

TASMANIA

**VEHICLE AND TRAFFIC (DRIVER LICENSING
AND VEHICLE REGISTRATION) AMENDMENT
(PROBATIONARY LICENCES) REGULATIONS
2017**

STATUTORY RULES 2017, No. 114

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**VEHICLE AND TRAFFIC (DRIVER LICENSING
AND VEHICLE REGISTRATION) AMENDMENT
(PROBATIONARY LICENCES) REGULATIONS
2017**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Vehicle and Traffic Act 1999*.

Dated 19 December 2017.

C. WARNER
Governor

By Her Excellency's Command,

M. T. (RENE) HIDDING
Minister for Infrastructure

1. Short title

These regulations may be cited as the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Probationary Licences) Regulations 2017*.

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2. Commencement

These regulations take effect on the day on which the *Vehicle and Traffic Amendment (Probationary Licences) Act 2017* commences.

3. Principal Regulations

In these regulations, the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010** are referred to as the Principal Regulations.

4. Regulation 3 amended (Interpretation)

Regulation 3(1) of the Principal Regulations is amended as follows:

- (a) by omitting paragraphs (b) and (c) from the definition of *L1 stage* and substituting the following paragraph:
 - (b) has previously held an L1 learner licence and has not progressed to the L2 stage by obtaining an L2 learner licence;
- (b) by omitting paragraph (c) from the definition of *L2 stage*;
- (c) by omitting paragraphs (b) and (c) from the definition of *motor cycle learner*

*S.R. 2010, No. 37

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stage and substituting the following paragraph:

- (b) has previously held a learner licence and has not progressed to the P1 stage by obtaining a P1 provisional licence;
- (d) by inserting the following definition after the definition of *multi-combination vehicle licence*:

novice case management program
means the system of case management prescribed under regulation 14;

- (e) by omitting “12-month” from the definition of *P1 stage*;
- (f) by omitting paragraph (a) from the definition of *P1 stage* and substituting the following paragraph:
 - (a) the novice case management program; or

5. Regulation 9 amended (Learner drivers)

Regulation 9(2) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (b) “learner licence; or” and substituting “learner licence.”;

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(b) by omitting paragraphs (c) and (d).

6. Regulation 10 amended (Learner licences)

Regulation 10 of the Principal Regulations is amended by omitting subregulation (8).

7. Regulation 12 amended (Provisional licences)

Regulation 12(5)(a)(v) of the Principal Regulations is amended by omitting “Act” first occurring and substituting “Act, as in force before the commencement of the *Vehicle and Traffic Amendment (Probationary Licences) Act 2017*,”.

8. Regulations 14 and 15 substituted

Regulations 14 and 15 of the Principal Regulations are rescinded and the following regulation is substituted:

14. Novice case management program

(1) In this regulation –

relevant licence, in relation to a novice driver or novice rider, means the licence that the driver or rider holds as a novice.

(2) The Registrar may decide that a novice driver, or novice rider, is to be subject to

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case management under the novice case management program, if –

- (a) the novice driver or novice rider was found guilty, while he or she was such a novice, of –
 - (i) an offence under the Act or any other Act; or
 - (ii) an offence under a corresponding law –

that relates to driving, or operating, a vehicle; or

- (b) the Registrar otherwise considers, on reasonable grounds, that the novice driver or novice rider is not a suitable person to drive a motor vehicle of the relevant class without supervision and management that is additional to the supervision and management already required under the Act.
- (3) The Registrar may decide that a novice driver, or novice rider, is to no longer be subject to the novice case management program if the Registrar is satisfied, on reasonable grounds, that the novice driver or novice rider is a suitable person to drive a motor vehicle of the relevant class.

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- (4) The Registrar, as part of the case management of a novice driver, or novice rider, to which this regulation applies, may –
- (a) require the novice driver or novice rider to do any one or more of the following:
 - (i) hold the relevant licence for a minimum period specified in his or her novice case management program that is in place of, or in addition to, any minimum period specified in the Act or these regulations;
 - (ii) complete the hours specified by the Registrar in a learner driver logbook before being eligible to proceed to the next licensing stage for the novice driver; or
 - (b) impose one or more of the following, specifically as part of the novice case management program, on the novice driver or novice rider:

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- (i) additional requirements, such as those specified in regulation 21;
 - (ii) additional conditions on the relevant licence; or
 - (c) issue a licence for a different stage than the one applied for, by the novice driver or novice rider, in accordance with these regulations; or
 - (d) extend the duration of the relevant licence; or
 - (e) do anything that the Registrar considers reasonable in the circumstances to ensure that the novice driver or novice rider is a suitable person to hold the relevant licence.
- (5) A novice driver or novice rider who is subject to the novice case management program in respect of a particular class of licence is not eligible to apply for the next licensing stage in that class of licence while he or she remains subject to that program.
- (6) Unless specifically stated by the Registrar, the renewal of the relevant licence of a novice driver or novice rider does not remove any obligation imposed by, or requirement of, the novice case

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management program that applies to the novice driver or novice rider.

