



Australian Capital Territory

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

Subordinate Law SL2008-5

The Australian Capital Territory Executive makes the following regulation under the *Road Transport (Driver Licensing) Act 1999*.

Dated 3 March 2008.

JOHN HARGREAVES
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Road Transport (Driver Licensing) Amendment Regulation 2008 (No 1)*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This regulation amends the *Road Transport (Driver Licensing) Regulation 2000*.

4 Section 23 (2)

omit everything before paragraph (b), substitute

- (2) The person may drive a motor vehicle for which a higher class of driver licence is required.
- (2A) While driving the motor vehicle on a road or road related area, the person is exempt under the Act, section 31 (1) (b) (Driver must be licensed) from the requirement to hold the higher class of licence if—
 - (a) the person satisfies the eligibility requirements for the higher class of licence, other than the requirement in section 28 (2) (h); and

5 Section 23 (3)

omit

(2)

substitute

(2A)

6 Section 26 (1), note

omit

s 28 (2) (g) (ii)

substitute

s 28 (2) (h)

7 Section 28 (2) (g)

substitute

- (g) for a multi-combination vehicle licence—the person has, at any time, held a provisional or full heavy rigid vehicle or heavy combination vehicle licence (or a mix of them) for at least 1 year; and
- (h) for a licence mentioned in section 28 (2) (c), (d), (e), (f) or (g)—the person has successfully completed an approved heavy vehicle driver training course or test or assessment set by the road transport authority for the licence class to assess—
 - (i) the person’s knowledge of safe driving practices or road law; and
 - (ii) the person’s driving ability.

Note **Approved heavy vehicle driver training course**—see s 26 (1) (c).

8 New section 28 (4)

insert

- (4) A person satisfies the eligibility requirements in section 28 (2) (h) (i)—
 - (a) for a medium rigid vehicle licence—if the person has successfully completed the stated test for a light rigid vehicle licence; or

- (b) for a heavy vehicle rigid vehicle licence—if the person has successfully completed the stated test for either a light rigid vehicle licence or medium rigid vehicle licence.

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

after

Australian driver licence

insert

(other than a learner licence)

10 Section 62 (3) (g)

substitute

- (g) for a public vehicle licence for a public bus—
- (i) the person holds a full licence to drive the kind of public vehicle to which the application relates, or an Australian driver licence of a higher class, and has held a provisional or full car licence or an Australian driver licence of a higher class for at least 3 years (or for periods totalling 3 years); or

Examples—subpar (i)

- 1 A person who applies for a public vehicle licence to drive a small bus (with a GVM not over 4.5t) that is equipped to seat 11 adults (including the driver) requires a full car licence (see s 9, table 9, item 2).
- 2 A person who applies for a public vehicle licence to drive a bus (with a GVM over 4.5t, but not over 8t) that is equipped to seat 15 adults (including the driver) requires a full light rigid vehicle licence (see s 9, table 9, item 3).

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (ii) the person has, in the last 5 years, held an external territory driver licence corresponding to a full licence to drive the kind of public vehicle to which the application relates, or an Australian driver licence of a higher class, and has held a full car licence or an Australian driver licence of a higher class for at least 1 year in the last 5 years; or
- (iii) the person has, in the last 5 years, held a foreign driver licence corresponding to a full licence to drive the kind of public vehicle to which the application relates, or an Australian driver licence of a higher class, and has held a full car licence or an Australian driver licence of a higher class for at least 1 year in the last 5 years; and

11 Section 67 (1) (b)

substitute

- (b) section 28 (2) (a) to (g) (Eligibility requirements for licence classes);

12 Section 94A (3)

substitute

- (3) However, a person who is a NSW country taxi-cab driver is exempt from holding a public vehicle licence that authorises the person to drive a taxi on a road or road related area (in the ACT) if the person—
 - (a) is driving a vehicle for which a taxi licence has been issued; and

- (b) has successfully completed an approved public vehicle driver training course.

Note A reference to a **taxi licence** includes a reference to a **restricted taxi licence** (see the *Road Transport (Public Passenger Services) Act 2001*, s 37).

A restricted taxi licence may be issued for a NSW cross-border taxi or a wheelchair-accessible taxi (see the *Road Transport (Public Passenger Services) Regulation 2002*, s 82A).

NSW cross-border taxi and **wheelchair-accessible taxi** are defined in the *Road Transport (Public Passenger Services) Regulation 2002*, dictionary.

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

omit

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

substitute

NSW country taxi-cab driver means a person who—

- (a) holds an authority under the *Passenger Transport Act 1990* (NSW), part 4, division 5 that is valid for the category mentioned in the *Passenger Transport Regulation 2007* (NSW), section 28 (1) (f); and
- (b) first started driving a vehicle, for which a taxi licence has been issued, after 31 March 2008.

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

insert

taxi licence—see the *Road Transport (Public Passenger Services) Act 2001*, section 37.

16 Dictionary, note 3, new dot points

insert

- • drive
- • external territory driver licence
- • road
- • road related area
- • vehicle.

Endnotes

1 Notification

Notified under the Legislation Act on 11 March 2008.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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