



Western Australia

Road Traffic (Authorisation to Drive) Regulations 2014

Compare between:

[20 Aug 2016, 00-i0-02] and [20 Sep 2016, 00-j0-01]

Road Traffic (Authorisation to Drive) Regulations 2014

Part 1 — Preliminary

1. Citation

These regulations are the *Road Traffic (Authorisation to Drive) Regulations 2014*.

2. Commencement

These regulations come into operation on the day fixed under the *Road Traffic (Administration) Act 2008* section 2(b).

3. Terms used

In these regulations, unless the contrary intention appears —
another jurisdiction's driving authorisation has the meaning given in regulation 59(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 must be regarded as being on the same axle;

Defence Force family member card means a card issued by the Department of Defence of the Commonwealth that identifies the

holder as a member of the family of a current member of the Defence Force of the Commonwealth;

Defence Force member card means a card issued by the Department of Defence of the Commonwealth that identifies the holder as a current member of the Defence Force of the Commonwealth;

Department means the department of the Public Service principally assisting in the administration of the *Road Traffic (Administration) Act 2008*;

disqualified from holding or obtaining a driver's licence does not include being prevented under section 8 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 8 from being granted a licence or authorisation to drive under that law;

electric personal transporter has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

electric personal transporter use area has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

foreign driving authorisation has the meaning given in regulation 60(1);

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

learner approved motor cycle means a motor cycle in relation to which an approval by the CEO under regulation 6(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;

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;

motorised wheelchair has the meaning given in the *Road Traffic (Vehicles) Regulations 2014* regulation 3;

novice driver has the meaning given in section 40(2);

novice driver (type 1A) has the meaning given in regulation 4(2);

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

section means section of the Act;

semi-trailer has the meaning given in the *Road Traffic (Vehicles) Regulations 2014* regulation 3;

trailer has the meaning given in the *Road Traffic (Vehicles) Regulations 2014* regulation 3.

[Regulation 3 amended in Gazette 19 Aug 2016 p. 3572-3.]

4. Novice driver (type 1A)

- (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) 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.
- (3) 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 must 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.

5. Classes of motor vehicles defined

- (1) Schedule 1 identifies the classes of motor vehicles to which these regulations refer.
- (2) A description of a motor vehicle in Schedule 1 column 2 refers to 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.

6. Learner approved motor cycles

- (1) The CEO 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 CEO, 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 CEO may revoke or vary the approval of a motor cycle under subregulation (1).
- (3) The CEO 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.

Part 2 — Driver licensing

Division 1 — Drivers' licences generally

7. Grant of driver's licence

- (1) The CEO 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. What a driver's licence authorises

- (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 licence 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 CEO must, when granting a driver's licence in the circumstances described in subregulation (2), endorse it as a provisional licence.
- (2) The driver's licence granted to a person must 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 restrictions

- (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 56(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 licence holder to drive a motor vehicle when it is being used for the purpose of carrying passengers for reward, either in a taxi, as defined in regulation 12(4), or in any other circumstance.
- (2) 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 police officer or the vehicle does not seat more than 12 persons (including the driver); or
 - (c) the person driving the vehicle is doing so in the course of —
 - (i) providing or operating a child care service; or
 - (ii) being employed in the provision or operation of a child care service.
- (3) An amount referred to in subregulation (2)(a) must 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.

- (4) In subregulation (2)(c) —

child care service means —

- (a) any education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1); or
- (b) any child care service as defined in the *Child Care Services Act 2007* section 4.

12. Authorisation for carrying passengers for reward

- (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) The CEO may endorse a driver's licence to give the authorisation referred to in regulation 11(1).
- (3) The endorsement must 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.
- (4) In subregulation (3) —
- taxi** has the meaning given in the *Taxi Act 1994* section 3(1), whether or not that Act applies to its operation.

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- (5) A person may apply to the CEO for a driver's licence held by that person to be endorsed as including extension F or extension T.
- (6) The application must be made in writing in a form approved by the CEO, 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).
- (7) The CEO may make an extension F or T endorsement if the applicant pays the relevant fee payable under Part 7 for making the endorsement and the CEO 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.
- [(8) *deleted*]
- (9) A period for which a person held a relevant driving authorisation must 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.
- (10) A person must 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 CEO.

- (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 CEO 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 (6) 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 (6) or this subregulation; or
 - (c) if the licence holder has reached 65 years of age, the day that ends one year after the day on which the licence holder last provided a report under subregulation (6) or this subregulation.

[Regulation 12 amended in Gazette 28 Jun 2016 p. 2674.]

13. Trailer towing limits

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. Recognition and effect of disqualifications in another jurisdiction

- (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 must 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 CEO from waiving an age requirement in a particular case under regulation 22(2).

16. Demonstrating ability to safely drive

- (1) Before a person can hold a driver's licence the person must have satisfied the CEO 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 —

- (a) 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 43(2),and making a record of that driving, signed by the person who gave the instruction, in a logbook approved by the CEO; and
 - (b) after recording that driving, and having reached 16 years and 6 months of age, satisfying the CEO that the applicant is able to control a motor vehicle that the licence would authorise the holder to drive; and
 - (c) after satisfying the CEO as paragraph (b) 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 43(2),and making a record of that driving, signed by the person who gave the instruction, in a logbook approved by the CEO; and
 - (d) after recording that driving, and having reached 17 years of age, by a test approved by the CEO and conducted not less than 6 months after the applicant satisfied the CEO as paragraph (b) requires, satisfying the CEO 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 CEO that the applicant is

able to control a motor vehicle that the licence would authorise the holder to drive.

- (4) For the purposes of this regulation, an applicant for a driver's licence must be taken to have not previously held a driver's licence if the applicant —
 - (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).
- (5) Subregulations (2) and (3) do not prevent the CEO 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 CEO sees fit.
- (6) Subregulation (2)(a) has effect only in relation to a person who applies for a driver's licence on or after 12 November 2012 (being the day on which the *Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2012* regulation 4(1) came into operation).

17. How ability to control motor vehicle can be shown

- (1) A person satisfying the CEO of an ability to control a motor vehicle of a kind described in Schedule 5 column 2 must be taken to have satisfied the CEO 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 CEO of an ability to control a moped must be taken to have satisfied the CEO 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 CEO of an ability to control a learner approved motor cycle must be taken to have satisfied the CEO 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.

18. Acceptable evidence of ability to safely drive

The CEO —

- (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)(b); and
- (b) may accept, from a body authorised by the CEO to give it, evidence about whether the applicant can demonstrate the ability referred to in regulation 16 to safely drive relevant motor vehicles.

19. Evidence as to ability of drivers who are 80 or older 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 CEO 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 CEO of having that ability.
- (3) The applicant must have demonstrated that ability within one year before the grant of the licence.

20. Demonstrating knowledge of traffic laws and safe driving techniques

- (1) Before a person can hold a driver's licence the person must have satisfied the CEO that the person can demonstrate a reasonable knowledge of the traffic laws of the State and of safe driving techniques unless under regulation 22(5) the CEO has waived the requirement to be able to demonstrate that knowledge.
- (2) The CEO 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 CEO accepts as being sufficiently similar to those of this State, or in any other way the CEO considers acceptable.

21. Driver's licence a prerequisite for driver's licence to drive particular vehicles

- (1) The CEO 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.
- (2) The CEO may, in a particular case, grant a driver's licence authorising a person to drive a motor vehicle of a class specified in Schedule 6 column 1 even though the requirement imposed by subregulation (1) is not complied with if, under regulation 22(6), the CEO has waived the requirement in that case.
- (3) 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.

- (4) 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) In this regulation —
parental responsibility has the meaning given in the *Family Court Act 1997* section 68.
- (2) The CEO may in a particular case waive the requirement in regulation 15(1) that a person holding a licence must have reached the age fixed in that provision if —
- (a) denial of a licence would occasion undue hardship; and
 - (b) the requirements of subregulation (3) or (4) that apply are satisfied.
- (3) If there is a person who has parental responsibility for the applicant for the licence residing in the State, a person who has parental responsibility for the applicant must have consented in writing to the licence being granted.
- (4) If there is not a person who has parental responsibility for the applicant for the licence residing in the State —
- (a) a person who has parental responsibility for the applicant must have consented in writing to the licence being granted; or
 - (b) an employer or intended employer of the applicant must have confirmed in writing that the licence is considered essential for the purposes of the applicant's employment.
- (5) The CEO 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.

- (6) The CEO 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. Applying for driver's licence

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

24. Grant of licence

- (1) Unless prevented by a road law from doing so, the CEO may, on payment of the fee payable under Part 7, 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(2); 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(5).
- (2) The CEO 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 CEO may refuse to grant a driver's licence to a person if the CEO 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 15(1), 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 any road law; or
 - (ii) offences under laws referred to in paragraph (c) that are similar in substance to offences under any road law.

[26. Deleted in Gazette 13 Nov 2015 p. 4663.]

