



Western Australia

Road Traffic (Authorisation to Drive) Regulations 2008

Compare between:

[30 Nov 2012, 01-d0-02] and [14 Jan 2013, 01-e0-02]

Western Australia

Road Traffic Act 1974

Road Traffic (Authorisation to Drive) Regulations 2008

Part 1 — Preliminary

1. Citation

These regulations are the *Road Traffic (Authorisation to Drive) Regulations 2008* ¹.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Road Traffic Amendment Act 2006* section 6 comes into operation ².

3. Terms used

In these regulations, unless the contrary intention appears —
another jurisdiction's driving authorisation has the meaning given in regulation 60(1);

axle means the axis of rotation of any of the wheels on which a vehicle is or may be driven, regardless of whether the wheel is power driven or freely rotating and regardless of the number of wheels rotating on that axis and, if 2 or more wheels have

substantially the same axis of rotation or intersecting axes of rotation when the vehicle is being driven in a straight line, those wheels are to be regarded as being on the same axle;

Department means the department of the Public Service principally assisting in the administration of the licensing provisions of the Act;

disqualified from holding or obtaining a driver's licence does not include being prevented under section 42D of the Act from being granted a driver's licence and in the context of a licence or authorisation to drive granted under the law of another jurisdiction or another country, the term does not include being prevented under a provision substantially similar to section 42D of the Act from being granted a licence or authorisation to drive under that law;

foreign driving authorisation has the meaning given in regulation 61(1);

grant by way of renewal, referring to the grant of a driver's licence, has the meaning given in regulation 38(4);

GVM (which stands for "gross vehicle mass") means the maximum loaded mass of a vehicle —

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

learner approved motor cycle means a motor cycle in relation to which an approval by the Director General under regulation 6A(1) is in force;

moped means a motor cycle that —

~~(a) has a propelling engine with an engine capacity not exceeding 50 cc; and~~

~~(b) is designed so as not to be capable of a speed exceeding 60 km/h; and~~

(b) either —

(i) has an engine capacity not exceeding 50 cc; or

(ii) is not powered by a piston engine.

whether or not it is also capable of being propelled by pedalling, ~~except that it~~ but does not include a power assisted pedal cycle;

motor carrier means —

(a) a motor vehicle that —

(i) is designed to travel on 3 wheels; and

(ii) has an unladen mass not exceeding 1 016 kg; and

(iii) is designed with a significant portion of its steering mechanism and other controls similar to those of a motor cycle;

or

(b) a motorised wheelchair, except one that is designed so as not to be capable of a speed exceeding 10 km/h;

motor cycle means a motor vehicle that is not equipped with a permanent cab and cab roof and that —

(a) is designed to travel on 2 wheels or, with a sidecar attached, 3 wheels; or

(b) has 3 wheels arranged so that the axis of rotation of 2 wheels lies on the same straight line and each of those 2 wheels is equidistant from the third,

except that it does not include a motorised wheelchair and does not include a motor vehicle built or modified to be used primarily to carry goods or materials used in any trade, business or industry;

r. 4

motorised wheelchair has the meaning given in the *Road Traffic (Licensing) Regulations 1975* regulation 3(1);

novice driver has the meaning given in section 104(2) of the Act;

novice driver (type 1A) has the meaning given in regulation 4(3);

prime mover means a motor vehicle having at least 2 axles and a GVM exceeding 8 t, that is built to tow a semi-trailer;

relevant authority, in relation to a vehicle, means —

- (a) unless the vehicle was last licensed or registered in Australia under the law of another jurisdiction, the Director General; and
- (b) if the vehicle was last licensed or registered in Australia under the law of another jurisdiction, the authority responsible under that law for licensing or registering vehicles for use on roads;

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

- (a) one axle group or single axle to the rear; and
- (b) a means of attachment to a prime mover that results in some of the load being imposed on the prime mover;

trailer means a vehicle that is built to be towed, or is towed, by a motor vehicle, whether by attachment to the motor vehicle directly or to another trailer towed by the motor vehicle, except that it does not include a motor vehicle that is being towed.

[Regulation 3 amended in Gazette 27 Jun 2008 p. 3122; [30 Nov 2012 p. 5806.](#)]

4. Novice driver (type 1A), meaning of

- (1) In this regulation —

relevant driving authorisation means —

- (a) an Australian driver licence; or

- (b) a foreign driving authorisation authorising the person to drive a motor vehicle other than solely for the purpose of learning to drive it.

[(2) *deleted*]

- (3) A person who is a novice driver is a novice driver (type 1A) unless the person has, for a period of at least 6 months or periods adding up to at least 6 months, held a relevant driving authorisation.
- (4) When deciding whether a person who is a novice driver is a novice driver (type 1A), a period for which the person held a relevant driving authorisation is to be regarded as not including any period for which the person, although holding a relevant driving authorisation, was excluded by law from driving under that authorisation.

[Regulation 4 amended in Gazette 27 Jun 2008 p. 3122.]

5. Classes of motor vehicles defined (Sch. 1)

- (1) Schedule 1 identifies the classes of motor vehicles to which these regulations refer.
- (2) When Schedule 1 column 2 describes a motor vehicle, it means a motor vehicle of the kind described, whether or not it is attached to a trailer that the motor vehicle may be used to tow according to Schedule 4.

6A. Learner approved motor cycles

- (1) The Director General may approve a motor cycle as a learner approved motor cycle if the motor cycle —

(a) is not a moped; and

(b) has a power-to-weight ratio that does not exceed 150 Kw/t; and

(c) has an engine capacity that does not exceed 660 cc; and

r. 6

(d) is, in the opinion of the Director General, suitable to be driven by a person who holds a driver's licence that authorises the person to drive a motor vehicle of class R and is endorsed with condition E.

(2) The Director General may revoke or amend the approval of a motor cycle under subregulation (1).

(3) The Director General must ensure that a list of each motor cycle in relation to which an approval under subregulation (1) is in force is published on a website maintained by the Department.

[Regulation 6A inserted in Gazette 30 Nov 2012 p. 5806-7.]

6. Offences prescribed (Act s. 102) for traffic infringement notices

An offence under these regulations for which these regulations specify a modified penalty is prescribed for the purposes of section 102 of the Act and the amount specified as the modified penalty is prescribed to be the penalty for the offence if dealt with under section 102.

Part 2 — Driver licensing

Division 1 — Drivers' licences generally

7. Driver's licence, grant etc. of

- (1) The Director General may grant to a person a licence authorising the person to drive a motor vehicle on a road.
- (2) A driver's licence cannot be granted to a person other than an individual.
- (3) A driver's licence cannot be transferred to another person.

8. Driver's licence, what it authorises (Sch. 2)

- (1) The extent to which a driver's licence authorises the licence holder to drive on a road depends on the class or classes of authorisation given in the licence.
- (2) Schedule 2 column 1 designates each class of authorisation.
- (3) A driver's licence giving a particular class of authorisation authorises the holder to drive on a road —
 - (a) a motor vehicle the class of which has the same designation as the class of authorisation; or
 - (b) a motor vehicle of any other class shown in Schedule 2 column 2 for that class of authorisation.

9. Driver's licence to be provisional in some cases

- (1) The Director General is required, when granting a driver's licence in the circumstances described in subregulation (2), to endorse it as a provisional licence.
- (2) The driver's licence granted to a person is to be a provisional licence if the person —
 - (a) is a novice driver; or
 - (b) has not reached 19 years of age.

- (3) The endorsement of a driver's licence as a provisional licence ceases to have effect when the holder of the licence —
 - (a) has ceased to be a novice driver; and
 - (b) has reached 19 years of age.

10. Novice driver (type 1A), night-time driving restriction for

- (1) In this regulation —
employment includes both paid and unpaid employment;
schooling means a course of education or training for which the person is enrolled.
- (2) Except in the circumstances described in subregulation (3), a driver's licence held by a person who is a novice driver (type 1A) does not authorise the person to drive a motor vehicle during the period between midnight and the following 5 a.m. unless —
 - (a) the driving is —
 - (i) in the course of employment; or
 - (ii) for the purpose of travelling to or from employment and by the shortest practicable route for achieving that purpose; or
 - (iii) for the purpose of travelling to or from schooling and by the shortest practicable route for achieving that purpose;
 - and
 - (b) in the case of travel from employment or schooling, the travel commences as soon as is practicable after the employment or schooling ceases.
- (3) Subregulation (2) does not apply if the holder of the driver's licence is driving in the course of instruction as authorised by regulation 57(1) or (2).

11. Carrying passengers for reward not generally authorised

- (1) Unless endorsed as described in regulation 12 to give that authorisation, a driver's licence does not authorise the holder to drive a motor vehicle when it is being used for the purpose of carrying passengers for reward, either in a taxi or in any other circumstance.
- (2) In subregulation (1) —
taxi has the meaning given in regulation 12(3).
- (3) Passengers are not carried for reward as referred to in subregulation (1) if —
 - (a) the amount received for carrying those passengers is not intended to exceed the running costs of the motor vehicle; or
 - (b) the person driving the vehicle is —
 - (i) driving the vehicle in the course of his or her general employment; and
 - (ii) carrying passengers in that vehicle as an incidental part of his or her other employment duties,
and either the driver is a member of the Police Force appointed under the *Police Act 1892* Part I or the vehicle does not seat more than 12 persons (including the driver); or
 - (c) the person driving the vehicle provides a child care service as the holder of a licence under the *Child Care Services Act 2007* and is driving in the course of providing that service; or
 - (d) the person driving the vehicle does so in the course of employment for the purpose of providing a child care service under a licence under the *Child Care Services Act 2007*.

