner licence, provisional P1 licence or provisional P2 licence)	1	2
	(g) where the motor vehicle is driven at a speed that exceeds 40km/h but does not exceed 50km/h (in the case of the holder of a learner licence, provisional P1 licence or provisional P2 licence)	4	8
Rule 78-1(1)	Fail to give way to person near stationary emergency response vehicle	3	3

Rule 78-1(2)	Improperly passing stationary emergency response vehicle	3	3
Rule 78-1(3)	Increase speed when passing stationary emergency response vehicle	3	3
Rule 92(1)	Disobey traffic sign/road marking at intersection	2	2
Rule 95(1)	Drive in emergency stopping lane	2	2
Rule 96(1)	Stop on area marked with keep clear marking	2	2
Rule 97(1)	Disobey road access sign	2	2
Rule 98(1)	Disobey one-way sign	2	2
Rule 99	Disobey keep left/right sign	2	2
Rule 100	Disobey no entry sign	2	2
Rule 102, but only where the driver drives through or under (or attempts to drive through or under) a tunnel, bridge or other structure to which a clearance sign or low clearance sign relates	Disobey clearance or low clearance sign	6	6
Rule 104, but only in relation to the length of road between Galston and Hornsby Heights that crosses Galston Gorge	Disobey no trucks sign	6	6
Rule 106(2), but only in relation to the length of road between Galston and Hornsby Heights that crosses Galston Gorge	Disobey no buses sign	6	6
Rule 108	Disobey trucks and buses low gear sign	3	3
Rule 124	Fail to leave a level crossing	3	3

Rule 127	<p>Long vehicle following other long vehicle too closely, otherwise than where following long vehicle is—</p> <p>(a) a class B or class C motor vehicle, and</p> <p>(b) in a Safe-T-Cam zone or average speed detection zone</p>	3	3
Rule 127	<p>Long vehicle following other long vehicle too closely, where following long vehicle is—</p> <p>(a) a class B or class C motor vehicle, and</p> <p>(b) in a Safe-T-Cam zone or average speed detection zone</p>	4	4
Rule 128A (except in school zone)	Enter blocked crossing	2	2
Rule 128A (in school zone)	Enter blocked crossing	3	3
Rule 136	Drive wrong way on one-way service road	3	3
Rule 137	Drive on dividing strip	2	2
Rule 138(1)	Drive on/over continuous line near painted island	2	2
Rule 143(1A)	Overtake/pass vehicle contrary to sign	2	2
Rule 144-1	Fail to keep safe distance when passing bicycle	2	2
Rule 145	Increase speed while being overtaken	3	3
Rule 146	<p>Not drive within single marked lane or line of traffic, otherwise than where vehicle not driven within single marked lane or line of traffic is—</p> <p>(a) a class B or class C motor vehicle, and</p> <p>(b) in a Safe-T-Cam zone or average speed detection zone</p>	2	2

	Not drive within single marked lane or line of traffic, where vehicle not driven within single marked lane or line of traffic is—		
Rule 146	(a) a class B or class C motor vehicle, and	4	4
	(b) in a Safe-T-Cam zone or average speed detection zone		
	Cross continuous line separating marked lanes, otherwise than where vehicle crossing line is—		
Rule 147	(a) a class B or class C motor vehicle, and	2	2
	(b) in a Safe-T-Cam zone or average speed detection zone		
	Cross continuous line separating marked lanes, where vehicle crossing line is—		
Rule 147	(a) a class B or class C motor vehicle, and	4	4
	(b) in a Safe-T-Cam zone or average speed detection zone		
	Drive on/over continuous white edge line, where vehicle driven is—		
Rule 150	(a) a class B or class C motor vehicle, and	4	4
	(b) in a Safe-T-Cam zone or average speed detection zone		
	Drive on/over continuous white edge line, where vehicle driven is—		
Rule 150	(a) not a class B or class C motor vehicle, and	2	2
	(b) in a Safe-T-Cam zone or average speed detection zone		
Rule 150	Drive on/over continuous white edge line, where vehicle driven is not in a Safe-T-Cam zone or average speed detection zone	2	2
Rule 151A(2)	Unlawfully lane filter	3	3
Rule 154	Drive in bus lane	1	1

