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Robyn Webb  
Chief Parliamentary Counsel  
Dated 17 December 2020

## TASMANIA

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# VEHICLE AND TRAFFIC (DRIVER LICENSING AND VEHICLE REGISTRATION) REGULATIONS 2010

## STATUTORY RULES 2010, No. 37

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**VEHICLE AND TRAFFIC (DRIVER LICENSING  
AND VEHICLE REGISTRATION) REGULATIONS  
2010**

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 31 May 2010.

PETER G. UNDERWOOD  
Governor

By His Excellency's Command,

LARA GIDDINGS  
Minister for Infrastructure

**PART 1 – PRELIMINARY**

**1. Short title**

These regulations may be cited as the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010*.

**2. Commencement**

These regulations take effect on 7 June 2010.

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### 3. Interpretation

- (1) In these regulations, unless the contrary intention appears –

*Act* means the *Vehicle and Traffic Act 1999*;

*affected vehicle* has the meaning given by subregulation (2);

*agricultural* includes horticultural;

*agricultural implement* means a vehicle, without its own automotive power, built to perform agricultural tasks;

*agricultural machine* means a vehicle, with its own automotive power, built to perform agricultural tasks and includes a tractor that is used solely or predominantly to perform agricultural tasks;

*applicable gazetted fee* means a fee fixed by the Registrar under section 57 of the Act;

*applicable scheduled fee* means a fee prescribed in Schedule 1 in respect of a matter described in that Schedule and includes any additional fee prescribed in Schedule 1 in respect of that matter;

*auction house* means a person who carries on the business of selling, or exchanging, affected vehicles by way of public auction;

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***auto-parts dismantler*** means a person who carries on one or more of the following businesses:

- (a) demolishing or dismantling vehicles or parts or accessories of vehicles;
- (b) buying vehicles that have been demolished or dismantled or substantially demolished or dismantled;
- (c) buying and selling parts, or accessories, obtained from vehicles that have been demolished or dismantled;

***bicycle rack number plate*** means an additional number plate issued for attachment to a bicycle rack or some other removable equipment or object;

***caravan*** means a trailer that is constructed principally for use as a dwelling;

***car licence*** means a licence referred to in regulation 7(3);

***continuous period***, in relation to a licence, means a continuous period that does not include a period during which the licence is suspended;

***converter dolly*** means a trailer with a single axle or a single axle group and a fifth

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wheel coupling designed to convert a semi-trailer into a dog trailer;

**dealer** means a person who carries on one or more of the following businesses:

- (a) buying vehicles;
- (b) selling vehicles;
- (c) exchanging vehicles;

**DLVR** means these regulations;

**dog trailer** means a trailer, including a trailer consisting of a semi-trailer and converter dolly, with –

- (a) one axle group or a single axle at the front that is steered by connection to the towing vehicle by a drawbar; and
- (b) one axle group or a single axle at the rear;

**dolly** means a trailer that –

- (a) is not constructed or adapted for the carriage of goods; and
- (b) forms, or is intended to form, part of a combination consisting of a prime mover and semi-trailer; and

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- (c) when used for its intended purpose –
  - (i) is connected to, and partly superimposed on, the chassis of the prime mover; and
  - (ii) has the semi-trailer connected to, and superimposed on, it;

*eligible asylum seeker* means –

- (a) the holder of a Bridging (Class WE) (Subclass 050 or 051) visa granted under section 73 of the *Migration Act 1958* of the Commonwealth; and
- (b) a person who is subject to a residence determination that has been made under section 197AB of the *Migration Act 1958* of the Commonwealth;

*eligible pensioner* means –

- (a) a pensioner; or
- (b) a person with a severe disability; or
- (c) the parent or guardian of a person with a severe disability who has not attained the age of 16 years;

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***fifth wheel coupling*** means a device, except the upper rotating element and the kingpin (which are parts of the semi-trailer), used with a prime mover, semi-trailer or converter dolly, to allow quick coupling and uncoupling and to provide for articulation;

***garage address*** means –

- (a) in relation to a heavy vehicle – the principal depot or base of operations of the vehicle; or
- (b) in relation to any other vehicle – the place where the vehicle is normally kept;

***heavy combination vehicle licence*** means a licence referred to in regulation 7(7);

***heavy rigid vehicle licence*** means a licence referred to in regulation 7(6);

***heavy vehicle charging category*** means a statement, in coded form, of information about a heavy vehicle and any combination in which the heavy vehicle may be used that is relevant to the calculation of motor tax;

***heavy vehicle licence*** means a licence, other than a car licence, in the hierarchy of licence classes;

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***hierarchy of licence classes*** means the hierarchy established under regulation 6(3);

***hire and drive vehicle*** means a vehicle used to operate a hire and drive passenger service within the meaning of the *Passenger Transport Services Act 2011*;

***HVNL*** means the Heavy Vehicle National Law (Tasmania) within the meaning of the *Heavy Vehicle National Law (Tasmania) Act 2013*;

***I condition*** means the condition specified in regulation 24(3)(f);

***insurer*** means –

- (a) a person who carries on the business of insuring vehicles; and
- (b) a self-insured fleet operator; and
- (c) a prescribed person or a person of a prescribed class of persons;

***interlock*** means a device or system, approved by the Registrar, that –

- (a) is capable of being installed in a motor vehicle; and
- (b) once installed, only allows the engine of the motor vehicle in which it is installed to be started after the device or system –

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- (i) analyses a breath sample provided by the intended driver of the motor vehicle; and
- (ii) detects that the breath sample analysed contains a level of alcohol concentration below the limit set internally within the device or system;

***interlock licence*** means a driver licence that is subject to an I condition;

***large passenger vehicle*** has the same meaning as in the *Passenger Transport Services Act 2011*;

***learner approved motor cycle*** means a motor cycle that –

- (a) has an engine capacity of 660cc or less and a power to weight ratio not exceeding 150 kilowatts to one tonne; and
- (b) is approved by the Registrar as a learner approved motor cycle, or belongs to a class of motor cycles approved by the Registrar as learner approved motor cycles, for the purposes of these regulations;

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***learner driver logbook*** means a learner driver logbook, in a form approved by the Registrar, referred to in regulation 10(7);

***light rigid vehicle licence*** means a licence referred to in regulation 7(4);

***loss assessor*** means a person employed or engaged, by either an insurer of a vehicle or a person who has insured a vehicle with an insurer, to prepare and lodge claims in respect of loss of or damage to the vehicle against the insurer;

***luxury hire car*** has the same meaning as in the *Taxi and Hire Vehicle Industries Act 2008*;

***maximum engine power***, in relation to a motor cycle, means the maximum engine power of the motor cycle;

***medium rigid vehicle licence*** means a licence referred to in regulation 7(5);

***modification***, in relation to a vehicle or part of a vehicle, includes –

- (a) the addition of a component to, or the removal of a component from, the vehicle; and
- (b) a change to the vehicle that is not within the manufacturer's specifications for the vehicle;

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***modification plate*** means a plate, that is capable of being fitted or affixed to a vehicle, that is –

- (a) issued in relation to a modification under these regulations in a form approved by the Registrar; or
- (b) a plate or label that complies with section 87(4) of the HVNL; or
- (c) issued or approved, in relation to a modification, in accordance with a corresponding law;

***modification specifications*** means the requirements specified by the Registrar for modifications, and vehicles so modified, under regulation 104(3);

***motor cycle learner stage*** means the learner licensing stage applicable to a person who, in relation to a motor cycle licence –

- (a) is the holder of a learner licence; or
- (b) has previously held a learner licence and has not progressed to the P1 stage by obtaining a P1 provisional licence;
- (c) . . . . .

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***motor cycle licence*** means a licence referred to in regulation 7(2);

***multi-combination vehicle licence*** means a licence referred to in regulation 7(8);

***night*** means the period between sunset on one day and sunrise on the next day;

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

***novice driver learner stage*** means the learner licensing stage applicable to a novice driver who, in relation to a car licence –

- (a) holds, or is taken to hold, a learner licence; or
- (b) has previously held a P1 provisional licence or P2 provisional licence that –
  - (i) has been expired for 5 years or more; or
  - (ii) has been cancelled;

***P1 provisional licence*** means a provisional licence in respect of a particular licence class issued to a novice driver or novice rider who is in the P1 stage for that particular licence class;

***P1 stage*** means the provisional licensing stage applicable to a novice driver or novice

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rider who, in relation to a particular licence class (being a car licence or motor cycle licence) has progressed beyond the motor cycle learner stage or the novice driver learner stage by obtaining a P1 provisional licence but has not held that licence for 12 continuous months, or for any further continuous period for which he or she is required to hold a P1 provisional licence as a result of –

- (a) the novice case management program; or
- (b) being required to recommence the P1 stage under section 13B of the Act;

***P2 provisional licence*** means a provisional licence in respect of a particular licence class issued to a novice driver or novice rider who is in the P2 stage for that particular licence class;

***P2 stage*** means the provisional licensing stage applicable to a novice driver or novice rider who, in relation to a particular licence class (being a car licence or motor cycle licence), has progressed beyond the P1 stage and holds a P2 provisional licence in respect of that class;

***pensioner*** means a person who is –

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- (a) the holder of a current health care card issued in accordance with the *Social Security Act 1991* of the Commonwealth; or
  - (b) the holder of a current pensioner concession card issued in accordance with the *Social Security Act 1991* of the Commonwealth or as a fringe benefit under the *Veterans' Entitlements Act 1986* of the Commonwealth; or
  - (c) the holder of a current Gold Card or White Card issued in accordance with the *Veterans' Entitlements Act 1986* of the Commonwealth;

***photograph*** includes an image, in a form approved by the Registrar, generated by optical, digital or electronic technology that is capable of producing (in colour) a good likeness of the subject;

***power-to-weight ratio***, in relation to a motor cycle, means the ratio of the maximum engine power, in kilowatts, of the motor cycle to the prescribed weight, converted to tonnes, of the motor cycle;

***prescribed weight***, in relation to a motor cycle, means the tare weight, in

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kilograms, of the motor cycle plus 90 kilograms;

***primary licence***, in relation to an ancillary certificate, has the meaning given by regulation 39(1);

***register of motor vehicles and trailers*** means the register kept under regulation 124(1)(a)(ii);

***registration payment*** means –

- (a) the applicable scheduled fee or fees for the registration, or the renewal of the registration, for the relevant registration period; and
- (b) the motor tax (if any) payable for the relevant registration period; and
- (c) if a number plate or number plates are to be issued – the applicable scheduled fee for the issue of the number plate or number plates; and
- (d) the third-party insurance premium (if any) payable for the relevant registration period; and
- (e) the road safety levy (if any) payable for the relevant registration period;

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***relevant vehicle standards*** means standards and requirements imposed by law about the design, construction and performance of a vehicle;

***residential address***, in relation to a company or other body corporate, means the address of its registered office, or an address recorded in the register of motor vehicles and trailers as its residential or business address;

***restricted hire vehicle*** has the same meaning as in the *Taxi and Hire Vehicle Industries Act 2008*;

***road safety levy*** means the levy imposed under regulation 122;

***roadworthy***, in relation to a vehicle, means that the vehicle is fit to be used for the purpose for which it is being, or is to be, used on a public street;

***RR*** means the *Road Rules 2009*;

***safety risk*** means a risk of personal injury, or damage to property or the environment;

***self-insured fleet operator*** means a person who operates 3 or more vehicles and does not hold a policy of insurance in respect of the loss of or damage to any of those vehicles;

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***severe disability*** means a permanent disability which, in the Registrar's opinion, prevents a person from using public transport without assistance;

***small passenger vehicle*** has the same meaning as in the *Passenger Transport Services Act 2011*;

***special-interest vehicle*** means –

- (a) a motor vehicle designed or adapted to be used exclusively in motoring or other events conducted for charitable purposes; or
- (b) a motor vehicle designed or adapted to be used exclusively in rallies conducted by a sports organisation approved by the Registrar; or
- (c) a vintage vehicle;

***TA*** means the *Traffic Act 1925*;

***taxi*** has the same meaning as in the *Taxi and Hire Vehicle Industries Act 2008*;

***third-party insurance premium*** means an insurance premium payable under the *Motor Accidents (Liabilities and Compensation) Act 1973*;

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***vehicle defect notice*** means a notice issued under Division 8 of Part 5 or the corresponding provision of a corresponding law;

***vehicle identifier*** means –

- (a) in the case of a vehicle manufactured before January 1989, the number shown on the compliance plate that uniquely identifies the vehicle and corresponds to the identification number of the vehicle that is permanently recorded elsewhere on the vehicle; and
- (b) in the case of a vehicle manufactured during or after January 1989, the VIN allocated to the vehicle;

***vintage vehicle*** means a motor vehicle having a body and frame that –

- (a) are at least 30 years old; or
- (b) are replicas of a body and frame manufactured at least 30 years ago;

***VSR*** means the *Vehicle and Traffic (Vehicle Standards) Regulations 2014*;

***VT*** means the *Vehicle and Traffic Act 1999*;

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*war service* means service declared to be war service under subregulation (3);

*written-off vehicle label* means a label issued by the Registrar under regulation 78(1);

*written-off vehicles register* means the register kept under regulation 124(1)(a)(iv).

- (2) A vehicle is an affected vehicle if –
- (a) it has a GVM of 4.5 tonnes or less; and
  - (b) the end of the month which is the fifteenth anniversary of its date of manufacture, within the meaning of the relevant ADR, has not passed.
- (3) The Governor may, by notice in the *Gazette* –
- (a) declare service in a specified war, or in specified warlike operations, to be war service for the purposes of these regulations; or
  - (b) vary or revoke a declaration under this subregulation.

**4. Determination of suitability of person to hold driver licence, ancillary certificate or exemption**

In deciding whether a particular person is a suitable person to hold a driver licence, an ancillary certificate or an exemption for the

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purposes of these regulations, the Registrar may take into account the following:

- (a) evidence of the person's physical and mental condition;
- (b) evidence of the person's character;
- (c) evidence of any offence committed by the person that may indicate that the person is not a fit and proper person to hold the driver licence, ancillary certificate or exemption;
- (d) any other evidence that suggests the person may not be a fit and proper person to hold the driver licence, ancillary certificate or exemption.

**5. Learner approved motor cycles**

The Registrar is to provide a person, on request, with a list of motor cycles, and classes of motor cycles, that are, or were on any given day after 30 June 2007, approved by the Registrar as referred to in paragraph (b) of the definition of *learner approved motor cycle* in regulation 3(1).

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Part 2 – Driver Licences

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**PART 2 – DRIVER LICENCES**

*Division 1 – Classes of driver licences*

**6. Classes of driver licences**

- (1) The classes of driver licences are as follows:
  - (a) motor cycle licence (“**R**”);
  - (b) car licence (“**C**”);
  - (c) light rigid vehicle licence (“**LR**”);
  - (d) medium rigid vehicle licence (“**MR**”);
  - (e) heavy rigid vehicle licence (“**HR**”);
  - (f) heavy combination vehicle licence (“**HC**”);
  - (g) multi-combination vehicle licence (“**MC**”).
- (2) The code by which a particular class of driver licence may be designated is shown in parenthesis in subregulation (1) after the relevant class.
- (3) A hierarchy of licence classes is established consisting of the following licence classes (which are listed below in ascending order):
  - (a) a car licence (or its equivalent under a corresponding law);

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- (b) a light rigid vehicle licence (or its equivalent under a corresponding law);
  - (c) a medium rigid vehicle licence (or its equivalent under a corresponding law);
  - (d) a heavy rigid vehicle licence (or its equivalent under a corresponding law);
  - (e) a heavy combination vehicle licence (or its equivalent under a corresponding law);
  - (f) a multi-combination vehicle licence (or its equivalent under a corresponding law).
- (4) A motor cycle licence is not within the hierarchy of licence classes.

**7. Authority conferred by licence**

- (1) A driver licence of a particular class authorises the holder of the licence to drive a motor vehicle of a particular kind on a public street as set out in the following subregulations.
- (2) A motor cycle licence authorises the holder of the licence to drive a motor cycle.
- (3) A car licence authorises the holder of the licence to drive a motor vehicle (other than a motor cycle) that –
  - (a) has a GVM not greater than 4.5 tonnes;  
and

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- (b) is constructed or equipped to seat not more than 12 adults (including the driver).
- (4) A light rigid vehicle licence authorises the holder to drive a motor vehicle that –
  - (a) has a GVM greater than 4.5 tonnes but not greater than 8 tonnes; or
  - (b) has a GVM not greater than 8 tonnes and is constructed or equipped to seat more than 12 adults (including the driver).
- (5) A medium rigid vehicle licence authorises the holder to drive a motor vehicle that –
  - (a) has not more than 2 axles; and
  - (b) has a GVM greater than 8 tonnes.
- (6) A heavy rigid vehicle licence authorises the holder to drive a motor vehicle (including an articulated bus but not any other articulated vehicle) that –
  - (a) has 3 or more axles; and
  - (b) has a GVM greater than 8 tonnes.
- (7) A heavy combination vehicle licence authorises the holder to drive –
  - (a) a prime mover to which is attached a single semi-trailer and an unladen converter dolly; or

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- (b) a prime mover to which is attached a dolly and a single semi-trailer; or
  - (c) a rigid motor vehicle towing a trailer with a GVM greater than 9 tonnes and an unladen converter dolly.
- (8) A multi-combination vehicle licence authorises the holder to drive any motor vehicle or combination of vehicles (other than a motor cycle).
- (9) A car licence or light rigid vehicle licence authorises the holder to drive a motor vehicle towing a trailer if (and only if) –
- (a) the licence would authorise the holder to drive the motor vehicle without the trailer; and
  - (b) the motor vehicle is towing only one trailer; and
  - (c) the GVM of the trailer is not greater than 9 tonnes.
- (10) A medium rigid vehicle licence or heavy rigid vehicle licence authorises the holder to drive a motor vehicle towing a trailer if (and only if) –
- (a) the licence would authorise the holder to drive the vehicle without the trailer; and
  - (b) the motor vehicle is not an articulated bus and is towing only one trailer; and

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- (c) the GVM of the trailer is not greater than 9 tonnes.
- (11) A licence in the hierarchy of licence classes authorises the holder of the licence to drive not only the vehicles appropriate to that class but also vehicles appropriate to any lower class in the hierarchy.
- (12) A driver licence does not authorise the holder of the licence to drive a vehicle transporting dangerous goods for which an additional licence or authority is required under the *Dangerous Goods (Road and Rail Transport) Act 2010*.

***Division 2 – Learner, provisional and other inexperienced drivers***

**8. Novice licensing stages**

- (1) Before being eligible to be issued with a full licence in relation to a motor cycle licence, a novice rider must complete the following novice licensing stages, in ascending order:
  - (a) motor cycle learner stage;
  - (b) P1 stage;
  - (c) P2 stage.
- (2) Before being eligible to be issued with a full licence in relation to a car licence, a novice driver must complete the following novice licensing stages, in ascending order:

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- (a) novice driver learner stage;
  - (b) . . . . .
  - (c) P1 stage;
  - (d) P2 stage.
- (3) A person who progresses to the next novice licensing stage in relation to a particular licence class does not, by virtue of that progression, progress to the next novice licensing stage in relation to another licence class.

**9. Learner drivers**

- (1) A person has the status of a learner driver in relation to the driving of motor vehicles for which a driver licence of a particular class is required unless –
- (a) the person successfully completes –
    - (i) any training course required by the Registrar for progressing beyond that status; and
    - (ii) any other theoretical and practical requirements for progressing beyond that status determined by the Registrar; or
  - (b) the person successfully completes –
    - (i) any training course required under a corresponding law for

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progressing beyond that status;  
and

- (ii) any other theoretical and practical requirements for progressing beyond that status under a corresponding law –

and the Registrar recognises that progression for the purposes of these regulations.

- (2) A person who has progressed beyond the status of a learner driver in relation to the driving of motor vehicles for which a driver licence of a particular class is required reverts to that status if –

- (a) the person has not held an Australian driver licence of the relevant class for the past 5 years; or

- (b) an Australian driver licence, including a provisional licence, of the relevant class has been cancelled and the Registrar decides, on an application for the issue of a driver licence, that the licence is to be issued as a learner licence.

- (c - d) . . . . .