- (4) An amount referred to in subregulation (3)(a) is to be regarded as not intended to exceed the running costs of the motor vehicle if it does not exceed an amount calculated according to the relevant rate per kilometre fixed in Schedule 3.

12. Carrying passengers for reward, authorisation for

- (1) The Director General may endorse a driver's licence to give the authorisation referred to in regulation 11(1).
- (2) The endorsement is to show that the driver's licence includes —
 - (a) extension T, to indicate that the driving authorised by the licence includes that driving when it is for the purpose of carrying passengers for reward but, if the driving is at a time when the licence holder has not reached 21 years of age, only in a taxi; or
 - (b) extension F, to indicate that the driving authorised by the licence includes that driving when it is for the purpose of carrying passengers for reward except in a taxi.
- (3) In subregulation (2) —
taxi has the meaning given in the *Taxi Act 1994* section 3(1), whether or not that Act applies to its operation.
- (4) A person may apply to the Director General for a driver's licence held by that person to be endorsed as including extension F or extension T.
- (5) The application has to be made in writing in a form approved by the Director General and it has to give details of the endorsement sought and be accompanied by a written report based on a medical examination to which the person submitted in accordance with subregulation (10)(a).
- (6) The Director General may make an extension F endorsement if the applicant pays the fee, if any, prescribed under the *Road Traffic (Charges and Fees) Regulations 2006* for making the endorsement and the Director General is satisfied that the applicant —

- (a) has, for a period of at least 4 years or periods adding up to at least 4 years, held a relevant driving authorisation; and
 - (b) has reached 21 years of age; and
 - (c) is of good character; and
 - (d) is mentally and physically fit to drive a motor vehicle for the purposes of carrying passengers for reward.
- (7) The Director General may make an extension T endorsement if the applicant pays the fee, if any, prescribed under the *Road Traffic (Charges and Fees) Regulations 2006* for making the endorsement and the Director General is satisfied that the applicant —
 - (a) has, for a period of at least 3 years or periods adding up to at least 3 years, held a relevant driving authorisation; and
 - (b) has reached 20 years of age; and
 - (c) is of good character; and
 - (d) is mentally and physically fit to drive a motor vehicle for the purposes of carrying passengers for reward; and
 - (e) has successfully completed a training course or test approved by the Director General.
- (8) A period for which a person held a relevant driving authorisation is to be regarded as not including any period for which the person, although holding a relevant driving authorisation, was excluded by law from driving under that authorisation.
- (9) In subregulations (6), (7) and (8) —
relevant driving authorisation means —
 - (a) an Australian driver licence; or
 - (b) a foreign driving authorisation authorising the person to drive a motor vehicle other than solely for the purpose of learning to drive it.

- (10) A person has to submit to a medical examination to assess the person's mental and physical fitness to drive a motor vehicle for the purposes of carrying passengers for reward —
- (a) within the period of 3 months before applying for an extension F or T endorsement; and
 - (b) if the person does not wish the endorsement to lapse, within the period of 3 months before the day that subregulation (11) fixes as the last day for providing a report to the Director General.
- (11) An extension F or T endorsement lapses unless the licence holder submits to a medical examination in accordance with subregulation (10)(b) and provides a written report based on the examination to the Director General on or before —
- (a) if the licence holder has not reached 45 years of age, the day that ends 5 years after the day on which the licence holder last provided a report under subregulation (5) or this subregulation; or
 - (b) if the licence holder has reached 45 years of age but not 65 years of age, the day that ends 2 years after the day on which the licence holder last provided a report under subregulation (5) or this subregulation; or
 - (c) if the licence holder has reached 65 years of age, the day that ends 1 year after the day on which the licence holder last provided a report under subregulation (5) or this subregulation.

13. Trailer towing limits (Sch. 4)

The authorisation given by a driver's licence to drive a motor vehicle includes authorisation to drive the motor vehicle while towing a trailer but only if the trailer is towed according to Schedule 4.

14. Disqualifications etc. in another jurisdiction, recognition and effect of

- (1) In this regulation —
driver licence means any licence or authorisation that is an Australian driver licence.
- (2) If under the law of another jurisdiction a person is disqualified from holding or obtaining a driver licence, that fact is recognised and as a consequence of the recognition the person is disqualified from holding or obtaining a driver's licence.
- (3) If under the law of another jurisdiction the driver licence that a person may hold or obtain is restricted, that fact is recognised and as a consequence of the recognition a driver's licence held by the person does not authorise the person to drive on a road in this State to an extent that, because of that fact, the person would be prevented from being authorised to drive under the law of the other jurisdiction.

Division 2 — Eligibility to hold a driver's licence

15. Minimum age for driver's licence

- (1) The minimum age that a person has to have reached to hold a driver's licence is —
 - (a) except as stated in paragraph (b), 17 years of age;
 - (b) for a driver's licence that is endorsed with condition N and authorises the person to drive only a vehicle of class R, 16 years of age.
- (2) Other provisions of these regulations may have the effect that, in some cases, a person cannot hold a driver's licence until later than when the person reaches the age fixed by subregulation (1).
- (3) This regulation does not prevent the Director General from waiving an age requirement in a particular case under regulation 22(1).

16. Ability to safely drive, demonstrating

- (1) Before a person can hold a driver's licence the person has to have satisfied the Director General that the person can demonstrate sufficient ability to safely drive motor vehicles as the licence would authorise.
- (2) An applicant for a driver's licence who is a novice driver and has not previously held a driver's licence may demonstrate the ability referred to in subregulation (1) by —
 - (aa) driving an appropriate vehicle on a road for at least 25 hours in the course of instruction by —
 - (i) a person who holds a licence issued under the *Motor Vehicle Drivers Instructors Act 1963*; or
 - (ii) a person who may give driving instruction under regulation 45(2),
and making a record of that driving, signed by the person who gave the instruction, in a logbook approved by the Director General; and
 - (a) after recording that driving, and having reached 16 years and 6 months of age, satisfying the Director General that the applicant is able to control a motor vehicle that the licence would authorise the holder to drive; and
 - (b) after satisfying the Director General as paragraph (a) requires, driving an appropriate vehicle on a road for at least 25 hours in the course of instruction by —
 - (i) a person who holds a licence issued under the *Motor Vehicle Drivers Instructors Act 1963*; or
 - (ii) a person who may give driving instruction under regulation 45(2),
and making a record of that driving, signed by the person who gave the instruction, in a logbook approved by the Director General; and
 - (c) after recording that driving, and having reached 17 years of age, by a test approved by the Director General and

conducted not less than 6 months after the applicant satisfied the Director General as paragraph (a) requires, satisfying the Director General that the applicant has sufficient ability to recognise hazards on roads.

- (3) An applicant for a driver's licence who is not a novice driver or who, although a novice driver, has previously held a driver's licence, may demonstrate the ability referred to in subregulation (1) by satisfying the Director General that the applicant is able to control a motor vehicle that the licence would authorise the holder to drive.
- (4A) For the purposes of this regulation, an applicant for a driver's licence who —
- (a) is a novice driver; and
 - (b) has held a driver's licence that authorises a person to drive a motor vehicle of class R and is endorsed with condition N; and
 - (c) has not held a driver's licence other than a licence described in paragraph (b),
- is to be taken to have not previously held a driver's licence.
- (4) Subregulations (2) and (3) do not prevent the Director General from being satisfied that a person can demonstrate sufficient ability —
- (a) in the circumstances described, and on the basis described, in regulation 24(2); or
 - (b) in any circumstances, and on any basis, as the Director General sees fit.
- (5) Subregulation (2)(aa) has effect only in relation to a person who applies for a driver's licence on or after the day on which the *Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2012* regulation 4(1) comes into operation.

[Regulation 16 amended in Gazette 2 Nov 2012 p. 5264 and 5265.]

17. Ability to control motor vehicle, how can be shown (Sch. 5)

- (1) A person satisfying the Director General of an ability to control a motor vehicle of a kind described in Schedule 5 column 2 is to be taken to have satisfied the Director General of the ability to control motor vehicles that is needed for a driver's licence to authorise the person to drive a motor vehicle of the class specified in column 1.
- (2) A person satisfying the Director General of an ability to control a moped is to be taken to have satisfied the Director General of the ability to control motor vehicles that is needed for a driver's licence to authorise the person to drive a motor vehicle of class R while the licence is endorsed with condition N.
- (3) A person satisfying the Director General of an ability to control a [learner approved](#) motor cycle ~~with an engine capacity of at least 100 cc~~ is to be taken to have satisfied the Director General of the ability to control motor vehicles that is needed for a driver's licence to authorise the person to drive a motor vehicle of class R while the licence is endorsed with condition E.