27. Driving tests

- (1) In this regulation —

allocated time means the date and time appointed by the CEO 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 under Part 7 payable for an application for a driver's licence entitles the applicant to a driving test at the allocated time.
- (3) The CEO 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 CEO agrees under subregulation (5) to a later request.
- (5) The CEO 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 CEO 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 CEO does not agree to change the allocated time for that test, the applicant must pay the relevant fee under Part 7 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 CEO a written application for the variation of the licence.
- (2) The CEO 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 CEO must 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 CEO must 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 CEO 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 CEO, surrender the licence.
- (2) The driver's licence ceases to have effect from the time the notice is given to the CEO 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 must —
 - (a) return the driver's licence document to the CEO; or
 - (b) notify the CEO in writing that the driver's licence document has been lost, stolen or destroyed.

Penalty for this subregulation: a fine of 6 PU.

Modified penalty for this subregulation: 2 PU.

- (4) If the holder of a driver's licence surrenders it under this regulation and complies with subregulation (3), the CEO may refund a part of the fee paid for the licence.
- (5) The amount of the fee paid that is refunded must be a proportion of any component the amount of which depended on the duration of the licence granted, and the proportion must be

based on the number of whole days for which the licence initially granted is of no effect because of the surrender.

[Regulation 29 amended in Gazette 19 Aug 2016 p. 3573 and 3574-5.]

Division 4 — Driver's licence documents

30. Issue and form of driver's licence document

- (1) The CEO must issue a licence document to the holder of a driver's licence as evidence of the authorisation given by the licence.
- (2) The document must be in a form that the CEO 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. Replacing driver's licence document

- (1) If a driver's licence document is lost, stolen, destroyed or there is any other good reason for it to be replaced, the CEO must issue a replacement licence document to the licence holder, on the licence holder's request and payment of the fee payable under Part 7.
- (2) The CEO 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 CEO may require that the licence holder return it to the CEO before the replacement document is issued.
- (4) If the driver's licence document to be replaced is not returned to the CEO before the replacement document is issued, the CEO

may require that the licence holder return the document replaced if it subsequently comes into the licence holder's possession.

- (5) A person must comply with a requirement under subregulation (4).

Penalty for this subregulation: a fine of 6 PU.

Modified penalty for this subregulation: 2 PU.

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

[Regulation 31 amended in Gazette 19 Aug 2016 p. 3574-5.]

32. Return of driver's licence document to CEO

- (1) The CEO may, by written notice, require a person to return to the CEO within the period specified in the notice (the *specified period*) a driver's licence document issued to the person if —

- (a) the person has been disqualified from holding or obtaining a driver's licence; or
- (b) the person's driver's licence is suspended or cancelled; or
- (c) the CEO needs the document in order to correct or replace it or to otherwise change it for any other reason.

- (2) A person must comply with a requirement under subregulation (1).

Penalty for this subregulation: a fine of 6 PU.

Modified penalty for this subregulation: 2 PU.

- (3) Subregulation (2) does not apply if, within the specified period, the person notifies the CEO in writing that the driver's licence document has been lost, stolen or destroyed.

[Regulation 32 inserted in Gazette 19 Aug 2016 p. 3573.]

Division 5 — Other provisions about drivers' licences

33. Conditions on licences

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

34. Procedures about conditions

- (1) The imposition, variation or revocation of a condition is not effective until the CEO gives the licence holder written notice that the condition has been imposed, varied or revoked, giving full details of what has been done and explaining its effect.
- (2) When imposing a condition the CEO must 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. Effect of breaching condition

- (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 must not contravene the condition.

Penalty for this subregulation:

- (a) for a first offence, a fine of 6 PU;
- (b) for a subsequent offence, a fine of 12 PU.
- (3) Subregulation (2) does not apply to a condition described in Schedule 7 column 2.

[Regulation 35 amended in Gazette 19 Aug 2016 p. 3573.]

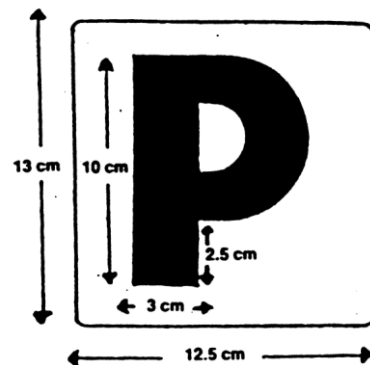
36. Form and display of P plates

- (1) The holder of a provisional licence who drives a motor vehicle on a road must display on the vehicle 2 plates conforming with subregulations (3) and (4), 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 for this subregulation: a fine of 3 PU.

Modified penalty for this subregulation: 2 PU.

- (2) Subregulation (1) does not apply if the licence holder is a police officer driving in the course of duty.
- (3) Each plate must 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.
- (4) Each plate and the letter “P” on it must be at least of the size described in the diagram below.



- (5) The CEO must issue, free of charge, plates conforming with subregulations (3) and (4).

- (6) A person who is not the holder of a provisional licence must not drive a motor vehicle on a road while a plate conforming with subregulations (3) and (4) is displayed on the vehicle.

Penalty for this subregulation: a fine of 2 PU.

Modified penalty for this subregulation: 1 PU.

[Regulation 36 amended in Gazette 19 Aug 2016 p. 3574-5.]

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 CEO grants a driver's licence must be fixed in the licence and unless this regulation states otherwise it must be one year or 5 years, as the applicant for the driver's licence chooses.
- (3) If the CEO grants a driver's licence as a provisional licence, the CEO must fix the period for which the driver's licence is granted as one year.
- (4) If the CEO 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 CEO must 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 must be 5 years.
- (5) If the CEO 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 CEO must fix that period as the period for which the driver's licence is granted.
- (6) If the CEO 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 CEO 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 must show as the expiry day of the licence the last day of the period for which the driver's licence is current.

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 CEO 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 must be made to the CEO in a form approved by the CEO.
- (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 CEO 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 must be made to the CEO in a form approved by the CEO.

- (3) Regulations 24(2) and 64(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 CEO 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 CEO grants the driver's licence, the period for which it is granted must 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 personal details

- (1) In this regulation —
personal details, in relation to a person, means —
 - (a) the person's full name;
 - (b) the address of where the person is currently living.
- (2) A person who holds a driver's licence must, within 21 days after each change to any of the person's personal details that are specified in the licence document, give the CEO notice of the change and of the new personal details either in writing or in any other manner approved by the CEO.

Penalty for this subregulation:

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

Modified penalty for this subregulation: 1 PU.

[Regulation 40 amended in Gazette 19 Aug 2016 p. 3575.]

41. CEO's powers for suspending or cancelling driver's licence

- (1) The CEO may, by notice in writing given to the licence holder —
 - (a) suspend a person's driver's licence if the CEO has reason to suspect that there are grounds on which the CEO 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 CEO has reason to believe that there are grounds on which the CEO could, if then considering whether to grant the driver's licence, refuse under regulation 25 to grant it; or
 - (ii) the CEO 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 CEO may, by notice in writing given to the licence holder, require the person to satisfy the CEO 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 CEO within that period or within any further period that the CEO allows, the CEO 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 CEO is satisfied as to the matter.
- (4) The CEO 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 a road law; or

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- (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).

Part 3 — Learner drivers

42. What a learner's permit 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.

43. Who may give driving instruction

- (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 CEO 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 the 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 an Australian driver licence or a foreign driving authorisation.

44. 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 CEO 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 CEO may in a particular case waive the requirement to have reached 16 years of age if the CEO is satisfied that denial of the permit would occasion undue hardship.

45. Demonstrating knowledge of traffic laws and safe driving techniques

Before a person can hold a learner’s permit the person must have satisfied the CEO 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(5) the CEO has waived the requirement to be able to demonstrate that knowledge.

46. Driver's licence a prerequisite for learner's permit for particular vehicles

- (1) Before a person can hold a learner's permit the person must have satisfied the CEO that the person meets the relevant requirements of subregulations (2) and (3) other than a requirement that the CEO 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 CEO may in a particular case waive a requirement of subregulation (2) or (3) if the CEO is satisfied that denial of the permit would occasion undue hardship.

47. Conditions on learner's permit

- (1) In this regulation —
- instructor* means the person referred to in section 10(2) 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 must be accompanied by the instructor; and
 - (b) the speed of the motor vehicle must not exceed 100 km/h at any time.

48. Effect of breaching condition

- (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 47(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 must not contravene the condition specified in regulation 47(3)(b) or any other condition.
- Penalty for this subregulation: a fine of 4 PU.
- Modified penalty for this subregulation: 2 PU.
- (3) Subregulation (2) does not apply to the condition specified in regulation 47(3)(a).

[Regulation 48 amended in Gazette 19 Aug 2016 p. 3574-5.]

49. Form and display of L plates

- (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 56(1) or (2), must display on the vehicle 2 plates (**L plates**) conforming with subregulation (2), 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 for this subregulation: a fine of 2 PU.

Modified penalty for this subregulation: 1 PU.

- (2) Each L plate must 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 must ensure that L plates are displayed as required by subregulation (1).

Penalty for this subregulation: a fine of 2 PU.

Modified penalty for this subregulation: 1 PU.

- (4) A person must not drive on a road a motor vehicle displaying an L plate unless —

- (a) the person is driving while learning, as authorised by a learner's permit or because of regulation 56(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 for this subregulation: a fine of 2 PU.

