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**TRANSPORT**

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TN301

Road Traffic (Authorisation to Drive) Act 2008

**Road Traffic (Authorisation to Drive)  
Amendment Regulations 2017**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Road Traffic (Authorisation to Drive) Amendment Regulations 2017*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 9 October 2017.

**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:

*moped licence* means a driver's licence that authorises the holder to drive only a motor vehicle of class R endorsed with the condition N;

*new driver's licence applicant* means an applicant for a driver's licence who —

- (a) is a novice driver; and
- (b) either —
  - (i) does not hold and has not previously held a driver's licence; or
  - (ii) holds or has held a moped licence but no other driver's licence;

**5. Regulation 15 amended**

In regulation 15(1)(b) delete “driver's licence that is endorsed with condition N and authorises the person to drive only a vehicle of class R,” and insert:

moped licence,

**6. Regulation 16 amended**

- (1) In regulation 16(1) delete “demonstrate” and insert:

demonstrate, in accordance with regulation 16A, 16B or 16C,

- (2) Delete regulation 16(2) to (6) and insert:

- (2) Subregulation (1) does not prevent the CEO from being satisfied that a person can demonstrate sufficient ability to safely drive a motor vehicle —

- (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.

**7. Regulations 16A to 16C inserted**

After regulation 16 insert:

**16A. New driver's licence applicant: class C if under 25 years of age and class R endorsed with condition E**

- (1) This regulation applies to an applicant for a driver's licence —
  - (a) if —
    - (i) the applicant is a new driver's licence applicant who has not reached 25 years of age; and
    - (ii) the driver's licence would authorise the driving of a motor vehicle of class C;or
  - (b) if —
    - (i) the applicant is a new driver's licence applicant; and
    - (ii) the driver's licence would authorise the driving of a motor vehicle of class R endorsed with condition E.
- (2) The applicant may demonstrate sufficient ability to safely drive a motor vehicle as the licence would authorise by —
  - (a) driving the motor vehicle on a road for at least 50 hours, including at least 5 hours of driving the vehicle at night (as defined in the *Road Traffic (Vehicles) Act 2012* section 3(1)), 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
  - (b) making a record of the driving undertaken in compliance with paragraph (a) —
    - (i) signed by the person who gave the instruction; and
    - (ii) in a logbook approved by the CEO;and
  - (c) having reached 16 years and 6 months of age, by a test approved by the CEO and conducted not less than 6 months after the learner's permit

was granted in relation to the application, satisfying the CEO that the applicant has sufficient ability to recognise hazards on roads; and

- (d) after completing the requirements set out in paragraphs (a), (b) and (c) and having reached 17 years of age, satisfying the CEO that the applicant is able to control the motor vehicle.

**16B. New driver's licence applicant: class C if 25 years of age and over**

- (1) This regulation applies to an applicant for a driver's licence if —
  - (a) the applicant is a new driver's licence applicant who has reached 25 years of age; and
  - (b) the driver's licence would authorise the driving of a motor vehicle of class C.
- (2) The applicant may demonstrate sufficient ability to safely drive a motor vehicle as the licence would authorise by —
  - (a) a test approved by the CEO and conducted not less than 6 months after the learner's permit was granted in relation to the application, satisfying the CEO that the applicant has sufficient ability to recognise hazards on roads; and
  - (b) satisfying the CEO that the applicant is able to control the motor vehicle.

**16C. Other driver's licence applicant**

- (1) This regulation applies to an applicant for a driver's licence if the applicant is not a new driver's licence applicant.
- (2) The applicant may demonstrate sufficient ability to safely drive a motor vehicle as the licence would authorise by satisfying the CEO that the applicant is able to control the motor vehicle.

**8. Regulation 17 amended**

In regulation 17(2) delete "driver's licence to authorise the person to drive a motor vehicle of class R while the licence is endorsed with condition N." and insert:

moped licence.

**9. Regulation 18 amended**

In regulation 18(a) delete “regulation 16(2)(b); and” and insert:

regulation 16A(2)(d), 16B(2)(b), 16C(2); and

**10. Schedule 9 amended**

- (1) In Schedule 9 in the definition of *hazard perception test* delete “regulation 16(2)(d);” and insert:

regulation 16A(2)(c) or 16B(2)(a);

- (2) In Schedule 9 item 11 delete “under regulation 16(2)(a) or (c)” and insert:

referred to in regulation 16A(2)(b)(ii)

N. HAGLEY, Clerk of the Executive Council.

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