[\[Regulation 17 amended in Gazette 30 Nov 2012 p. 5807.\]](#)

18. Ability to safely drive, acceptable evidence of

The Director General —

- (a) may accept evidence, other than evidence obtained from a driving test, to demonstrate that the applicant is able to control a motor vehicle as referred to in regulation 16(2)(a); and
- (b) may accept, from a body authorised by the Director General to give it, evidence about whether the applicant can demonstrate the ability referred to in regulation 16 to safely drive relevant motor vehicles.

19. Drivers who are 80 or older, evidence as to ability of to safely drive

- (1) This regulation applies to the grant of a driver's licence, whether by way of renewal or otherwise, to a person (the *applicant*) who has reached 80 years of age.
- (2) Despite regulation 24(2) the Director General cannot be satisfied that the applicant has demonstrated the ability referred to in regulation 16 to safely drive motor vehicles as the licence would authorise solely on the basis that the applicant has previously held a driver's licence or has previously satisfied the Director General of having that ability.
- (3) The applicant has to have demonstrated that ability within one year before the grant of the licence.

[Regulation 19 amended in Gazette 5 Apr 2012 p. 1578.]

20. Knowledge of traffic laws and safe driving techniques, demonstrating

- (1) Before a person can hold a driver's licence the person has to have satisfied the Director General that the person can demonstrate a reasonable knowledge of the traffic laws of the State and of safe driving techniques unless under regulation 22(4) the Director General has waived the requirement to be able to demonstrate that knowledge.
- (2) The Director General may require the person to demonstrate that knowledge by completing a theory test, by producing evidence of knowledge accepted under the traffic laws of another jurisdiction that the Director General accepts as being sufficiently similar to those of this State, or in any other way the Director General considers acceptable.

21. Driver's licence required as prerequisite for other driver's licence (Sch. 6)

- (1) The Director General cannot grant a person a driver's licence authorising the person to drive a motor vehicle of a class specified in Schedule 6 column 1 unless the person has, for a period of, or periods adding up to, at least the amount of time specified in column 3, held —
- (a) a driver's licence described for that class in column 2; or
 - (b) any Australian driver licence or foreign driving authorisation that was substantially equivalent to a driver's licence described for that class in column 2,
- unless under regulation 22(5) the Director General has waived the requirement imposed by this subregulation.
- (2) A reference in subregulation (1) or Schedule 6 column 2 to a driver's licence authorising a person to drive a vehicle does not include a driver's licence that authorises the person to drive the vehicle only when learning.
- (3) Subregulation (1) does not apply to the granting of a driver's licence to authorise the person to drive a motor vehicle of class R while the licence is endorsed with condition N or E.

22. Waiving certain requirements in special cases

- (1) The Director General may in a particular case waive the requirement in regulation 15(1) that a person holding a licence have reached the age fixed in that provision if —
- (a) denial of a licence would occasion undue hardship; and
 - (b) the requirements of subregulation (2) or (3) that apply are satisfied.
- (2) If the applicant for the licence has a parent or guardian residing in the State, a parent or guardian has to have consented in writing to the licence being granted.

- (3) If the applicant for the licence does not have a parent or guardian residing in the State —
 - (a) a parent or guardian has to have consented in writing to the licence being granted; or
 - (b) an employer or intended employer of the applicant has to have confirmed in writing that the licence is considered essential for the purposes of the applicant's employment.
- (4) The Director General may in a particular case waive the requirement in regulation 20(1) that before a person can hold a driver's licence the person can demonstrate a reasonable knowledge of the traffic laws of the State and of safe driving techniques if denial of a licence would occasion undue hardship.
- (5) The Director General may in a particular case waive the requirement imposed by regulation 21(1) if denial of a licence would occasion undue hardship.

Division 3 — Applying for grant or variation of driver's licence

23. Driver's licence, applying for

- (1) A person who wishes to obtain a driver's licence may give to the Director General a written application for a driver's licence.
- (2) The application has to be made in a form approved by the Director General and it has to give details of the authorisation sought.
- (3) The Director General may require the applicant to provide evidence sufficient to satisfy the Director General of the applicant's identity and residential address.

24. Grant of licence

- (1) Unless prevented by the Act or these regulations from doing so, the Director General may, on payment of the fee, if any, applying under the *Road Traffic (Charges and Fees)*

Regulations 2006, grant the applicant a driver's licence if satisfied that the applicant —

- (a) has reached the minimum age fixed by regulation 15(1), unless the requirement to reach that age has been waived under regulation 22(1); and
 - (b) can demonstrate the ability referred to in regulation 16 to safely drive motor vehicles as the licence would authorise; and
 - (c) can demonstrate knowledge of traffic laws and safe driving techniques as required by regulation 20, unless the requirement to be able to demonstrate that knowledge has been waived under regulation 22(4).
- (2) The Director General may, when granting a driver's licence by way of renewal, be satisfied as required by subregulation (1) wholly or partly on the basis that the person has previously held a driver's licence.

25. Some grounds for refusing to grant driver's licence

The Director General may refuse to grant a driver's licence to a person if the Director General has reason to believe that the person —

- (a) is not of good character; or
- (b) suffers from a mental or physical condition (which may include a dependence on drugs or alcohol) that is likely to, or treatment for which is likely to, impair the person's ability to control a motor vehicle; or
- (c) is disqualified under a foreign law, as defined in section 44D(2) of the Act, from being authorised to drive; or
- (d) should not hold a driver's licence because of the number or nature of the person's convictions for —
 - (i) offences under the Act or regulations made under it; or

- (ii) for offences under laws referred to in paragraph (c) that are similar in substance to offences under the Act or regulations made under it.

26. Applicant with cancelled licence, requirement for

If the person who applies for the grant of a driver's licence previously held a driver's licence but it was cancelled by operation of section 51(1) or (3) or section 75(2a) or (2b) of the Act, the Director General cannot be satisfied of the matters referred to in regulation 24(1) solely on the basis that the person has previously held a driver's licence or has previously satisfied the Director General of those matters.

27. Driving tests, time of etc.

- (1) In this regulation —
allocated time means the date and time appointed by the Director General for a particular applicant to attend for a driving test;
driving test means a driving test that consists of a practical driving assessment to indicate whether the applicant is able to control a motor vehicle that the licence would authorise the holder to drive
working day means a day other than a Saturday, Sunday or public holiday.
- (2) The payment of the relevant fee that the *Road Traffic (Charges and Fees) Regulations 2006* prescribe as being payable for an application for a driver's licence entitles the applicant to a driving test at the allocated time.
- (3) The Director General may change the allocated time either at the request of, or with the consent of, the applicant.
- (4) A request by the applicant to change the allocated time must be made more than 2 working days before the allocated time unless

the Director General agrees under subregulation (5) to a later request.

- (5) The Director General may agree to an applicant's request to change the allocated time even though the request is not made within the time fixed by subregulation (4) if the Director General is satisfied that extenuating circumstances prevented the applicant from attending at what was previously the allocated time or requesting within time that the allocated time be changed.
- (6) If an applicant fails to attend at the allocated time for a driving test to which the applicant is entitled under this regulation and the Director General does not agree to change the allocated time for that test, the applicant has to pay the relevant fee that the *Road Traffic (Charges and Fees) Regulations 2006* prescribe for an additional practical driving assessment before being entitled to a driving test.

28. Varying driver's licence

- (1) The holder of a driver's licence may give to the Director General a written application for the variation of the licence.
- (2) The Director General may, on an application under subregulation (1) or if it is for any other reason appropriate to do so, by notice in writing given to the licence holder vary a driver's licence.
- (3) If the variation sought in an application under subregulation (1) would extend the licence holder's authorisation to drive, before making the variation the Director General has to be satisfied that the person would be eligible to hold the licence as varied and that it would be appropriate to make the variation sought.
- (4) Before varying a driver's licence in a way that would suspend or cancel any authorisation that the licence gives, the Director General has to have regard to the principles in regulation 41 that apply to the cancellation or suspension of a driver's licence, and

regulation 41(2) and (3) apply as modified for the purpose of helping the Director General to decide whether to make the variation.

- (5) The kinds of variations that can be made under subregulation (2) are not limited to those to which either subregulation (3) or (4) is relevant.

29. Surrender of driver's licence

- (1) The holder of a driver's licence may, by notice in writing given to the Director General, surrender the licence.
- (2) The driver's licence ceases to have effect from the time the notice is given to the Director General or a later time, if any, specified in the notice unless it expires or otherwise ceases to have effect sooner.
- (3) Before the end of the period of 14 days after the driver's licence ceases under subregulation (2) to have effect, the person who surrendered the licence is required to —
- (a) return the driver's licence document to the Director General; or
 - (b) notify the Director General in writing that the driver's licence document has been destroyed or cannot be found.

Penalty: 6 PU.

Modified penalty: 2 PU.

- (4) If the holder of a driver's licence surrenders it under this regulation and complies with subregulation (3), the Director General may refund a part of the fee paid for the licence.
- (5) The amount of the fee paid that is refunded is to be a proportion of any component the amount of which depended on the duration of the licence granted, and the proportion is to be based on the number of whole days for which the licence initially granted is of no effect because of the surrender.