Modified penalty for this subregulation: 1 PU.

[Regulation 49 amended in Gazette 19 Aug 2016 p. 3574-5.]

50. Applying for learner's permit

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

51. Issue and form of learner's permit document

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

52. Replacing learner's permit document

- (1) If a learner's permit document is lost, stolen, destroyed or there is any other good reason for it to be replaced, the CEO must issue a replacement permit document to the permit holder, on the permit holder's request and payment of the fee payable under Part 7.
- (2) The CEO may require that, before the document is issued, the permit holder provide proof, to the CEO's satisfaction, of the permit holder's identity.
- (3) A document issued under this regulation becomes the permit document.

53. CEO's powers for suspending learner's permit

The CEO may suspend a learner's permit by notice in writing given to the permit holder.

Part 4 — Other matters about driver authorisations

54. Disclosure of photographs

For the definition of *law enforcement official* in section 11B, the person and classes of person are these —

- (a) the Commissioner, as defined in the *Australian Federal Police Act 1979* (Commonwealth) section 4(1);
- (b) the Commissioner, as defined in the *Corruption, Crime and Misconduct Act 2003* section 3(1);
- (ca) the Public Sector Commissioner, but only when the Public Sector Commissioner is performing functions under the *Corruption, Crime and Misconduct Act 2003*;
- (c) the Commissioner, as defined in the *Police Act 1990* (New South Wales) section 3(1);
- (d) the Commissioner, as defined in the *Police Act 1998* (South Australia) section 3;
- (e) the Commissioner, as defined in the *Police Administration Act* (Northern Territory) section 4(1);
- (f) the Chief Commissioner of Police appointed under the *Police Regulation Act 1958* (Victoria) section 4(1);
- (g) the Commissioner, as defined in the *Police Service Act 2003* (Tasmania) section 3;
- (h) the commissioner, as defined in the *Police Service Administration Act 1990* (Queensland) section 1.4.

[Regulation 54 amended in Gazette 26 Jun 2015 p. 2275.]

55. 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 these —

- (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 power assisted pedal cycle;
- (e) a motorised wheelchair that cannot travel at a speed above 10 km/h;
- (f) 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 CEO);
- (g) an electric personal transporter that cannot travel at a speed exceeding 10 km/h, used only in an electric personal transporter use area.

56. 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 10(2); and
 - (b) each condition in regulation 47 applies as if the licence were a learner's permit.

57. CEO 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 CEO 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 CEO may give a permit under this regulation, the CEO 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.

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

The CEO may grant a driver's licence to a person who still holds a foreign driving authorisation if the person satisfies the CEO 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.

59. Recognising other Australian jurisdiction's driving authorisations

- (1) The CEO must 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 CEO recognises another jurisdiction's driving authorisation, the CEO must also recognise any condition to which the authorisation is subject that is capable of applying in this State.

60. Recognising foreign driving authorisation

- (1) The CEO must recognise an authorisation granted to a person under a foreign law authorising the person to drive a motor vehicle on a road (*foreign driving authorisation*).
- (2) In subregulation (1) —
foreign law means the law of an external Territory, as defined in the *Acts Interpretation Act 1901* (Commonwealth) section 2B, 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 CEO recognises a foreign driving authorisation, the CEO must also recognise any condition to which the authorisation is subject that is capable of applying in this State.

61. Effect of recognition under r. 59 or 60

- (1) A driving authorisation recognised under regulation 59 or 60 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 62 from being authorised by this regulation to drive a motor vehicle.
- (3) A driving authorisation recognised under regulation 59 does not authorise the person who holds it to drive in this State if —
- (a) the person usually resides in this State; and
 - (b) the period for which the person has been usually resident in this State exceeds 3 months.
- (3A) Despite subregulation (3), a driving authorisation recognised under regulation 59 authorises the person who holds it to drive in this State if the person is the holder of a Defence Force member card or a Defence Force family member card.

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- (4) A driving authorisation recognised under regulation 60 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 taken to be a contravention of a condition of a driver's licence under this Act and is punishable accordingly.
- (6) Despite subregulations (2)(a) and (5), if the motor vehicles that a driving authorisation recognised under regulation 60 authorises the holder to drive are vehicles that have a GVM of 3.5 t or less, the authorisation under this regulation is for vehicles that have a GVM of 4.5 t or less.

[Regulation 61 amended in Gazette 19 Aug 2016 p. 3574.]

62. Excluding person from being authorised by r. 61

- (1) The CEO may, by notice in writing given to a person who holds a driving authorisation recognised under regulation 59 or 60, exclude the person from being authorised by regulation 61 to drive a motor vehicle on a road in this State.
- (2) The reasons for which the CEO may exclude a person under subregulation (1) are that —
 - (a) the CEO 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 61 would authorise.

63. Other jurisdiction's driving authorisation document, Defence Force card, to be carried and produced

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

- (a) while driving a motor vehicle on a road, carry —
 - (i) the official document that is evidence of the authorisation; and
 - (ii) the Defence Force member card or Defence Force family member card held by the person if the card is required, under regulation 61(3A), for the authorisation to be recognised under regulation 59;
- and
- (b) produce that document or card for inspection if directed to do so by a police officer.

Penalty:

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

Modified penalty: 3 PU.

[Regulation 63 amended in Gazette 19 Aug 2016 p. 3574.]

64. 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 must, when applying, inform the CEO of any driving impairment of the person.
Penalty for this subregulation: a fine of 10 PU.
Modified penalty for this subregulation: 1 PU.
- (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 CEO the person must, as soon as practicable, inform the CEO in writing of the impairment.
Penalty for this subregulation: a fine of 10 PU.
Modified penalty for this subregulation: 1 PU.
- (4) If a person who has informed the CEO of a driving impairment of the person becomes affected by an increase in the extent of the impairment to a degree that is substantially different from that of which the CEO was most recently informed the person must, as soon as practicable, inform the CEO in writing of the development.
Penalty for this subregulation: a fine of 10 PU.
Modified penalty for this subregulation: 1 PU.
- (5) If a person who has informed the CEO of a driving impairment of the person later informs the CEO that the person has ceased to be affected by the impairment but subsequently becomes again affected by it the person must, as soon as practicable, inform the CEO in writing of the development.
Penalty for this subregulation: a fine of 10 PU.
Modified penalty for this subregulation: 1 PU.

[Regulation 64 amended in Gazette 19 Aug 2016 p. 3574-5.]

Part 5 — Demerit point scheme

65. Demerit point offences in WA and demerit points: *Road Traffic Act 1974*

- (1) In this regulation —
holiday period has the meaning given in regulation 67.
- (2) For section 41, an offence under a provision of the *Road Traffic Act 1974* that is mentioned in the Table is a demerit point offence in WA, and the number of demerit points set out in the Table opposite the provision is the number of demerit points applying to the offence.

Table

Provision of <i>Road Traffic Act 1974</i>	Description of offence	Number of demerit points applying to the offence
s. 49(1)	A first offence of driving while not authorised if the driving is by a novice driver (type 1A) and between midnight and the following 5 a.m., other than if the <i>Road Traffic Act 1974</i> s. 49(3) applies	2
s. 61	A first offence of dangerous driving	6
s. 62	Careless driving	3
s. 62A	Causing excessive noise, smoke	3

Provision of Road Traffic Act 1974	Description of offence	Number of demerit points applying to the offence
s. 64AA	A first offence of driving or attempting to drive a motor vehicle while having a blood alcohol content —	
	(a) of or above 0.05 g but less than 0.06 g of alcohol per 100 mL of blood —	
	(i) during a holiday period	6
	(ii) other than during a holiday period	3
	(b) of or above 0.06 g but less than 0.07 g of alcohol per 100 mL of blood —	
	(i) during a holiday period	8
	(ii) other than during a holiday period	4

Provision of <i>Road Traffic Act 1974</i>	Description of offence	Number of demerit points applying to the offence
	(c) of or above 0.07 g of alcohol per 100 mL of blood —	
	(i) during a holiday period	10
	(ii) other than during a holiday period	5
s. 64AAA	Driving or attempting to drive a motor vehicle while having any blood alcohol content	3
s. 64AC	A first offence of driving or attempting to drive a motor vehicle while a prescribed illicit drug is present in the person's oral fluid or blood —	
	(a) during a holiday period	6
	(b) other than during a holiday period	3

Provision of <i>Road Traffic Act 1974</i>	Description of offence	Number of demerit points applying to the offence
s. 67AB	A first offence of failing to comply with a requirement under the <i>Road Traffic Act 1974</i> section 66D or 66E by either failing to provide a sample of oral fluid for drug testing, or failing to allow a medical practitioner or registered nurse to take a sample of blood for analysis —	
	(a) during a holiday period	6
	(b) other than during a holiday period	3

- (3) For section 41, an offence that involves the driving or use of a motor vehicle is a demerit point offence in WA if it is an offence under the *Road Traffic Code 2000* for which a penalty is expressed as a number of points, and the number of demerit points applying to the offence is that number of points.

66. Demerit point offences in WA and demerit points: *Road Traffic (Vehicles) Act 2012*

For section 41, an offence under the *Road Traffic (Vehicles) Act 2012* section 75(1) is a demerit point offence in WA, and the number of demerit points applying to the offence is 3.