Rule 155A	Drive in a tramway	1	1
Rule 157-1(1)	Drive in T-Way lane	1	1
Rule 159	Bus or truck driver fail to drive in bus lane or in truck lane where required	3	3
Rule 164A	Drive past safety zone or stopped tram/ Fail to give way to pedestrian crossing near stopped tram	2	2
Rule 167 (in school zone)	Disobey no stopping sign	2	2
Rule 168(1) (in school zone)	Disobey no parking sign	2	2
Rule 170(1)	Stop in intersection	2	2
Rule 170(2)	Stop within 20m of intersection (traffic lights)	2	2
Rule 170(3)	Stop within 10m of intersection (no traffic lights)	2	2
Rule 171(1)	Stop on/near children's crossing	2	2
Rule 172(1)	Stop on/near pedestrian crossing	2	2
Rule 173(1)	Stop on/near marked foot crossing	2	2
Rule 174(2)	Stop near bicycle crossing lights	2	2
Rule 175(1)	Stop on/near level crossing	1	1
Rule 183(1) (in school zone)	Stop in bus zone	2	2
Rule 189(1) (in school zone)	Double park	2	2
Rule 195(1) (in school zone)	Stop at/near bus stop	2	2
Rule 195(1-1) (in school zone)	Driver of public bus stop at/near bus stop	2	2
Rule 197(1) (in school zone)	Stop on path/strip in built-up area	2	2
Rule 197(1A) (in school zone)	Stop on painted island	2	2
Rule 197(1B) (in school zone)	Stop on traffic island	2	2
Rule 198(1) (in school zone)	Obstruct access to or from ramp/path/passageway	2	2

Rule 198(2) (in school zone)	Stop on/across driveway/other access to/from adjacent land	2	2
Rule 203(1)	Stop in parking area for people with a disability	1	1
Rule 208(1) (arising from a breach of Rule 208(2)) (in school zone)	Not parallel park in direction of travel	2	2
Rule 208(1) (arising from a breach of Rule 208(6)) (in school zone)	Parallel park close to dividing line/strip	2	2
Rule 215-1(1)	Driving at night/dark without headlight alight, otherwise than where vehicle driven is— (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone or average speed detection zone	1	1
Rule 215-1(1)	Driving at night/dark without headlight alight, where vehicle driven is— (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone or average speed detection zone	4	4
Rule 267-1(2)	Learner or provisional P1 or provisional P2 driver drive vehicle unrestrained (no restraint fitted)	3	6
Rule 267-1(2)	Learner or provisional P1 or provisional P2 driver drive vehicle with unrestrained passenger	3	6
Rule 268(3)	Part of body outside vehicle window/door (driver)	3	3
Rule 268(4)	Drive with part of passenger's body outside window/door	3	3
Rule 268(4A)	Drive with passenger in part of vehicle that is not designed for carriage of passengers or goods	3	3
Rule 268(4B)	Drive with passenger not in properly enclosed part of vehicle	3	3
Rule 268-2(2)	Drive with person in or on the boot of motor vehicle	3	6

Rule 271(1)(a)	Not sit astride on motor bike rider's seat	3	3
Rule 271(4), 271-1(1) or 271-2(1)	Unauthorised carriage of pillion passenger on motor bike or motor trike	3	3
Rule 271(5)	Exceed number of passengers in motor bike side car	3	3
Rule 271(5A)	Ride with passenger under 8 years not in sidecar	3	3
Rule 271(5C)	Ride with unsafely seated passenger in sidecar	3	3
Rules 274, 275, 277 and 279	Disobeying traffic light	3	3
Rule 287	Not stop and supply required particulars at scene of crash	3	3
Rule 288(1) (except in school zone)	Drive on path	3	3
Rule 288(1) (in school zone)	Drive on path	4	4
Rule 289(1) (except in school zone)	Drive on nature strip	3	3
Rule 289(1) (in school zone)	Drive on nature strip	4	4
Rule 290 (except in school zone)	Drive on traffic island	3	3
Rule 290 (in school zone)	Drive on traffic island	4	4
Rule 291	Start or drive a vehicle causing unnecessary noise or smoke	3	3
Rule 292(a)	Drive/tow vehicle with unsecured load	3	3
Rule 292(b)	Drive/tow vehicle with load causing instability	3	3
Rule 292(c)	Drive/tow vehicle with overhanging load	3	3
Rule 293(2)	Not remove/have removed any thing fallen/put upon road	3	3
Rule 294(1)	Tow without appropriate control of towed vehicle	3	3
Rule 294(2)(a)	Tow without control of trailer	3	3
Rule 294(2)(b)	Tow trailer when unsafe	3	3

Rule 294-1(1)(a)	Articulated vehicle tow other vehicle	3	3
Rule 294-1(1)(b)	Motor vehicle tow more than one vehicle	3	3
Rule 294-2(1)(a)	Towed vehicle exceed towing capacity	3	3
Rule 294-2(1)(b)	Towed vehicle exceed maximum laden weight	3	3
Rule 296(1) (except in school zone)	Not reverse vehicle safely	2	2
Rule 296(1) (in school zone)	Not reverse vehicle safely	3	3
Rule 297(1) (except in school zone)	Not have proper control of vehicle	3	3
Rule 297(1) (in school zone)	Not have proper control of vehicle	4	4
Rule 297(1A) (except in school zone)	Drive with person or animal in lap	3	3
Rule 297(1A) (in school zone)	Drive with person or animal in lap	4	4
Rule 297(2) (except in school zone)	Drive without clear view	3	3
Rule 297(2) (in school zone)	Drive without clear view	4	4
Rule 297(3) (except in school zone)	Ride with animal on petrol tank	3	3
Rule 297(3) (in school zone)	Ride with animal on petrol tank	4	4
Rule 298	Tow trailer with person in/on trailer	3	3
Rule 298-1	Driver consume alcohol while driving	3	3
Rule 299(1)(a) (except in school zone)	Drive vehicle with TV/VDU image visible	3	3
Rule 299(1)(a) (in school zone)	Drive vehicle with TV/VDU image visible	4	4
Rule 300-1	Learner, provisional P1 or provisional P2 driver use mobile phone while driving	5	10