Division 4 — Driver's licence documents

30. Driver's licence, issue and form of

- (1) The Director General is to issue a licence document to the holder of a driver's licence as evidence of the authorisation given by the licence.
- (2) The document is to be in a form that the Director General considers suitable, and different forms may be used for different circumstances.
- (3) The document may consist of 2 or more components, which together constitute the licence document.

31. Lost etc. driver's licence, replacing

- (1) If a driver's licence document is lost, stolen, destroyed or there is any other good reason for it to be replaced, the Director General is required to issue a replacement licence document to the licence holder, on the licence holder's request and payment of the relevant fee, if any, fixed by the *Road Traffic (Charges and Fees) Regulations 2006*.
- (2) The Director General may require that the licence holder provide a photograph and signature for use on the replacement document before the document is issued.
- (3) If the driver's licence document to be replaced can be produced by the licence holder, the Director General may require that the licence holder return it to the Director General before the replacement document is issued.
- (4) If the driver's licence document to be replaced is not returned to the Director General before the replacement document is issued, the Director General may require that the licence holder return the document replaced if it subsequently comes into the licence holder's possession.

- (5) A person who fails to comply with a requirement made under subregulation (4) commits an offence.

Penalty: 6 PU.

Modified penalty: 2 PU.

- (6) A document issued under this regulation becomes the licence document.

32. Driver's licence to be returned to Director General in some cases

- (1) A person who is disqualified from holding or obtaining a driver's licence or whose driver's licence is cancelled is required to, within 14 days after the person becomes disqualified or the licence is cancelled —

- (a) return the driver's licence document to the Director General; or
- (b) notify the Director General in writing that the driver's licence document has been destroyed or cannot be found.

Penalty: 6 PU.

Modified penalty: 2 PU.

- (2) The Director General may require a person to return to the Director General a driver's licence document issued to the person if —
- (a) the Director General needs the document in order to correct or otherwise change it, to replace it, or for any other reason; or
 - (b) the person's driver's licence is suspended; or
 - (c) the person has failed to comply with subregulation (1).
- (3) A person who fails to comply with a requirement made under subregulation (2) commits an offence.

Penalty: 6 PU.

Modified penalty: 2 PU.

Division 5 — Other provisions about drivers' licences

33. Conditions on licences, imposing etc.

- (1) If, when considering an application for the grant of a driver's licence, whether or not by way of renewal, the Director General thinks that the driver's licence should not be granted except on conditions, the Director General may grant the licence on conditions.
- (2) The Director General may at any time vary a driver's licence under regulation 28 so as to revoke or amend a condition of a driver's licence or impose a condition on a driver's licence.

34. Procedures for imposing etc. conditions

- (1) The imposition, amendment or revocation of a condition is not effective until the Director General gives the licence holder written notice that the condition has been imposed, amended or revoked, giving full details of what has been done and explaining its effect.
- (2) When imposing a condition the Director General is to record on the licence document either —
 - (a) the condition in full; or
 - (b) a notation in Schedule 7 column 1 to indicate that a condition described in column 2 applies to the licence; or
 - (c) the notation "V" to show that a condition applies to the licence to the effect that the licence holder must not drive a motor vehicle unless it is fitted with certain appliances as described in detail in a notice that has been given under subregulation (1) to the licence holder; or
 - (d) the notation "X" to show that a condition applies to the licence, not being —

- (i) a condition that is recorded on the licence document in full; or
 - (ii) a condition because of which a notation is recorded under paragraph (b) or (c).
- (3) When referring to a condition described in Schedule 7 column 2 that condition may be identified by the designation that is the same as the notation in Schedule 7 column 1 for that condition.

For example: Schedule 7 shows that the notation “A” indicates the condition that the holder of the driver’s licence may drive as authorised if and only if the motor vehicle driven is fitted with automatic transmission; so that condition may be referred to as condition A.

- (4) Notation “A” or “B” does not apply to a vehicle of class R or C unless the licence document indicates that the notation applies to that class of vehicle.
- (5) Notation “A” or “B” applies to each vehicle of any class other than class R or C that the licence authorises to be driven unless the document separately refers to that class of vehicle without indicating that the notation applies.

35. Breach of condition, consequence of (Sch. 7)

- (1) The authorisation that a driver’s licence gives to drive a motor vehicle does not apply while the vehicle is being driven in contravention of a condition of the licence described in Schedule 7 column 2 but continues to apply while the vehicle is being driven in contravention of any other condition.
- (2) The holder of a driver’s licence to which a condition applies who contravenes the condition commits an offence unless the condition is a condition described in Schedule 7 column 2.

Penalty:

- (a) for a first offence, 6 PU;
- (b) for a subsequent offence, 12 PU.

36. P plates, form and display of

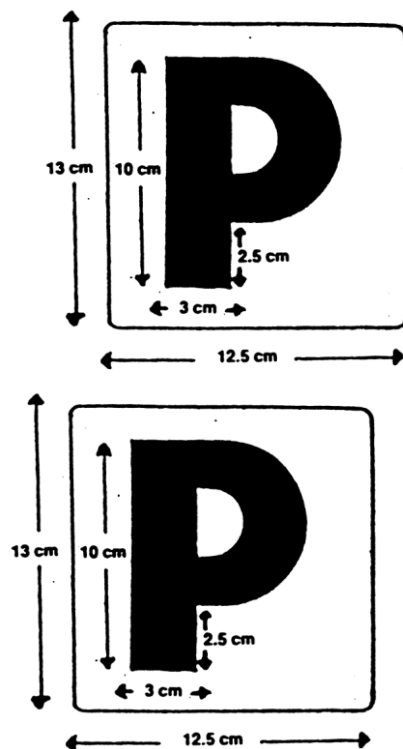
- (1) Except in the circumstances described in subregulation (2), the holder of a provisional licence who drives a motor vehicle on a road is required to display on the vehicle 2 plates conforming with subregulation (3), one of which is readily visible from the front of the vehicle and the other of which is readily visible from the rear of the vehicle.

Penalty: 3 PU.

Modified penalty: 2 PU.

- (2) Subregulation (1) does not apply if the licence holder is a member of the Police Force appointed under the *Police Act 1892* Part I driving in the course of duty.
- (3) Each plate has to bear the letter “P” —
- (a) if the driver is a novice driver (type 1A), in white on a red background; or
 - (b) in any other case, in white on a green background,

and the plate and the letter “P” have to be at least of the size described in the diagram below.



- (4) The Director General is required to issue plates conforming with subregulation (3) free of charge.
- (5) A person, not being the holder of a provisional licence, who drives a motor vehicle on a road while displaying a plate described in subregulation (3) on the vehicle commits an offence.
- Penalty: 2 PU.
- Modified penalty: 1 PU.

37. Duration of driver's licence

- (1) This regulation other than subregulation (4) applies to the grant of a driver's licence whether or not it is by way of renewal.

- (2) The period for which the Director General grants a driver's licence is to be fixed in the licence and unless this regulation states otherwise it is to be one year or 5 years, as the applicant for the driver's licence chooses.
- (3) If the Director General grants a driver's licence as a provisional licence, the Director General is to fix the period for which the driver's licence is granted as one year.
- (4) If the Director General grants a driver's licence to an applicant who relinquishes another jurisdiction's driving authorisation to obtain the driver's licence, unless a lesser period is fixed under subregulation (5) or (6) the Director General is to fix the period for which the driver's licence is granted so that it would expire when the authorisation relinquished was due to expire except that, if to do so would result in a period of more than 5 years, the period is to be 5 years.
- (5) If the Director General grants a driver's licence with a condition that is imposed on grounds having regard to which the licence should be for a period that is less than 5 years, the Director General is to fix that period as the period for which the driver's licence is granted.
- (6) If the Director General grants a driver's licence to a person who has reached 79 years of age, the maximum period for which the licence may be granted is one year and, if the person has not reached that age but has reached 76 years of age, the Director General may fix a period of less than 5 years as the period for which the driver's licence is granted.
- (7) A driver's licence is current until the end of the period for which it is granted.
- (8) To the extent that it is practicable, a driver's licence document is to show as the expiry day of the licence the last day of the period for which the driver's licence is current.

[Regulation 37 amended in Gazette 5 Apr 2012 p. 1579.]

38. Grant of driver's licence by way of renewal

- (1) In this regulation —
expiry day means the last day of the period for which the driver's licence is current.
- (2) The holder of a driver's licence may, within the period of 6 months before the expiry day, apply for the Director General to grant to the holder a driver's licence for a further period commencing from the expiry day and otherwise to the same effect as the driver's licence that is about to expire.
- (3) The application has to be made to the Director General in a form approved by the Director General.
- (4) The grant of a licence upon an application under this regulation may be referred to as a grant by way of renewal.

39. Renewal application made after driver's licence expires

- (1) This regulation applies if, within the period of 6 months after a driver's licence expires, the person who held the licence applies for the Director General to grant to the person a driver's licence substantially to the same effect as the driver's licence that expired but for a further period.
- (2) The application has to be made to the Director General in a form approved by the Director General.
- (3) Regulations 24(2) and 65(2) apply as if the grant of the driver's licence were a grant by way of renewal.
- (4) Subregulations (5) and (6) apply unless the person whose driver's licence expires notifies the Director General in writing, within the period of 15 days after the expiry, that the person is aware of the expiry and does not require a further driver's licence substantially to the same effect as the driver's licence that expires.
- (5) If this subregulation applies and the Director General grants the driver's licence, the period for which it is granted is to be fixed

to end when, if the licence had been granted by way of renewal, the period for which it was granted would have ended.