67. Holiday periods

- (1) In this regulation —
public holiday means a day specified, or appointed under the power, in the *Public and Bank Holidays Act 1972* Second Schedule to be a public holiday.
- (2) If a public holiday falls on a Monday, the period of 4 days beginning with the last Friday before that Monday and ending with that Monday is a holiday period.
- (3) If a public holiday falls on a Friday, the period of 4 days beginning with the Thursday before that Friday and ending with the next Sunday after that Friday is a holiday period.
- (4) Despite subregulations (2) and (3), the period of 5 days beginning with the Thursday before Good Friday and ending with Easter Monday is a holiday period.
- (5) Despite subregulations (2) and (3), the period of 17 days beginning with the last Friday before Christmas Day is a holiday period.

68. Some consequences of removing demerit points from register

- (1) In this regulation —
removed means removed or required to be removed.
- (2) This regulation applies if under section 56(3) or (4) demerit points are removed from the demerit points register.
- (3) A notice under section 49(1) ceases to have effect if the giving of the notice required the cancellation of the demerit points that are subsequently removed but the notice has not resulted in —
 - (a) a period of disqualification commencing before the day on which the demerit points are removed; or
 - (b) a person making a section 51 election.

- (4) If the giving of a notice under section 49(1) required the cancellation of the demerit points that are subsequently removed and, when the demerit points are removed, the notice has not resulted in a period of disqualification commencing but has resulted in a person making a section 51 election, the notice and the election each cease to have effect.
- (5) In circumstances described in subregulation (3) or (4), any demerit points that were cancelled as a result of the notice, except any subsequently removed, have the effect, if any, that they would have if they had not been cancelled.
- (6) Subregulation (7) applies if —
- (a) the giving of a notice under section 49(1) required the cancellation of any demerit point subsequently removed; and
 - (b) at the time of removal —
 - (i) the notice has resulted in a period of disqualification; or
 - (ii) the notice has resulted in a person making a section 51 election and a period of disqualification under section 52 has resulted from a notice given under section 52(1) for an offence during the section 51 election period.
- (7) In circumstances described in subregulation (6) —
- (a) if a notice under section 49(1) would not have been given if each demerit point removed had never been recorded —
 - (i) the period of disqualification ceases at the time of removal if it has not already expired; and
 - (ii) any demerit points that were cancelled as a result of the notice, except any removed or under subregulation (8) credited as served, have the effect, if any, that they would have if they had not been cancelled;

and

- (b) if a notice under section 49(1) would have been given even if each demerit point removed had never been recorded —
 - (i) the period of disqualification, whether or not it has already expired, is adjusted, if required, to what it would have been if the points removed had never been recorded; and
 - (ii) if a greater period of disqualification has already been served than the adjusted period (in which case the difference is called the *excess period served*), the number of current demerit points, if any, then recorded against the person must be reduced by cancelling one or more points according to subregulation (9).
- (8) In the circumstances in which subregulation (7)(a) applies, a whole number of demerit points are to be credited as served, the number being at least the same proportion of the number of points that were cancelled as the period of disqualification served represents of the full period of the disqualification under section 49 or 52, as the case requires.
- (9) In the circumstances in which subregulation (7)(b)(ii) applies, the number of points to be cancelled cannot be more than the number of current demerit points the person then has, but otherwise is the lowest whole number that is not less than N in this formula —
$$N = (4 * d) / 30$$

where —

d is the number of days in the excess period served.
- (10) Neither subregulation (3), (4) nor (7)(a)(i) prevents a further notice from being given under section 49(1).

69. Alternative to giving certain notices personally

A notice referred to in section 59 may be given to a person by a form of mail that involves the person taking personal delivery of the notice and acknowledging in writing having taken delivery of it.

Part 6 — Notification and reconsideration of reviewable decisions

70. Term used: reviewable decision

In this Part —

reviewable decision means a decision of the CEO to —

- (a) refuse an application for the grant of a driver's licence; or
- 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 varying a condition, by making, varying, 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 62, exclude the person from being authorised by regulation 61 to drive a motor vehicle.

71. CEO to notify affected person

As soon as practicable after making a reviewable decision, the CEO must give the person affected by the decision notice in writing —

- (a) of the decision; and
- (b) setting out the reasons for the reviewable decision if the decision differs from that sought by the person; and
- (c) informing the person that —
 - (i) under regulation 72, the person may request the CEO to reconsider the reviewable decision; and
 - (ii) under the *Road Traffic (Administration) Regulations 2014* Part 9, the person may apply to

the State Administrative Tribunal for a review of the reviewable decision or the decision made on reconsidering the reviewable decision under regulation 72.

72. Reconsideration of reviewable decisions

- (1) A person affected by a reviewable decision may request the CEO in writing to reconsider the decision.
- (2) The request must be made within —
 - (a) 28 days after receipt of the notice under regulation 71 in relation to the decision; or
 - (b) a longer period that is allowed by the CEO.
- (3) A request for reconsideration must state the decision that the affected person wants the CEO to make after reconsideration of the reviewable decision and outline why the CEO should make that decision.
- (4) Within 28 days after receiving the request, the CEO must reconsider the reviewable decision and —
 - (a) confirm the decision; or
 - (b) amend the decision; or
 - (c) set aside the decision and substitute a new decision.
- (5) The CEO must, in writing, inform the person who made the request —
 - (a) of the result of the reconsideration; and
 - (b) if the decision maker does not make the decision sought by the person —
 - (i) of the reasons for the decision made on reconsidering the reviewable decision; and
 - (ii) that the person may apply to the State Administrative Tribunal for a review of the

decision made on reconsidering the reviewable
decision.

Part 7 — Fees

73. Fee for replacement driver's licence document, learner's permit document

- (1) A fee of \$35.20 is payable for the issue under regulation 31(1) of a replacement driver's licence document (including for an extraordinary licence).
- (2) A fee of \$34.50 is payable for the issue under regulation 52(1) of a replacement learner's permit document.
- (3) The CEO may, in a particular case and if satisfied that a licence document was stolen, exempt a person from the requirement to pay the fee that would otherwise be payable under subregulation (1).

[Regulation 73 amended in Gazette 27 May 2015 p. 1873-4; 27 May 2016 p. 1551.]

74. Fees for drivers' licences

- (1) The fees specified in Schedule 9 are payable in respect of the matters relating to drivers' licences set out in that Schedule.
- (2) A fee is not payable by a person for —
 - (a) an application for the grant of a driver's licence in the circumstances described in regulation 37(4); or
 - (b) the grant of a driver's licence in those circumstances.
- (3) Subregulation (2)(b) does not affect the obligation of the person who is granted the licence to pay for a subsequent grant of a driver's licence by way of renewal.

75. Fees for first grant of driver's licence after cessation of provisional licence

- (1) This regulation applies to a person if —

-
- (a) the endorsement of the person's driver's licence (the **current licence**) as a provisional licence ceases to have effect; and
 - (b) from the time when the person was first granted a provisional licence until the time when the endorsement of the current licence ceases to have effect, the person has not —
 - (i) been convicted of any offence under a road law of which the driving of a motor vehicle on a road is an element; or
 - (ii) paid a modified penalty in relation to an infringement notice for any offence under a road law of which the driving of a motor vehicle on a road is an element.
- (2) No fee is payable on the first grant to the person of a driver's licence for a period of one year commencing on or after the expiry of the period for which the person's current licence was granted.
- (3) The fee payable on the first grant to the person of a driver's licence for a period longer than one year commencing on or after the expiry of the period for which the person's current licence was granted must be reduced by 20% of the amount specified in Schedule 9 item 6(b).

76. Exemption from fee for taking or resitting theory test

- (1) A person is not required to pay the fee, set out in Schedule 9 items 1 and 2, to take or resit a theory test if the person or body administering the test is specified in a notice published under subregulation (2).
- (2) The CEO may, by notice published in the *Gazette* —
 - (a) specify a person or body for the purposes of subregulation (1); and
 - (b) vary or revoke a notice under this subregulation.

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- (3) A person or body may be specified in a notice under subregulation (2) only if the person or body administers theory tests on behalf of the CEO under an agreement made under the *Road Traffic (Administration) Act 2008* section 11.

77. Fees for extraordinary licences

- (1) For section 30(1), the fee for the grant of an extraordinary licence other than by way of renewal is —
- (a) if the licence is granted for a period not exceeding 6 months — \$90.20;
 - (b) if the licence is granted for a period exceeding 6 months — \$180.40.
- (2) For section 33(2), the fee for the grant of an extraordinary licence by way of renewal is —
- (a) if the licence is granted for a period not exceeding 6 months — \$19.25;
 - (b) if the licence is granted for a period exceeding 6 months — \$38.50.

[Regulation 77 amended in Gazette 27 May 2015 p. 1874; 27 May 2016 p. 1551.]