- (3) A person who progresses beyond the status of a learner driver in relation to the driving of motor vehicles for which a driver licence of a particular class is required has the status of a learner driver in relation to the driving of motor vehicles for which a driver licence of some other class is

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required (unless the other class is a lower class in the hierarchy of licence classes).

- (4) A person is taken to have progressed beyond the status of a learner driver in relation to the driving of motor vehicles of a particular class if the Registrar determines that, in view of the person's experience in driving motor vehicles of the relevant class, the person should not be regarded as a learner driver.

**10. Learner licences**

- (1) A car licence or a motor cycle licence issued to a person who has the status of a learner driver must be issued as a learner licence.
- (2) A driver licence (of any class) may also be issued as a learner licence if –
  - (a) the applicant holds a licence in the hierarchy of licence classes that is 2 or more grades lower than the licence for which the application is made; or
  - (b) the applicant formerly held a licence of the relevant class, but has reverted to the status of a learner driver.
- (3) A learner licence may be issued subject to conditions restricting the times and places at which, and the purposes for which, a motor vehicle may be driven by the holder of the licence and other conditions the Registrar considers appropriate.

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- (4) A learner licence is to be issued –
  - (a) for 5 years in the case of a novice driver;  
and
  - (b) for 12 months in any other case.
- (5) A person who holds a licence of a particular class who wants to learn to drive motor vehicles for which a licence of the next class in the hierarchy of licence classes is required may drive such motor vehicles, as a learner driver, as if the licence were a learner licence of the relevant class.
- (6) A heavy vehicle learner licence expires –
  - (a) if the licensee holds only one other driver licence (other than a learner licence), on the date on which the other licence expires; or
  - (b) if the licensee holds more than one other driver licence (other than a learner licence), on the latest expiry date of those licences.
- (7) A novice driver who holds a learner licence for a car is to maintain a learner driver logbook.
- (8) . . . . .
- (9) A person who has the status of a learner driver, within the meaning of regulation 9, must not drive a motor vehicle on a public street unless a sign issued or authorised by the Registrar

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displaying the letter “**L**” in black lettering on a yellow background (an “**L-plate**”) is displayed so as to be clearly visible –

- (a) in the case of a motor cycle, at the rear of the motor cycle; or
- (b) in the case of any other motor vehicle, from the front and rear of the motor vehicle or, if the motor vehicle is towing a trailer and the trailer would obscure the visibility of the letter displayed at the rear of the motor vehicle, from the front of the motor vehicle and from the rear of the trailer.

Penalty: Fine not exceeding 5 penalty units.

- (10) For the purposes of section 8(1)(c) of the Act, a person is exempt from the requirement to hold a motor cycle learner licence authorising the person to drive a motor cycle on a public street if –
  - (a) the person is driving the motor cycle on a public street while participating in a training course, or test or assessment, approved by the Registrar, that is required by the Registrar for the person to obtain his or her motor cycle learner licence; and
  - (b) while the person is participating in such a course, test or assessment, there is displayed on the rear of the motor cycle a sign issued or authorised by the Registrar

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that displays the letter “L” in black lettering on a yellow background.

- (11) A person with the status of a learner driver, within the meaning of regulation 9, must not drive a motor vehicle (other than a motor cycle) on a public street unless –
- (a) the driver is accompanied by –
    - (i) a person who holds a full licence (other than a restricted driver licence) of a class that would authorise the person to drive the vehicle, has held such a licence for at least 12 months, and is instructing the driver to drive; or
    - (ii) a driving assessment officer who is testing or assessing the driver for the purposes of these regulations; and
  - (b) in the case of a novice driver who holds a learner licence for a car, the driver is accompanied by a person who –
    - (i) holds a full licence (other than a restricted driver licence) of a class that would authorise the person to drive the vehicle, and has not been disqualified for a traffic offence or had his or her licence suspended because of the accumulation of demerit points within the previous 2 years, and

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- is instructing the driver to drive;  
or
- (ii) is a driving assessment officer referred to in paragraph (a)(ii);  
and
- (c) the person instructing the driver, or the driving assessment officer submitting the driver to a test or an assessment, is –
  - (i) in the case of a car or truck, seated next to the driver on a seat in the same general transverse plane as the driver’s seat; or
  - (ii) in the case of a bus, seated directly behind the front door of the bus or seated or standing in some other appropriate position close to the driver; and
- (d) there is no-one between the driver and the person instructing the driver, or the driving assessment officer submitting the driver to the test or assessment.

Penalty: Fine not exceeding 20 penalty units.

- (12) A novice driver who holds a learner licence for a car must not tow another vehicle while driving on a public street.

Penalty: Fine not exceeding 20 penalty units.

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- (13) The holder of a motor cycle licence issued as a learner licence must not drive a motor cycle on a public street carrying another person unless –
- (a) the other person –
    - (i) has held a motor cycle licence (other than a learner licence) for a continuous period of at least 3 years and continues to hold such a licence; and
    - (ii) is being carried for the purpose of giving driving instruction to the driver and is seated next to the driver in a side car or behind the driver on a pillion seat; and
  - (b) the driver and the other person are the only persons who are being carried on the motor cycle.

Penalty: Fine not exceeding 20 penalty units.

- (14) The holder of a motor cycle licence issued as a learner licence must not drive a motor cycle on a public street unless the motor cycle is a learner approved motor cycle.

Penalty: Fine not exceeding 20 penalty units.

- (15) If an L-plate is displayed on a motor vehicle, a person must not drive the motor vehicle on a public street unless the person is driving the vehicle as a learner driver.

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Penalty: Fine not exceeding 2 penalty units.

- (16) A person must not employ, cause or permit another to drive a motor vehicle in contravention of this regulation.

Penalty:

- (a) if the motor vehicle is driven in contravention of subregulation (11), (13) or (14) – fine not exceeding 20 penalty units; or
  - (b) in any other case – fine not exceeding 5 penalty units.
- (17) In this regulation –

***driving assessment officer*** means any of the following persons who is testing or assessing a driver for the purposes of these regulations:

- (a) a police officer;
- (b) a person acting on behalf of the Registrar;
- (c) a person –
  - (i) employed, contracted or otherwise connected with an organisation that has a written agreement with the Department to provide testing or assessing; and

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- (ii) who tests or assesses the driver in accordance with such an agreement.

### **11. Unaccompanied driver offence**

For the purposes of the Act, an offence against regulation 10(11) is prescribed as an unaccompanied driver offence.

### **12. Provisional licences**

- (1) A driver licence of a particular class issued to a person who has progressed beyond the status of a learner driver, but who has not progressed beyond the status of a provisional driver, is to be issued as a provisional licence.
- (2) A provisional licence is to be issued –
  - (a) for a period of 12 months in the case of a P1 provisional licence; or
  - (b) for a period of up to 2 years in the case of a P2 provisional licence.
- (3) Subject to subregulation (5), a person is to hold –
  - (a) a P1 provisional licence for at least 12 continuous months; and
  - (b) a P2 provisional licence for at least –
    - (i) in the case of a person aged less than 23 years at the time of

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- obtaining the P2 provisional licence, 2 years; or
- (ii) in the case of a person aged 23 years but less than 25 years at the time of obtaining the P2 provisional licence, 12 months or until the person reaches the age of 25 years, whichever is longer; or
- (iii) in the case of a person aged 25 years or older at the time of obtaining the P2 provisional licence, 12 months.
- (4) Subject to subregulation (5), a person progresses beyond the status of a provisional driver in relation to the driving of motor vehicles for which a licence of a particular class is required (being a car licence or motor cycle licence), if the person –
- (a) obtains a provisional licence in relation to that class under these regulations or a corresponding law; and
- (b) holds that licence for the period specified in subregulation (3); and
- (c) obtains a full licence in relation to that licence class.
- (5) Subregulations (3) and (4) are subject to the following qualifications:

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- (a) none of the following periods is to be counted as part of a period for which a person has held a provisional licence:
  - (i) a period for which the provisional licence is suspended;
  - (ii) a period intervening between the cancellation of the provisional licence and the issue of a new licence to the former holder of the cancelled licence;
  - (iii) a period for which the person is disqualified from driving and, if the period of disqualification is more than 4 months (and the licence is not suspended), the period between the end of the disqualification period and the date on which a new licence is issued;
  - (iv) a period for which the person is subject to a period of ineligibility under the demerit points scheme;
  - (v) a period for which the person held a provisional licence before being regressed under section 13A of the Act, as in force before the commencement of the *Vehicle and Traffic Amendment (Probationary Licences) Act 2017*, or being required to

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recommence a provisional period  
under section 13B of the Act;

- (b) if, during the P1 stage, a person's provisional licence is suspended or cancelled, or the person is disqualified from driving or becomes subject to a period of ineligibility under the demerit points scheme, the following provisions apply:
- (i) where the licence is suspended – the period for which the person has held the provisional licence before the suspension comes to an end is to be ignored and the period for which the person is required to hold a provisional licence is determined as if the person first obtained a provisional licence when the suspension comes to an end (irrespective of whether the person in fact then obtains a new provisional licence);
  - (ii) where the licence is cancelled – the period for which the person has held a provisional licence before the issue of a new provisional licence is to be ignored and the period for which the person is required to hold a provisional licence is determined as if the person first obtained a

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- provisional licence when a new provisional licence is issued;
- (iii) where the person is disqualified from driving for 4 months or less or becomes subject to a period of ineligibility under the demerit points scheme after the provisional licence has expired – the period for which the person has held a provisional licence before the end of the period of disqualification or ineligibility is to be ignored and the period for which the person is required to hold a provisional licence is determined as if the person first obtained a provisional licence when the period of disqualification or ineligibility comes to an end (irrespective of whether the person in fact then obtains a new provisional licence);
- (iv) where the person is disqualified from driving for more than 4 months after the provisional licence has expired – the period for which the person has held a provisional licence before the end of the period of disqualification is to be ignored and the period for which the person is required to hold a provisional licence is

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determined as if the person first obtained a provisional licence when a new provisional licence is issued.

- (6) A person is only required to progress beyond the status of a provisional driver in relation to a particular licence class once in his or her driving career.
- (7) A person who progresses beyond the status of a provisional driver in relation to a car does not, by virtue of that progression, progress beyond the status of a provisional driver in relation to a motor cycle.
- (8) A person who progresses beyond the status of a provisional driver in relation to a motor cycle does not, by virtue of that progression, progress beyond the status of a provisional driver in relation to a car.
- (9) Subject to subregulation (10), a person who is in the P1 stage must not drive a motor vehicle on a public street unless a sign issued or authorised by the Registrar displaying the letter “**P**” in red lettering on a white background (a “**P-plate**”) is displayed so as to be clearly visible –
  - (a) in the case of a motor cycle, at the rear of the motor cycle; or
  - (b) in the case of any other motor vehicle, from the front and rear of the motor vehicle or, if the motor vehicle is towing a trailer and the trailer would obscure the

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visibility of the letter displayed at the rear of the motor vehicle, from the front of the motor vehicle and from the rear of the trailer.

Penalty: Fine not exceeding 5 penalty units.

- (9A) Subject to subregulation (10), a person who is in the P2 stage must not drive a motor vehicle on a public street unless a sign issued or authorised by the Registrar displaying the letter “**P**” in green lettering on a white background (a “**P-plate**”) is displayed so as to be clearly visible –
- (a) in the case of a motor cycle, at the rear of the motor cycle; or
  - (b) in the case of any other motor vehicle, from the front and rear of the motor vehicle or, if the motor vehicle is towing a trailer and the trailer would obscure the visibility of the letter displayed at the rear of the motor vehicle, from the front of the motor vehicle and from the rear of the trailer.

Penalty: Fine not exceeding 5 penalty units.

- (10) A person is not subject to the requirements of subregulation (9) or (9A) if that person –
- (a) is driving an authorised emergency vehicle to or from the scene of an emergency; or

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- (b) is a police officer driving a motor vehicle in the course of official duties.
- (11) A person must not employ, cause or permit another to drive a motor vehicle in contravention of this regulation.

Penalty: Fine not exceeding 5 penalty units.

- (12) The holder of a provisional licence issued by another State or a Territory who wishes to be issued with a Tasmanian licence may be issued with –
- (a) a P1 licence if he or she has held the interstate provisional licence for 12 months or less; or
  - (b) a P2 licence if he or she has held the interstate provisional licence for more than 12 months.
- (13) In this regulation –

*authorised emergency vehicle* means –

- (a) a fire engine or other vehicle of which the State Fire Commission is the registered operator or which is operated under the authority of the State Fire Commission; or
- (b) an ambulance operating under the authority of the Commissioner of Ambulance Services;

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*provisional licence* does not include a restricted driver licence issued to a person who has not progressed beyond the status of a provisional driver.

**12A. Special restrictions affecting P1 provisional licence holders**

- (1) The holder of a P1 provisional licence in a class of driver licence must not drive, under the authority of that licence on a public street, a vehicle that is carrying more than one passenger who has attained the age of 16 years but has not attained the age of 22 years.

Penalty: Fine not exceeding 20 penalty units.

- (2) Subregulation (1) does not apply to the holder of a P1 provisional licence, driving a vehicle that is carrying more than one passenger who has attained the age of 16 years but has not attained the age of 22 years, if –
- (a) the holder of the licence has attained the age of 25 years; or
  - (b) the other passenger is the spouse, the partner or an immediate family member of the holder of the licence; or
  - (c) the holder of the licence is operating the motor vehicle as part of his or her duties as an emergency worker, within the meaning of the *Road Rules*, and the

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- transportation of the other passenger forms part of those duties; or
- (d) the holder of the licence is operating the motor vehicle, and transporting the other passenger, for one or more of the following purposes:
- (i) travelling to and from, or for, work whether the work is paid or voluntary;
  - (ii) travelling to and from, or for, a recognised educational or training activity;
  - (iii) to facilitate the medical treatment of, or for other medical purposes for, the holder of the licence or a passenger;
- (e) the inability of the holder of the licence to transport the other passenger is reasonably likely to cause undue hardship to family of the driver or the other passenger.
- (3) Subregulation (1) does not apply to the holder of a P1 provisional licence who is driving a vehicle if –
- (a) the person seated next to the driver, on a seat in the same general transverse plane as the driver's seat, holds a full licence, of a class that would authorise the person

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to drive the vehicle, and, within the previous 2 years –

- (i) that person has not been disqualified; or
  - (ii) that licence has not been suspended because of the accumulation of demerit points; and
- (b) there is no one between the driver and the person referred to in paragraph (a); and
- (c) the person referred to in paragraph (a) intends to provide instruction to the driver if required.
- (4) In this regulation –

*immediate family member*, of the holder of a licence, includes the following:

- (a) a sibling of the holder of the licence, including a half-sibling or a step-sibling;
- (b) a parent or guardian of the holder of the licence;
- (c) a child of the parent, or guardian, of the holder of the licence;

*partner* means a partner within the meaning of the *Relationships Act 2003*;

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*spouse*, of the holder of a licence, includes a person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with the holder of the licence.

**13. Special restrictions affecting motor cycle licences**

- (1) The holder of a P1 provisional licence in relation to a motor cycle must not drive, on a public street, a motor cycle carrying another person.

Penalty: Fine not exceeding 20 penalty units.

- (2) The holder of a P1 provisional licence in relation to a motor cycle must not drive a motor cycle on a public street unless the motor cycle is a learner approved motor cycle.

Penalty: Fine not exceeding 20 penalty units.

- (3) Subregulation (2) does not apply where the holder of a P1 provisional licence has previously held a P2 provisional licence in relation to a motor cycle.

- (4) A person must not employ, or cause or permit, another person to drive a motor cycle in contravention of this regulation.

Penalty: Fine not exceeding 20 penalty units.

**14. Novice case management program**

- (1) In this regulation –

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***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 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

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person to drive a motor vehicle of the relevant class.

- (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:
    - (i) additional requirements, such as those specified in regulation 21;
    - (ii) additional conditions on the relevant licence; or

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- (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 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

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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.

15. . . . .

**16. Prescribed offences**

For the purposes of section 13B of the Act, the following are prescribed offences:

- (a) exceeding the applicable speed-limit by 10km/h or more;
- (b) using a hand-held mobile phone, in contravention of rule 300(1) or (1A) of the *Road Rules* or a substantially equivalent law of another jurisdiction;
- (c) failing to wear a seatbelt, in contravention of regulation 264(1) of the *Road Rules 2009* or a substantially equivalent law of another jurisdiction;

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- (d) failing to wear a helmet, in contravention of regulation 270(1) of the *Road Rules 2009* or a substantially equivalent law of another jurisdiction;
- (e) failing to display P-plates, in contravention of regulation (9) or (9A) or a substantially equivalent law of another jurisdiction;
- (ea) transporting more than one passenger, who has attained the age of 16 years but not attained the age of 22 years, in contravention of regulation 12A or a substantially equivalent law of another jurisdiction;
- (f) driving a motor cycle in contravention of regulation 13(2) or a substantially equivalent law of another jurisdiction.

**17. Recommencement or extension of provisional period on conviction for prescribed offence**

- (1) . . . . .
- (2) If a novice driver or novice rider who is in the P1 stage is convicted of a prescribed offence whilst the holder of a P1 provisional licence, the period for which he or she has held the licence is to be ignored and he or she is taken to have been issued with the licence as at the date of the offence.

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- (3) If a novice driver or novice rider who is in the P1 stage is convicted of a prescribed offence whilst not the holder of a P1 provisional licence –
  - (a) the period for which he or she previously held a P1 provisional licence is to be ignored; and
  - (b) he or she must obtain another P1 provisional licence and hold it for 12 continuous months before being eligible to apply for a P2 provisional licence.
- (4) If a novice driver or novice rider in the P2 stage is convicted of a prescribed offence that occurred whilst he or she was in the P1 stage, he or she is required to hold a P2 provisional licence for a period equivalent to the period from the date on which he or she was issued with a P1 provisional licence to the date of the offence, in addition to the period for which he or she is otherwise required to hold a P2 provisional licence under these regulations.
- (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.

**18. Transitional provisions**

- (1) A person who holds a provisional licence issued before the commencement of the *Vehicle and*

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*Traffic Amendment (Novice Driver Licensing) Act 2008* but who has not held that licence for 12 continuous months as at that commencement is taken to be in the P1 stage.

- (2) A person who holds a provisional licence issued before the commencement of the *Vehicle and Traffic Amendment (Novice Driver Licensing) Act 2008* and who has held that licence for 12 continuous months as at that commencement is taken to be in the P2 stage.
- (3) Where, on the commencement of the *Vehicle and Traffic Amendment (Novice Driver Licensing) Act 2008*, a person holds a provisional licence that is due to expire on a date that is earlier than the P2 end date, the term of the licence is extended to the P2 end date.
- (4) Where, on the commencement of the *Vehicle and Traffic Amendment (Novice Driver Licensing) Act 2008*, a person holds a full licence in relation to a particular licence class (being either a car licence or motor cycle licence) and a P2 provisional licence in relation to another licence class (being either a car licence or motor cycle licence) –
  - (a) the person, on holding the P2 provisional licence for the period required under these regulations, automatically progresses (without payment of an additional licence fee) to a full licence in respect of that class; and

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- (b) that full licence expires on the same date as the first-mentioned full licence.
- (5) A person who, immediately before 27 April 2009, held a car licence issued as a learner licence –
- (a) is taken to be in the L2 stage; and
  - (b) is taken to hold an L2 learner licence; and
  - (c) is not required to comply with regulation 19(4)(a); and
  - (d) if applying for a P1 provisional licence, is required to hold the learner licence for a minimum period of 6 continuous months starting from the date of its issue and ending not more than 28 days before so applying.
- (6) In this section –

*P2 end date* means the date on which a person is expected to have held a provisional licence for the period required by regulation 12(3).

*Division 3 – Issue of driver licence*

**19. Eligibility**

- (1) Subject to these regulations, a person is eligible to hold a driver licence if the person –

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- (a) is a resident of Tasmania; and
- (b) has reached –
  - (i) in the case of a learner car licence, the age of 16 years; or
  - (ii) in the case of a learner motor cycle licence issued on or after 1 July 2007, the age of 16 years and 6 months; or
  - (iii) in the case of a provisional licence, the age of 17 years; or
  - (iv) in any other case, the age prescribed under subregulation (4); and
- (c) is physically and mentally fit to drive a motor vehicle of the relevant class; and
- (d) is (unless the licence is to be issued as a learner licence) competent to drive a motor vehicle of the relevant class; and
- (e) has an adequate knowledge of the law governing road traffic; and
- (f) satisfies any additional eligibility criteria prescribed under subregulations (2) and (4); and
- (g) is in other respects a suitable person to hold the licence.