- (6) Even though the period fixed under subregulation (5) does not commence until the licence is granted, the fee for the licence is the fee applicable to a licence for a period of the same length as the period from the day after the previous licence expired until the day on which the licence granted expires.

40. Change of licence holder's address

- (1) If the residential address that a person who holds a driver's licence most recently gave to the Director General ceases to be the person's current residential address, the person is required to give the Director General notice in writing or in any other manner approved in writing by the Director General of that fact and of the person's current residential address.
- (2) The notice is required to be given within the period of 21 days after the day on which the person's residential address changed.

Penalty:

- (a) for a first offence, 4 PU;
(b) for a subsequent offence, 8 PU.

Modified penalty: 1 PU.

[Regulation 40 amended in Gazette 2 Dec 2011 p. 5074.]

41. Suspending or cancelling driver's licence, Director General's powers for

- (1) The Director General may, by notice in writing given to the licence holder —
- (a) suspend a person's driver's licence if the Director General has reason to suspect that there are grounds on which the Director General could, if then considering whether to grant the driver's licence, refuse under regulation 25 to grant it; or
- (b) suspend or cancel a person's driver's licence if —

- (i) the Director General has reason to believe that there are grounds on which the Director General could, if then considering whether to grant the driver's licence, refuse under regulation 25 to grant it; or
 - (ii) the Director General is no longer satisfied of each of the matters referred to in regulation 24.
- (2) In order to decide whether there is a basis for suspending or cancelling a person's driver's licence under subregulation (1) the Director General may, by notice in writing given to the licence holder, require the person to satisfy the Director General within the period specified in the notice, being not less than 14 days, as to any matter relevant to that decision.
- (3) If the person fails to satisfy the Director General within that period or within any further period that the Director General allows, the Director General may —
 - (a) cancel the person's driver's licence; or
 - (b) impose or vary any condition on the licence; or
 - (c) suspend the licence until the Director General is satisfied as to the matter.
- (4) The Director General may, by notice in writing given to the licence holder, cancel or suspend a person's driver's licence if —
 - (a) the licence was granted contrary to the Act or these regulations; or
 - (b) the person obtained the grant of the licence on the basis of incorrect or misleading information, whether or not fraud or misrepresentation was involved, by means of a form of payment that was subsequently dishonoured, or in a manner contrary to this Act; or
 - (c) the holder of the licence has failed to comply with any condition imposed on the licence.

- (5) Cancellation or suspension of a driver's licence under subregulation (4) does not affect the liability of the licence holder to any penalty attributable to anything referred to in subregulation (4)(b) or (c).

42. Decisions by Director General, form of, reconsidering and SAT review of

- (1) In this regulation —

reviewable decision means a decision of the Director General to —

- (a) refuse an application for the grant of a driver's licence; or
- (b) refuse an application for a driver's licence to be endorsed as including extension F or extension T; or
- (c) impose a condition when granting a driver's licence; or
- (d) vary a driver's licence, whether by imposing or amending a condition, by making, amending, or cancelling any other endorsement on it, or in any other way; or
- (e) refuse an application for the variation of a driver's licence; or
- (f) suspend or cancel a driver's licence; or
- (g) under regulation 63, exclude the person from being authorised by regulation 62 to drive a motor vehicle.

- (2) On making a reviewable decision, the Director General has to give to the person affected by the decision notice in writing of it, stating reasons for the decision and informing the person of —

- (a) the right that subregulation (3) gives the person to request the Director General to reconsider the decision; and
- (b) the right that subregulation (4) gives the person to apply for a review of the decision.

- (3) A person given a notice under subregulation (2) may, within 28 days, in writing request the Director General to reconsider the reviewable decision, and the Director General may confirm, alter, or revoke the decision.
- (4) A person aggrieved by the reviewable decision or the decision the Director General makes under subregulation (3) on reconsidering the reviewable decision may apply to the State Administrative Tribunal for a review of the decision by which the person is aggrieved.
- (5) Both the Commissioner of Police and the Director General have a right to be heard in proceedings for the review by the State Administrative Tribunal.

[43. *Deleted in Gazette 2 Dec 2011 p. 5081.]*

Part 3 — Learner drivers

44. Learner's permit, what it authorises

- (1) A learner's permit may describe the driving that it authorises by referring to the classes of authorisation that a driver's licence may give.
- (2) A learner's permit giving a particular class of authorisation authorises the holder to drive on a road, solely for the purpose of learning to drive the vehicle —
 - (a) a motor vehicle the class of which has the same designation as the class of authorisation; or
 - (b) a motor vehicle of any other class shown in Schedule 2 column 2 for that class of authorisation, other than a motor vehicle that the permit holder is already authorised to drive.
- (3) The authorisation that a learner's permit gives the holder to drive on a road ceases if the holder is granted a driver's licence authorising the kind of driving that the holder was learning when driving under the permit.

45. Driving instruction, who may give

- (1) Subregulation (2) describes who may, although not holding a licence under the *Motor Vehicle Drivers Instructors Act 1963*, give a person who holds a learner's permit driving instruction in the course of which the permit holder is authorised to drive a motor vehicle on a road in accordance with the permit.
- (2) The driving instruction may be given by —
 - (a) a person who is an instructor in a youth driver education course conducted or supervised by a body authorised by the Director General for that purpose; or
 - (b) a person who is authorised to perform any driving of a kind for which the driving instruction is to be given and

has had that authorisation for a period of, or periods adding up to —

- (i) in the case of driving of a moped, at least 2 years; or
- (ii) in any other case, at least 4 years.

- (3) In subregulation (2)(b) —

authorised means authorised by a driver's licence, any other Australian driver licence, or a foreign driving authorisation.

46. Minimum age for learner's permit

- (1) A person who has not reached 16 years of age cannot hold a learner's permit unless —
 - (a) subregulation (2) applies; or
 - (b) under subregulation (3), the Director General waives the requirement to have reached that age.
- (2) A person who has reached 15 years and 6 months of age may hold a learner's permit authorising the person, while learning, to drive only a motor vehicle of class R that may be driven by the holder of a driver's licence endorsed with condition N.
- (3) The Director General may in a particular case waive the requirement to have reached 16 years of age if the Director General is satisfied that denial of the permit would occasion undue hardship.

47. Knowledge of traffic laws and safe driving techniques, requirements as to

Before a person can hold a learner's permit the person has to have satisfied the Director General that the person can demonstrate the knowledge of the traffic laws of the State and of safe driving techniques that is referred to in regulation 20 unless under regulation 22(4) the Director General has waived the requirement to be able to demonstrate that knowledge.

48. Driver's licence required as prerequisite for learner's permit (Sch. 8)

- (1) Before a person can hold a learner's permit the person has to have satisfied the Director General that the person meets the relevant requirements of subregulations (2) and (3) other than a requirement that the Director General has waived under subregulation (6).
- (2) For a learner's permit authorising the person, while learning, to drive a motor vehicle of a particular class specified in Schedule 8 column 1, the person must have held —
 - (a) a driver's licence described for that class in column 2; or
 - (b) any Australian driver licence or foreign driving authorisation that was substantially equivalent to a driver's licence described for that class in column 2.
- (3) If Schedule 8 column 3 specifies a period of time, the person must have held a driver's licence as described, or a substantially equivalent authorisation, for a period of, or periods adding up to, at least the amount of time specified in column 3.
- (4) A reference in subregulation (2) or Schedule 8 column 2 to a driver's licence authorising a person to drive a vehicle does not include a driver's licence that authorises the person to drive the vehicle only when learning.
- (5) Subregulation (1) does not apply to the granting of a learner's permit authorising a person, while learning, to drive only a motor vehicle of class R that may be driven by the holder of a driver's licence endorsed with condition N or E.
- (6) The Director General may in a particular case waive a requirement of subregulation (2) or (3) if the Director General is satisfied that denial of the permit would occasion undue hardship.

49. Conditions on learner's permit

- (1) In this regulation —
instructor means the person referred to in section 43(2) of the Act who is giving the driving instruction in the course of which the learner's permit authorises driving;
learner means the holder of the learner's permit concerned.
- (2) This regulation specifies conditions that apply to every learner's permit and are in addition to any other condition.
- (3) Whenever the learner drives on a road a motor vehicle to which a learner's permit applies —
- (a) the learner has to be accompanied by the instructor; and
 - (b) the speed of the motor vehicle is not to exceed 100 km/h at any time.

50. Breach of condition, consequence of

- (1) The authorisation that a learner's permit gives to drive a motor vehicle does not apply while the vehicle is being driven in contravention of the condition specified in regulation 49(3)(a) but continues to apply while the vehicle is being driven in contravention of any other condition.
- (2) The holder of a learner's permit who contravenes the condition specified in regulation 49(3)(b), or any other condition except the condition specified in regulation 49(3)(a), commits an offence under this regulation.