Road Transport Act 2013

Column 1

Column 2

Column 3

Column 4

Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Section 68(1), in relation only to a class B or class C motor vehicle	Use unregistered vehicle	4	4
Section 116(1)	Burnout	3	3
Section 119(2)	Stand/drive vehicle with speed measuring evasion article	9	9

Road Transport (Driver Licensing) Regulation 2017

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 15(1)(b)	Learner driver not display "L" plates as required	2	2
Clause 17(1)(a)	Unauthorised carriage of pillion passenger	2	2
Clause 17(1)(b)	Learner rider not display "L" plate as required	2	2
Clause 17(2)	Ride motorcycle of prohibited capacity/power	4	4
Clause 18	Learner tow or be towed by other vehicle	2	2
Clause 23(a)	Drive vehicle towing excess weight	2	2
Clause 23(b)	Ride motor bike or motor trike towing other vehicle	2	2
Clause 119—			
(a) in relation to a condition imposed by clause 22(1)(b) or 29(1)(b)	Not comply with provisional P1/P2 (class R) restriction on capacity/power	7	7
(b) in relation to a condition imposed by clause 22(1)(c)	Not comply with provisional P1 pillion passenger restriction	3	3
(c) in relation to a condition imposed by clause 36	Not comply with provisional P1/P2 high performance vehicle restriction	7	7

(d) in relation to a condition imposed by clause 37	Not comply with provisional P1/P2 passenger restriction	7	7
(e) in relation to a condition imposed by clause 38	Not comply with provisional P1 passenger restriction	3	3
(f) in relation to any other licence condition (except a condition imposed by clause 83 or 85)	Not comply with conditions of licence	2	2

Road Transport (Vehicle Registration) Regulation 2017

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 60(1)	Use vehicle with obscured/defaced/illegible number-plate or number-plate not displayed or affixed in accordance with Regulation	3	3
Clause 60(1)(a)	Use vehicle with defective brakes	3	3
Clause 60(1)(a)	Use vehicle with defective steering	3	3
Clause 60(1)(a)	Use vehicle with seatbelt missing/defective	3	3
Clause 60(1)(a)	Use vehicle with defective seating	3	3
Clause 60(1)(a)	Use vehicle not fitted/equipped with seatbelts/anchorage	3	3
Clause 60(1)(a)	Use vehicle with dangerous protrusion on bullbar	3	3
Clause 129(1)	Use vehicle with unauthorised number-plate	3	3
Clause 129(3)(a)	Use vehicle displaying altered number-plate	3	3
Clause 129(3)(b)	Use vehicle displaying misleading number-plate	3	3

Rural Fires Act 1997

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points

Section 99A(1)	Driver of a motor vehicle, without lawful authority, discarding a lighted tobacco product or match or any incandescent material on a road or road related area—		
	(a) other than during a total fire ban under Division 6 of Part 4 of the <i>Rural Fires Act 1997</i> in the part of the State concerned	5	5
	(b) during a total fire ban under Division 6 of Part 4 of the <i>Rural Fires Act 1997</i> in the part of the State concerned	10	10

Schedule 3 Fees

clause 116

	Service	\$
	Issue or renewal of a driver licence, other than a provisional licence or learner licence—	
	(a) for a 1-year period	60
1	(b) for a 3-year period	140
	(c) for a 5-year period	190
	(d) for a 10-year period	352
	Issue or renewal of—	
	(a) a provisional P1 licence	60
2	(b) a provisional P2 licence	94
	(c) a learner licence	26
	Issue of a replacement driver licence—	
3	(a) for a learner licence	23
	(b) for any other driver licence	28
	Administration of a test to obtain a driver licence—	
4	(a) a driver knowledge test	47
	(b) a driving test or riding test	59

	(c) a hazard perception test	47
	(d) a driver qualification test	47
	Issue of the following in connection with a competency based assessment relating to heavy vehicle driver licensing—	
5	(a) an initial log book and a heavy vehicle driver handbook	29
	(b) a replacement log book	9
	Issue of—	
6	(a) a certificate relating to information from the records of Transport for NSW	32
	(b) any other document containing information from the records of Transport for NSW	23
	Provision of—	
	(a) a road users' handbook, in any language	13
	(b) a heavy vehicle driver handbook	13
7	(c) a motorcycle riders' handbook	13
	(d) a hazard perception handbook	13
	(e) a driver qualification handbook	13
8	Interlock administration fee for an interlock driver licence	167