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- (1A) For the avoidance of doubt, a person is not eligible to hold a driver licence solely on the basis that he or she holds a valid foreign driver licence.
- (2 - 3) . . . . .
- (4) The following additional eligibility criteria apply to a novice driver in the novice driver learner stage in relation to a car:
- (a) subject to subregulations (5) and (11), the person must have held a learner licence for a continuous period of at least 12 months ending not more than 28 days before applying for a P1 provisional licence;
  - (b) subject to subregulation (6), the person must have recorded in his or her learner driver logbook, before applying for a P1 provisional licence –
    - (i) at least 80 hours of experience driving a car; and
    - (ii) within the hours of experience specified in subparagraph (i), at least 15 hours of experience driving a car at night.
- (5) Subregulation (4)(a) does not apply to a novice driver if –
- (a) the novice driver is under the novice case management program; and

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- (b) that program specifies that a continuous period of greater than 12 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) in place of the hours of experience specified in that paragraph, that program specifies that the novice driver is required to record in his or her learner driver logbook a number of hours of experience greater than 80 hours.
- (6A) For the purposes of subregulation (4)(b) and (6)(b), the Registrar may determine that the successful completion of an activity is the equivalent of a number of hours, as determined by the Registrar, of experience driving a car.
- (6B) If the Registrar makes a determination under subregulation (6A) –
  - (a) the Registrar may make the determination subject to such conditions as the Registrar considers appropriate; and
  - (b) the Registrar is to ensure that the determination is published, in any manner or form that the Registrar

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considers appropriate, while the determination remains in force.

- (7) If the applicant's learner driver logbook has been lost, stolen or destroyed, he or she may provide a statutory declaration stating –
- (a) that the learner driver logbook has been lost, stolen or destroyed; and
  - (b) the number of hours recorded in the learner driver logbook and the name of the person referred to in regulation 10(11)(b).
- (8) The following additional eligibility criteria apply to driver licences of the classes specified below:
- (a) for a motor cycle licence –
    - (i) if, subject to subregulation (9), the applicant is a novice rider and is the holder of a learner motor cycle licence, the applicant must hold that licence for a continuous period of at least 6 months ending not more than 28 days before applying for a motor cycle licence; and
    - (ii) in the case of a novice rider or the holder of a learner motor cycle licence, the applicant must have attended and successfully completed one or more of the following, as approved by the

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Registrar, in the operation and driving of motor cycles:

- (A) a training course;
  - (B) an assessment that is written or practical or a combination of both;
  - (C) a test that is written or practical or a combination of both;
- (b) for a light rigid vehicle licence, a medium rigid vehicle licence, a heavy rigid vehicle licence, a heavy combination vehicle licence or a multi-combination vehicle licence – the applicant must satisfy the following eligibility criteria:
- (i) for a light rigid vehicle licence or medium rigid vehicle licence – the applicant must have reached the age of 19 years and must have held an Australian driver licence of class “C” or above for at least 12 months;
  - (ii) for a heavy rigid vehicle licence – the applicant must have reached the age of 20 years, must have held an Australian driver licence of class “C” or above for at least 2 years and either must have held a licence of class “LR” or above

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- for at least 12 months or must have passed an approved driver training course for the relevant licence class;
- (iii) for a heavy combination vehicle licence – the applicant must have reached the age of 20 years, must have held an Australian driver licence of class “C” or above for at least 2 years and either must have held a licence of class “MR” or above for at least 12 months or must have passed an approved driver training course for the relevant licence class;
- (iv) for a multi-combination vehicle licence – the applicant must have reached the age of 21 years, must have held an Australian driver licence of class “HR” or above for at least 12 months and must have passed an approved driver training course for the relevant licence class.
- (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

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of the continuous period specified in that paragraph, applies in respect of the novice rider.

- (10) In calculating the period for which a person has held an Australian driver licence –
- (a) the Registrar must exclude any period for which –
    - (i) the person has held the licence as a learner licence; or
    - (ii) the person has been disqualified from driving by an Australian court or by the operation of an automatic statutory penalty; or
    - (iii) the licence has been suspended; and
  - (b) if the person has held a licence to drive a motor vehicle in an external territory or a foreign country, the Registrar may take into account the period (or some of the period) as if the licence had been an Australian driver licence.
- (11) The Registrar may exempt a person from an eligibility requirement under subregulation (4)(a) if the person satisfies the Registrar that the exemption is justified in view of the person's age, experience, occupation or the special circumstances of the person's case.

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- (12) The Registrar may exempt a person from an eligibility requirement under subregulation (8)(b) if the person –
- (a) has reached the age of 17 years and has held an Australian driver licence (other than a learner licence) of class “C” or above, or a similar foreign driver licence (other than a learner licence), for at least 12 months; and
  - (b) satisfies the Registrar that the exemption is justified in view of the person’s age, experience, occupation or the special circumstances of the person’s case.
- (13) Subject to subregulation (14), a person is not eligible to hold a driver licence (other than a restricted driver licence) –
- (a) if the person –
    - (i) is currently disqualified from driving by order of an Australian court or by the operation of an automatic statutory penalty; or
    - (ii) is currently disqualified from driving under the law of a foreign country as a result of an offence that would, if committed in Tasmania, have resulted in the person being disqualified from driving; or

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- (iii) is subject to a period of licence suspension or cancellation under the law of Tasmania or another Australian jurisdiction; or
  - (iv) is subject to a period of ineligibility to hold a driver licence under the law of Tasmania or another Australian jurisdiction; or
- (b) if the person –
  - (i) has been ordered by a court to attend a prescribed course under section 18 of the *Road Safety (Alcohol and Drugs) Act 1970*; and
  - (ii) has not been issued with a certificate under section 18(8) of that Act certifying the person's attendance at, and satisfactory completion of, the course.
- (14) If an applicant for a driver licence –
  - (a) is disqualified from driving under the law of another jurisdiction for an offence involving the use of alcohol or a drug until requirements relating to treatment, education, assessment or rehabilitation are complied with; and
  - (b) has not complied with those requirements in that other jurisdiction –

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the Registrar may impose equivalent requirements and, if the applicant complies with those requirements to the Registrar's satisfaction, exempt the applicant from the ineligibility imposed under subregulation (13)(a).

**20. Application for driver licence**

- (1) An application for a driver licence –
  - (a) must be made to the Registrar in a form approved by the Registrar; and
  - (b) must contain the information required in the approved form; and
  - (c) must be accompanied by the evidence required by the Registrar of the applicant's –
    - (i) name; and
    - (ii) date of birth and gender; and
    - (iii) residential address; and
    - (iv) eligibility to hold a driver licence of the relevant class; and
  - (d) if there is no postal service to the applicant's residential address, must state a postal address for the service of notices; and

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- (e) must disclose details of any disqualification from driving imposed on the applicant under the law of Tasmania, another Australian jurisdiction, an external territory or a foreign country; and
  - (f) must be accompanied by the applicable scheduled fee (or fees) for the licence (including, if the applicant has previously held a licence that has been cancelled, any fee payable in that case).
- (2) An applicant for a driver licence must –
- (a) submit to the taking of a photograph for inclusion on the licence –
    - (i) by a person authorised by the Registrar to take such photographs; or
    - (ii) under alternative arrangements acceptable to the Registrar; and
  - (b) provide a specimen signature as required by the Registrar for inclusion on the licence.
- (3) If –
- (a) an application for a driver licence is made by a person who holds an Australian driver licence issued under a corresponding law; and

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- (b) the applicant is entitled to the driver licence under the principle of mutual recognition –

no fee is payable for the issue of the licence.

- (4) A person who holds a driver licence of a particular class and who is eligible for, and wants, a licence of another class must make an application for a licence of the other class.
- (5) A person who is disqualified from driving may, within one month before the end of the period of disqualification, make an application for a driver licence (other than a restricted driver licence) but, in that event, the driver licence is not to be issued until the period of disqualification has ended.

**21. Requirements by Registrar**

- (1) The Registrar may require an applicant for a driver licence to undergo a test or assessment, or complete a training course, or provide other evidence to the Registrar's satisfaction, of the applicant's competence to drive motor vehicles of the class for which the licence is sought.
- (2) The Registrar may require an applicant for a driver licence to submit to an examination (at the applicant's own expense) by a medical practitioner or a registered health care practitioner, or to produce other evidence to the Registrar's satisfaction, that the applicant is physically and mentally fit to drive motor

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vehicles of the class for which the licence is sought.

- (3) The Registrar may require an applicant for a driver licence to submit to a test to satisfy the Registrar that the applicant has an adequate knowledge of the law governing road traffic.
- (4) The Registrar may require an applicant for a driver licence to provide evidence, of a kind specified by the Registrar, establishing to the Registrar's satisfaction that –
  - (a) the applicant is, in other respects, a suitable person to hold a licence of the class sought by the applicant; or
  - (ab) the applicant has met any pre-conditions necessary, in the Registrar's opinion, for the licence of the class sought by the applicant to be issued, if otherwise eligible; or
  - (b) the applicant is, in other respects, eligible to hold a licence of the class sought by the applicant.
- (5) The Registrar may accept evidence obtained within or outside Tasmania for the purposes of this regulation.
- (6) The fee payable for a test, assessment or training course required by the Registrar under this regulation is –

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- (a) if the test, assessment or training course is performed by an organisation that has an agreement with the Department to provide the test, assessment or training course, the fee specified by that organisation; or
  - (b) in all other cases, the applicable scheduled fee.

**22. Issue of driver licence**

- (1) Subject to these regulations, the Registrar must issue a driver licence of a particular class and type to an applicant if satisfied that the applicant is eligible to hold the licence.
- (2) If –
  - (a) the application is for a driver licence of a particular class in the hierarchy of licence classes; and
  - (b) the Registrar is not satisfied that the applicant is eligible to hold a licence of the class sought in the application but is eligible to hold a licence of a lower class; and
  - (c) the applicant asks the Registrar to issue a licence of the lower class on the application –

the Registrar must issue a licence of the lower class.

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- (3) A driver licence is to be issued either as a licence of a particular class in the hierarchy of licence classes or as a motor cycle licence, or as both.
- (4) If an applicant already holds an Australian driver licence, the applicant must surrender the licence before a new driver licence is issued under these regulations (unless the application is for a learner licence).
- (5) If an applicant holds a foreign driver licence, the Registrar may require the applicant to surrender the licence before a driver licence is issued under these regulations.
- (6) The Registrar must not issue a driver licence to an applicant if the applicant would, as a result, hold 2 or more full licences.
- (7) A driver licence issued contrary to subregulation (6) is void.
- (8) The Registrar may refuse to issue a driver licence to an applicant if the applicant has failed to pay a fine or other pecuniary penalty, or an instalment of a fine or other pecuniary penalty, arising out of the use of a motor vehicle in Australia.
- (9) The Registrar may refuse to issue a driver licence if it appears appropriate to do so having regard to a judgment, order or decision of an Australian court.
- (9A) Despite subregulation (1), the Registrar must issue a driver licence as an interlock licence if

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the Registrar is to issue the driver licence to a person who –

- (a) applied for the driver licence to replace an Australian driver licence that was cancelled as a consequence of the person being convicted of an offence specified in subregulation (9B), unless the person –
  - (i) was the holder of a learner licence at the time the offence was committed; and
  - (ii) at the time the offence was committed, did not also hold a driver licence of a type other than a learner licence; or
- (b) has a court order authorising the issue of a restricted driver licence to the person after his or her Australian driver licence was suspended or cancelled as a consequence of being convicted of a subsequent offence specified in subregulation (9B)(b); or
- (c) applied for the driver licence to replace an Australian driver licence that expired or was cancelled for any reason if the latter driver licence was an interlock licence and the I condition on the interlock licence had not been revoked by the Registrar under regulation 24(8)

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before the interlock licence expired or  
was cancelled.

(9B) Subregulation (9A) applies to the following offences:

- (a) an offence under the *Road Safety (Alcohol and Drugs) Act 1970* that involves a blood alcohol concentration of 0.15 or greater;
- (b) an offence that is a subsequent offence under section 17 of the *Road Safety (Alcohol and Drugs) Act 1970*, if the initial offence and the subsequent offence both occur within a 5-year period;
- (c) an offence in respect of a failure to comply with a requirement made under section 10(4) of the *Road Safety (Alcohol and Drugs) Act 1970*;
- (d) an offence under section 4 of the *Road Safety (Alcohol and Drugs) Act 1970* for driving under the influence of intoxicating liquor;
- (e) an offence in another jurisdiction that substantially corresponds to an offence referred to in this subregulation.

(9C) . . . . .

(9D) Nothing in subregulation (9A) affects the Registrar's discretion to impose any condition,

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including an I condition, on any driver licence in any other circumstance.

(9E) Subregulation (9A)(a) or (b) does not apply to a person if –

(a) the person –

(i) completed any relevant period of disqualification from driving that was imposed as a consequence of the person being convicted of the offence under subregulation (9B) that resulted in the driver licence, held by the person immediately before the period of disqualification, being cancelled; or

(ii) obtained the court order authorising the issue of a restricted driver licence to the person –

before the commencement of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations 2013*; and

(b) the person applies for a driver licence before 31 July 2014

(10) The Registrar may issue a driver licence as a probationary licence if the person being issued the licence has applied for the licence –

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- (a) following a period of disqualification from driving ordered by an Australian court; or
  - (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
  - (b) to replace an equivalent licence issued under a corresponding law.
- (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.
- (11) A driver licence may be issued, on an interim basis, in the form of a driver licence receipt.
- (12) A driver licence receipt is to be in a form approved by the Registrar.
- (13) A driver licence receipt is to be treated as the driver licence of the person to whom it is issued until the earliest of the following:
  - (a) a date stated in the receipt;
  - (b) an official licence document is received by the person to whom it is issued;

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- (c) the Registrar, by notice in writing to the holder of the receipt, cancels the receipt on the ground that the receipt was issued in error.

**23. Term of driver licence**

- (1) Subject to this regulation, a driver licence is to be issued for a term of years specified in the licence of not less than one year and not more than 5 years.
- (2) If a driver licence is issued to a person on the surrender of an Australian driver licence of an equivalent class issued under a corresponding law, the licence is to be issued for a term of 5 years, or the balance of the term of the other licence, whichever is the shorter.
- (3) If a driver licence is issued to a person on the surrender of a driver licence of a lower class in the hierarchy of licence classes, the new licence is to be issued for the balance of the term of the earlier licence or some other term agreed between the applicant and the Registrar.
- (4) If a person who holds a driver licence in the hierarchy of licence classes becomes entitled to hold a motor cycle licence or, conversely, a person who holds a motor cycle licence becomes entitled to hold a driver licence of a particular class in the hierarchy of licence classes, a new driver licence of both classes is to be issued, on the surrender of the earlier licence, for the balance of the term of the earlier licence or some

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other term agreed between the applicant and the Registrar.

- (5) If the earlier driver licence that is surrendered under subregulation (4) is an interlock licence –
- (a) the driver licence issued under that subregulation is also to be issued as an interlock licence; and
  - (b) each class of driver licence specified on the interlock licence that is issued under that subregulation, including a class of driver licence relating to a learner licence, is subject to the I condition.

**24. Conditional licences**

- (1) A driver licence is subject to the conditions (if any) imposed by the Registrar.
- (2) In determining licence conditions, the Registrar –
  - (a) must have regard to the interests of road safety; and
  - (b) may attach, by way of condition, to a licence of a particular type a requirement that normally attaches to a licence of a different type.
- (3) Without limiting subregulation (1), the conditions may include one or more of the following:

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- (a) a condition that the holder of the licence must not drive a motor vehicle unless it is fitted with an automatic transmission (A);
- (b) a condition that the holder of the licence must not drive a motor cycle unless it is fitted with an automatic transmission (A1);
- (c) a condition that the holder of the licence must not drive a heavy vehicle unless it is fitted with an automatic transmission (A2);
- (d) a condition that the holder of the licence must not drive a heavy vehicle unless it is fitted with a synchromesh transmission (B);
- (e) a condition that the holder of the licence must not drive a motor cycle other than a learner approved motor cycle (E);
- (f) a condition that the holder of the licence must not drive a motor vehicle except in accordance with Division 3A, as applicable (I);
- (g) a condition that the holder of the licence must not drive a motor vehicle unless wearing corrective lenses allowing distance vision in accordance with a relevant medical standard (S);

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- (h) a condition that the holder of the licence must not drive a motor vehicle unless the vehicle is fitted with aids specified by the Registrar, or the vehicle has been modified as directed by the Registrar (V);
  - (i) a condition that the holder of the licence must not drive a motor vehicle with a breath or blood alcohol concentration greater than zero (Z);
  - (j) any other condition the Registrar considers appropriate and notifies in writing to the holder of the licence (X).
- (4) The code for designating a particular licence condition is shown in subregulation (3) in parenthesis.
- (4A) The Registrar is not to impose an I condition under subregulation (3)(f) on a learner licence unless –
  - (a) the holder of the learner licence also holds a full licence, or a provisional licence, of another class at the same time as holding the learner licence; or
  - (b) the Registrar believes that it is appropriate in the circumstances.
- (5) A driver who holds an Australian driver licence that is subject to a condition imposed under subregulation (3)(j), or the corresponding provision of a corresponding law, must carry

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while driving a notice explaining the condition issued by the Registrar under these regulations or by the authority responsible for administering the corresponding law.

Penalty: Fine not exceeding 10 penalty units.

- (6) Without limiting the conditions on which a probationary licence may be issued, such a licence may be issued on one or more of the following conditions:
- (a) a condition that the holder of the licence must not drive a motor vehicle with a breath or blood alcohol concentration greater than zero (Z);
  - (b) a condition making the licence liable to suspension or cancellation if 2 or more demerit points are recorded against the holder of the licence.
  - (c) . . . . .
- (7) A condition imposed under subregulation (6)(b) operates independently of the demerit points scheme.
- (8) Subject to regulation 26L, the Registrar may, on the Registrar's own initiative, or on application by the holder of a driver licence, vary or revoke a condition of the licence.
- (9) A variation or revocation of a condition takes effect on the service of the notice of variation or revocation on the holder of the licence.

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**25. Form of driver licence**

- (1) A driver licence (other than a licence issued, on an interim basis, in the form of a driver licence receipt) must show –
  - (a) a licence number; and
  - (b) the holder's name; and
  - (c) the holder's date of birth; and
  - (d) the holder's residential address; and
  - (e) a photograph of the holder; and
  - (f) the holder's signature (or a reproduction of that signature); and
  - (g) the class of the licence, or if the licence is issued both as a licence of a particular class in the hierarchy of licence classes and as a motor cycle licence, both those classes; and
  - (h) the expiry date of the licence; and
  - (i) any conditions to which the licence is subject; and
  - (j) any other information that the Registrar determines should be included on the licence.
- (2) A licence condition may be shown on a driver licence by use of a code if the licence also bears

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a note that the terms of the condition may be ascertained by inquiry to the Registrar.

- (3) The holding of a heavy vehicle learner licence may be shown on a driver licence by means of a code determined by the Registrar.

**26. Recording of issue or variation of driver licence**

- (1) On issuing a driver licence, the Registrar must record the following information in the driver licence register:
- (a) the holder's name;
  - (b) the holder's date of birth and gender;
  - (c) the holder's residential address;
  - (d) if there is no postal service to the holder's residential address, a postal address for the service of notices;
  - (e) the licence number;
  - (f) the class of the licence, or if the licence is issued both as a licence of a particular class in the hierarchy of licence classes and as a motor cycle licence, both those classes;
  - (g) if the licence is a learner licence or a provisional licence, the licence type and, if it is a provisional licence, the date on which it will cease to be a provisional licence;

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- (h) the commencement date and expiry date of the licence;
  - (i) any conditions to which the licence is subject.
- (2) The Registrar may record other information in the driver licence register –
- (a) for the purposes of the Act or any other Act; or
  - (b) for other purposes the Registrar considers appropriate.
- (3) The Registrar must keep the information as recorded in the driver licence register up to date by –
- (a) recording a later variation, renewal, suspension, cancellation, expiry or surrender of the driver licence; and
  - (b) ensuring that the information recorded in the register reflects the most recent information about the licence and the holder of the licence available to the Registrar.

