



Australian Capital Territory

# Road Transport (Driver Licensing) Amendment Regulation 2024 (No 1)

Subordinate Law SL2024-30

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

Dated 11 September 2024.

ANDREW BARR  
Chief Minister

CHRIS STEEL  
Minister





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[Road Transport \(Driver Licensing\) Act 1999](#) and the [Road Transport \(General\) Act 1999](#)

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## **1 Name of regulation**

This regulation is the *Road Transport (Driver Licensing) Amendment Regulation 2024 (No 1)*.

## **2 Commencement**

- (1) This regulation commences on a day fixed by the Minister by written notice.

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

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

- (2) If this regulation has not commenced within 9 months beginning on its notification day, it automatically commences on the first day after that period.
- (3) The [Legislation Act](#), section 79 (Automatic commencement of postponed law) does not apply to this regulation.

## **3 Legislation amended**

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

*Note* This regulation also amends the *Road Transport (General) Regulation 2000* (see sch 1).

**4 Section 69 (8) (b)**

*substitute*

- (b) if the authority received, whether under this section or otherwise, a report or other evidence relevant to the person's medical fitness to drive a motor vehicle—refer the report or evidence to an authorised medical reviewer or authorised occupational therapist for assessment of the person's medical fitness to hold a driver licence or to drive a particular class or kind of motor vehicle in accordance with the required medical standards;

**5 New section 69 (8A)**

*insert*

- (8A) The road transport authority may also give the authorised medical reviewer or authorised occupational therapist carrying out an examination or assessment of a person under subsection (8) (a) or (b)—
  - (a) personal information relating to the person that is reasonably necessary for the examination or assessment to be carried out; and
  - (b) details of any Australian or external driver licence held, or applied for, by the person.

**Examples—details of Australian or external driver licence**

- 1 licence number
- 2 kind of licence
- 3 class of licence
- 4 conditions imposed on the licence
- 5 whether the licence held is expired, suspended or cancelled

**6 Section 78 (4) (b) and (c)**

*substitute*

- (b) if the authority received, whether under this section or otherwise, a report or other evidence relevant to a person's medical fitness to drive a motor vehicle—refer the report or evidence to an authorised medical reviewer or authorised occupational therapist for assessment of the person's medical fitness to hold a driver licence or to drive a particular class or kind of motor vehicle in accordance with the required medical standards;
- (c) if the authority received a report or other evidence mentioned in paragraph (b) relating to a person who holds, or has held, an Australian driver licence issued under the law of another jurisdiction—give the report or evidence to the entity of the jurisdiction that corresponds to the authority;
- (d) require the person to pay for an assessment under paragraph (a) or (b).

**7 New section 78 (4A)**

*insert*

- (4A) The road transport authority may also give the authorised medical reviewer or authorised occupational therapist carrying out an examination or assessment of a person under subsection (4) (a) or (b)—
  - (a) personal information relating to the person that is reasonably necessary for the examination or assessment to be carried out; and
  - (b) details of—
    - (i) the Australian or external driver licence held by the person; and

- (ii) if the person has applied for a driver licence—the driver licence applied for.

**Examples—details of Australian or external driver licence**

- 1 licence number
- 2 kind of licence
- 3 class of licence
- 4 conditions imposed on the licence
- 5 whether the licence held is expired, suspended or cancelled

**8 Section 78B**

*substitute*

**78B Appointment of authorised medical reviewers**

The road transport authority may appoint an entity as an authorised medical reviewer for—

- (a) section 69; or
- (b) section 78; or
- (c) section 103AA.

*Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.

**78C Appointment of authorised occupational therapists**

The road transport authority may appoint an entity as an authorised occupational therapist for—

- (a) section 69; or
- (b) section 78; or
- (c) section 103AA.

*Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.



**9 Section 85 (5) and (6)**

*substitute*

- (5) Section 69 (6) to (9) applies in relation to the person as if the person were an applicant for the issue or variation of a driver licence.

**10 New section 90B**

*in division 5.4, insert*

**90B Relevant health practitioners to report impaired fitness to drive—Act, s 28 (2) (e)**

- (1) A relevant health practitioner must report to the road transport authority about a person if the practitioner—
- (a) has examined or assessed the person; and
  - (b) reasonably believes that the person holds, or is applying for, a heavy vehicle licence; and
  - (c) forms an opinion that the person has a permanent or long-term illness, injury or incapacity that is likely to impair the person's ability to drive a heavy vehicle safely.

**Examples—par (b)**

- 1 The person tells their health practitioner that they hold a heavy vehicle licence.
  - 2 The person gives their doctor a medical assessment form that they need the doctor to complete. The person has pre-filled part of the form by inserting their personal details and ticking a box indicating they are applying for a heavy vehicle licence.
- (2) The report must be in writing and state—
- (a) the person's name, address and date of birth; and
  - (b) that the relevant health practitioner has formed an opinion under subsection (1) (c); and
  - (c) the grounds for the opinion.

- (3) The report must be given to the road transport authority as soon as practicable but not later than 7 days after the day the requirement to report arises under subsection (1).
- (4) Also, the relevant health practitioner must take all reasonable steps to tell the person, as soon as practicable—
  - (a) that the practitioner is required to give a written report under subsection (1) to the road transport authority; and
  - (b) about the content, or proposed content, of the report; and
  - (c) if the proposed content told to the person is materially different from the actual content of the report—about the material differences.
- (5) For subsection (1), the road transport authority may, on request by the relevant health practitioner, give the practitioner details of any heavy vehicle licence held, or applied for, by the person.