Penalty: 4 PU.

Modified penalty: 2 PU.

51. L plates, form and display of

- (1) A person who drives a motor vehicle on a road while learning to drive, whether as authorised by a learner's permit or because of regulation 57(1) or (2), is required to display on the vehicle 2 plates (*L plates*) conforming with subregulation (2), one of

r. 52

which is readily visible from the front of the vehicle and the other of which is readily visible from the rear of the vehicle.

Penalty: 2 PU.

Modified penalty: 1 PU.

- (2) Each L plate has to measure not less than 150 mm by 150 mm and bear a black letter “L” clearly marked on a yellow background.
- (3) The person in charge of a motor vehicle that another person drives on a road while learning to drive is required to ensure that L plates are displayed as required by subregulation (1).
Penalty: 2 PU.
Modified penalty: 1 PU.
- (4) A person must not drive on a road a motor vehicle displaying a plate bearing a letter “L” unless —
 - (a) the person is driving while learning, as authorised by a learner’s permit or because of regulation 57(1) or (2); or
 - (b) a person who is authorised as described in paragraph (a) (the *learner*) is sitting beside the driver and the driver is authorised to give, and is driving in the course of giving, driving instruction to the learner.

Penalty: 2 PU.

Modified penalty: 1 PU.

52. Learner’s permit, applying for

- (1) An application for a learner’s permit may be made to the Director General in a form approved by the Director General.
- (2) The application has to give details of the authorisation sought, the applicant’s identity, and other matters that are relevant to dealing with the application.

53. Learner's permit document, issue and form of

- (1) The Director General is to issue a permit document to the holder of a learner's permit as evidence of the authorisation given by the permit.
- (2) The document is to be in a form that the Director General considers suitable.
- (3) The document may consist of 2 or more components, which together constitute the permit document.

54. Lost etc. learner's permit, replacing

- (1) If a learner's permit document is lost, stolen, destroyed or there is any other good reason for it to be replaced, the Director General is required to issue a replacement permit document to the permit holder, on the permit holder's request and payment of the relevant fee, if any, fixed by the *Road Traffic (Charges and Fees) Regulations 2006*.
- (2) The Director General may require that, before the document is issued, the permit holder provide proof, to the Director General's satisfaction, of the permit holder's identity.
- (3) A document issued under this regulation becomes the permit document.

55. Suspending or cancelling learner's permit, Director General's powers for

The Director General may suspend or cancel a learner's permit by notice in writing given to the holder of the permit.

Part 4 — Other matters about driver authorisations

56. Certain motor vehicles may be driven without licence

- (1) A person may drive on a road a motor vehicle referred to in subregulation (2) even though the person is not authorised to do so other than by this regulation.
- (2) The motor vehicles that this regulation authorises a person to drive on a road are —
 - (a) a motor vehicle used only on a railway or tramway;
 - (b) a motor vehicle designed to be controlled by a person walking next to it;
 - (c) a motor vehicle propelled by a motor having a maximum power output not exceeding 200 W;
 - (d) a motorised wheelchair that cannot travel at a speed above 10 km/h;
 - (e) a motor vehicle used for the purpose of road maintenance or road construction if it is —
 - (i) situated between traffic signs on a road maintenance or road construction site; and
 - (ii) operated for, by, or under the control of, a government department, government instrumentality, statutory authority or local government; and
 - (iii) fitted with a light displaying intermittent yellow flashes (or flashes of another colour or colours approved by the Director General).

57. Australian driver licence may authorise learning to drive

- (1) An Australian driver licence that authorises certain driving on a road in this State on condition A, condition B or condition E also authorises that driving when the condition is not complied with but only to the extent that the driving would be authorised if the licence holder held the appropriate learner's permit.

- (2) A driver's licence described in Schedule 8 column 2, or a substantially equivalent Australian driver licence, also authorises the licence holder to drive a motor vehicle of the class specified for that kind of licence in Schedule 8 column 1 but only to the extent that the driving would be authorised if the licence holder held the appropriate learner's permit.
- (3) If Schedule 8 column 3 specifies a period of time, subregulation (2) does not apply unless the person has held the driver's licence, or a substantially equivalent authorisation, for a period of, or periods adding up to, at least the amount of time specified in column 3.
- (4) Without affecting any other limitation on the driving for the purposes of learning that is authorised because of subregulation (1) or (2) —
 - (a) the driving can only be in the course of instruction by a person referred to in section 43(2) of the Act; and
 - (b) each condition in regulation 49 applies as if the licence were a learner's permit.

58. Director General may permit certain driving without licence

- (1) If, in a particular case, there are exceptional circumstances because of which it would be in the public interest for a person to drive a motor vehicle on a road even though not otherwise authorised by law to do so, the Director General may permit that driving and may make that permit subject to conditions.
- (2) The permit and the conditions are to be in writing given to the person permitted to drive.
- (3) Without limiting the other circumstances in which the Director General may give a permit under this regulation, the Director General may permit a person to drive a motor vehicle if —
 - (a) the person is a novice driver (type 1A) and is found driving a motor vehicle in circumstances in which the

driving is unauthorised because it is between midnight and the following 5 a.m.; and

- (b) having regard to all the relevant circumstances, including the location and the safety of the novice driver and any passengers, it is appropriate to give the permit.

59. Foreign driving authorisation may not prevent grant of driver's licence

The Director General may grant a driver's licence to a person who still holds a foreign driving authorisation if the person satisfies the Director General that the person reasonably expects to drive under that authorisation in a place that is governed by the law under which the authorisation was granted.

60. Other Australian jurisdiction's driving authorisations, recognising

- (1) The Director General is to recognise a licence or other authorisation granted to a person under the law of another jurisdiction authorising the person to drive a motor vehicle on a road whether or not solely for the purpose of learning to drive it (*another jurisdiction's driving authorisation*).
- (2) If the Director General recognises another jurisdiction's driving authorisation, the Director General is also to recognise any condition to which the authorisation is subject that is capable of applying in this State.

61. Foreign driving authorisation, recognising

- (1) The Director General is to recognise an authorisation granted to a person under a foreign law authorising the person to drive a motor vehicle on a road (a *foreign driving authorisation*).
- (2) In subregulation (1) —
foreign law means the law of an external territory, as defined in the Commonwealth *Acts Interpretation Act 1901* section 17(pd), or the law of another country.

- (3) Subregulation (1) does not apply to an authorisation to drive a vehicle solely for the purpose of learning to drive it unless it is granted under a law of an external territory referred to in subregulation (2) or of New Zealand.
- (4) If the Director General recognises a foreign driving authorisation, the Director General is also to recognise any condition to which the authorisation is subject that is capable of applying in this State.

62. Recognition under r. 60 or 61, effect of

- (1) A driving authorisation recognised under regulation 60 or 61 authorises the holder of that authorisation to drive in this State as if the holder held a driver's licence under this Act to a substantially corresponding effect.
- (2) However, the recognised driving authorisation does not authorise driving in this State —
 - (a) to any greater extent than it would authorise driving in the other jurisdiction, external territory, or country; or
 - (b) at any time when it is suspended or for any other reason ineffective under the law of the place where the authorisation was granted; or
 - (c) at any time when the person —
 - (i) holds a driver's licence; or
 - (ii) is disqualified from holding or obtaining a driver's licence; or
 - (iii) is excluded under regulation 63 from being authorised by this regulation to drive a motor vehicle.
- (3) A driving authorisation recognised under regulation 60 does not authorise the person who holds it to drive in this State if —
 - (a) the person usually resides in this State, other than as a member of the Defence Force of the Commonwealth; and

r. 63

- (b) the period for which the person has been usually resident in this State exceeds 3 months.
- (4) A driving authorisation recognised under regulation 61 does not authorise the person who holds it to drive in this State if —
 - (a) the person holds a permanent visa granted under the *Migration Act 1958* (Commonwealth); and
 - (b) the person usually resides in this State; and
 - (c) the period for which the person has been usually resident in this State since the granting of that visa exceeds 3 months.
- (5) The recognition of a condition of another jurisdiction's driving authorisation has the effect that a contravention of the condition may be treated as if it were a contravention of a condition of a driver's licence under this Act and is punishable accordingly.
- (6) Despite subregulation (2)(a) and (5), if the motor vehicles that a driving authorisation recognised under regulation 61 authorises the holder to drive are vehicles that have a GVM not exceeding 3.5 t, the authorisation under this regulation is for vehicles that have a GVM not exceeding 4.5 t.

[Regulation 62 amended in Gazette 25 Feb 2011 p. 657.]

63. Excluding person from being authorised by r. 62

- (1) The Director General may, by notice in writing given to a person who holds a driving authorisation recognised under regulation 60 or 61, exclude the person from being authorised by regulation 62 to drive a motor vehicle on a road in this State.
- (2) The reasons for which the Director General may exclude a person under subregulation (1) are that —
 - (a) the Director General believes that any of paragraphs (a) to (d) of regulation 25 applies to the person; or
 - (b) the person is not sufficiently able to safely drive motor vehicles as regulation 62 would authorise.