***Division 3A – Additional requirements for interlock licences***

**26A. Interpretation of Division**

- (1) In this Division –

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***approved provider*** means a person that has a contract with the Department to –

- (a) provide interlocks to be installed in motor vehicles; and
- (b) establish, operate or maintain service centres where interlocks can be installed, serviced or removed in accordance with this Division;

***extended lockout***, of an interlock installed in a motor vehicle, means where the interlock prevents, in accordance with the parameters of the interlock, the operation of the motor of the motor vehicle for a minimum period determined by the Registrar;

***lockout*** includes an extended lockout and permanent lockout;

***MAIP***, or mandatory alcohol interlock program, means the program established under regulation 26C;

***monitoring data*** means –

- (a) information –
  - (i) recorded by an interlock; and
  - (ii) downloaded by an approved provider during

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the service or removal of  
the interlock; and

- (b) any other information the approved provider records in respect of an interlock, or the holder of an interlock licence, during the installation, service or removal of the interlock;

***nominated vehicle*** means a motor vehicle nominated by a person under regulation 26E(1)(c);

***parameter*** means a setting of an interlock that determines the behaviour of the interlock in certain circumstances;

***performance report*** means a report prepared by the approved provider, after performing a service of an interlock, that contains –

- (a) the monitoring data collected during the service of the interlock in respect of the period between the last previous service and the service in respect of which the report is prepared; and
- (b) information explaining the effect of any software update on the holder of the interlock licence;

***permanent lockout***, of an interlock installed in a motor vehicle, means where the

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interlock indefinitely prevents, in accordance with the parameters of the interlock, the operation of the motor vehicle other than as authorised by the Registrar;

*service*, an interlock, includes testing, inspecting, maintaining, repairing and adjusting the interlock;

*service centre* means premises established, operated or maintained by an approved provider as required under the contract between the approved provider and the Department;

*unique identifier*, of a person, means the unique number –

- (a) assigned to the person by the Registrar; and
- (b) referenced in the information provided to the person by the Registrar.

- (2) In this Division, a reference to a nominated vehicle of the holder of an interlock licence is a reference to the motor vehicle nominated under regulation 26B(1)(a) by the holder of the licence, whether or not the motor vehicle was nominated before or after the person was issued the interlock licence.

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**26B. Interlock licence requirements**

- (1) The holder of an interlock licence must –
  - (a) nominate a motor vehicle, that is registered under the Act or exempt from registration under section 28 or 29 of the Act, to be installed with an interlock; and
  - (b) have an interlock installed in at least one motor vehicle he or she has nominated under paragraph (a); and
  - (c) comply with this Division and the MAIP.
- (2) The holder of an interlock licence must, when driving a motor vehicle under the authority of the licence, only drive the motor vehicle if –
  - (a) the motor vehicle is installed with an interlock that –
    - (i) was installed in accordance with regulation 26E; and
    - (ii) is, at each service, serviced in accordance with regulation 26G; and
  - (b) the holder of the interlock licence has a breath, or blood, alcohol concentration of zero while driving the motor vehicle; and
  - (c) the holder of the interlock licence carries the following documents in the motor vehicle:

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- (i) evidence that the interlock installed in the motor vehicle has been installed by an approved provider, or that the interlock has been taken under regulation 26O(1)(b) to have been installed by an approved provider;
  - (ii) evidence of the most recent service of the interlock installed in the motor vehicle;
  - (iii) any other document specified in this Division, or in the MAIP, as required to be carried in the motor vehicle.
- (3) For the avoidance of doubt –
- (a) a failure to comply with this Division is a breach of an I condition; and
  - (b) the holder of an interlock licence must comply with this Division in respect of each motor vehicle he or she has nominated under regulation 26E(1)(c).

**26C. Mandatory alcohol interlock program**

- (1) The Registrar may approve a program in respect of the administration, procedures and practices for interlocks, approved providers and holders of interlock licences.

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- (2) A program approved under subregulation (1) may specify any one or more of the following matters:
- (a) any parameters that are necessary for the operation of an interlock under this Division;
  - (b) any additional installation, service or removal requirements for an interlock that are not otherwise specified in these regulations;
  - (c) any other requirements in respect of an I condition that are not otherwise specified in these regulations;
  - (d) any training the holder of an interlock licence is required to complete while holding the interlock licence;
  - (e) any other matter the Registrar thinks necessary or expedient in relation to the implementation, operation or administration of such a program.
- (3) The Registrar may approve any guidelines, instructions or directions he or she thinks necessary for the implementation, operation or administration of a program approved under subregulation (1).

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**26D. Approved providers**

- (1) A person must not install an interlock into a nominated vehicle unless he or she is an approved provider.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

- (2) A person installing an interlock in a nominated vehicle must only install an interlock that he or she has received from an approved provider.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

- (3) A person installing an interlock in a motor vehicle must not install the interlock if he or she suspects, or is aware, that more than one holder of an interlock licence intends to nominate the vehicle.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or

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- (b) an individual, a fine not exceeding 20 penalty units.
- (4) Subregulation (3) does not apply if the interlock being installed is an interlock that identifies multiple users that is being installed in accordance with an approval under regulation 26F.
- (5) A person must not service an interlock unless he or she is an approved provider.  
  
Penalty: Fine not exceeding 20 penalty units.
- (6) A person must not remove an interlock from a motor vehicle unless he or she is an approved provider.  
  
Penalty: Fine not exceeding 20 penalty units.

**26E. Installation of interlock**

- (1) For the purposes of regulation 26B(2)(a)(i), an interlock is correctly installed in a motor vehicle if –
  - (a) the device or system installed in the motor vehicle is an interlock; and
  - (b) the interlock is installed in the motor vehicle in accordance with this Division and any additional installation requirements specified in the MAIP; and
  - (c) an applicant for, or the holder of, an interlock licence has nominated the

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- motor vehicle under  
regulation 26B(1)(a); and
- (d) any fees payable in respect of the installation and hire of the interlock have been paid.
- (2) Before an interlock is installed in a nominated vehicle, each person who nominated the motor vehicle under regulation 26B(1)(a) must provide to the approved provider responsible for installing the interlock –
- (a) any details about the motor vehicle that have been requested by the approved provider; and
- (b) his or her unique identifier; and
- (c) any other information the approved provider requires for the pre-installation report; and
- (d) evidence that each person who has nominated the vehicle has completed any pre-installation training required under the MAIP.
- (3) Before installing an interlock in a motor vehicle, an approved provider must be satisfied –
- (a) with the information provided in respect of the motor vehicle under subregulation (2); and

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- (b) that each person who nominated the motor vehicle under regulation 26B(1)(a) has signed a current pre-installation report; and
  - (c) if the registered operator or owner of the motor vehicle is not a person referred to in paragraph (b), that written permission from the registered operator, or the owner if there is no registered operator, has been obtained to install the interlock in the motor vehicle; and
  - (d) that the motor vehicle that is being installed with an interlock is a motor vehicle nominated under regulation 26B(1)(a) by the person referred to in paragraph (b).
- (4) In this regulation –

***pre-installation report*** means a report, prepared by an approved provider, available free of charge and containing information about –

- (a) the complete schedule of fees charged at the time the report is provided in respect of the installation, rental, service and removal of an interlock by the approved provider; and
- (b) the installation of the interlock including any anticipated alterations required to the vehicle,

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or any other processes required to be performed, to ensure the motor vehicle complies with the *Vehicle and Traffic (Vehicle Standards) Regulations 2014* after the installation of the interlock.

**26F. Approval to install interlock for multiple users**

- (1) This regulation applies to a person who is applying for, or is the holder of, an interlock licence, if –
  - (a) the person shares a primary residence with another person who is applying for, or holds, an interlock licence; and
  - (b) each person intends to nominate and drive the same motor vehicle while both hold an interlock licence.
- (2) A person to whom this regulation applies may apply to the Registrar for approval to install an interlock that identifies and differentiates between multiple users, if such a device or system has been approved by the Registrar as an interlock.
- (3) An application under subregulation (2) –
  - (a) must be made jointly by each holder of an interlock licence that intends to drive the motor vehicle to be installed with the interlock; and

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- (b) is to contain such information as the Registrar determines; and
  - (c) is to be accompanied by the applicable scheduled fee (or fees) payable in respect of the application by each applicant.
- (4) After receiving an application under subregulation (2), the Registrar may –
- (a) approve the application subject to any conditions the Registrar thinks fit; or
  - (b) refuse the application; or
  - (c) request further information from the applicants and, after receiving and considering the further information, approve the application under paragraph (a) or refuse the application under paragraph (b).
- (5) A person to whom this regulation applies must use the technical capabilities of the interlock installed in the nominated motor vehicle to identify himself or herself as the person driving the motor vehicle if an interlock that recognises multiple users is installed.

Penalty: Fine not exceeding 20 penalty units.

**26G. Service of interlock**

- (1) For the purposes of regulation 26B(2)(a)(ii), an interlock is correctly serviced if each holder of the interlock licence who nominated the motor

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vehicle that has been installed with the interlock –

- (a) takes the motor vehicle, in which the interlock is installed, to a service centre of the approved provider who installed the interlock; and
  - (b) is present at the service centre while the interlock is serviced; and
  - (c) performs any necessary action for the service to be completed, including providing a breath sample to validate that the interlock is working correctly; and
  - (d) complies with these regulations and any additional requirements of the MAIP in respect of the service, including intervals between services, and the payment of any fee payable at the service; and
  - (e) at the end of the service, signs a copy of the performance report provided, in respect of the service, to the holder of the interlock licence.
- (2) For the avoidance of doubt, if an interlock that identifies multiple users is installed in accordance with an approval under regulation 26F, each holder of an interlock licence that nominated the motor vehicle –
- (a) must arrange and attend a service of the interlock in accordance with this Division and the MAIP; and

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- (b) may arrange for the service to be held at the same time as, or a different time to, another holder of an interlock licence that nominated the vehicle.
- (3) Subregulation (1)(b) does not apply to the holder of an interlock licence if another person –
  - (a) presents the vehicle, in which the interlock is installed, for service; and
  - (b) at that time, provides a valid medical certificate in respect of the holder of the interlock licence that specifies that the holder of the interlock licence is unfit to drive or to attend the service.
- (4) Despite subregulation (3), the holder of an interlock licence must not fail to attend 2 or more consecutive services, whether or not the holder of the interlock licence has a valid medical certificate for each service.
- (5) If the holder of an interlock licence is not present for the service of an interlock in her or her nominated vehicle in accordance with subregulation (3), the holder of the interlock licence complies with the requirement under subregulation (1)(e) to sign the performance report if, within 7 days after the service to which the performance report relates, the holder of the interlock licence –
  - (a) signs a copy of the performance report; and

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- (b) provides the signed copy of the performance report to the approved provider that performed the service.
- (6) A signed copy of a performance report under this regulation –
- (a) is, unless otherwise proven, only taken to be evidence that the holder of the interlock licence –
    - (i) was –
      - (A) present at the time the interlock was serviced; or
      - (B) not required to be present at the time the interlock was serviced due to subregulation (3); and
    - (ii) received a copy of the performance report; and
  - (b) is not evidence that the holder of the interlock licence agrees with or accepts the information contained in the report.

**26H. Monitoring data**

- (1) Subject to subregulation (2), monitoring data that has been downloaded from an interlock is taken to be the monitoring data that relates to the operation of the interlock by the holder of an interlock licence whose unique identifier was provided at the time the interlock was installed.

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- (2) If an interlock is installed in accordance with an approval under regulation 26F and monitoring data has been downloaded and identified as being the monitoring data in respect of a specific holder of an interlock licence, that monitoring data so identified is taken to be the monitoring data that relates to the operation of the interlock by that licence holder.

**26I. Eligibility for revocation of I condition**

- (1) Despite regulation 24(8) and subject to regulation 26J, the Registrar is only to revoke an I condition from an interlock licence if the Registrar is satisfied that –
- (a) the holder of the interlock licence has, while holding the interlock licence, complied with this Division and the MAIP, as applicable; and
  - (b) if the holder of the interlock licence does not hold a full exemption –
    - (i) monitoring data for a minimum period of 450 days has been provided to the Registrar in respect of the holder of the interlock licence; and
    - (ii) in the last 180 consecutive days of the period specified in subparagraph (i), there have not been any lockouts recorded in the

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monitoring data provided in  
respect of those 180 days; and

- (c) if the holder of the interlock licence holds a full exemption, he or she has, while holding the interlock licence, completed 730 days without committing an offence under the *Road Safety (Alcohol and Drugs) Act 1970* relating to alcohol.
- (2) The Registrar may be satisfied that the holder of an interlock licence has complied with subregulation (1)(b)(ii) if the Registrar is satisfied that there have been no lockouts recorded in the last 180 consecutive days of monitoring data that the Registrar has received in respect of the holder of the interlock licence.
- (3) In this regulation –

*full exemption* means an exemption under regulation 26N(3)(a) or (b).

**26J. Restarting of time periods**

- (1) The holder of an interlock licence must restart the period specified in regulation 26I(1)(b)(i) or regulation 26I(1)(c) if –
  - (a) the interlock licence is suspended or cancelled as a consequence of –

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- (i) an offence under the *Road Safety (Alcohol and Drugs) Act 1970* relating to alcohol; or
    - (ii) an offence in another jurisdiction that substantially corresponds to an offence referred to in subparagraph (i); or
    - (iii) failing to comply with the I condition on the licence; or
  - (b) if an interlock is installed in the nominated vehicle of the holder of the interlock licence, the Registrar is satisfied that the interlock installed in the nominated vehicle has been tampered with; or
  - (c) the Registrar is satisfied that the holder of the interlock licence has committed an offence, or performed an action, that is serious enough for the holder of the interlock licence to restart the relevant period.
- (2) The holder of an interlock licence must restart the 180 consecutive day period specified in regulation 26I(1)(b)(ii) if, during that period –
- (a) the interlock licence is suspended or cancelled for a reason other than a reason specified in subregulation (1)(a); or
  - (b) the holder of an interlock licence is found guilty of –

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- (i) an offence under the *Road Safety (Alcohol and Drugs) Act 1970* relating to alcohol; or
- (ii) an offence in another jurisdiction that substantially corresponds to an offence referred to in subparagraph (i); or
- (iii) failing to comply with the I condition on the licence –  
  
and his or her interlock licence is not suspended or cancelled; or
- (c) the interlock licence expires and is not renewed within 14 days of expiry; or
- (d) the registration of the nominated vehicle of the holder of the interlock licence is suspended or cancelled and the holder of the interlock licence does not have another nominated vehicle installed with an interlock; or
- (e) the registration of the nominated vehicle of the holder of the interlock licence expires and is not renewed within 14 days of expiry and the holder of the interlock licence does not have another nominated vehicle installed with an interlock; or
- (f) the nominated vehicle of the holder of the interlock licence is sold, or transferred, and the holder of the

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- interlock licence does not have another nominated vehicle installed with an interlock; or
- (g) the interlock installed in the nominated vehicle of the holder of the interlock licence is removed and the holder of the interlock licence does not have another nominated vehicle installed with an interlock; or
  - (h) the interlock installed in the nominated vehicle of the holder of the interlock licence records a lockout during the period specified in regulation 26I(1)(b)(ii); or
  - (i) the holder of the interlock licence is not present at a service of the interlock during the period specified in regulation 26I(1)(b)(ii), other than in accordance with regulation 26G(3); or
  - (j) despite regulation 26G(3), the holder of the interlock licence is not present at 2 or more consecutive services of the interlock during the period specified in regulation 26I(1)(b)(ii); or
  - (k) the Registrar is satisfied that the holder of the interlock licence has committed an offence, or performed an action, that is serious enough to require the holder of the interlock licence to restart the period specified in regulation 26I(1)(b)(ii).

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- (3) If the holder of an interlock licence is required under this regulation to restart a period of monitoring data, the period is taken to restart –
- (a) if the holder of the interlock licence does not hold an exemption under regulation 26N, from the first service after the Registrar is notified of the conviction for the offence, or the commission of the Act, that results in the restart of the period; and
  - (b) if the holder of the interlock licence holds an exemption under regulation 26N, from the date specified by the Registrar in writing to the holder of the interlock licence.

**26K. Adjusting of time periods**

- (1) The Registrar may determine that a period of monitoring data does not count towards the period specified in regulation 26I(1)(b)(i) in respect of the holder of an interlock licence if –
- (a) the interlock licence is suspended or cancelled for a reason other than a reason specified in regulation 26J(1)(a); or
  - (b) the interlock licence expires and is not renewed within 14 days of expiry; or
  - (c) the registration of the nominated vehicle of the holder of the interlock licence is suspended or cancelled and the holder of

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- the interlock licence does not have another nominated vehicle installed with an interlock; or
- (d) the registration of the nominated vehicle of the holder of the interlock licence expires and is not renewed within 14 days of expiry and the holder of the interlock licence does not have another nominated vehicle installed with an interlock; or
  - (e) the nominated vehicle of the holder of the interlock licence is sold, or transferred, and the holder of the interlock licence does not have another nominated vehicle installed with an interlock; or
  - (f) the interlock installed in the nominated vehicle of the holder of the interlock licence is removed and the holder of the interlock licence does not have another nominated vehicle installed with an interlock; or
  - (g) the interlock installed in the nominated vehicle of the holder of the interlock licence records a permanent lockout during the relevant period; or
  - (h) the monitoring data was collected at a service that was not in accordance with regulation 26G; or

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- (i) the holder of the interlock licence is not present at a service of the interlock during the relevant period, other than in accordance with regulation 26G(3); or
  - (j) the holder of the interlock licence has, in the opinion of the Registrar, failed to comply with the MAIP, including failing to comply with the schedule for servicing the interlock; or
  - (k) the interlock has recorded a lockout and has not been serviced after the lockout; or
  - (l) despite regulation 26G(3), the holder of the interlock licence is not present at 2 or more consecutive services of the interlock during the relevant period; or
  - (m) the Registrar is satisfied that the holder of the interlock licence has committed an offence, or performed an action, that is serious enough that a period of monitoring data should not count towards the relevant period.
- (2) The Registrar may determine that a period of monitoring data does not count towards the period specified in regulation 26I(1)(c) in respect of the holder of an interlock licence if –
- (a) the interlock licence is suspended or cancelled for a reason other than a reason specified in regulation 26J(1)(a); or

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- (b) the interlock licence expires and is not renewed within 14 days of expiry.

**26L. Revocation of I condition**

- (1) If the Registrar is satisfied that a holder of an interlock licence has successfully completed the period specified in regulation 26I(1)(b)(ii) or regulation 26I(1)(c), the Registrar is to notify the holder of the interlock licence that he or she is eligible to apply under regulation 24(8) for the I condition to be revoked.
- (2) Nothing in subregulation (1) prevents the Registrar from taking into account –
  - (a) a lockout recorded in monitoring data received in respect of a holder of an interlock licence after the Registrar has notified that licence holder under subregulation (1) but before the I condition is revoked; or
  - (b) an offence under the *Road Safety (Alcohol and Drugs) Act 1970* relating to alcohol that was committed by, or a conviction was recorded in respect of, the licence holder after the Registrar has notified that licence holder under subregulation (1) but before the I condition is revoked.
- (3) An application for the revocation of an I condition from an interlock licence is to be –

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- (a) in a form approved by the Registrar; and
  - (b) accompanied by the applicable scheduled fee (or fees) for the application.
- (4) If the Registrar is not satisfied of the matters contained in regulation 26I, the Registrar is to refuse the application and refund any applicable schedule fee (or fees) paid with the application.
- (5) If an application is refused under subregulation (4) due to the Registrar not being satisfied of all the matters contained in regulation 26I, the Registrar is to notify the applicant under subregulation (1) when the applicant is next eligible under regulation 26I to have the condition revoked.
- (6) Nothing in this regulation, or in regulation 26I, prevents the Registrar from –
- (a) requiring further evidence of the matters specified in regulation 26I, or any other matter the Registrar considers relevant in the circumstances, before deciding whether or not to remove the I condition from an interlock licence; or
  - (b) refusing to remove an I condition from an interlock licence, even if the Registrar is satisfied of the matters specified in regulation 26I, if the Registrar believes it appropriate in the circumstances that the person should continue to hold an interlock licence.