**Examples—details of heavy vehicle licence**

- 1 kind of licence
  - 2 class of licence
  - 3 conditions imposed on the licence
  - 4 whether the licence held is expired, suspended or cancelled
- (6) The Minister may make guidelines to assist relevant health practitioners to consider whether a permanent or long-term illness, injury or incapacity is likely to impair a person’s ability to drive a heavy vehicle safely.
  - (7) A guideline is a notifiable instrument.
  - (8) In this section:  
*examine or assess*, a person, includes examine or assess the person by phone or other electronic audiovisual means.

***heavy vehicle licence***—

- (a) means any of the following licences:
  - (i) class LR licence;
  - (ii) class MR licence;
  - (iii) class HR licence;
  - (iv) class HC licence;
  - (v) class MC licence; and
- (b) includes an external driver licence that corresponds to a licence mentioned in paragraph (a).

***relevant health practitioner***—

- (a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise any of the following health professions (other than as a student):
  - (i) medical;
  - (ii) occupational therapy;
  - (iii) optometry;
  - (iv) physiotherapy;
  - (v) psychology; and
- (b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

**11 New section 103AA (4) and (5)**

*after the note, insert*

- (4) If the road transport authority received, whether under this section or otherwise, a report or other evidence relevant to the person's medical fitness to drive a motor vehicle, the authority—
  - (a) may refer the report or evidence to an authorised medical reviewer or authorised occupational therapist for assessment of the person's medical fitness to hold a driver licence or to drive a particular class or kind of motor vehicle in accordance with the required medical standards; and
  - (b) may require the person to pay for an assessment under paragraph (a).
- (5) If the road transport authority makes a referral under subsection (4), the authority may also give the authorised medical reviewer or authorised occupational therapist the following information:
  - (a) personal information relating to the person that is reasonably necessary for an assessment under subsection (4) (a) to be carried out;
  - (b) details of any Australian or external driver licence held, or applied for, by the person.

**Examples—details of Australian or external driver licence**

- 1 licence number
- 2 kind of licence
- 3 class of licence
- 4 conditions imposed on the licence
- 5 whether the licence held is expired, suspended or cancelled

**12**      **New part 12**

*insert*

**Part 12**                      **Transitional—Road Transport  
(Driver Licensing) Amendment  
Regulation 2024 (No 1)**

**183**      **Meaning of *commencement day*—pt 12**

In this part:

*commencement day* means the day the *Road Transport (Driver Licensing) Amendment Regulation 2024 (No 1)*, section 8 commences.

**184**      **Effect of existing appointments of authorised medical reviewer**

- (1) An appointment under old section 78B that was in force immediately before the commencement day continues to have effect as if it had been made under new section 78B.
- (2) The appointment has effect as if it had been made for—
  - (a) section 69; and
  - (b) section 78; and
  - (c) section 103AA.

- (3) In this section:

*new section 78B* means section 78B, as in force on the commencement day.

*old section 78B* means section 78B, as in force immediately before the commencement day.

**185 Application of s 90B**

Section 90B applies to a relevant health practitioner only in relation to matters mentioned in section 90B (1) (a), (b) and (c) that happen on or after the day that section commences.

**186 Expiry—pt 12**

This part expires 12 months after the commencement day.

*Note* A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

**13 Dictionary, note 2**

*insert*

- doctor

**14 Dictionary, definition of *allied professional practitioner***

*substitute*

*allied professional practitioner*—

- (a) means a person registered under the [Health Practitioner Regulation National Law \(ACT\)](#) to practise in the occupational therapy, optometry or psychology profession (other than as a student); and
- (b) for an activity, includes a person mentioned in paragraph (a) holding a limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

**15 Dictionary, new definition of *authorised occupational therapist***

*insert*

*authorised occupational therapist* means an authorised occupational therapist under section 78C.

## Schedule 1 Road Transport (General) Regulation 2000— Consequential amendments

(see s 3)

### [1.1] Schedule 1, part 1.4, item 19

*substitute*

19	69 (8) (b)	road transport authority—refer a report or evidence to authorised medical reviewer or authorised occupational therapist for assessment of applicant’s fitness to hold driver licence or drive a particular class or kind of motor vehicle
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### [1.2] Schedule 1, part 1.4, items 47 to 49

*substitute*

47	78 (4) (a)	road transport authority—require a person to undergo a medical examination by authorised medical reviewer for assessment of person’s fitness to hold driver licence or drive a particular class or kind of motor vehicle
48	78 (4) (b)	road transport authority—refer a report or evidence to authorised medical reviewer or authorised occupational therapist for assessment of person’s fitness to hold driver licence or drive a particular class or kind of motor vehicle
49	78 (4) (d)	road transport authority—require person to pay for assessment under section 78 (4) (a) or (b)



**[1.3] Schedule 1, part 1.4, items 54 to 56***substitute*

54	85 (5)	road transport authority—a decision under section 69 (6) to (9) that is mentioned in items 16 to 21 and relates to an application to renew a driver licence
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**[1.4] Schedule 1, part 1.4, new items 62A and 62B***insert*

62A	103AA (4) (a)	road transport authority—refer a report or evidence to authorised medical reviewer or authorised occupational therapist for assessment of person's fitness to hold driver licence or drive a particular class or kind of motor vehicle
62B	103AA (4) (b)	road transport authority—require person to pay for assessment under section 103AA (4) (a)

**Endnotes****1 Notification**

Notified under the [Legislation Act](#) on 12 September 2024.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).