78. Fee exemption for certain seniors and veterans

- (1) This regulation applies to a person if the CEO is satisfied that —
- (a) the person is receiving an age pension; or
 - (b) the person is the holder of both a WA Seniors Card and a Commonwealth Seniors Health Card; or
 - (c) the person is the holder of either of these cards issued by the Department of Veterans' Affairs of the Commonwealth —
 - (i) Repatriation Health Card — Totally & Permanently Incapacitated;

(ii) Repatriation Health Card — Extreme Disablement Adjustment.

- (2) A fee is not payable for the grant, whether by way of renewal or otherwise, of a driver's licence if the applicant is a person to whom this regulation applies.
- (3) A fee is not payable under regulation 73 if the applicant is a person to whom this regulation applies.

79. Reduced fees for certain card holders

- (1) This regulation applies to a person if regulation 78 does not apply to that person and the CEO is satisfied that the person —
 - (a) holds a pensioner concession card and is receiving a pension other than an age pension; or
 - (b) holds a WA Seniors Card.
- (2) The fee set out in regulation 73 must be reduced by 50% if the applicant is a person to whom this regulation applies.
- (3) The fee set out in Schedule 9 item 6(a) must be reduced to one tenth of the fee set out in Schedule 9 item 6(b) if the applicant is a person to whom this regulation applies.
- (4) The fee set out in Schedule 9 item 6(b) must be reduced by 50% if the applicant is a person to whom this regulation applies.
- (5) If the applicant is a person to whom this regulation applies, the fee payable under Schedule 9 item 6(c) must be calculated as if “the fee under paragraph (b)” referred to the fee under Schedule 9 item 6(b) as reduced under subregulation (4).

80. Exemption for drivers of motorised wheelchairs

A fee is not payable for the grant, whether by way of renewal or otherwise, of a driver's licence if the CEO is satisfied that the driver's licence is granted in respect of, and limited to, the driving of a motorised wheelchair.

81. Power to give refund

- (1) The CEO may, in a particular case, refund all or part of any fee paid for the grant, whether by way of renewal or otherwise, of a driver's licence if, in the CEO's opinion, it is just and convenient to do so.
- (2) The CEO must not give a refund under this regulation in respect of any period that is less than one year.
- (3) The CEO may charge a fee of \$1 for giving any refund under this regulation and the fee may be deducted from the amount refunded.
- (4) This regulation does not apply to a refund under regulation 29.

Part 8 — Transitional provisions relating to *Road Traffic (Authorisation to Drive) Regulations 2014*

82. Terms used

In this Part —

commencement day means the day mentioned in regulation 2;

former regulations means the *Road Traffic (Authorisation to Drive) Regulations 2008* repealed by the *Road Traffic (Repeals and Amendment) Regulations 2014* regulation 3.

83. Application of *Interpretation Act 1984*

The provisions of this Part do not prejudice or affect the application of the *Interpretation Act 1984* to and in relation to the repeal of the former regulations.

84. Driver's licences

A driver's licence under the *Road Traffic Act 1974* that was in effect immediately before commencement day must, on and from commencement day, be taken to be a driver's licence granted under regulation 7 of these regulations —

- (a) having the same classification or status that applied to the licence immediately before commencement day; and
- (b) on each condition that applied to the licence immediately before commencement day; and
- (c) for the class or classes of authorisation that applied to the licence immediately before commencement day; and
- (d) with each endorsement that applied to the licence immediately before commencement day; and
- (e) for the rest of the period fixed in the licence.

85. Applications

- (1) An application that was made under a provision of the former regulations mentioned in the Table but not finalised before

commencement day must, on and from commencement day, be taken to be an application under the provision of these regulations mentioned in the Table opposite the former provision.

Table

Provision of former regulations	Description of application	Provision of these regulations
r. 12(4)	Application for a driver's licence to be endorsed as including extension F or extension T	r. 12(5)
r. 23	Application for a driver's licence	r. 23
r. 28(1)	Application to vary a driver's licence	r. 28(1)
r. 38	Application to renew a driver's licence before its expiry	r. 38
r. 39	Application to renew a driver's licence after its expiry	r. 39
r. 52	Application for a learner's permit	r. 50

- (2) A person who, immediately before the commencement day, was an applicant for a driver's licence must, on and from commencement day, be taken to have reached the stage of demonstrating sufficient ability to safely drive a motor vehicle under the provision of these regulations that most closely corresponds to the stage the person reached under regulation 16 of the former regulations.

86. Waivers

A waiver under a provision of the former regulations mentioned in the Table that was in effect immediately before commencement day must, on and from commencement day, be taken to be a waiver under the provision of these regulations mentioned in the Table opposite the former provision.

Table

Provision of former regulations	Requirement waived	Provision of these regulations
r. 22(1)	Age for holding driver's licence	r. 22(2)
r. 22(4)	Need to demonstrate a reasonable knowledge of State's traffic laws and of safe driving techniques	r. 22(5)
r. 22(5)	Periods of time for which certain licences, authorisations to be held, before holding driver's licence	r. 22(6)
r. 46(3)	Age for holding learner's permit	r. 44(3)
r. 48(6)	Periods of time for which certain licences, authorisations to be held, before holding learner's permit	r. 46(6)

87. Drivers' licence documents, learners' permit documents

- (1) A driver's licence document issued under regulation 31 of the former regulations that was in effect immediately before

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commencement day must, on and from commencement day, be taken to be a licence document issued under regulation 30 of these regulations.

- (2) A learner's permit document issued under regulation 53 of the former regulations that was in effect immediately before commencement day must, on and from commencement day, be taken to be a permit document issued under regulation 51 of these regulations.

88. Notices

A notice given under a provision of the former regulations mentioned in the Table that was in effect immediately before commencement day must, on and from commencement day, be taken to be a notice given under the provision of these regulations mentioned in the Table opposite the former provision.

Table

Provision of former regulations	Description of notice	Provision of these regulations
r. 28(2)	Notice to vary a driver's licence	r. 28(2)
r. 41(1)(a)	Notice to suspend a driver's licence	r. 41(1)(a)
r. 41(1)(b)	Notice to suspend or cancel a driver's licence	r. 41(1)(b)

Provision of former regulations	Description of notice	Provision of these regulations
r. 41(2)	Notice requiring licence holder to satisfy CEO about basis for suspending or cancelling driver's licence	r. 41(2)
r. 41(4)	Notice to suspend or cancel a driver's licence	r. 41(4)
r. 55	Notice to suspend or cancel a learner's permit	r. 53
r. 63	Notice to exclude person who holds a recognised driving authorisation from being authorised to drive motor vehicles on WA roads	r. 62

89. Permits to drive without licence

A permit given to a person under regulation 58 of the former regulations that was in effect immediately before commencement day must, on and from commencement day, be taken to be a permit given under regulation 57 of these regulations on each condition that applied to the permit immediately before commencement day.

90. Reviews, reconsiderations of decisions

- (1) In this regulation —
reviewable decision has the meaning that it had in regulation 42(1) of the former regulations.

r. 91

- (2) Without affecting the *Interpretation Act 1984* section 37(1) —
- (a) any right under regulation 42(3) of the former regulations to request the reconsideration of a reviewable decision is not affected by the repeal of the former regulations; and
 - (b) any right under regulation 42(4) of the former regulations to apply to the State Administrative Tribunal for a review of a reviewable decision or a decision made on reconsidering a reviewable decision is not affected by the repeal of the former regulations; and
 - (c) any reconsideration or review of a reviewable decision or a decision made on reconsidering a reviewable decision that had started, but was not finalised, before commencement day must be dealt with as if the former regulations were still in operation.
- (3) A driver's licence that is granted or varied as a result of the reconsideration or review must be taken to be a driver's licence granted under regulation 7 of these regulations on the conditions and with the endorsements applying to the driver's licence on its grant or variation.

91. Notices as to who may administer theory tests

A notice under the *Road Traffic (Charges and Fees) Regulations 2006* regulation 42A(2) that was in effect immediately before commencement day must, on and from commencement day, be taken to be a notice under regulation 76(2).

92. Medical examinations for certain holders of licences endorsed with authorisation to carry passengers for reward

- (1) In this regulation —
transitioned licence means a driver's licence that —
- (a) immediately before 30 June 2008, (the day on which the *Road Traffic Amendment Act 2006* section 6 came into operation) was endorsed as of class F or class T; and
 - (b) under the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 67(3), was regarded after that day as if it had been endorsed as including extension F or T, respectively.
- (2) For applying regulation 12(11) to a transitioned licence —
- (a) the day on which the class F or class T endorsement was made must be taken to be the day on which a report was provided under regulation 12(6); and
 - (b) the day on which the licence holder last submitted to a medical examination before 30 June 2008 must be taken to be a day on which a report was provided under regulation 12(11).

93. Status of certain demerit points recorded before 30 June 2008

- (1) In this regulation —
RT Act s. 103 means the *Road Traffic Act 1974* section 103 as it was in force immediately before transition day;
transition day means 30 June 2008 (the day on which the *Road Traffic Amendment Act 2006* section 31 came into operation).
- (2) Points recorded against a person under RT Act s. 103 are not to be regarded as currently recorded for the purposes of the *Road Traffic Amendment Act 2006* section 36 if, before transition day, they counted towards an aggregate number of points the

accumulation of which resulted in a notice of disqualification being served on the person under RT Act s. 103.