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- (7) A decision of the Registrar to refuse an application under this regulation is not an administrative decision for the purposes of the *Vehicle and Traffic (Review of Decisions) Regulations 2010*.

**26M. Removal of interlock**

- (1) The Registrar may require the holder of an interlock licence to arrange for the removal of an interlock installed in the nominated vehicle of the holder of the interlock licence –
- (a) if the person who installed the interlock was not an approved provider; or
  - (b) if the approved provider who installed the interlock is no longer an approved provider; or
  - (c) if the device or system installed as an interlock is no longer approved by the Registrar as an interlock; or
  - (d) in any other circumstances the Registrar thinks necessary.
- (2) Despite subregulation (1), the holder of an interlock licence may notify the Registrar in writing that he or she intends to have the interlock, that is installed in a nominated vehicle, removed.
- (3) Notification under subregulation (2) –
- (a) is to be in an approved form; and

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- (b) must be made before the interlock is removed.
- (4) The removal of an interlock in accordance with this regulation does not –
  - (a) remove any obligation the holder of an interlock licence may have in respect of an I condition, or any other condition, on his or her licence; or
  - (b) remove the requirement for the holder of an interlock licence to comply with this Division or the MAIP, as required.

**26N. Exemptions from this Division**

- (1) The holder of an interlock licence may apply for an exemption from the application of regulation 26B(2)(a).
- (2) An application under subregulation (1) is –
  - (a) to be in an approved form; and
  - (b) to be accompanied by the applicable scheduled fee (or fees) for the application; and
  - (c) if the exemption is sought under subregulation (3)(a), to include –
    - (i) written evidence, to the satisfaction of the Registrar, from a registered medical practitioner that the person seeking the

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- exemption is unable to operate an interlock due to a physical or medical condition suffered by the person; and
- (ii) written evidence from an approved provider that it is not possible to modify an interlock to enable the person seeking the exemption to be able to successfully operate the interlock.
- (3) After receiving an application under subregulation (1), the Registrar may issue an exemption, subject to any conditions the Registrar thinks fit, to the applicant if –
- (a) the Registrar is satisfied that –
- (i) the applicant is unable to operate an interlock due to a physical or medical condition suffered by the applicant; and
- (ii) it is not reasonable or practicable for an interlock, or another device to measure alcohol consumption, to be modified to enable the applicant to be able to successfully operate the interlock or device; or
- (b) the Registrar is satisfied that –

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- (i) the applicant's principal place of residence is on an island that does not have –
  - (A) a road connection to the main island of Tasmania;  
and
  - (B) a regular ferry service;  
and
- (ii) it is not reasonable or practicable for an interlock, or another device to measure alcohol consumption, to be installed and serviced while the applicant lives on that island;  
or
- (c) the Registrar is satisfied that –
  - (i) the applicant regularly visits an island that does not have –
    - (A) a road connection to the main island of Tasmania;  
and
    - (B) a regular ferry service;  
and
  - (ii) it is not reasonable or practicable for an interlock, or another device to measure alcohol consumption, to be installed and serviced on a motor vehicle used by the

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applicant while he or she visits  
that island; or

(ca) the Registrar is satisfied that –

- (i) the applicant has nominated a vehicle or vehicles under regulation 26B(1)(a) and has had an interlock installed, in accordance with regulation 26E, in each vehicle so nominated; and
- (ii) the applicant must drive another vehicle to or from work, or for the purposes of work; and
- (iii) the other vehicle is unable to be installed with an interlock due to –
  - (A) the owner or operator of the vehicle being unwilling, or unable, to give permission for an interlock to be installed in the vehicle; or
  - (B) the type, or class or quality, of the other vehicle to be driven by the applicant under the exemption; or

(cb) the Registrar is satisfied that –

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- (i) a refusal to grant an exemption to an applicant would cause severe hardship to the applicant or another person; and
  - (ii) it is appropriate in the circumstances to grant the exemption; or
- (d) the Registrar is satisfied that the applicant has –
- (i) applied for the I condition to be revoked from the applicant’s licence; and
  - (ii) met the conditions for revoking the I condition; and
  - (iii) had the interlock removed by an authorised provider.
- (3A) An exemption issued under subregulation (3) –
- (a) is to be in any form the Registrar considers appropriate; and
  - (b) may be subject to any conditions the Registrar considers appropriate.
- (4) An exemption issued under subregulation (3)(a), (b), (cb) or (d) exempts the holder of the exemption from the requirements of regulation 26B and the MAIP, other than regulation 26B(2)(b), while the holder of the

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exemption is operating a motor vehicle in accordance with the exemption.

- (5) An exemption issued under subregulation (3)(c) exempts the holder of the exemption from the requirements of regulation 26B and the MAIP, other than regulation 26B(2)(b), only while the holder of the exemption is operating a vehicle, in accordance with the exemption, on the island to which the exemption relates.
- (5A) An exemption issued under subregulation (3)(ca) exempts the holder of the exemption from the requirements of regulation 26B and the MAIP, other than regulation 26B(2)(b), only while the holder of the exemption is operating a vehicle, or class or type of vehicle, in accordance with the exemption.
- (6) The Registrar may cancel an exemption at any time if the Registrar reasonably believes that the holder of the interlock licence is no longer eligible for the exemption due to a change in the holder of the interlock licence’s circumstances since the exemption was granted.
- (7) The holder of an exemption must comply with each condition of the exemption.  
  
Penalty: Fine not exceeding 20 penalty units.
- (8) . . . . .
- (9) An exemption issued under subregulation (3) ceases to have effect on whichever of the following occurs first:

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- (a) the removal of the I condition from the driver licence to which the exemption relates;
- (b) the cancellation, or surrender, of the interlock licence to which the exemption relates;
- (c) the cancellation of the exemption by the Registrar;
- (d) 750 days after the day on which it was issued;
- (e) the day specified in the exemption as the day on which it expires.

**260. Interstate licences and interlocks**

- (1) If the holder of an interstate interlock licence is issued an interlock licence under this Act and has an interstate interlock installed in his or her nominated vehicle, the Registrar may determine that –
  - (a) the installation of the interstate interlock substantially complies with the installation requirements under regulation 26E; and
  - (b) as a result of that substantial compliance, the installation of the interstate interlock is taken to be in accordance with regulation 26E.

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- (2) Subregulation (1) does not apply to a device or system that is installed in a motor vehicle under a corresponding law if that device or system is not an interlock for the purposes of these regulations.
- (3) If –
- (a) the holder of an interstate interlock licence is issued an interlock licence under this Act; and
  - (b) that holder of an interstate interlock licence provides the Registrar with relevant interstate monitoring data in respect of the holder of the interstate interlock licence's use of an interstate interlock taken under subregulation (1) to be installed in accordance with regulation 26E; and
  - (c) the Registrar is satisfied with the relevant interstate monitoring data –

an amount of that relevant interstate monitoring data, that does not exceed 6 months of relevant interstate monitoring data, is taken to be monitoring data in respect of the period specified in regulation 26I(1)(b)(i) or regulation 26I(1)(c) for the holder of the interstate interlock licence that provided the data.

- (4) In this regulation –

*interstate interlock* means a system or device that is installed in accordance with a

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corresponding law and, once installed, only allows the engine of the motor vehicle in which it is installed to be started after the device or system –

- (a) analyses a breath sample provided by the intended driver of the motor vehicle; and
- (b) detects that the breath sample analysed contains a level of alcohol concentration below the limit set internally within the device or system;

*interstate interlock licence* means a licence issued under a corresponding law that only authorises the holder of the licence to operate, under that corresponding law, a motor vehicle installed with an interstate interlock;

*relevant interstate monitoring data* means data that has been recorded by an interstate interlock in accordance with a corresponding law.

**26P. Offences**

- (1) A person must not interfere, or cause or permit another person to interfere, with an interlock installed in a motor vehicle.

Penalty: In the case of –

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- (a) a first offence, a fine not exceeding 20 penalty units; or
  - (b) a subsequent offence, a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months, or both.
- (2) A person must not drive a motor vehicle in which an interlock is installed unless he or she is the person who provided a breath sample, or other means of testing alcohol concentration, to the interlock to enable the motor vehicle to be driven.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 20 penalty units; or
  - (b) a subsequent offence, a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months, or both.
- (3) A person must not operate an interlock if he or she is not the person who intends to drive the motor vehicle, in which the interlock is installed, once the motor vehicle is able to be driven.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 20 penalty units; or

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- (b) a subsequent offence, a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months, or both.
- (4) A person must not drive a motor vehicle with an interlock installed if he or she knows, or reasonably ought to know, that a device or system is installed in the motor vehicle, or a modification is made to the vehicle, that –
- (a) interferes, or is intended to interfere, with the operation of the interlock installed in the motor vehicle; or
- (b) enables, or is intended to enable, the normal operation of the interlock to be overridden.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 20 penalty units; or
- (b) a subsequent offence, a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months, or both.
- (5) A person who believes, on reasonable grounds, that an interlock is not operating correctly must notify the approved provider of the interlock of the defect within 24 hours of forming the belief.

Penalty: Fine not exceeding 20 penalty units.

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- (6) The holder of an interlock licence must not permit a person to remove an interlock from the authorised vehicle of the holder of the interlock licence, unless the person is an approved provider.

Penalty: Fine not exceeding 20 penalty units.

- (7) An interlock is taken to be operating correctly at the time a record is made –
- (a) unless the approved provider of the device has been notified under subregulation (5); or
  - (b) unless proven otherwise.

*Division 4 – Expiry and renewal of driver licence*

**27. Expiry of driver licence**

- (1) The last day of the term for which a driver licence is issued or renewed (the “**licence expiry date**”) is to be recorded in the driver licence register and on the driver licence.
- (2) A driver licence expires (unless renewed, cancelled or surrendered) at midnight at the end of the day recorded in the driver licence register as the licence expiry date.
- (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.

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- (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.

**28. Notice of renewal**

- (1) The Registrar may send a notice of renewal to the holder of a driver licence (other than a learner licence).
- (2) A notice of renewal –
- (a) must be addressed to the holder of the driver licence; and
  - (b) must remind the holder of the licence expiry date; and
  - (c) must warn the holder that, if the licence is not renewed on or before the licence expiry date, the licence will expire.
- (3) The Registrar's failure to send the notice, or the non-receipt of the notice, does not postpone the expiry of the driver licence or affect the obligation of the holder of the licence to ensure that the licence is renewed if he or she wishes to continue as a licensed driver.

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**29. Application for renewal of driver licence**

- (1) An application for renewal of a driver licence must –
  - (a) be made to the Registrar in a form approved by the Registrar; and
  - (b) contain the information required in the approved form; and
  - (c) be accompanied by any evidence required by the Registrar of the applicant's –
    - (i) name; and
    - (ii) date of birth and gender; and
    - (iii) residential address; and
    - (iv) eligibility to hold a driver licence of the relevant class; and
  - (d) be accompanied by the applicable scheduled fee.
- (2) The applicant must –
  - (a) submit to the taking of a photograph for inclusion on the driver licence –
    - (i) by a person authorised by the Registrar to take such photographs; or

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- (ii) under alternative arrangements acceptable to the Registrar; and
  - (b) provide a specimen signature as required by the Registrar for inclusion on the licence.
  - (3) An application for the renewal of a driver licence may be made even though the licence has already expired (but not if the licence expired more than 5 years before the date of the application).
  - (4 - 5) . . . . .

**30. Requirements by Registrar**

- (1) The Registrar may require an applicant for the renewal of a driver licence to undergo a test or assessment, or provide other evidence to the Registrar's satisfaction, that the applicant continues to be competent to drive motor vehicles of the relevant class.
- (2) The Registrar may require an applicant for the renewal of a driver licence to submit to an examination (at the applicant's own expense) by a medical practitioner or a registered health care practitioner, or to produce other evidence to the Registrar's satisfaction, that the applicant is physically and mentally fit to drive motor vehicles of the relevant class.
- (3) The Registrar may require an applicant for the renewal of a driver licence to submit to a test to

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satisfy the Registrar that the applicant has an adequate knowledge of the law governing road traffic.

- (4) The Registrar may require an applicant for the renewal of a driver licence to provide evidence, of a kind specified by the Registrar, establishing to the Registrar's satisfaction that –
  - (a) the applicant is, in other respects, a suitable person to hold a licence of the class sought by the applicant; or
  - (b) the applicant is, in other respects, eligible to hold a licence of the class sought by the applicant.
- (5) The Registrar may accept evidence obtained within or outside Tasmania for the purposes of this regulation.
- (6) The applicable scheduled fee is payable for a test or assessment required by the Registrar under this regulation.

**31. Renewal of driver licence**

- (1) If satisfied that an applicant for the renewal of a driver licence (other than a learner licence) remains eligible to hold the licence, the Registrar must renew the licence.
- (2) When the Registrar renews a driver licence, the Registrar must –

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- (a) amend the driver licence register to show the new expiry date for the licence; and
    - (b) re-issue the licence in the form of a renewed licence showing the new expiry date.
  - (3) A driver licence receipt may be issued in anticipation of the issue of the renewed driver licence.
  - (4) Subject to subregulation (5), if a driver licence, other than a learner licence, is renewed before or within 6 months after the expiry date for the licence, the period of the renewal will run, or is taken to have run, from the day after the expiry of the licence.
  - (5) If an application for renewal is made after the expiry of the driver licence, then, even though the period of renewal is taken to have run from the day after the expiry of the licence, the holder of the licence will be regarded as unlicensed from the day after the date of expiry until the date of renewal.
  - (6) If a driver licence, other than a learner licence, is renewed more than 6 months after the expiry of the licence, the period of licence renewal runs from the date of renewal.
  - (7) If a driver licence that was issued as a learner licence is renewed, the period of licence renewal runs from the date of expiry of the licence or, if that date has passed, the date of renewal.

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***Division 5 – Registrar’s powers to vary, suspend or cancel  
driver licence***

**32. Variation, suspension or cancellation of driver licence**

- (1) The Registrar may vary, suspend or cancel a person’s driver licence if –
  - (a) the person –
    - (i) has failed or refused to submit to a medical examination required by the Registrar under the Act or these regulations; or
    - (ii) has failed or refused to submit to some other test or assessment required by the Registrar under the Act or these regulations; or
    - (iii) has failed any such medical examination, test or assessment; or
  - (ab) the person has failed to comply with regulation 26B, 26C, 49 or 50 if required to do so; or
  - (b) the person cannot drive a motor vehicle of the relevant class without danger to the public because of illness or incapacity or the effects of treatment for illness or incapacity; or

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- (c) the person does not have adequate knowledge of the law governing road traffic; or
- (d) the person is not competent to drive a motor vehicle of the relevant class; or
- (e) the person is not in some other respect a suitable person to drive a motor vehicle of the relevant class; or
- (f) the person is for some reason ineligible to hold the licence; or
- (g) the person has failed to comply with requirements imposed under the law of Tasmania or another Australian jurisdiction relating to the treatment, education, assessment or rehabilitation of persons who have committed offences involving alcohol or drugs; or
- (h) the person has failed to pay a fine or other pecuniary penalty, or an instalment of a fine or other pecuniary penalty, arising out of the use of a motor vehicle in Australia; or
- (i) the person has been convicted of an offence committed outside Tasmania which, if committed within Tasmania, would have resulted in disqualification from driving or suspension or cancellation of the person's licence; or

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- (j) the person has contravened, or failed to comply with, a condition of the licence; or
  - or
  - (k) the licence was issued or renewed in error, or is incorrect in any respect; or
  - (l) a cheque submitted in payment of a scheduled fee has not been honoured on first presentation.
- (2) A variation to a driver licence under this regulation may take the form of –
- (a) the imposition of a licence condition; or
  - (b) the variation of a licence condition; or
  - (c) if the licence is in the hierarchy of licence classes, reducing the class of the licence.
- (3) The Registrar must suspend or cancel a person’s driver licence if required to do so –
- (a) by order of an Australian court; or
  - (b) under a law of Tasmania or another jurisdiction about driving while under the influence of alcohol or other drugs; or
  - (c) under any other law.
- (4) The Registrar may cancel a driver licence if the holder has surrendered the licence to the licensing authority in another jurisdiction for cancellation.

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- (5) The following decisions are not administrative decisions for the purposes of the *Vehicle and Traffic (Review of Decisions) Regulations 2010*:
- (a) a decision to vary, suspend or cancel a driver licence under subregulation (1)(ab);
  - (b) a decision to vary a driver licence by imposing an I condition on the licence.

**33. Procedures for variation, suspension or cancellation of driver licence**

- (1) If the Registrar decides to vary, suspend or cancel a person's driver licence under this Division, the Registrar must give the person written notice of –
- (a) the variation, suspension or cancellation of the licence; and
  - (b) the reasons for the variation, suspension or cancellation; and
  - (c) the date on which the variation, suspension or cancellation takes effect.
- (1A) Despite subregulation (1), if a written notice under that subregulation relates to a decision of the Registrar that is not, by virtue of regulation 32(5), an administrative decision for the purposes of the *Vehicle and Traffic (Review of Decisions) Regulations 2010*, the Registrar –

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- (a) is not required to give written notice of the reasons for the variation, suspension or cancellation under subregulation (1)(b); but
  - (b) must state in the written notice that the decision of the Registrar is not an administrative decision for the purposes of those regulations in addition to the other matters specified in subregulation (1).
- (2) If the proposed variation, suspension or cancellation is based on a default that is capable of remedy, the Registrar –
- (a) must state in the notice –
    - (i) the action that must be taken by the holder of the driver licence to avoid the variation, suspension or cancellation; and
    - (ii) the date by which the holder of the licence must take that action; and
  - (b) if satisfied that the holder of the licence has taken the necessary action by the specified date, must withdraw the notice.
- (3) The notice must also state –
- (a) in the case of a notice of variation, the effect of the variation and, if any limitation or restriction on driving will

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- result from the variation, the nature of the limitation or restriction; or
- (b) in the case of a notice of suspension, that, as from the date on which the suspension takes effect, the person will not be authorised to drive a motor vehicle on a public street for the period of suspension specified in the notice; or
  - (c) in the case of a notice of cancellation, that, as from the date on which the cancellation takes effect, the person will no longer be authorised to drive a motor vehicle on a public street.
- (4) A driver licence is varied, suspended or cancelled in accordance with the notice.
- (5) If a driver licence is suspended under this Division, the suspension terminates if –
- (a) the period of suspension stated in the notice comes to an end; or
  - (b) the Registrar terminates the suspension; or
  - (c) the licence is cancelled or expires.

***Division 6 – Surrender of driver licence***

**34. Surrender of driver licence**

- (1) The holder of a driver licence may apply to the Registrar to surrender the licence.

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- (2) The application must be accompanied by the driver licence or a statutory declaration made by the holder to the effect that the licence has been lost, stolen or destroyed.
- (3) If an application to surrender a driver licence is made in accordance with this regulation, the Registrar must accept the surrender unless action is currently being taken to suspend or cancel the licence on a ground other than that the holder of the licence is no longer physically or mentally fit to drive a motor vehicle.
- (4) On acceptance of the surrender, the driver licence is cancelled.
- (5) Subject to subregulation (6), on surrender of a driver licence, the Registrar may refund to the former holder of the licence a proportion of the fee paid for the issue or last renewal of the licence equivalent to the proportion of the licence period remaining when the surrender took effect.
- (6) The Registrar may deduct from the amount of the refund the applicable gazetted fee for making the refund and no refund is to be made if the amount of the refund does not exceed the amount of the fee.
- (7) This regulation does not apply to the surrender of an Australian driver licence issued under a corresponding law made with a view to the issue of a driver licence under these regulations.

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***Division 7 – Demerit points***

**35. Demerit points**

- (1) The offences specified in column 2 of Parts 1, 2 and 3 of Schedule 2 are prescribed for the purposes of section 20 of the Act and the demerit points applicable to each of the prescribed offences are as respectively specified for the offence in column 4 of Parts 1, 2 and 3 of that Schedule.
- (2) The legislation creating each of the prescribed offences is as specified for the offence in column 3 of Parts 1, 2 and 3 of Schedule 2.
- (3) . . . . .