(7) Nothing in this regulation –

(a) requires the Registrar to issue, or renew, a licence to a novice driver or novice rider solely on the basis that the novice driver or novice rider has complied with the novice case management program as it applies to that novice driver or novice rider; or

(b) prevents the Registrar from exercising any of his or her powers, or from performing his or her functions, in relation to –

(i) the novice driver or novice rider; or

(ii) the relevant licence of the novice driver or novice rider.

9. Regulation 17 amended (Recommencement or extension of provisional period on conviction for prescribed offence)

Regulation 17 of the Principal Regulations is amended as follows:

(a) by omitting subregulation (1);

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(b) by inserting the following subregulation after subregulation (4):

(5) For the avoidance of doubt, the novice case management program, as it applies to a novice driver or novice rider to which this regulation applies, is in addition to the application of this regulation to the novice driver or novice rider.

10. Regulation 19 amended (Eligibility)

Regulation 19 of the Principal Regulations is amended as follows:

(a) by omitting subregulation (3) and substituting the following subregulation:

(3) Subregulation (2) does not apply to a novice driver if –

(a) the novice driver is under the novice case management program; and

(b) that program specifies that a continuous period of longer than 3 months, in place of the continuous period specified in that subregulation, applies in

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respect of the novice driver.

(b) by omitting subregulations (5) and (6) and substituting the following subregulations:

(5) Subregulation (4)(a) does not apply to a novice driver if –

(a) the novice driver is under the novice case management program; and

(b) that program specifies that a continuous period of greater than 9 months, in place of the continuous period specified in that paragraph, applies in respect of the novice driver.

(6) Subregulation (4)(b) does not apply to a novice driver if –

(a) the novice driver is under the novice case management program; and

(b) that program specifies that a number of hours of experience greater than 50 hours, in place of the

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hours of experience specified in that paragraph, is to be recorded in the learner driver logbook of the novice driver.

(c) by omitting subregulation (9) and substituting the following subregulation:

(9) Subregulation (8)(a)(i) does not apply to a novice rider if –

(a) the novice rider is under the novice case management program; and

(b) that program specifies that a continuous period of greater than 6 months, in place of the continuous period specified in that paragraph, applies in respect of the novice rider.

11. Regulation 22 amended (Issue of driver licence)

Regulation 22 of the Principal Regulations is amended as follows:

(a) by omitting subregulation (9C);

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- (b) by omitting from subregulation (9D) “or (9C)”;
- (c) by inserting the following paragraph after paragraph (a) in subregulation (10):
 - (ab) having previously held a driver licence but following a period of ineligibility to hold a driver licence –
 - (i) ordered by an Australian court; or
 - (ii) under this Act or any other Act; or
- (d) by inserting the following subregulation after subregulation (10):
 - (10A) The Registrar may issue a driver licence to a person as a probationary licence, on the Registrar’s own initiative without an application by the person, if the person has completed a period of suspension as a result of section 24 of the Act.

12. Regulation 27 amended (Expiry of driver licence)

Regulation 27 of the Principal Regulations is amended by inserting after subregulation (2) the following subregulations:

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- (3) Nothing in these regulations prevents the Registrar from amending the driver licence register, on the Registrar's own initiative, to extend the licence expiry date in respect of a driver licence.
- (4) If the Registrar, on the Registrar's own initiative, extends the licence expiry date in respect of a driver licence under subregulation (3), the Registrar is to notify the holder of that driver licence of the new licence expiry date for that driver licence.

13. Regulation 29 amended (Application for renewal of driver licence)

Regulation 29 of the Principal Regulations is amended by omitting subregulations (4) and (5).

14. Regulation 146 inserted

After regulation 145 of the Principal Regulations, the following regulation is inserted in Part 10:

146. Further savings and transitionals

- (1) In this regulation –

amendment Act means the *Vehicle and Traffic Amendment (Probationary Licences) Act 2017*;

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commencement day means the day on which the amendment Act commences;

regressed driver or rider means a novice driver or novice rider who, before the commencement day, was regressed under section 13A of the Act as in force before the commencement day;

- (2) If, before the commencement day, a regressed driver or rider has been issued with a licence after being so regressed, these regulations apply to the regressed driver or rider, while he or she is so regressed, as if the amendments made by the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Probationary Licences) Regulations 2017* had not taken effect in respect of these regulations.
- (3) If, before the commencement day, a regressed driver or rider has not been issued with a licence after being so regressed, the regressed driver or rider is taken to be a driver or rider to whom the novice case management program applies.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 27 December 2017.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010* by –

- (a) removing references to regression in relation to drivers and riders; and
- (b) providing transitional arrangements for drivers and riders who have already been regressed under the *Vehicle and Traffic Act 1999*; and
- (c) specifying additional circumstances where the Registrar may issue a probationary licence to a person; and
- (d) establishing a system of case management for certain novice drivers and novice riders.