- (3) Subregulation (2) does not affect the continuation of any disqualification to which the person was subject immediately before the transition day.
- (4) Even if disqualification because of a notice of disqualification served under RT Act s. 103 before the transition day has not taken effect before that day, the disqualification takes and has effect as specified in the notice and that section applies to the disqualification as if it had not been repealed.
- (5) The reference in section 27(3) to a person being disqualified under Part 4 of the Act does not include a person disqualified by a notice of disqualification served under RT Act s. 103 before transition day.

Note:

This regulation continues the effect of the *Road Traffic (Miscellaneous) Regulations 2008* regulation 10, deleted by the *Road Traffic (Repeals and Amendment) Regulations 2014* regulation 38.

The *Road Traffic Amendment Act 2006* section 36 was a transitional provision for existing demerit points and reads as follows:

“Points currently recorded in respect of a person under the *Road Traffic Act 1974* section 103 immediately before that section is repealed by section 29, and details of any offence in respect of which the points were recorded, are to be recorded as demerit points against the person in the demerit points register referred to in Part VIA of the *Road Traffic Act 1974* as inserted by section 31.”

The *Road Traffic Act 1974* section 103 referred to was repealed by the *Road Traffic Amendment Act 2006* section 29, which also came into operation on 30 June 2008.

The *Road Traffic (Authorisation to Drive) Act 2008* section 69 is a transitional provision as to the status of the demerit points register.

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 of 4.5 t or less 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 of 4.5 t or less and that is equipped to seat more than 12 adults including the driver; or (b) has a GVM of more than 4.5 t but not more than 8 t
MR	A motor vehicle, other than a motor cycle or motor carrier, that has 2 axles and a GVM of more than 8 t
HR	A motor vehicle, other than a motor cycle or motor carrier, that has at least 3 axles and a GVM of more than 8 t
HC	A motor vehicle that is attached to — (a) a semi-trailer; or (b) a trailer that has a GVM of more than 9 t
MC	Any other motor vehicle

Schedule 2 — Classes of authorisation to drive

[r. 8 and 42]

<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(3)]

Description of vehicle	Rate per kilometre
A motor vehicle powered by —	
(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	63.0 cents
A motor vehicle powered by —	
(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	74.0 cents
A motor vehicle powered by —	
(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	75.0 cents

Schedule 4 — Trailer towing limits

[r. 5 and 13]

1. Limits for motor vehicle of class C or LR

- (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 mass requirement, as defined in the *Road Traffic (Vehicles) Act 2012* section 3(1), that applies under that Act to the trailer or its load or to the trailer and its load is being complied with.

2. Limits for motor vehicle of class MR

A motor vehicle of class MR may be used to tow one trailer that has a GVM of 9 t or less, and no other trailer.

3. Limits for motor vehicle of class HR

A motor vehicle of class HR may be used to tow one trailer that has a GVM of 9 t or less, and no other trailer.

4. Limits for motor vehicle of class HC

- (1) 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 of 9 t or less; or
 - (b) is an unladen converter dolly as defined in the *Road Traffic (Vehicles) Regulations 2014* regulation 3; or
 - (c) is an unladen low loader dolly.
- (2) In subclause (1)(c) —

low loader dolly means a mass distributing device that —

 - (a) is usually coupled between a prime mover and a low loader (a gooseneck semi-trailer with a loading deck no more than 1 m above the ground); and
 - (b) consists of a gooseneck rigid frame; and
 - (c) does not directly carry any load on itself; and

- (d) is equipped with one or more axles, a kingpin and a fifth wheel coupling as that term is defined in the *Road Traffic (Vehicles) Regulations 2014* regulation 3.

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
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
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 of more than 15 t
HC	A prime mover that — (a) has at least 3 axles and a GVM of more than 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 16 t or more 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 of more than 15 t; and (b) is attached to one trailer that has an unladen mass exceeding 4 500 kg, a GVM of 16 t or more and a length of at least 7 m

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

Column 1	Column 2
Class	Motor vehicle description
MC	<p>A prime mover that —</p> <p>(a) has at least 3 axles and a GVM of more than 15 t; and</p> <p>(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 16 t or more and a length of at least 10 m</p> <p>OR</p> <p>A prime mover that —</p> <p>(a) has at least 3 axles and a GVM of more than 15 t; and</p> <p>(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 16 t or more; and</p> <p>(c) together with the semi-trailers has a length of at least 22 m</p> <p>OR</p> <p>A motor vehicle of class HR that —</p> <p>(a) has at least 3 axles and a GVM of more than 15 t; and</p> <p>(b) is attached to 2 trailers each of which has at least 2 axles, an unladen mass exceeding 4 500 kg, a GVM of 16 t or more and a length of at least 7 m</p>

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(4))	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	3 years
	AND	
	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 and 35]

<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 is a learner approved motor cycle or a moped
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 8 — Licence prerequisites for learners' permits

[r. 46 and 56]

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Class	Prerequisite licence	Period
R (but see r. 46(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	2 years
	AND	
	A driver's licence that authorises a person to drive a motor vehicle of class MR or HR	
MC	A driver's licence that authorises a person to drive a motor vehicle of class HR or HC	

Schedule 9 — Fees relating to drivers' licences

[r. 74, 76 and 79]

Terms used

In this Schedule —

hazard perception test means a test under regulation 16(2)(d);

practical driving assessment —

- (a) in relation to an application for a driver's licence, means a driving test to satisfy the CEO that the applicant is able to control a motor vehicle of the appropriate class;
- (b) in relation to an application by the holder of a driver's licence for a condition or limitation endorsed on the licence to be revoked, means a driving test to satisfy the CEO that the condition or limitation should be revoked;

theory test means a theory test to satisfy the CEO that the applicant has a reasonable knowledge of the traffic laws of the State and of safe driving techniques.

	\$
1. Fee to take a theory test for the first time	18.50
2. Fee to resit a theory test	12.90
3. Application for a driver's licence —	
(a) including one practical driving assessment —	
(i) if the motor vehicle is not of class HC or MC	75.90
(ii) if the motor vehicle is of class HC or MC	173.90
(b) if the motor vehicle is of class MC (in which case a practical driving assessment is conducted by someone other than the CEO) or if a practical driving assessment is not required	40.70

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	\$
4. Each additional practical driving assessment —	
(a) if the motor vehicle is not of class HC or MC	72.50
(b) if the motor vehicle is of class HC or MC	165.70
5. For each duplicate tax invoice provided in respect of fees paid for any additional driving tests referred to in item 4	9.00
6. Grant of a driver's licence whether or not by way of renewal —	
(a) for one year	41.80
(b) for 5 years	132.00
(c) for any other period	for each year or part of a year, 20% of the fee under par. (b)
7. Application for the endorsement of a driver's licence under regulation 12(2) to show that it includes extension F	108.50
8. Application for the endorsement of a driver's licence under regulation 12(2) to show that it includes extension T	105.10
9. First hazard perception test in respect of a driver's licence application	20.90
10. Each additional hazard perception test in respect of a driver's licence application	13.90
11. Fee for logbook under regulation 16(2)(a) or (c)	18.40
12. Copy of excessive demerit points notice as defined in section 40(1) previously given to a person	20.80

*[Schedule 9 amended in Gazette 27 May 2015 p. 1875; 27 May 2016
p. 1552.]*

Notes

- ¹ This is a compilation of the *Road Traffic (Authorisation to Drive) Regulations 2014* and includes the amendments made by the other written laws referred to in the following table [1a](#).

Compilation table

Citation	Gazettal	Commencement
<i>Road Traffic (Authorisation to Drive) Regulations 2014</i>	23 Dec 2014 p. 5011-101	27 Apr 2015 (see r. 2 and <i>Gazette</i> 17 Apr 2015 p. 1371)
<i>Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2015</i>	27 May 2015 p. 1873-5	r. 1 and 2: 27 May 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
<i>Road Traffic (Authorisation to Drive) Amendment Regulations 2015</i>	26 Jun 2015 p. 2275	r. 1 and 2: 26 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)(ii) and <i>Gazette</i> 26 Jun 2015 p. 2235)
<i>Road Traffic (Authorisation to Drive) Amendment Regulations (No. 5) 2015</i>	13 Nov 2015 p. 4663	r. 1 and 2: 13 Nov 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Nov 2015 (see r. 2(b))
<i>Transport Regulations Amendment (Fees and Charges) Regulations 2016 Pt. 3</i>	27 May 2016 p. 1549-54	1 Jul 2016 (see r. 2(b))
<i>On-demand Transport Regulations Amendment Regulations 2016 Pt. 3</i>	28 Jun 2016 p. 2655-92	4 Jul 2016 (see r. 2(b))
<i>Road Traffic (Authorisation to Drive) Amendment Regulations 2016</i>	19 Aug 2016 p. 3572-5	r. 1 and 2: 19 Aug 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 20 Aug 2016 (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

<u>Citation</u>	<u>Gazettal</u>	<u>Commencement</u>
<u>Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2016</u> <u>r. 3-8</u> ²	<u>20 Sep 2016</u> <u>p. 3968-82</u>	<u>24 Oct 2016 (see r. 2(b))</u>

² On the date as at which this compilation was prepared, the *Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2016* r. 3-8 had not come into operation. They read as follows:

3. Regulations amended

These regulations amend the *Road Traffic (Authorisation to Drive) Regulations 2014*.