***Division 8 – Miscellaneous***

**36. Notification of change of circumstances**

- (1) The holder of a driver licence must, within 14 days after the change, notify the Registrar of any change in the holder's –
  - (a) name; or
  - (b) residential address; or
  - (c) address for the service of notices.

Penalty: Fine not exceeding 5 penalty units.

- (2) The holder of a driver licence who notifies a change of name under this regulation must, at

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the Registrar's request, provide the Registrar with evidence of the change of name required by the Registrar.

- (3) A new residential address notified under this regulation must be an address in Tasmania at which the Registrar may ordinarily make personal contact with the person.
- (4) If there is no postal service to a new residential address, the holder of the driver licence must provide a postal address for the service of notices.
- (5) If, on notification of a new address, the Registrar issues a sticker showing the new address for attachment to the driver licence, the holder of the licence must, as soon as practicable, attach the sticker to the licence and keep it so attached in accordance with the Registrar's instructions.

Penalty: Fine not exceeding 2 penalty units.

- (6) The holder of a driver licence must, as soon as practicable, notify the Registrar of –
  - (a) any permanent or long-term injury or illness that may impair his or her ability to drive safely; or
  - (b) any deterioration of physical or mental condition (including a deterioration of eyesight) that may impair his or her ability to drive safely; or

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- (c) any other factor related to physical or mental health that may impair his or her ability to drive safely.

Penalty: Fine not exceeding 10 penalty units.

- (7) Unless the Registrar requires written notification, the notification need not be in writing.

**37. Exemptions from requirement to hold driver licence**

- (1) The following classes of drivers are exempt from the requirement to hold a driver licence of the classes or types specified when driving the motor vehicle specified on a public street:
  - (a) the holder of a car licence (other than a learner licence) is exempt from holding a heavy vehicle licence when driving an agricultural vehicle, plant machinery or implement;
  - (b) a person aged 16 years or more who holds a learner licence for a car is exempt from holding a licence of the relevant class to drive a farm tractor if –
    - (i) the GVM of the farm tractor does not exceed 15 tonnes; and
    - (ii) the farm tractor is not driven on a public street more than 10 kilometres from the farm on which it is mainly used;

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- (c) a member of the immediate family of a member of the Australian Armed Forces who resides with that member and who holds an Australian driver licence of a particular class issued under a corresponding law is exempt from holding a driver licence of the same class;
  - (d) a consular official who holds a foreign driver licence of a particular class is exempt from holding a driver licence of the same class;
  - (e) a member of the immediate family of a consular official who resides with the official and holds a foreign driver licence of a particular class is exempt from holding a driver licence of the same class.
- (2) An exemption under this regulation does not operate in favour of a person who would, but for this subregulation, have the benefit of the exemption while that person is in breach of a condition of the exemption.
- (3) In this regulation –
- agricultural vehicle*** includes a vehicle constructed primarily to perform agricultural tasks, such as a tractor or harvester;
- farm tractor*** means a tractor that is being used for farming, dairying, pastoral or

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horticultural purposes, and that does not form part of an articulated vehicle;

*implement* includes a motor vehicle that comprises an excavator, road grader, road roller, bulldozer, forklift truck or other machinery or apparatus and that is not constructed on the chassis of a type normally used in the construction of a truck;

*plant machinery* includes a tractor (other than a farm tractor), road construction vehicle and earth-moving machine that is not constructed on the chassis of a type normally used in the construction of a truck.

**37A. Exemption from requirement to hold motorcycle licence**

- (1) A person is exempt from the requirement to hold a motorcycle licence when driving a motor trike, if the person –
  - (a) holds a full car licence and has held that licence for a continuous period of at least 3 years; and
  - (b) completes any training or assessment required by the Registrar in respect of the exemption; and

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- (c) has a medical certificate that certifies that the person is physically unable to drive a motor bike due to –
    - (i) the loss, or the permanent deprivation, of an arm, leg, hand or foot; or
    - (ii) a total and permanent incapacity; and
  - (d) before he or she drives a motor trike under the benefit of an exemption under this subregulation, has provided to the Registrar –
    - (i) written notification that he or she intends to drive a motor trike under the exemption; and
    - (ii) a copy of the medical certificate referred to in paragraph (c).
- (2) The holder of a full car licence is exempt from the requirement to hold a motorcycle licence, or a learner motor cycle licence, when driving a motor trike if the holder of the full car licence is participating in training or assessment required by the Registrar, under subregulation (1)(b).
- (3) An exemption under this regulation does not operate in favour of a person who would, but for this subregulation, have the benefit of the exemption while that person is in breach of a condition of the exemption.

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- (4) Without limiting the generality of regulation 24, a condition referred to in subregulation (3) may include that only the motor trike, or class of motor trike, specified in the condition is to be driven under an exemption under this regulation.
- (5) In this regulation –
- full car licence* means an Australian driver licence that –
- (a) authorises the holder to operate a motor vehicle other than a motorcycle or motor trike; and
  - (b) is neither a learner licence nor a provisional licence.

**37B. Exemption from requirement to hold driver licence while operating self-propelled personal transportation device**

- (1) A person is exempt from the requirement to hold a driver licence when driving a self-propelled personal transportation device on a public street.
- (2) An exemption under this regulation does not operate in favour of a person who would, but for this subregulation, have the benefit of the exemption while that person is in breach of a condition of the exemption.
- (3) In this regulation –

*self-propelled personal transportation device* means a two-wheeled, self-balancing,

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battery-powered personal transportation device for which a short term unregistered vehicle permit is in force authorising its use on a public street.

**38. Interstate and international drivers**

- (1) A person is not entitled to a visitor's exemption if –
  - (a) the person is currently disqualified from driving by order of an Australian court, by the operation of an automatic statutory penalty or under the law of a foreign country; or
  - (b) the person's licence to drive is under suspension under the law of another Australian jurisdiction or a foreign country in which it was issued.
- (2) A person ceases to be entitled to a visitor's exemption if –
  - (a) in the case of a person who holds an Australian driver licence issued under a corresponding law or a foreign driver licence issued under the law of New Zealand, the person has resided in Tasmania for a continuous period of 3 months or a longer period determined by the Registrar (but this paragraph does not apply to a person who holds a valid Driver Identification Document issued by the Department of Defence); or

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- (b) in the case of an international visitor (other than one ordinarily resident in New Zealand), the person has held a permanent visa under the *Migration Act 1958* of the Commonwealth for more than 3 months or a longer period determined by the Registrar; or
  - (c) in the case of an international visitor, 4 or more demerit points are recorded against the visitor in respect of offences committed within a period of 12 months or less and the Registrar terminates the exemption on that ground; or
  - (ca) the person is issued with a driver licence under the Act; or
  - (cb) the Registrar has refused to issue a driver licence to the person under the Act, for any reason, including that the person is not competent to drive a motor vehicle of the relevant class; or
  - (d) the Registrar terminates the exemption because, in the Registrar's reasonable opinion, grounds exist that would, assuming the visitor's exemption were a driver licence, be sufficient grounds for suspending or cancelling the licence.
- (3) If the Registrar terminates an exemption under subregulation (2)(c), (cb) or (d), the Registrar must give the person in whose favour the exemption operated a written notice stating –

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- (a) that the exemption is terminated as from the date of the service of the notice or a later date stated in the notice; and
  - (b) that, as from the date of termination of the exemption, the person –
    - (i) is no longer exempt from the requirement to hold a driver licence in Tasmania; and
    - (ii) must not drive a motor vehicle on a public street in Tasmania; and
  - (c) the reasons for termination of the exemption; and
  - (d) any action that may be taken by the person in order to regain the exemption; and
  - (e) the date by which the person must take that action.
- (4) In this regulation –

*visitor's exemption* means an exemption from the requirement to hold a driver licence in favour of a person who holds an Australian driver licence issued under a corresponding law or a foreign driver licence.

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**PART 3 – ANCILLARY CERTIFICATES**

*Division 1 – Ancillary certificates generally*

**39. Ancillary certificates**

- (1) An ancillary certificate is an adjunct to an Australian driver licence (in this Part referred to as the “**primary licence**”).
- (2) The regulations about –
  - (a) the issue of driver licences; and
  - (b) the conditions of driver licences; and
  - (c) the expiry of driver licences; and
  - (d) the renewal of driver licences; and
  - (e) the variation, suspension or cancellation of driver licences; and
  - (f) the recording of information in the driver licence register about driver licences and the holders of driver licences; and
  - (g) the surrender of driver licences; and
  - (h) the notification of changes of circumstances by the holder of a driver licence –

apply to, and in relation to, an ancillary certificate, subject to the provisions of this Part, as if it were a driver licence.

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**40. Term of ancillary certificate**

An ancillary certificate is to be issued for a term determined by the Registrar to be appropriate to the type of certificate.

**41. Form, &., of ancillary certificate**

- (1) An ancillary certificate is to be in a form determined by the Registrar.
- (2) The holding of an ancillary certificate may be shown on a driver licence by means of a code determined by the Registrar.

**42. Issue of identification card**

- (1) When the Registrar issues an ancillary certificate –
  - (a) the Registrar must, if the ancillary certificate authorises the holder to provide driving instruction, also issue an identification card in a form determined by the Registrar; and
  - (b) the Registrar may issue an identification card in a form determined by the Registrar in any other case.
- (2) The holder of an ancillary certificate to whom an identification card has been issued must, while driving or using a motor vehicle under the authority of the ancillary certificate, keep the identification card displayed in the vehicle so

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that it is clearly visible to the driver and any person sitting in the same general transverse plane as the driver.

Penalty: Fine not exceeding 10 penalty units.

**43. Suspension or cancellation of primary licence or ancillary certificate**

- (1) If the primary licence is suspended or cancelled, the ancillary certificate is also suspended or cancelled.
- (2) An ancillary certificate may be suspended or cancelled independently of the primary licence.
- (3) Without limiting the grounds on which an ancillary certificate may be suspended or cancelled apart from this subregulation, an ancillary certificate may be suspended or cancelled on the ground that –
  - (a) the holder has failed to successfully complete a training course as required by the conditions of the certificate; or
  - (b) the holder is not in some other respect a suitable person to hold an ancillary certificate.

**44. Surrender of primary licence or ancillary certificate**

- (1) If the primary licence is surrendered, the ancillary certificate is cancelled.

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- (2) An ancillary certificate may be surrendered independently of the primary licence.

***Division 2 – Ancillary certificates in driving instruction***

**45. Eligibility to hold ancillary certificate in driving instruction**

- (1) A person is eligible to hold an ancillary certificate authorising the holder to provide driving instruction in the driving of a particular class of motor vehicle if the person –
- (a) has held an Australian driver licence (other than a learner licence or a provisional licence) authorising the person to drive motor vehicles –
    - (i) for an aggregate period of at least 3 years; and
    - (ii) for at least 12 months in the previous period of 3 years; and
  - (b) holds a current Australian driver licence to drive motor vehicles; and
  - (c) has reached the age of 21 years; and
  - (d) has the knowledge and experience necessary to provide instruction in the driving of motor vehicles of the relevant class; and

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- (e) is in other respects a suitable person to provide instruction in the driving of motor vehicles of the relevant class.
- (2) In calculating the period for which a person has held an Australian driver licence –
- (a) the Registrar must exclude any period for which –
- (i) the person has been disqualified from driving by an Australian court or by the operation of an automatic statutory penalty; or
- (ii) the licence has been suspended; and
- (b) if the person has held a licence to drive a motor vehicle in an external territory or foreign country, the Registrar may take into account the period (or some of the period) as if the licence had been an Australian driver licence.
- (3) The Registrar may require an applicant for an ancillary certificate in driving instruction to undergo a test or assessment, or provide other evidence to the Registrar's satisfaction, of the applicant's competence and suitability to provide instruction in driving motor vehicles of the class for which the certificate is sought.
- (4) The Registrar may also require an applicant for an ancillary certificate in driving instruction to

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successfully complete all or part of a training course specified by the Registrar.

- (5) Where the Registrar requires an applicant for an ancillary certificate in driving instruction to successfully complete part of a training course, the conditions (if any) of the certificate (if issued) may provide that the holder must successfully complete the remainder of the course within a specified time.
- (6) The conditions (if any) of an ancillary certificate in driving instruction may provide that the holder must periodically satisfy the Registrar, through the successful completion of specified training courses or other means, of the holder's continuing competence and suitability to provide instruction in driving motor vehicles of the class for which the certificate is sought.

**46. Requirements for motor vehicles used in driving instruction**

- (1) For the purposes of section 14(4) of the Act, the requirements are as follows –
  - (a) there must be a certificate of roadworthiness in force in relation to the vehicle;
  - (b) the vehicle must be fitted with dual controls in such a way that the controls are not likely to be operated accidentally by a person seated in the same general

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transverse plane as the driver of the vehicle.

- (2) Subregulation (1) does not apply if the vehicle is provided by the person under instruction.
- (3) Subregulation (1)(b) does not apply if –
  - (a) the GVM of the vehicle exceeds 4.5 tonnes; or
  - (b) the vehicle has seating for more than 12 adults (including the driver).
- (4) A certificate of roadworthiness –
  - (a) is a certificate issued by the Registrar, or a person approved by the Registrar, certifying that a motor vehicle is roadworthy and fit to be used for providing driving instruction; and
  - (b) is to be issued, in a form approved by the Registrar, for a term of 12 months; and
  - (c) may be cancelled by the Registrar, by written notice given to the registered operator of the motor vehicle, if the Registrar has reason to believe that the vehicle is no longer roadworthy.
- (5) In this regulation –

***dual controls***, in relation to a motor vehicle, means duplicate pedals for the footbrake and, if the vehicle has a manual transmission, the clutch, fitted so that an

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instructor seated in the same general transverse plane as the driver may operate the footbrake readily and effectively and disengage the transmission of the vehicle.

***Division 3 – Ancillary certificates to drive public passenger vehicles***

**47. Eligibility to hold ancillary certificate to drive public passenger vehicle**

- (1) A person is eligible to hold an ancillary certificate authorising the holder to drive public passenger vehicles of a particular class if the person –
  - (a) holds an Australian driver licence (other than a learner licence) authorising the person to drive motor vehicles of the relevant class; and
  - (b) has –
    - (i) reached the age of 20 years and has held an Australian driver licence (other than a learner licence) authorising the holder to drive motor vehicles for at least 2 years during the previous 3 years; or
    - (ii) reached the age of 21 years and has held an Australian driver licence (other than a learner

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- licence) authorising the holder to drive motor vehicles for at least 12 months during the previous 3 years; and
- (c) is in other respects a suitable person to drive public passenger vehicles of the relevant class.
- (2) In calculating the period for which a person has held an Australian driver licence –
- (a) the Registrar must exclude any period for which –
- (i) the person has been disqualified from driving by an Australian court or by the operation of an automatic statutory penalty; or
- (ii) the licence has been suspended; and
- (b) if the person has held a licence to drive a motor vehicle in an external territory or foreign country, the Registrar may take into account the period (or some of the period) as if the licence had been an Australian driver licence.
- (3) Before the Registrar grants an application for an ancillary certificate authorising the holder to drive public passenger vehicles of a particular class, the Registrar may require the applicant to comply with either or both of the following requirements:

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- (a) to undergo a test or assessment, or provide other evidence to the Registrar's satisfaction, showing that the applicant is a suitable person to drive public passenger vehicles of the class or classes for which the certificate is sought;
- (b) to undergo a specified course of instruction and provide evidence of the successful completion of the course.

48. . . . .

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**PART 4 – DOCUMENT OBLIGATIONS**

**49. Return of driver licence or ancillary certificate on suspension or cancellation**

- (1) The holder (or former holder) of a driver licence or an ancillary certificate must, within 21 days after the service of a notice of suspension or cancellation, return the licence or ancillary certificate to the Registrar.

Penalty: Fine not exceeding 10 penalty units.

- (2) If a restricted driver licence is revoked by order of a court, the former holder must, within 21 days after the date of the order, return the restricted driver licence, together with any related ancillary certificate, to the Registrar.

Penalty: Fine not exceeding 10 penalty units.

- (3) The holder (or former holder) of a driver licence must, within 21 days after being disqualified from driving by a court or by the operation of an automatic statutory penalty, return the licence, together with any related ancillary certificate, to the Registrar.

Penalty: Fine not exceeding 10 penalty units.

- (4) A person is not in breach of a requirement to return a driver licence or an ancillary certificate under this regulation –

- (a) if within the time allowed for compliance with the requirement the person produces

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evidence to the Registrar's satisfaction that the licence or ancillary certificate has been lost, stolen or destroyed; or

(b) if the Registrar waives compliance with the requirement.

- (5) The Registrar is under no obligation to return a driver licence or an ancillary certificate returned to the Registrar under this regulation unless the licence or ancillary certificate was suspended and the period of suspension has come to an end.

**50. Return of driver licence or ancillary certificate on variation**

- (1) The holder of a driver licence or an ancillary certificate must, as required under subregulation (2), return the licence or ancillary certificate to the Registrar for endorsement or replacement if –

(a) the conditions of the licence or ancillary certificate are changed by the Registrar or by order of a court; or

(b) any information included in the licence or ancillary certificate needs, in the Registrar's opinion, to be corrected or changed.

Penalty: Fine not exceeding 10 penalty units.

- (2) The driver licence or ancillary certificate is to be returned within 21 days after the service of –

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- (a) a notice of variation of the licence or ancillary certificate; or
  - (b) the Registrar's written request for return of the licence or ancillary certificate for endorsement or replacement.
- (3) A person is not in breach of a requirement to return a driver licence or an ancillary certificate under this regulation –
- (a) if within the time allowed for compliance with the requirement the person produces evidence to the Registrar's satisfaction that the licence or ancillary certificate has been lost, stolen or destroyed; or
  - (b) if the Registrar waives compliance with the requirement.

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**PART 5 – REGISTRATION OF MOTOR VEHICLES  
AND TRAILERS**

*Division 1 – Eligibility for registration*

**51. Eligibility to be registered operator**

- (1) Any of the following is eligible to be the registered operator of a motor vehicle or a trailer:
  - (a) a natural person who has reached the necessary age;
  - (b) a body corporate;
  - (c) a government department or State authority within the meaning of the *State Service Act 2000*.
  
- (2) The following restrictions apply in relation to registered operators:
  - (a) a body corporate may only be the registered operator of a motor vehicle or a trailer if it is to be the sole registered operator of the vehicle;
  - (b) a natural person may only be the registered operator of a heavy vehicle if the person is to be the sole registered operator of the vehicle;
  - (c) a natural person may be the registered operator of a light vehicle if the person is to be the sole registered operator of the

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vehicle or the person is to be the registered operator of the vehicle together with one other natural person.

- (3) A person is not to be recorded as the registered operator of a motor vehicle or a trailer under a business name.
- (4) The necessary age is –
  - (a) for the registered operator of a heavy vehicle, 18 years; or
  - (b) for the registered operator of any other vehicle, 16 years.

**52. Eligibility for registration of motor vehicles or trailers**

- (1) A motor vehicle or a trailer is eligible for registration if –
  - (a) the vehicle is roadworthy and complies with the relevant vehicle standards; and
  - (aa) in the case of a vehicle that has been modified, a modification plate has been issued in relation to each modification made to the vehicle; and
  - (b) the garage address of the vehicle is, or is to be, in Tasmania; and
  - (ba) there is no offensive advertising notice in relation to the vehicle; and

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- (c) a person who is eligible to be the registered operator of the vehicle has accepted or is willing to accept responsibility for the vehicle.
- (2) A motor vehicle or a trailer that would be eligible for registration under subregulation (1) but for non-compliance with a relevant vehicle standard may be regarded as eligible for conditional registration if the Registrar is satisfied that the non-compliance can be adequately dealt with by registering the vehicle on appropriate conditions.
- (3) . . . . .

**53. Discretionary registration**

Notwithstanding regulation 52, the Registrar may determine that a vehicle that does not meet the relevant vehicle standards or dimensions is eligible for registration.

**54. Compliance with relevant vehicle standards**

- (1) The Registrar may accept as evidence that a motor vehicle or a trailer complies with the relevant vehicle standards –
  - (a) an identification plate relating to the vehicle; or
  - (b) a certificate to that effect issued by the manufacturer of the vehicle or another

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person whose qualification to issue the certificate is recognised by the Registrar.

