

Australian Capital Territory

Road Transport (Driver Licensing) Amendment Regulation 2008 (No 1)

Subordinate Law SL2008-5

made under the

Road Transport (Driver Licensing) Act 1999

EXPLANATORY STATEMENT

OVERVIEW

The *Road Transport (Driver Licensing) Amendment Regulation 2008 (No 1)* (the Amendment Regulation) amends the *Road Transport (Driver Licensing) Regulation 2000*.

The main features of the Amendment Regulation are:

- an amendment to clarify the eligibility requirements for obtaining a heavy vehicle driver licence;
- an amendment to clarify when a person learning to drive a heavy vehicle, is exempt from the requirement of holding a higher class of licence while driving that vehicle on a road or road related area;
- an amendment to require that a probationary licence be issued to a person who has held a learner licence after a period of licence disqualification;
- an amendment to clarify the licence class requirement for the issue of a public vehicle licence for a public bus; and
- an amendment to clarify that a NSW country taxi-cab driver must complete an approved training course in order to drive a taxi in the ACT.

DETAIL

Formal Provisions

1 Name of regulation

Clause 1 provides the name of the regulation, the *Road Transport (Driver Licensing) Amendment Regulation 2008 (No 1)*.

2 Commencement

Clause 2 specifies that the regulation commences on the day after its notification day.

3 Legislation amended

Clause 3 notes that the regulation amends the *Road Transport (Driver Licensing) Regulation 2000*.

Heavy Vehicle Learner Licences

4 Section 23 (2)

Clause 4 amends the provision exempting a person learning to drive a heavy vehicle, from the requirement of holding a higher class of licence while driving that vehicle on a road or road related area. The amendment divides section 23 (2) into two separate subsections, 23 (2) and 23 (2A).

Currently section 23 (2) provides that one of the requirements for a person to be exempt from holding the higher class of licence while driving that vehicle on a road or road related area is if the higher class is a licence class that the person is eligible to apply for under the regulation. Clause 4 amends this provision to the effect that it is not necessary for a person to have successfully completed an approved heavy vehicle driver training course or test or assessment of the person's ability to drive for the exemption to apply.

5 Section 23 (3)

Clause 5 amends section 23 (3) as a consequence of the amendment to section 23 (2). The amended section 23 (3) provides that subsections (2A) (b) and (c) do not apply during a test or assessment of the driver's driving ability.

6 Section 26 (1), note

Clause 6 amends section 26 (1) note as a consequence of the amendment to section 28 (2). Section 26 (1) makes provision for the approval of learner licence, learner rider and heavy vehicle driver training courses. The amended note makes reference to section 28 (2) (h) which replaces repealed section 28 (2) (g) (1).

7 Section 28 (2) (g)

Clause 7 amends the provisions relating to eligibility requirements for a multi-combination vehicle licence. The amendment divides 28 (2) (g) into two separate subsections, (2) (g) and (2) (h).

Section 28 (2) (c) – (g) sets out the eligibility requirements for various light and medium rigid, and heavy vehicle licences. There is a requirement for an applicant for a multi-combination vehicle licence to successfully complete an approved heavy vehicle driver training course or test or assessment of the person's driving ability. Clause 7 amends section 28 (2) by clarifying in new section 28 (2) (h) that the eligibility requirements for a light rigid, medium rigid, heavy rigid, heavy combination and multi-combination vehicle licence, all include the successful completion of an approved heavy vehicle driver training course or test or assessment of the person's driving ability. This ensures that evidence is provided that the applicant possesses the driving ability and

knowledge of safe driving practices and road laws to hold a driver licence of the class applied for.

8 New Section 28 (4)

Clause 8 inserts a new section 28 (4) which sets out how a person satisfies the eligibility requirements in section 28 (2) (h) (i) that deals with a person's knowledge of safe driving practises or road law in relation to light rigid, medium rigid and heavy rigid vehicle licences. The effect of section 28 (4) is that an applicant upgrading from a light rigid vehicle licence to a medium or heavy vehicle licence, or from a medium rigid licence to a heavy rigid vehicle licence, does not need to repeat the course or test they would have completed to obtain their light rigid vehicle licence.

Probationary Licences

9 Section 52 (1) (c) (i)

Clause 9 amends section 52 (1) (c) (i) which outlines when a probationary licence must be issued. The amendment allows for a probationary licence to be issued to a person who has held a learner licence since completing the period of disqualification. This ensures that the person completes the 12 months probationary period, with its lower demerit point threshold, before returning to their full or provisional licence

Public Bus Licences

10 Section 62 (3) (g)

Clause 10 amends section 62 (3) (g) which deals with the type of licence a person must hold before being eligible for a public vehicle licence for a public bus.

The amendment substitutes new section 62 (3) (g) to provide that to be eligible for a public vehicle licence for a public bus a person must hold a full licence to which the application relates, replacing the current full light rigid licence criteria. For example, a person who applies for a public vehicle licence for a small bus (with a GVM not over 4.5t) that is equipped to seat 11 adults, requires a full car licence. However, a person applying for a public vehicle licence to driver a bus (with a GVM over 4.5t, but not over 8t) that is equipped to seat 15 adults, requires a full light rigid licence.

Given the different types of buses a person with a public bus licence may drive, the new section has been included to ensure a person wishing to drive a small bus with a seating capacity of 11 is not required to hold a full light rigid licence.

Consequential Amendments

11 Section 67 (1) (b)

Clause 11 amends section 67 (1) (b) as a consequence of the amendment to section 28 (2) (g). Section 67 (1) provides that the road transport authority may exempt a person from certain eligibility requirements for driver licences.

Interstate Licensed Public Vehicle Drivers

12 Section 94A (3)

Clause 12 substitutes new section 94 (3) to clarify the intention of the regulation to ensure that, consistent with requirements for ACT licensed taxi drivers, NSW country taxi-cab drivers must also complete an approved taxi driver training course if they wish to drive a vehicle which has been licensed as a taxi in the ACT.

13 Section 94A (5), definition of *ACT taxi*

This term is omitted as it is no longer used in the regulation.

14 Section 94A (5), definition of *NSW country taxi-cab driver*

Clause 14 amends the definition of NSW country taxi-cab driver to reflect changes to the SNW regulation dealing with taxi drivers.

A commencement date of 31 March 2008 applies to the operation of new section 94A(5) to enable existing experienced NSW country taxi-cab drivers to continue to be exempt from the requirement to complete an approved training course in order drive a vehicle licensed as a taxi in the ACT.

15 Section 94A (5), new definition of *taxi licence*

Clause 15 provides that the definition of a taxi licence is that set out in the *Road Transport (Public Passenger Services) Act 1999*, section 37.

16 Dictionary, note 3, new dot points

Clause 16 inserts new dot points to the Dictionary, note 3. Note 3 of the Dictionary identifies terms used in the regulation that have the same meaning that they have in the *Road Transport (Driver Licensing) Act 1999*.