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

alcohol interlock offence means —

- (a) an offence under RTA section 59(1)(a) or (b); or
- (b) an offence under RTA section 59A(1)(a) or (b); or
- (c) an offence under RTA section 63(1)(a) or (c); or
- (d) an offence under RTA section 64(1), if the offender has, within the period of 5 years preceding conviction for that offence, been convicted of an offence —
 - (i) referred to in paragraph (a), (b) or (c); or
 - (ii) against RTA section 64(1), 64AA(1) or 64A(1) or (4); or
 - (iii) referred to in paragraph (g),
which was committed on or after the scheme commencement day; or
- (e) an offence under RTA section 64AA(1), if the offender has, within the period of 5 years preceding conviction for that offence, been convicted of an offence —
 - (i) referred to in paragraph (a), (b) or (c); or
 - (ii) against RTA section 64(1), 64AA(1) or 64A(1) or (4); or
 - (iii) referred to in paragraph (g),
which was committed on or after the scheme commencement day; or

- (f) an offence under RTA section 64A(1) or (4), if the offender has, within the period of 5 years preceding conviction for that offence, been convicted of an offence —
- (i) referred to in paragraph (a), (b) or (c); or
 - (ii) against RTA section 64(1), 64AA(1) or 64A(1) or (4); or
 - (iii) referred to in paragraph (g),
which was committed on or after the scheme commencement day; or
- (g) an offence under RTA section 67(2)(a), (b) or (c);
approved alcohol interlock means an alcohol interlock that the CEO has approved under regulation 69I;
RTA means the *Road Traffic Act 1974*;
scheme commencement day means the day on which the *Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2016* regulation 3 comes into operation;

5. Part 3A inserted

After regulation 53 insert:

Part 3A — Loss of authorisation to drive

53A. Terms used

- (1) In this Part —
prescribed offence means an offence under RTA section 63, 64, 64AB, 67 or 67AA.
- (2) In this Part, a reference to a driver's licence —
- (a) does not include a provisional licence; but
 - (b) includes an extraordinary licence or any other driver's licence, in either case whether or not the licence is suspended.

53B. Effect of disqualification: cancellation

If the holder of a driver's licence or learner's permit is disqualified from holding or obtaining a driver's licence by order of a court on being convicted of an offence (the *present offence*), the licence or permit is by force of this regulation cancelled —

- (a) if the present offence is a prescribed offence, other than an offence under RTA section 64 and the holder has previously been convicted of a prescribed offence; or

- (b) if the present offence is an offence under RTA section 64 and the holder has previously been convicted of a prescribed offence within the period of 5 years preceding the holder's conviction for the present offence; or
- (c) if the present offence is an alcohol interlock offence.

53C. Effect of disqualification: suspension

(1) Subregulation (2) applies if the holder of a driver's licence or learner's permit is disqualified from holding or obtaining a driver's licence —

- (a) by order of a court on being convicted of an offence, unless the licence or permit is cancelled by force of regulation 53B in consequence of the conviction; or
- (b) by operation of the Act; or
- (c) by a licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

(2) If this subregulation applies, the licence or permit is by force of this regulation suspended so long as the disqualification continues in force.

6. Part 5A inserted

After regulation 69 insert:

Part 5A — Alcohol interlock scheme

Division 1 — Preliminary

69A. Terms used

In this Part —

accredited service provider means a person accredited as a service provider under regulation 69G;

alcohol assessment and treatment means assessment and treatment provided by a provider approved under regulation 69J(2)(a);

alcohol interlock scheme means the scheme constituted by this Part;

alcohol offender means —

- (a) a person who has been convicted of an alcohol interlock offence committed on or after the scheme commencement day; or

- (b) a person who —
- (i) holds; or
 - (ii) immediately before being granted a driver's licence, held, another jurisdiction's driving authorisation which is or was subject to a condition or restriction limiting the authorisation to vehicles fitted with alcohol interlocks, and who in either case has not ceased to be an alcohol offender under regulation 69F(a);
- interlock contract* means a contract between an accredited service provider and an interlock-restricted driver on terms approved by the CEO under regulation 69H(1);
- interlock-restricted driver* means a person who holds a driver's licence that is endorsed with condition I;
- restricted driving period* means a period starting as provided in regulation 69L or 69O and terminating as provided in regulation 69O or 69P;
- trigger*, in relation to an approved alcohol interlock fitted to a vehicle, means —
- (a) prior to the operation of the vehicle, provide the interlock with a breath specimen containing a concentration of alcohol sufficient to cause the interlock to prevent the vehicle from being operated; or
 - (b) during the operation of the vehicle, provide the interlock with a breath specimen containing a concentration of alcohol sufficient to cause the interlock to signal that the vehicle ought not to be operated; or
 - (c) during the operation of the vehicle, fail to provide the interlock with a breath specimen when the interlock requires it.

Division 2 — Consequences of being an alcohol offender

69B. Extension of RTA section 49 to certain alcohol offenders

The following are prescribed as a class of persons for the purposes of RTA section 49(3)(da) —

- (a) alcohol offenders who drive a motor vehicle on a road while having no authorisation to drive;
- (b) alcohol offenders who drive a motor vehicle on a road in breach of condition I.

69C. Extension of RTA section 64A offence to alcohol offenders

Alcohol offenders are prescribed as a class of persons for the purposes of RTA section 64A(2)(g).

69D. Endorsement of driver's licence

- (1) If a driver's licence is granted to an alcohol offender, the CEO must endorse the licence with condition I.
- (2) Subregulation (1) applies to an extraordinary licence regardless of the terms of the court order directing the grant of the extraordinary licence.
- (3) This regulation is subject to regulation 69E.

69E. Exempt persons

- (1) This regulation applies to an alcohol offender who the CEO is satisfied —
 - (a) resides in a place that is more than 150 kilometres from any premises at which the services of an accredited service provider are provided; or
 - (b) suffers from a medical condition that, in the opinion of the CEO, would prevent the person from operating an alcohol interlock.
- (2) When the CEO is granting a driver's licence to an alcohol offender to whom this regulation applies, the CEO must not endorse the licence with condition I except at the written request of the alcohol offender.
- (3) At the written request of an alcohol offender to whom this regulation applies who holds a driver's licence not endorsed with condition I, the CEO must vary the licence by endorsing it with condition I.
- (4) At the written request of an alcohol offender to whom this regulation applies who holds a driver's licence endorsed with condition I —
 - (a) the CEO must vary the licence by revoking condition I; and
 - (b) on revocation of condition I the holder of the licence ceases to be an interlock-restricted driver.

69F. Cancellation of alcohol interlock condition

If an interlock-restricted driver is taken under regulation 69Q to have demonstrated the separation of drinking and driving behaviour —

- (a) the interlock-restricted driver ceases to be an alcohol offender; and
- (b) the CEO must vary any driver's licence held by the interlock-restricted driver by revoking condition I.

Division 3 — Accreditations and approvals for the purposes of the alcohol interlock scheme

69G. Accreditation of service providers

- (1) The CEO may, in writing, accredit a person as a service provider for the purposes of the alcohol interlock scheme.
- (2) In deciding whether or not to accredit a person, the CEO must have regard to the person's capacity to provide the services and discharge the functions mentioned in regulation 69H.
- (3) The CEO may accredit a person subject to the person complying with stated conditions.
- (4) By notice in writing to an accredited service provider, the CEO may amend, cancel or suspend —
 - (a) the accredited service provider's accreditation; or
 - (b) any condition to which the accreditation is subject.
- (5) Subject to any conditions imposed under subregulation (3), an accredited service provider may provide services and discharge functions directly or through agents it appoints for the purpose.

69H. Approval of interlock contract terms

- (1) On the application of an accredited service provider the CEO may, in writing, approve terms for the contracts which the accredited service provider proposes to enter into with interlock-restricted drivers.
- (2) The CEO may not approve a contract under subregulation (1) unless it provides —
 - (a) for the accredited service provider to supply and install an approved alcohol interlock in a vehicle that is owned by or available to the interlock-restricted driver, and to report to the CEO for the purposes of the scheme that they have done so; and
 - (b) for the accredited service provider to train the interlock-restricted driver and others in the proper use of the approved alcohol interlock and in the proper use and control of a vehicle in which the approved alcohol interlock is installed; and
 - (c) for each restricted driving period of the interlock-restricted driver during the currency of the

- contract to be divided into consecutive inspection periods; and
- (d) for the interlock-restricted driver to present the vehicle in person to the accredited service provider for inspection of the approved alcohol interlock in respect of each inspection period; and
- (e) for the accredited service provider to inspect the approved alcohol interlock when the vehicle is presented and, after each inspection, to report to the CEO for the purposes of the alcohol interlock scheme —
- (i) identifying the vehicle in which the interlock is installed, the interlock-restricted driver on whose behalf the interlock was installed and the person who presented the vehicle for inspection; and
- (ii) stating whether the interlock was found to be functioning properly; and
- (iii) stating whether there was any indication of tampering or attempting to tamper with the interlock; and
- (iv) setting out the data recorded by the interlock since the previous inspection;
- and
- (f) for the accredited service provider to provide other information to the CEO regarding the operation or attempted operation of an approved alcohol interlock; and
- (g) on behalf of the interlock-restricted driver, for the accredited service provider to remove the approved alcohol interlock from the vehicle and to report to the CEO that it has done so; and
- (h) for the accredited service provider to charge the interlock-restricted driver for the performance of these functions —
- (i) according to a scale of charges; or
- (ii) on another basis,
- agreed from time to time between the service provider and the CEO; and
- (i) for the accredited service provider to perform any other functions that are specified in conditions attaching to their accreditation.