- (2) The Registrar may accept a modification plate issued in respect of a modification of a motor vehicle, or a trailer, as evidence that the modification complies with the relevant vehicle standards or is otherwise acceptable.
- (3) In the absence of satisfactory evidence under subregulation (1) or (2), an authorised officer or some other person approved by the Registrar may do either or both of the following:
  - (a) inspect the vehicle and, if satisfied that it complies with the relevant vehicle standards or the modification specifications, issue a certificate to that effect;
  - (b) inspect the modification and, if satisfied that it complies with the relevant vehicle standards or the modification specifications, issue a certificate, and modification plate, to that effect.
- (4) For the avoidance of doubt, an inspection under this regulation is an inspection to which section 58A of the Act applies.

**55. Identification numbers**

- (1) If a motor vehicle or a trailer does not have an identification number, or its identification number appears to have been altered or defaced,

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an applicant for registration or the registered operator must, if the Registrar so requires, stamp or display a new identification number, specified by the Registrar, in accordance with requirements specified by the Registrar.

Penalty: Fine not exceeding 10 penalty units.

- (2) If the identification number is the same as for another vehicle, an applicant for registration or the registered operator must, if the Registrar so requires, overstrike the existing identification number and stamp or display a new identification number, specified by the Registrar, in accordance with requirements specified by the Registrar.

Penalty: Fine not exceeding 10 penalty units.

- (3) If an identification number is altered or defaced without the Registrar's written approval, the registered operator of the vehicle must, within 14 days after the alteration or defacement, give the Registrar written notice of the alteration or defacement.

Penalty: Fine not exceeding 10 penalty units.

***Division 2 – Application for registration***

**56. Application for registration**

- (1) An application for registration of a motor vehicle or a trailer –

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- (a) must be made to the Registrar in a form approved by the Registrar by or on behalf of the proposed registered operator; and
  - (b) must state the proposed registered operator's name and residential address; and
  - (c) if there is no postal service to the proposed registered operator's residential address, must state a postal address for the service of notices; and
  - (d) must state the proposed garage address for the vehicle; and
  - (e) must state the period for which registration is sought; and
  - (f) in a case where the registration payment is affected by the configuration in which the vehicle is operated, must nominate the configuration in which the vehicle is to be operated; and
  - (g) must contain the other information required in the approved form and be accompanied by any documents or other materials required in the form; and
  - (h) must be accompanied by the appropriate registration payment.
- (2) The Registrar may require the applicant –

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- (a) to provide further information to assist in the determination of the application; or
- (b) to provide to the Registrar's satisfaction –
  - (i) evidence that the vehicle is eligible for registration; and
  - (ii) evidence verifying information provided in, or in relation to, the application.
- (3) An applicant must, if the Registrar so requires, produce the vehicle for inspection at a time and place nominated by the Registrar.

**57. Registration of motor vehicles and trailers**

- (1) The Registrar must register a motor vehicle or a trailer if satisfied, on an application for registration, that the vehicle is eligible for registration and the proposed registered operator is eligible to become the registered operator of the vehicle.
- (2) Despite subregulation (1), the Registrar may refuse to register a vehicle if the Registrar reasonably believes that –
  - (a) the vehicle has been registered in another State or a Territory, the registration in that State or Territory has been cancelled or suspended and the reasons for the cancellation or suspension still exist; or

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- (b) the vehicle or a part of the vehicle may have been stolen; or
  - (c) subject to subregulations (3) and (4), the identification number or vehicle identifier of the vehicle is the same as the identification number or vehicle identifier of a vehicle that –
    - (i) has been entered in the written-off vehicles register; or
    - (ii) has been entered in an interstate written-off vehicles register as a statutory write-off; or
  - (d) information given in or in relation to the application for registration is false or misleading; or
  - (e) a default has occurred in payment of a fine or other pecuniary penalty (or an instalment of a fine or other pecuniary penalty) arising out of the use of the vehicle in Australia; or
  - (f) the applicant has outstanding monetary liabilities to the Registrar or the Crown relating to the vehicle; or
  - (g) the applicant has failed to comply with a requirement imposed by or under the Act or these regulations in relation to registration of the vehicle.

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- (3) The Registrar may not refuse to register a vehicle under subregulation (2)(c)(i) if –
- (a) the identification number or vehicle identifier of that vehicle was entered in the written-off vehicles register because the vehicle to which the identification number or vehicle identifier belonged was stolen; and
  - (b) the Registrar is satisfied that –
    - (i) the stolen vehicle was lawfully recovered; and
    - (ii) the vehicle to be registered is that recovered stolen vehicle; and
    - (iii) the vehicle is not otherwise a statutory write-off or a repairable write-off.
- (4) The Registrar may not refuse to register a vehicle under subregulation (2)(c)(i) if –
- (a) the identification number or vehicle identifier of that vehicle was entered in the written-off vehicles register because the vehicle to which the identification number or vehicle identifier belonged was a repairable write-off; and
  - (b) the Registrar is satisfied that the vehicle to be registered –
    - (i) is that repairable write-off; and

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- (ii) has been repaired so that it is roadworthy and complies with the relevant vehicle standards.
- (5) The Registrar must refuse to register a vehicle if the Registrar is satisfied that there is an offensive advertising notice in relation to the vehicle.
- (6) The registration, or renewal of the registration, of a motor vehicle or a trailer takes effect on a date recorded in the register of motor vehicles and trailers (which may be earlier than the date on which the application for registration or renewal of registration is decided but cannot be earlier than the date on which the registration payment is received by the Registrar).
- (7) In this regulation –
  - interstate written-off vehicles register* means a register kept under a law of another State or a Territory that corresponds to the register kept under regulation 124(1)(a)(iv).

**58. Registration period**

- (1) The registration of a motor vehicle or a trailer is to remain in force, subject to suspension, surrender or cancellation under these regulations, for a period fixed by the Registrar when granting or renewing the registration.
- (2) As a general rule –

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- (a) the registration period for a heavy vehicle is to be 3 months, 6 months or 12 months; or
  - (b) the registration period for a light vehicle is to be 6 months or 12 months.
- (3) The Registrar may make an exception from the general rule –
  - (a) to allow for seasonal registration (for 3 months or 6 months) of a vehicle of a class for which the Registrar has determined that seasonal registration is appropriate; or
  - (b) to allow for a common expiry date for all vehicles comprising a fleet of 2 or more vehicles registered in the name of the same registered operator; or
  - (c) if there is some other special reason for departing from the general rule.
- (4) Nothing in this regulation requires the Registrar to make an exception to the general rule unless the Registrar considers the exception appropriate and, conversely, nothing in this regulation prevents the Registrar from making an exception to the general rule if the Registrar considers the exception appropriate.

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**59. Conditional registration**

- (1) The Registrar may register a motor vehicle or a trailer on conditions regulating the operation or use of the vehicle, and on other conditions the Registrar considers appropriate.
- (2) Conditions may be imposed –
  - (a) because the vehicle does not comply with the relevant vehicle standards; or
  - (b) for any other reason that justifies, in the Registrar’s opinion, the imposition of conditions.
- (3) In determining conditions to be imposed on the registration of a vehicle that does not comply with the relevant vehicle standards, the Registrar must take into account the nature and extent of any failure to meet those standards.
- (4) The Registrar may, by written notice given to the registered operator, vary or revoke a condition of registration.
- (5) The Registrar may, by written notice to the registered operator of a vehicle that is conditionally registered, require the registered operator to comply with one or more of the following requirements:
  - (a) to install and keep installed on the vehicle a plate (an “**operations plate**”) indicating –

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- (i) any deficiencies in the vehicle’s operating characteristics; and
  - (ii) any conditions imposed by the Registrar on the vehicle’s registration;
- (b) to ensure that a certificate issued by the Registrar (a “**certificate of approved operations**”) is carried at all times in the vehicle when it is used on public streets indicating –
  - (i) any deficiencies in the vehicle’s operating characteristics; and
  - (ii) any conditions imposed by the Registrar on the vehicle’s registration.
- (6) The registered operator must not, without reasonable excuse, fail to comply with a requirement imposed by the Registrar under subregulation (5).

Penalty: Fine not exceeding 15 penalty units.

**60. Recording of registration**

- (1) On registering a motor vehicle or a trailer –
  - (a) the Registrar must record in the register of motor vehicles and trailers –
    - (i) the registered operator’s name; and

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- (ii) the registered operator's residential address; and
  - (iii) if there is no postal service to the registered operator's residential address, a postal address for the service of notices; and
  - (iv) the vehicle's registration number; and
  - (v) the vehicle's make; and
  - (vi) the vehicle's body type; and
  - (vii) the vehicle's VIN or, if there is no VIN, the chassis number and the engine number (if the vehicle is a motor vehicle); and
  - (viii) the vehicle's GVM (if applicable) and GCM (if applicable); and
  - (ix) the vehicle's garage address; and
  - (x) if the vehicle is conditionally registered, the conditions of registration; and
  - (xi) the expiry date of the registration period or, in the case of seasonal registration, the commencement date and the expiry date of the registration period; and
  - (xii) in the case of a motor vehicle that is a heavy vehicle, the nominated

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- configuration in which the  
vehicle is to be operated; and
- (xiii) in the case of a heavy vehicle, the  
heavy vehicle charging category.
- (2) The Registrar may record other information in the register of motor vehicles and trailers –
- (a) for the purposes of the Act or any other  
Act; or
- (b) for other purposes the Registrar  
considers appropriate.
- (3) The Registrar must record in the register of motor vehicles and trailers –
- (a) any renewal of registration; and
- (b) any other change, of which the Registrar  
has been notified, relating to matters  
about which information is recorded in  
the register.
- (4) The Registrar must ensure that the register of motor vehicles and trailers contains details of all vehicles that are currently registered or have been registered within the previous 2 years.

**61. Issue of certificate of registration**

The Registrar must issue to the registered operator of a motor vehicle or a trailer, for each registration period, a certificate of registration for the vehicle containing –

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- (a) the following information:
- (i) the registered operator's name;
  - (ii) the registered operator's residential address;
  - (iii) if there is no postal service to the registered operator's residential address – a postal address for the service of notices;
  - (iv) the vehicle's registration number;
  - (v) the vehicle's make;
  - (vi) the vehicle's body type;
  - (vii) the vehicle's VIN, or if there is no VIN, the chassis number and the engine number (if the vehicle is a motor vehicle);
  - (viii) the vehicle's GVM (if applicable) and GCM (if applicable);
  - (ix) the vehicle's garage address;
  - (x) if the vehicle is conditionally registered, a code for the relevant condition;
  - (xi) the expiry date of the registration period or, in the case of seasonal registration, the commencement date and the expiry date of the registration period;

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- (xii) in the case of a motor vehicle that is a heavy vehicle, the nominated configuration in which the vehicle is to be operated;
  - (xiii) in the case of a heavy vehicle, the heavy vehicle charging category; and
- (b) any other information the Registrar considers appropriate.

**62. Issue of registration number and number plates**

- (1) On registering a motor vehicle or a trailer, the Registrar must assign a distinguishing registration number to the vehicle.
- (2) The Registrar may, on renewing the registration of a motor vehicle or a trailer, or at any other time, by written notice to the registered operator, withdraw the distinguishing number assigned to the vehicle and assign a new distinguishing registration number.
- (3) The Registrar may enter into an agreement with a person who operates or proposes to operate a particular vehicle or vehicles providing that the Registrar will, for a specified consideration, assign a registration number or numbers, in a specified form, to the vehicle or vehicles (and such an agreement may exclude an applicable scheduled fee for issuing a number plate).

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- (4) For each registered motor vehicle or trailer, the Registrar must issue one or more number plates (as may be appropriate to the vehicle) bearing the registration number assigned to the vehicle.
- (5) The Registrar may, on receipt of an application by the registered operator of a motor vehicle (other than a motor cycle) or a trailer, accompanied by the applicable scheduled fee, issue a bicycle rack number plate for the vehicle.

**63. Obligation to display number plate**

- (1) The registered operator of a registered motor vehicle or trailer must ensure that, within 7 days after the Registrar issues a number plate or number plates for the vehicle, the number plate or plates are permanently affixed to the vehicle so that (assuming the vehicle to be on level ground) the following requirements are complied with as far as practicable given the design and construction of the vehicle:
  - (a) the number plate (or each of the number plates) must be at all times –
    - (i) in an upright position parallel to the vehicle's axles; and
    - (ii) not more than 1.3 metres above ground level;
  - (b) the registration number on the number plate (or each of the number plates) must be clearly visible from a distance of 20

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metres at any point within an arc of 45 degrees from the surface of the number plate above or to either side of the vehicle;

- (c) in the case of a motor vehicle (other than a motor cycle), one number plate must be affixed to the front of the vehicle and another to its rear;
- (d) in the case of a motor cycle, or a trailer that is a heavy vehicle, the number plate must be affixed to its rear;
- (e) in the case of a trailer that is a light vehicle, the number plate must be affixed at or near its rear.

Penalty: Fine not exceeding 10 penalty units.

- (2) The registered operator of a motor vehicle or a trailer must ensure –
  - (a) that any cover on a number plate –
    - (i) is clear, clean, untinted and flat over its entire surface; and
    - (ii) has no reflective or other characteristics that would prevent the production of a clear photograph of the number plate by a photographic detection device; and
  - (b) that –

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- (i) no object (other than a trailer to which an unobscured number plate is correctly affixed) over or in the vicinity of a number plate obscures or reduces the visibility of the number plate; and
  - (ii) a number plate has no reflective or other characteristics that would prevent the production of a clear photograph of the number plate by a photographic detection device.

Penalty: Fine not exceeding 10 penalty units.

- (3) A person must not apply a substance to a number plate if the substance would prevent the production of a clear photograph of the number plate by a photographic detection device.

Penalty: Fine not exceeding 20 penalty units.

- (4) A person must not use, or permit the use of, a motor vehicle or a trailer on a public street unless –
  - (a) the number plate or number plates issued for the vehicle under these regulations (and no other number plate or number plates) are affixed and displayed as required by this regulation; or
  - (b) the other requirements of this regulation with regard to number plates are complied with –

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but a bicycle rack number plate need not be affixed and displayed unless the bicycle rack or other equipment or object to which it is to be affixed is attached to the vehicle.

Penalty: Fine not exceeding 10 penalty units.

- (5) It is a defence to a charge of an offence against subregulation (4) to prove that the circumstances out of which the charge arose occurred as a result of an accident and the defendant could not, in the circumstances, be reasonably expected to have remedied the non-compliance by the time of the alleged offence.
- (6) If the Registrar issues a bicycle rack number plate, a person must not display the number plate on a vehicle unless it is affixed to a bicycle rack or some other removable equipment or object in accordance with the terms on which the number plate was issued.
- (7) A person may be charged with, found guilty and convicted of an offence under subregulation (4) whether or not the relevant motor vehicle or trailer was registered at the time of the offence.

**63A. Registrar may require return of number plates**

- (1) This regulation applies if the Registrar –
  - (a) considers that the registration number on a number plate –

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- (i) may be mistaken for another registration number; or
    - (ii) is offensive; or
    - (iii) is otherwise inappropriate for display; or
    - (iv) is prohibited under any Act; or
  - (b) changes the specifications to which a number plate for a vehicle is manufactured; or
  - (c) believes that a number plate –
    - (i) has been issued in error; or
    - (ii) has not been lawfully acquired, or was acquired by fraud, misrepresentation or other dishonest means.
- (2) The Registrar, by written notice to the holder of a number plate, may require the holder of the number plate to return to the Registrar the number plate specified in the notice.
- (3) A notice under subregulation (2) is to state –
- (a) the registration number of the number plate to be returned; and
  - (b) the Registrar’s reason for requiring the number plate to be returned; and

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- (c) the day on which the number plate ceases to be a valid number plate; and
  - (d) the period during which the number plate must be returned; and
  - (e) whether the Registrar intends –
    - (i) to exchange the number plate for another number plate; or
    - (ii) to refund any fee paid for the issue of the number plate to the holder of the number plate rather than replacing the number plate in any way; or
    - (iii) to negotiate an agreement with the holder of the number plate as to whether the number plate is to be exchanged, or the fee refunded, or such other compensation as may be agreed by the parties.
- (4) The holder of a number plate who is given notice by the Registrar under subregulation (2) must return the number plate specified in that notice to the Registrar within the period specified in the notice.
- Penalty: Fine not exceeding 20 penalty units.
- (5) The holder of a number plate is not required to return a number plate under subregulation (4) if, within the period specified in the notice under

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subregulation (2), the person produces evidence to the Registrar's satisfaction that the number plate has been lost, stolen or destroyed.

- (6) If a personalised number plate is required to be returned under subregulation (2), the rights to the specific registration number on that number plate are terminated –
  - (a) on the date specified in the notice under subregulation (2); or
  - (b) if no date is specified in the notice under subregulation (2), on the return of that number plate.

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***Division 2A – Issue of specific registration numbers***

**65A. Specific registration numbers**

- (1) A person may apply to the Registrar to be assigned the rights to a specific registration number.
- (2) An application for assigning the rights to a specific registration number –
  - (a) must be made to the Registrar in a form approved by the Registrar; and
  - (b) must contain the information required in the approved form and be accompanied

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- by the documents or other materials required in the form; and
- (c) must state –
- (i) whether the personalised number plate bearing the specific registration number is to be attached to a vehicle once the personalised number plate is issued; and
  - (ii) the details, as required by the Registrar, of the vehicle nominated; and
- (d) must be accompanied by the applicable fee.
- (3) The fee payable for assigning the rights to a specific registration number is –
- (a) the fee specified by the organisation that has a contract with the Department to provide the personalised number plate which is to bear the specific registration number; or
  - (b) if the rights to a specific registration number are sold at auction before a personalised number plate bearing the specific registration number is issued, the auction sale amount, providing that sale amount is acceptable to the Registrar; or

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- (c) if paragraphs (a) and (b) do not apply, the applicable fee set by the Registrar in respect of assigning the rights to a specific registration number.
- (4) If the Registrar assigns the rights to a specific registration number, the Registrar must –
- (a) issue a personalised number plate bearing the specific registration number; and
  - (b) if the personalised number plate is to be attached to a vehicle, record the personalised number plate in the register; and
  - (c) issue to the holder of the personalised number plate a certificate stating –
    - (i) the conditions on which the plate is issued; and
    - (ii) any other information the Registrar considers appropriate.

**65B. Refusal to assign rights**

The Registrar may refuse to assign the rights to a specific registration number if, in the opinion of the Registrar –

- (a) the registration number is identical, or appears to be identical, to a number that has already been issued as a number plate or a personalised number plate; or

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- (b) the Registrar decides to withhold that specific registration number from sale; or
- (c) the specific registration number –
  - (i) may be mistaken for another registration number; or
  - (ii) is offensive; or
  - (iii) is otherwise inappropriate for display; or
  - (iv) is prohibited under any Act.

**65C. Use of personalised number plates**

- (1) A personalised number plate may be –
  - (a) attached to a vehicle; or
  - (b) otherwise displayed.
- (2) A person must not use, or permit the use of, a personalised number plate except in accordance with the conditions imposed, if any, by the Registrar under regulation 65A(4).

Penalty: Fine not exceeding 10 penalty units.

- (3) If a person has not nominated a vehicle in respect of a personalised number plate, the person must not attach the personalised number plate to a vehicle unless –
  - (a) he or she has applied to the Registrar, in a form approved by the Registrar, to

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nominate a vehicle and paid the applicable fee set by the Registrar; and

- (b) the Registrar has approved the application.

Penalty: Fine not exceeding 20 penalty units.

- (4) For subregulation (3), a person has nominated a vehicle in respect of a personalised number plate if the person has nominated a vehicle in the application under regulation 65A(1) for the rights to the specific registration number on the personalised number plate.

**65D. Transfer of personalised number plates**

- (1) A personalised number plate, including the right to the specific registration number on the plate, is transferrable.
- (2) A person to whom a personalised number plate is transferred must, within 14 days after the transfer –
  - (a) notify the Registrar, in a form approved by the Registrar, of the transfer; and
  - (b) pay –
    - (i) the fee specified by the organisation that has a contract with the Department to provide personalised number plates; or

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- (ii) if no such fee is specified, the applicable fee set by the Registrar.