64. Other jurisdiction's driving authorisation document to be carried

A person whose authority to drive depends on another jurisdiction's driving authorisation is required —

- (a) while driving a motor vehicle on a road, to carry the official document that is evidence of the authorisation; and
- (b) to produce that document for inspection at the request of any member of the Police Force.

Penalty:

- (a) for a first offence, 8 PU;
- (b) for a subsequent offence, 16 PU.

Modified penalty: 3 PU.

65. Duty to reveal things that might impair ability to drive

- (1) In this regulation —

driving impairment of the person means any permanent or long-term mental or physical condition (which may include a dependence on drugs or alcohol) that is likely to, or treatment for which is likely to, impair the person's ability to control a motor vehicle either —

- (a) in all circumstances; or
- (b) except under certain conditions or subject to certain limitations; or
- (c) unless measures are taken to overcome the impairment.

- (2) A person applying for the grant of a learner's permit or a driver's licence, other than by way of renewal, is required, when applying, to inform the Director General of any driving impairment of the person.
- (3) If a person who holds a learner's permit or a driver's licence becomes affected by any driving impairment of the person of which the person has not already informed the Director General,

the person is required, as soon as practicable, to inform the Director General in writing of the impairment.

- (4) If a person who has informed the Director General of a driving impairment of the person —
- (a) becomes affected by the impairment to a degree that is substantially different from that of which the Director General was most recently informed; or
 - (b) informs the Director General that the person has ceased to be affected by the impairment and subsequently becomes again affected by it,

the person is required, as soon as practicable, to inform the Director General in writing of the development.

- (5) Subregulation (4)(a) does not apply if the only difference is a reduction in the extent of the impairment.

Penalty: 10 PU.

Modified penalty: 1 PU.

Part 5 — Repeal and transitional provisions

[66. Omitted under the Reprints Act 1984 s. 7(4)(f).]

67. Transitional provisions relating to Road Traffic Amendment Act 2006, ~~transitional provisions for~~

- (1) A driver's licence that, immediately before the day of the coming into operation of the *Road Traffic Amendment Act 2006* section 6², is endorsed to the effect that it is issued on probation is to be regarded after that day as if it had been granted as a provisional licence.
- (2) A reference in these regulations to a licence that is not a provisional licence or to a person having held a licence other than as a provisional licence is to be read as if a driver's licence issued on probation before the day of the coming into operation of the *Road Traffic Amendment Act 2006* section 6² was, while not deemed to be an unrestricted licence, held as a provisional licence.
- (3) A driver's licence that, immediately before the day of the coming into operation of the *Road Traffic Amendment Act 2006* section 6², is endorsed as of class F or class T is to be regarded after that day as if it had been endorsed as including extension F or T, respectively.
- (4) For applying regulation 12(11) to a driver's licence referred to in subregulation (3) —
 - (a) the day on which the class F or class T endorsement was made is to be regarded as being the day on which a report was provided under regulation 12(5); and
 - (b) the day on which the licence holder last submitted to a medical examination before the day of the coming into operation of the *Road Traffic Amendment Act 2006* section 6² is to be regarded as being a day on which a report was provided under regulation 12(11).

**68. Transitional provision relating to Road Traffic
(Authorisation to Drive) Amendment Regulations (No. 3) 2012**

(1) This regulation applies to a driver's licence if, immediately before the coming into operation of the Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 2012 regulation 9, the licence authorised a person to drive a vehicle of class R and was endorsed with condition E.

(2) During the period of 12 months beginning on 14 January 2013, Schedule 7 applies in relation to the driver's licence as if the reference in column 2 of the Table in that Schedule to a learner approved motor cycle were a reference to a motor cycle that —

(a) is a learner approved motor cycle; or

(b) has an engine capacity not exceeding 250 cc.

[Regulation 68 inserted in Gazette 30 Nov 2012 p. 5807.]

Schedule 1 — Classes of motor vehicles

[r. 5]

<i>column 1</i>	<i>column 2</i>
class	motor vehicle description
R	a motor cycle or a motor carrier
C	a motor vehicle, other than a motor cycle or motor carrier, that has a GVM not exceeding 4.5 t and that is equipped to seat not more than 12 adults including the driver
LR	a motor vehicle, other than a motor cycle or motor carrier, that — (a) has a GVM not exceeding 4.5 t and that is equipped to seat more than 12 adults including the driver; or (b) has a GVM exceeding 4.5 t but not exceeding 8 t
MR	a motor vehicle, other than a motor cycle or motor carrier, that has 2 axles and a GVM exceeding 8 t
HR	a motor vehicle, other than a motor cycle or motor carrier, that has at least 3 axles and a GVM exceeding 8 t
HC	a motor vehicle that is attached to — (a) a semi-trailer; or (b) a trailer that has a GVM exceeding 9 t
MC	any other motor vehicle

Schedule 2 — Classes of authorisation to drive

[r. 8(2)]

<i>column 1</i>	<i>column 2</i>
class	other motor vehicles licence holder is entitled to drive
R	
C	a moped
LR	a motor vehicle of class C or a moped
MR	a motor vehicle of class LR or C or a moped
HR	a motor vehicle of class MR, LR or C or a moped
HC	a motor vehicle of class HR, MR, LR or C or a moped
MC	a motor vehicle of class HC, HR, MR, LR or C or a moped

Schedule 3 — Vehicle running costs

[r. 11(4)]

description of vehicle	rate per kilometre
A motor vehicle powered by —	63.0 cents
(a) an engine (other than a rotary engine) with a capacity not exceeding 1 600 cc; or	
(b) a rotary engine with a capacity not exceeding 800 cc	
A motor vehicle powered by —	74.0 cents
(a) an engine (other than a rotary engine) with a capacity exceeding 1 600 cc but not exceeding 2 600 cc; or	
(b) a rotary engine with a capacity exceeding 800 cc but not exceeding 1 300 cc	
A motor vehicle powered by —	75.0 cents
(a) an engine (other than a rotary engine) with a capacity exceeding 2 600 cc; or	
(b) a rotary engine with a capacity exceeding 1 300 cc	

[Schedule 3 amended in Gazette 14 May 2010 p. 2022.]

Schedule 4 — Trailer towing limits

[r. 13]

1. Motor vehicle of class C or LR, limits for

- (1) A motor vehicle of class C or LR may be used to tow one trailer that complies with this clause and no other trailer.
- (2) A trailer complies with this clause if and only if —
 - (a) the GVM of the trailer does not exceed —
 - (i) the mass recommended by the manufacturer of the motor vehicle as the maximum loaded mass of a trailer that may be towed by the motor vehicle; or
 - (ii) if the manufacturer has not recommended a maximum loaded mass, or if the recommended mass is not ascertainable, the maximum loaded mass specified in the *Road Traffic (Vehicle Standards) Regulations 2002* Schedule 1 clause 5(2);
 - and
 - (b) the loaded mass of the trailer does not exceed the limit imposed by the *Road Traffic (Vehicle Standards) Regulations 2002* Schedule 1 clause 6.

2. Motor vehicle of class MR, limits for

A motor vehicle of class MR may be used to tow one trailer that has a GVM not exceeding 9 t, and no other trailer.

3. Motor vehicle of class HR, limits for

A motor vehicle of class HR may be used to tow one trailer that has a GVM not exceeding 9 t, and no other trailer.

4. Motor vehicle of class HC, limits for

A motor vehicle of class HC may be used to tow one, but no more than one, trailer in addition to the trailer or semi-trailer because of which it is classified as of class HC if the additional trailer —

- (a) has a GVM not exceeding 9 t; or

- (b) is an unladen converter dolly or low loader dolly as defined in the *Road Traffic (Vehicle Standards) Regulations 2002*.

Schedule 5 — Motor vehicles that may be used to show relevant ability to control

[r. 17(1)]

<i>column 1</i>	<i>column 2</i>
class	motor vehicle description
<u>RR (but see r. 17(2) and (3))</u>	a motorcycle with motor cycle that is not a moped or learner approved motor cycle and has — (a) a power to weight ratio that exceeds 150 Kw/t; or (b) an engine capacity exceeding 250 that exceeds 660 cc
C	a motor vehicle of class C
LR	a motor vehicle of class LR
MR	a motor vehicle of class MR except a prime mover
HR	a motor vehicle, except a prime mover, that is of class HR and has at least 3 axles and a GVM exceeding 15 t
HC	a prime mover that — (a) has at least 3 axles and a GVM exceeding 15 t; and (b) is attached to one semi-trailer that has at least 2 axles, an unladen mass exceeding 4 500 kg, a GVM of at least 16 t and a length of at least 10 m OR a motor vehicle, except a prime mover, that — (a) has at least 3 axles and a GVM exceeding 15 t; and (b) is attached to one trailer that has an unladen mass exceeding 4 500 kg, a GVM of at least 16 t and a length of at least 7 m
MC	a prime mover that — (a) has at least 3 axles and a GVM exceeding 15 t; and (b) is attached to one semi-trailer and one trailer each of which has at least 2 axles, an unladen mass exceeding 4 500 kg, a GVM of at least 16 t and a length of at least 10 m