69I. Approval of alcohol interlocks

- (1) For the purposes of the alcohol interlock scheme, the CEO may, by notice in writing to an accredited service provider, approve —
- (a) a specified alcohol interlock; or
 - (b) a class of alcohol interlocks that meet specified criteria.
- (2) Approval under subregulation (1) may be —
- (a) unconditional; or
 - (b) conditional upon the device continuing to comply with specified requirements relating to all or any of the following matters —
 - (i) the manner in which the device will record instances of its use and operation;
 - (ii) the occasions on which, or the frequency with which, the device is to be inspected by an accredited service provider to ensure that it is functioning properly;
 - (iii) the occasions on which or frequency with which the device will require a specimen of breath to be provided;
 - (iv) the concentration of alcohol that will cause the device to prevent the operation of the vehicle or to signal that the vehicle ought not to be operated;
 - (v) other circumstances in which the device is to prevent the operation of the vehicle or to signal that the vehicle ought not to be operated;
 - (vi) any other matter that seems desirable to the CEO.

69J. Alcohol assessment and treatment

- (1) In this regulation —
- CEO (Mental Health Commission) means the chief executive officer of the Department of the Public Service principally assisting the Minister responsible for the administration of the *Alcohol and Other Drugs Act 1974*.
- (2) The CEO (Mental Health Commission) may, in writing, do any of the following —
- (a) approve providers of alcohol assessment and treatment for the purposes of the alcohol interlock scheme;
 - (b) give an approval under paragraph (a) subject to conditions with which the approved provider is to comply;

(c) cancel or amend an approval given under paragraph (a).

Division 4 — Restricted driving period

69K. Terms used

In this Division —

inspection period, in relation to an interlock-restricted driver, means an inspection period provided for under an interlock contract to which the interlock-restricted driver is a party;

relevant vehicle, in relation to an interlock-restricted driver, means a vehicle in which an approved alcohol interlock is installed under an interlock contract to which the interlock-restricted driver is a party.

69L. Start of restricted driving period

An interlock-restricted driver's restricted driving period starts when, following the driver's most recent conviction for an alcohol interlock offence, the driver has an approved alcohol interlock installed under an interlock contract in a vehicle that the driver is authorised to drive.

69M. Inspection obligation

(1) Throughout a restricted driving period, an interlock-restricted driver must periodically present in person the relevant vehicle for inspection of the approved alcohol interlock in respect of each inspection period in accordance with the terms of the interlock contract.

(2) An interlock-restricted driver who holds an extraordinary licence may, despite any conditions imposed under section 32(1)(b) of the Act, drive the relevant vehicle by the most direct convenient route to and from the premises of an accredited service provider or its agent as reasonably necessary for the purpose of having the approved alcohol interlock inspected as required by subregulation (1).

69N. Alcohol assessment and treatment during restricted driving period

Throughout a restricted driving period, the CEO may require the interlock-restricted driver, by notice in writing to the driver, to participate in alcohol assessment and treatment if —

- (a) the CEO reasonably believes that any person has tampered with or attempted to tamper with the alcohol interlock installed in the driver's relevant vehicle; or
- (b) the CEO reasonably believes that, within any inspection period, the alcohol interlock installed in the driver's

relevant vehicle has been triggered on 3 or more occasions; or

- (c) the CEO reasonably believes that the driver has failed to comply with a periodic inspection obligation under regulation 69M(1).

69O. Termination and restart of restricted driving period

- (1) An interlock-restricted driver's restricted driving period terminates and immediately restarts on the occurrence of an event mentioned in column 1 of the Table with effect from the date mentioned opposite that event in column 2 of the Table.

Table

<u>Event</u>	<u>Effective date</u>
<u>The alcohol interlock installed in the driver's relevant vehicle records that a person has tampered or attempted to tamper with it, and the recorded details are reported to the CEO in accordance with the interlock contract.</u>	<u>The recorded date of the tampering or attempted tampering.</u>
<u>An inspection by an accredited service provider of an alcohol interlock installed in the driver's relevant vehicle discloses physical evidence of tampering or attempted tampering which the interlock has not recorded, and the evidence is reported to the CEO in accordance with the interlock contract.</u>	<u>The date of the inspection.</u>

<u>Event</u>	<u>Effective date</u>
<p><u>The alcohol interlock installed in the driver’s relevant vehicle records that, within any inspection period, the alcohol interlock installed in the driver’s relevant vehicle has been triggered on 3 or more occasions, and the recorded details are reported to the CEO in accordance with the interlock contract.</u></p>	<p><u>The recorded date of the last occasion within the inspection period on which the alcohol interlock was triggered.</u></p>
<p><u>Since the most recent occasion on which a restricted driving period for the driver has either started under regulation 69L, the driver fails to comply with more than one periodic inspection obligation under regulation 69M(1).</u></p>	<p><u>If the failure arises because, although the vehicle is presented for inspection within the time required under the terms of the interlock contract, it is not presented personally by the driver — the date on which it is presented for inspection.</u></p> <p><u>If the failure arises because the vehicle is not presented for inspection within the time required under the terms of the interlock contract — the next date on which it is presented for inspection.</u></p>

(2) An interlock-restricted driver’s restricted driving period —

- (a) terminates if —
 - (i) the driver's licence is suspended; or
 - (ii) the driver's licence expires, unless a new licence is immediately granted to the driver; or
 - (iii) the driver ceases to have a relevant vehicle;
- and
- (b) restarts if and when the driver has both a valid and effective licence and a relevant vehicle.

69P. Termination of restricted driving period without restart

- (1) An interlock-restricted driver's restricted driving period terminates if —
 - (a) the driver is convicted of a further alcohol interlock offence; or
 - (b) the driver's licence is cancelled in any other circumstances.
- (2) A restricted driving period that terminates under subregulation (1) does not restart, but a new restricted driving period may start on the driver again becoming an interlock-restricted driver and having a relevant vehicle.

Division 5 — Demonstrating separation of drinking and driving behaviour

69Q. Demonstrating the separation of drinking and driving behaviour

An interlock-restricted driver is taken to have demonstrated the separation of drinking and driving behaviour when the following conditions are satisfied —

- (a) in the case of a driver who has been permanently disqualified, the driver has completed one or more restricted driving periods totalling in aggregate at least 3 years since the most recent date on which —
 - (i) a disqualification was imposed on the driver; or
 - (ii) an extraordinary licence held by the driver was cancelled;
- (b) in the case of any other driver, every period of disqualification imposed on the driver has ended;
- (c) the driver has started or restarted a restricted driving period that has continued for at least 180 days up to and including the current date;

- (d) the CEO is reasonably satisfied that the driver has complied with any requirement under regulation 69N to participate in alcohol assessment and treatment.

Division 6 — Miscellaneous

69R. Offences

- (1) A person must not tamper, or cause or permit another person to tamper, with an approved alcohol interlock installed in —
- (a) a relevant vehicle; or
- (b) a vehicle that is being driven or is intended or expected to be driven by an interlock-restricted driver.

Penalty for this subregulation: 50 PU.

- (2) A person must not circumvent, or cause or permit another person to circumvent, the operation of an approved alcohol interlock installed in —
- (a) a relevant vehicle; or
- (b) a vehicle that is being driven or is intended or expected to be driven by an interlock-restricted driver.

Penalty for this subregulation: 50 PU.

- (3) Without limiting subregulation (2), a person circumvents the operation of an approved alcohol interlock if —
- (a) the person provides a sample of breath for analysis by the interlock; and
- (b) the breath is not that of the driver or intended or expected driver of the vehicle in which the interlock is installed.

7. Regulation 77A inserted

After regulation 77 insert:

77A. Additional fees for licences endorsed with alcohol interlock condition

- (1) On the grant of an extraordinary licence endorsed with condition I a further fee of \$129.00 is payable in addition to the fee payable under regulation 77, unless the grant is by way of renewal of an extraordinary licence that is endorsed with condition I.
- (2) On the grant of a driver's licence (other than an extraordinary licence) endorsed with condition I a further fee of \$129.00 is payable in addition to the fee payable under Schedule 9 item 6.

unless the grant is by way of renewal of a driver's licence (other than an extraordinary licence) that is endorsed with condition I.

8. Schedule 7 amended

In Schedule 7 insert in alphabetical order:

I The authorisation to drive a motor vehicle applies only if an approved alcohol interlock is installed in the vehicle and is in operation