<i>column 1</i>	<i>column 2</i>
class	motor vehicle description
	OR
	a prime mover that —
	(a) has at least 3 axles and a GVM exceeding 15 t; and
	(b) is attached to 2 semi-trailers each of which has at least 2 axles, an unladen mass exceeding 4 500 kg, a GVM of at least 16 t; and
	(c) together with the semi-trailers has a length of at least 22 m
	OR
	a motor vehicle of class HR that —
	(a) has at least 3 axles and a GVM exceeding 15 t; and
	(b) is attached to 2 trailers each of which has at least 2 axles, an unladen mass exceeding 4 500 kg, a GVM of at least 16 t and a length of at least 7 m

[*\[Schedule 5 amended in Gazette 30 Nov 2012 p. 5808.\]*](#)

Schedule 6 — Licence prerequisites for drivers' licences

[r. 21(1)]

<i>column 1</i>	<i>column 2</i>	<i>column 3</i>
class	prerequisite licence	period
R (but see r. 21(3))	a licence that authorises a person to drive a motor vehicle of class R and is endorsed with condition E	one year
LR	a licence that authorises a person to drive a motor vehicle of class C.....	one year
MR	a licence that authorises a person to drive a motor vehicle of class C.....	one year
HR	a licence that is not provisional and authorises a person to drive a motor vehicle of class C...	2 years
HC	a licence that is not provisional and authorises a person to drive a motor vehicle of class C... AND	3 years
	a licence that is not provisional and authorises a person to drive a motor vehicle of class MR or HR.....	one year
MC	a licence that authorises a person to drive a motor vehicle of class HR or HC	one year

**Schedule 7 — Notations to indicate certain
conditions apply**

[r. 34(2)(b)]

<i>column 1</i>	<i>column 2</i>
notation	condition
A	The authorisation to drive a motor vehicle applies only if the vehicle is fitted with automatic transmission.
B	The authorisation to drive a motor vehicle applies only if the vehicle is fitted with automatic or synchromesh transmission.
E	The authorisation to drive a motor vehicle of class R applies only if the vehicle has an engine capacity not exceeding 250 cc <u>is a learner approved motor cycle or a moped</u> .
N	The authorisation to drive a motor vehicle of class R applies only if the vehicle is a moped.
S	The authorisation to drive a motor vehicle applies only if the licence holder wears corrective eye lenses while driving.
Z	The authorisation to drive a motor vehicle does not apply if the licence holder has a blood alcohol content of or above 0.02 g per 100 mL of blood.

[\[Schedule 7 amended in Gazette 30 Nov 2012 p. 5808.\]](#)

Schedule 8 — Licence prerequisites for learners' permits

[r. 48]

<i>column 1</i>	<i>column 2</i>	<i>column 3</i>
class	prerequisite licence	period
R (but see r. 48(5))	a driver's licence that authorises a person to drive a motor vehicle of class R and is endorsed with condition E	
LR	a driver's licence that authorises a person to drive a motor vehicle of class C	
MR	a driver's licence that authorises a person to drive a motor vehicle of class C	
HR	a driver's licence that authorises a person to drive a motor vehicle of class C	one year
HC	a driver's licence that authorises a person to drive a motor vehicle of class C AND	2 years
MC	a driver's licence that authorises a person to drive a motor vehicle of class MR or HR a driver's licence that authorises a person to drive a motor vehicle of class HR or HC	

Notes

- ¹ This is a compilation of the *Road Traffic (Authorisation to Drive) Regulations 2008* and includes the amendments made by the other written laws referred to in the following table^{-1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Road Traffic (Authorisation to Drive) Regulations 2008</i>	10 Jun 2008 p. 2367-429	r. 1 and 2: 10 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jun 2008 (see r. 2(b) and <i>Gazette</i> 10 Jun 2008 p. 2471)
<i>Road Traffic Amendment (Novice Driver Penalties) Regulations 2008</i> Pt. 2	27 Jun 2008 p. 3119-24	1 Jul 2008 (see r. 2(b) and <i>Gazette</i> 27 Jun 2008 p. 3117)
<i>Road Traffic (Authorisation to Drive) Amendment Regulations 2010</i>	14 May 2010 p. 2021-2	r. 1 and 2: 14 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 15 May 2010 (see r. 2(b))
<i>Road Traffic (Authorisation to Drive) Amendment Regulations 2011</i>	25 Feb 2011 p. 656-7	r. 1 and 2: 25 Feb 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Mar 2011 (see r. 2(b))
<i>Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2011</i>	2 Dec 2011 p. 5074	r. 1 and 2: 2 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Dec 2011 (see r. 2(b))
<i>Road Traffic (Information) Regulations 2011</i> r. 7	2 Dec 2011 p. 5077-81	3 Dec 2011 (see r. 2(b))
<i>Road Traffic (Authorisation to Drive) Amendment Regulations 2012</i>	5 Apr 2012 p. 1578-9	r. 1 and 2: 5 Apr 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Apr 2012 (see r. 2(b))
Reprint 1: The <i>Road Traffic (Authorisation to Drive) Regulations 2008</i> as at 24 Aug 2012 (includes amendments listed above)		
<i>Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2012</i>	2 Nov 2012 p. 5263-4	r. 1 and 2: 2 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Nov 2012 (see r. 2(b))

Citation	Gazettal	Commencement
<i>Road Traffic (Authorisation to Drive) Amendment Regulations (No. 4) 2012</i>	2 Nov 2012 p. 5265	r. 1 and 2: 2 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Nov 2012 (see r. 2(b))

^{1a} ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 2012</i> r. 3-9 ³	30 Nov 2012 p. 5805-8	r. 1 and 2: 30 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Jan 2013 (see r. 2(b))

² The *Road Traffic Amendment Act 2006* s. 6 came into force on 30 Jun 2008 (see *Gazette* 10 Jun 2008 p. 2471).

³ ~~On the date as at which this compilation was prepared, the *Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 2012* r. 3-9 had not come into operation. They read as follows:~~

~~3. Regulations amended~~

~~These regulations amend the *Road Traffic (Authorisation to Drive) Regulations 2008*.~~

~~4. Regulation 3 amended~~

~~(1) In regulation 3 delete the definition of *moped*.~~

~~(2) In regulation 3 insert in alphabetical order:~~

~~*Department* means the department of the Public Service principally assisting in the administration of the licensing provisions of the Act;~~

~~*learner approved motor cycle* means a motor cycle in relation to which an approval by the Director General under regulation 6A(1) is in force;~~

~~*moped* means a motor cycle that~~

- ~~— (a) — is designed so as not to be capable of a speed exceeding 50 km/h; and~~
- ~~— (b) — either —~~
 - ~~— (i) — has an engine capacity not exceeding 50 cc; or~~
 - ~~— (ii) — is not powered by a piston engine;~~
- ~~— whether or not it is also capable of being propelled by pedalling, but does not include a power assisted pedal cycle;~~

5. ~~Regulation 6A inserted~~

~~— After regulation 5 insert:~~

6A. ~~Learner approved motor cycles~~

- ~~— (1) — The Director General may approve a motor cycle as a learner approved motor cycle if the motor cycle —~~
 - ~~— (a) — is not a moped; and~~
 - ~~— (b) — has a power to weight ratio that does not exceed 150 Kw/t; and~~
 - ~~— (c) — has an engine capacity that does not exceed 660 cc; and~~
 - ~~— (d) — is, in the opinion of the Director General, suitable to be driven by a person who holds a driver's licence that authorises the person to drive a motor vehicle of class R and is endorsed with condition E.~~
- ~~— (2) — The Director General may revoke or amend the approval of a motor cycle under subregulation (1).~~
- ~~— (3) — The Director General must ensure that a list of each motor cycle in relation to which an approval under subregulation (1) is in force is published on a website maintained by the Department.~~

6. ~~Regulation 17 amended~~

~~— In regulation 17(3) delete “motor cycle with an engine capacity of at least 100 cc” and insert:~~

~~— learner approved motor cycle~~

7. ~~Regulation 68 inserted~~

~~— At the end of Part 5 insert:~~

~~68. Transitional provision relating to Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 2012~~

- ~~(1) This regulation applies to a driver's licence if, immediately before the coming into operation of the Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 2012 regulation 9, the licence authorised a person to drive a vehicle of class R and was endorsed with condition E.~~
- ~~(2) During the period of 12 months beginning on 14 January 2013, Schedule 7 applies in relation to the driver's licence as if the reference in column 2 of the Table in that Schedule to a learner approved motor cycle were a reference to a motor cycle that~~
- ~~(a) is a learner approved motor cycle; or~~
 - ~~(b) has an engine capacity not exceeding 250 cc.~~

~~8. Schedule 5 amended~~

~~In Schedule 5 delete the item for class R and insert:~~

R (but see r. 17(2) and (3))	a motor cycle that is not a moped or learner approved motor cycle and has
	(a) a power to weight ratio that exceeds 150 Kw/t; or
	(b) an engine capacity that exceeds 660 cc

~~9. Schedule 7 amended~~

~~In Schedule 7 in the item for notation E delete "has an engine capacity not exceeding 250 cc." and insert:~~

~~is a learner approved motor cycle or a moped.~~

~~Note: The heading to regulation 67 is to read:~~

~~Transitional provisions relating to Road Traffic Amendment Act 2006~~