Penalty: Fine not exceeding 10 penalty units.

- (3) If the personalised number plate is being transferred as a result of the death of the owner of the rights to the specific registration number on the personalised number plate, the following evidence is to be provided, to the satisfaction of the Registrar, in addition to the approved form specified in subregulation (2)(a):
  - (a) evidence of the death of the owner of the rights to the specific registration number on the personalised number plate;
  - (b) evidence that the person transferring the personalised number plate bearing the specific registration number is entitled at law to transfer the plate.
- (4) A fee payable under this regulation is in addition to any other fee payable under the Act in respect of the transfer of a number plate.

**65E. Surrender of personalised number plate**

- (1) A person may surrender a personalised number plate to the Registrar.
- (2) A personalised number plate –
  - (a) is cancelled on surrender; and

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- (b) has no surrender value.
- (3) If a personalised number plate is surrendered, the rights to the specific registration number on the personalised number plate are also surrendered.

**65F. Application of Act to specific registration numbers and personalised number plates**

Subject to this Division, the provisions of the Act apply to a specific registration number and personalised number plate as if –

- (a) a reference to a registration number includes a reference to a specific registration number; and
- (b) a reference to a number plate includes a reference to a personalised number plate.

**65G. Validation**

For the avoidance of doubt, any personalised number plate issued by the Registrar before the commencement of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Personalised Number Plates) Regulations 2011* is taken to have been validly issued for the purposes of the Act and this Division.

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***Division 3 – Renewal of registration***

**66. Notice of renewal**

- (1) The Registrar may send a notice of renewal to the registered operator of a motor vehicle or a trailer.
- (2) A notice of renewal –
  - (a) must be addressed to the registered operator of the vehicle; and
  - (b) must remind the registered operator of the registration expiry date; and
  - (c) must warn the registered operator that, if the registration is not renewed on or before the registration expiry date, the registration will expire.
- (3) The Registrar's failure to send a notice of renewal, or the non-receipt of the notice, does not postpone the expiry of the registration or affect the obligation of the registered operator to ensure that the registration is renewed if the registered operator wishes to continue to use the vehicle on public streets.

**67. Application for renewal of registration**

- (1) An application for the renewal of the registration of a motor vehicle or a trailer –

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- (a) must be made to the Registrar in a form approved by the Registrar; and
  - (b) must contain the information required in the approved form and be accompanied by any documents or other material required in the form; and
  - (c) must be accompanied by the appropriate registration payment.
- (2) An application for the renewal of the registration of a motor vehicle or a trailer may be made even though the registration has already expired.
- (3) An application for the renewal of the registration cannot be made if the registration expired more than 3 months before the date of the application or, in the case of seasonal registration, more than 12 months before the date of the application.
- (4) The Registrar may require the applicant to furnish evidence to the Registrar's satisfaction that the vehicle continues to be eligible for registration.

**68. Renewal of registration**

- (1) Subject to subregulation (2), the Registrar must, on receipt of an application for the renewal of the registration of a motor vehicle or a trailer that is eligible for registration accompanied by the appropriate registration payment (including any payment required for personalised number plates), and on compliance by the applicant with

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- any requirements made in respect of the application, renew the registration for a further period.
- (2) The Registrar may refuse an application for the renewal of the registration –
- (a) on any ground on which the application, assuming it were an application for registration, could be refused; or
  - (b) on the ground that the registered operator has failed to comply with an obligation to produce the vehicle for inspection, or to pay a fee related to inspection of the vehicle.
- (3) If the registration of a vehicle (not being seasonal registration) is renewed on an application for the renewal made after the expiry of the previous registration period, the period for which the registration is renewed is taken, for the purpose of calculating the appropriate registration payment and the date when the registration will next expire, to run from the day after the expiry of the registration but the vehicle is to be regarded, for all other purposes, as unregistered from the day after the date of expiry until the date of renewal.
- (4) If the seasonal registration of a vehicle is renewed on an application for the renewal made after the commencement of the nominated seasonal registration period, the period for which the registration is renewed is taken, for the

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purpose of calculating the appropriate registration payment and the date when the registration will next expire, to run from the commencement of the nominated registration period but the vehicle is to be regarded, for all other purposes, as unregistered from the commencement of the nominated seasonal registration period until the date of renewal.

***Division 4 – Transfer of registration, &c.***

**69. Transfer of registration**

- (1) This regulation applies where registration is to be transferred (whether or not the transfer arises out of a transfer of the beneficial ownership of a motor vehicle or a trailer).
- (2) An application for the transfer of registration –
  - (a) must be made to the Registrar in a form approved by the Registrar; and
  - (b) must –
    - (i) state whether the proposed transfer is related to a transfer or proposed transfer of beneficial ownership of the motor vehicle or trailer to which the application relates; and
    - (ii) contain any other information required in the form; and

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- (iii) be accompanied by any documents or other materials required in the form.
- (3) The registered operator of a motor vehicle or a trailer who is to transfer the registration to another person must before the relevant date –
  - (a) complete an application for the transfer of registration as transferor in the approved form; and
  - (b) give the form (completed by the transferor) to the proposed transferee; and
  - (c) give the Registrar notice in the approved form of the transfer; and
  - (d) if the Registrar so requires, return the certificate of registration for the vehicle to the Registrar.

Penalty: Fine not exceeding 15 penalty units.

- (4) If the transferor wants to retain the number plates issued for the vehicle, the transferor must pay to the Registrar the applicable scheduled fee for the issue of new number plates for the vehicle and enter into any agreement required by the Registrar for the retention of the number plates as personalised number plates.
- (5) The proposed transferee must –
  - (a) complete the form as transferee; and

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- (b) lodge the completed application form (together with the relevant transfer payment) with the Registrar within 7 days after the relevant date.

Penalty: Fine not exceeding 15 penalty units.

- (6) A person who takes possession of a motor vehicle or a trailer under the order of a court or powers conferred by a security interest must, within 14 days after taking possession of the vehicle –
  - (a) complete an application for the transfer of registration as transferee; and
  - (b) lodge the completed application form with the Registrar together with –
    - (i) a statement of the circumstances in which the applicant obtained possession of the vehicle; and
    - (ii) the relevant transfer payment.

Penalty: Fine not exceeding 15 penalty units.

- (7) The Registrar must, subject to subregulation (9), register the transfer of registration on receipt of an application for the transfer under this regulation.
- (8) The Registrar may register the transfer of registration of a motor vehicle or a trailer despite non-compliance with a requirement of these

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regulations if the Registrar considers it appropriate to do so in the circumstances.

- (9) The Registrar may refuse to transfer the registration of a motor vehicle or a trailer if –
- (a) the vehicle is registered on conditions that prevent its transfer; or
  - (b) the vehicle is registered on conditions and the Registrar is not satisfied that the vehicle continues to be eligible for registration on those conditions; or
  - (c) the vehicle is registered on a seasonal basis and the Registrar is not satisfied that the vehicle continues to be eligible for seasonal registration; or
  - (d) a bicycle rack number plate has been issued for the vehicle but has not been returned to the Registrar; or
  - (e) personalised number plates have been issued for the vehicle in accordance with an agreement between the Registrar and the registered operator and the number plates have not been returned to the Registrar as required by the agreement; or
  - (f) there is reason to suspect that the vehicle, or a part of the vehicle, may have been stolen or to doubt that the transferee is entitled to assume responsibility for the vehicle as its registered operator; or

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- (g) the description of the vehicle as recorded in the register of motor vehicles and trailers is uncertain; or
  - (h) a requirement of these regulations relating to the transfer of registration has not been complied with; or
  - (i) any other ground exists on which the application could, assuming it were an application for the registration of the vehicle, be refused.
- (10) The Registrar must refuse to transfer the registration of a motor vehicle or a trailer if the transfer would be contrary to an order of an Australian court of which the Registrar has been notified.
- (11) On registering the transfer of the registration of a motor vehicle or a trailer, the Registrar must issue a new certificate of registration to the new registered operator.
- (12) For the purposes of an application for the transfer of registration of a motor vehicle or a trailer, the registration is taken to continue for 3 months after the expiry of the last registration period.
- (13) In this regulation –
- relevant date*, in relation to a transfer of registration of a motor vehicle or a trailer, means –

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- (a) if the transfer is related to a transaction involving a change in the beneficial ownership of a vehicle, a date falling 7 days after the completion of the relevant transaction; or
- (b) in any other case, a date falling 7 days after the registered operator and the proposed transferee agree to the transfer;

*relevant transfer payment*, in relation to a transfer of registration of a motor vehicle or a trailer, means –

- (a) the applicable scheduled fee for the transfer of registration; and
- (b) if additional motor tax becomes payable on the transfer of registration, the additional motor tax;

*security interest* has the same meaning as in the *Personal Property Securities Act 2009* of the Commonwealth.

**70. Notice of change of beneficial ownership**

- (1) This regulation applies to a transaction if –
  - (a) the effect of the transaction is to transfer beneficial ownership of a registered

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motor vehicle or trailer from one person to another; and

(b) there is to be no transfer of registration in consequence of the transfer of beneficial ownership.

(2) Each party to a transaction to which this regulation applies must within the relevant time limit lodge a notice of change of beneficial ownership with the Registrar.

Penalty: Fine not exceeding 15 penalty units.

(3) The relevant time limit is –

(a) for the notice to be given by the transferor – 7 days after completion of the transaction; and

(b) for the notice to be given by the transferee – 14 days after completion of the transaction.

(4) The notice may be given by the parties jointly.

(5) A notice of change of beneficial ownership –

(a) must be in a form approved by the Registrar; and

(b) must contain the information required in the form.

(6) For the purposes of this regulation, the registration of a motor vehicle or a trailer is

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taken to continue for 3 months after the expiry of  
the last registration period.

***Division 5 – Surrender of registration***

**71. Surrender**

- (1) The Registrar may, on application by the registered operator of a registered motor vehicle or trailer, accept the surrender of the registration of the vehicle.
- (2) The applicant must –
  - (a) return to the Registrar the number plates (including any bicycle rack number plate) issued for the vehicle or produce evidence to the Registrar's satisfaction that the number plates have been lost, stolen or destroyed; and
  - (b) if the Registrar so requires, return the certificate of registration for the vehicle or produce evidence to the Registrar's satisfaction that the certificate of registration has been lost, stolen or destroyed.
- (3) The Registrar may waive compliance with a requirement of subregulation (2)(a).
- (4) The Registrar must accept the surrender unless –
  - (a) the applicant fails to comply with a requirement under subregulation (2); or

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- (b) the Registrar has suspended or cancelled the registration or commenced action for suspension or cancellation of the registration.
- (5) On acceptance of the surrender, the registration is cancelled.
- (6) . . . . .

***Division 6 – Suspension or cancellation of registration***

**72. Suspension or cancellation of registration**

- (1) Subject to this Division, the Registrar may suspend or cancel the registration of a registered motor vehicle or trailer if –
  - (a) the vehicle was registered in error; or
  - (b) the vehicle is no longer eligible for registration; or
  - (c) the responsibility for the vehicle or the description of the vehicle as recorded in the register of motor vehicles and trailers is uncertain; or
  - (d) a vehicle defect notice has been issued in respect of the vehicle, the time for compliance with the notice has passed, and the notice has not been complied with; or
  - (e) the vehicle is used contrary to a condition of its registration; or

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- (f) the vehicle is used contrary to a total prohibition on its use imposed by a vehicle defect notice; or
  - (g) the vehicle is used contrary to a condition imposed by a vehicle defect notice; or
  - (h) the registered operator fails to produce the vehicle for inspection as required by the Registrar; or
  - (i) the vehicle has been destroyed or damaged beyond repair; or
  - (j) a default has occurred in payment of a fine or other pecuniary penalty payable by the registered operator (or an instalment of a fine or other pecuniary penalty payable by the registered operator) arising out of the use of the vehicle in Australia; or
  - (k) the registered operator has outstanding monetary liabilities to the Registrar or the Crown relating to the vehicle; or
  - (l) the Registrar is directed to do so by the Director, MPES.
- (1A) The Registrar must, at the end of the period of 14 days after serving on the registered operator of a registered motor vehicle an offensive advertising notice under section 33 of the Act, cancel under subregulation (1) the registration of the vehicle, unless the Advertising Standards

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Bureau withdraws its advertising code breach notice.

- (2) If a cheque or order for a registration payment is not honoured on first presentation, the registration is liable to suspension or cancellation under subregulation (1) on the ground that the registered operator has outstanding monetary liabilities to the Registrar relating to the vehicle.
- (3) Despite the suspension of registration, the registration period continues to run.
- (4) In this regulation –

*Director, MPES* means the Director, Monetary Penalties Enforcement Service appointed under section 8 of the *Monetary Penalties Enforcement Act 2005*.

**73. Notice of suspension**

- (1) If the Registrar decides to suspend the registration of a motor vehicle or a trailer, the Registrar must give the registered operator written notice –
  - (a) stating –
    - (i) the reasons for the suspension; and
    - (ii) the date on which the suspension is to take effect; and

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- (b) if the proposed suspension is based on a non-compliance that is capable of remedy, stating that the suspension may be avoided by taking specified action to remedy the non-compliance to the Registrar's satisfaction before the date on which the suspension is to take effect.
- (2) If the registered operator takes the specified action necessary to remedy the non-compliance before the date on which the suspension is to take effect, the Registrar must withdraw the notice of suspension.
- (3) In any other case, the suspension takes effect in accordance with the notice.
- (4) A suspension terminates if –
  - (a) a period of suspension stated in the notice comes to an end; or
  - (b) the Registrar terminates the suspension; or
  - (c) the registration is cancelled or expires.

**74. Notice of cancellation**

- (1) The Registrar must not cancel the registration of a motor vehicle or a trailer under this Division unless –
  - (a) the Registrar has first suspended the registration; or

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- (b) the Registrar is satisfied that, in the circumstances of the case, it would be inappropriate to proceed with the suspension of the registration.
- (2) If the Registrar decides to cancel the registration of a motor vehicle or a trailer, or is required under regulation 72(1A) to cancel the registration of a vehicle, the Registrar must give the registered operator written notice –
- (a) stating –
- (i) the reasons for the cancellation;  
and
- (ii) the date on which the cancellation is to take effect; and
- (b) if the proposed cancellation is based on a non-compliance that is capable of remedy, stating that the cancellation may be avoided by taking specified action to remedy the non-compliance to the Registrar's satisfaction before the date on which the cancellation is to take effect.
- (2A) Subregulation (1) and subregulation (2)(b) do not apply in relation to a cancellation of the registration of a vehicle if the Registrar is required under regulation 72(1A) to cancel the registration of the vehicle.
- (3) If the registered operator takes the specified action necessary to remedy the non-compliance before the date on which the cancellation is to

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take effect, the Registrar must withdraw the notice of cancellation.

- (4) In any other case, the registration is cancelled on the date specified in the notice.

***Division 7 – Written-off vehicles***

**75. Application of Division 7**

This Division applies in respect of vehicles that are affected vehicles.

**76. Persons who may determine total loss**

For the purposes of the definitions of repairable write-off and statutory write-off in section 3A of the Act, each of the following persons is a prescribed person who may assess an affected vehicle as a total loss:

- (a) an insurer;
- (b) a loss assessor;
- (c) a dealer;
- (d) an auto-parts dismantler;
- (e) an auction house.

**77. Notifying Registrar of written-off vehicle**

- (1) If an insurer, loss assessor, dealer, auto-parts dismantler or auction house in the course of

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business assesses as a total loss an affected vehicle, that person must notify the Registrar of that assessment –

- (a) within 7 days after making the assessment; or
- (b) if the vehicle or any part of the vehicle is sold or otherwise disposed of before the end of that 7 day period, before selling or otherwise disposing of the vehicle or that part.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 20 penalty units; and
  - (b) a second or subsequent offence, a fine not exceeding 40 penalty units.
- (2) If a person who, on behalf of an insurer, loss assessor, dealer, auto-parts dismantler or auction house, has the responsibility of notifying the Registrar as required by subregulation (1) does not do so, both that person and the insurer, loss assessor, dealer, auto-parts dismantler or auction house are guilty of the offence.
- (3) If an entry in respect of the affected vehicle exists in a register kept under regulation 124, subregulation (1) applies even if the affected vehicle is situated outside Tasmania when the assessment that it is a total loss is made.

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- (4) A notification under subregulation (1) is to be in a form approved by the Registrar and contain the following information:
- (a) the registration number of the vehicle, if any;
  - (b) the identification number and vehicle identifier of the vehicle;
  - (c) the make of the vehicle;
  - (d) whether the vehicle is a motor car, motor bike or trailer;
  - (e) whether the damage to the vehicle is caused by hail, water, impact, fire or stripping;
  - (f) the location and severity of the damage to the vehicle, described by reference to codes or terms as approved by the Registrar from time to time;
  - (g) the date on which the vehicle is assessed as a total loss;
  - (h) the name and address of the insurer, loss assessor, dealer, auto-parts dismantler or auction house making the notification;
  - (i) whether the vehicle is a statutory write-off or a repairable write-off;
  - (j) the date on which the written-off vehicle label was affixed to the vehicle;

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- (k) such other information as the Registrar requires.
  - (5) An insurer, loss assessor, dealer, auto-parts dismantler or auction house is not required to provide a notification under subregulation (1) in respect of the assessment of an affected vehicle as a total loss if such a notification has already been provided by another of those persons.

**78. Written-off vehicle labels**

- (1) The Registrar may issue written-off vehicle labels that are to be affixed to written-off vehicles.
- (2) A written-off vehicle label is to –
  - (a) be in a form determined by the Registrar; and
  - (b) state whether the vehicle is a repairable write-off or a statutory write-off.
- (3) The Registrar is to determine the manner in which the label is to be affixed to a vehicle and that information is to be –
  - (a) printed on the label; or
  - (b) printed on a separate document that is to be issued with the label.

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**79. Duties and offences relating to written-off vehicle label**

- (1) If an insurer, loss assessor, dealer, auto-parts dismantler or auction house assesses a vehicle as a total loss, that person must affix an appropriate written-off vehicle label to that vehicle –
  - (a) in the manner determined by the Registrar under regulation 78; and
  - (b) before notifying the Registrar of that assessment as required by regulation 77(1); and
  - (c) before that vehicle or any part of that vehicle is sold or otherwise disposed of.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 20 penalty units; and
  - (b) a second or subsequent offence, a fine not exceeding 40 penalty units.
- (2) Subregulation (1) does not apply to an insurer, loss assessor, dealer, auto-parts dismantler or auction house if an appropriate written-off vehicle label has already been affixed to the vehicle by another such person.
- (3) If a person who, on behalf of an insurer, loss assessor, dealer, auto-parts dismantler or auction

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house, has the responsibility of affixing a written-off vehicle label to a vehicle as required by subregulation (1) does not do so, both that person and the insurer, loss assessor, dealer, auto-parts dismantler or auction house are guilty of the offence.

- (4) A person must not –
- (a) affix to a vehicle a written-off vehicle label if that vehicle has not been assessed as a total loss; or
  - (b) alter or deface a written-off vehicle label affixed to a vehicle; or
  - (c) clear or remove a written-off vehicle label affixed to a vehicle except where authorised to do so under regulation 81 or 82.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 20 penalty units; and
  - (b) a second or subsequent offence, a fine not exceeding 40 penalty units.
- (5) If a person contravenes subregulation (4) at the direction of another person, both that person and that other person are guilty of the offence.

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**80. Suspension or cancellation of registration of written-off vehicle**

- (1) The registration of a vehicle is cancelled on the making of an entry in the written-off vehicles register to the effect that the vehicle is a statutory write-off.
- (2) The registration of a vehicle is suspended on the making of an entry in the written-off vehicles register to the effect that the vehicle is a repairable write-off and that vehicle is not eligible for registration until that entry is removed from that register or it is noted in that register that the vehicle is no longer a repairable write-off.

**81. Clearance of written-off vehicle label**

- (1) The following persons are authorised to clear a written-off vehicle label in respect of a repairable write-off:
  - (a) an authorised officer;
  - (b) a person authorised by the Registrar to do so.
- (2) A registered operator or other person in charge of a repairable write-off who applies to a person authorised to clear the written-off vehicle label must provide that person with such evidence of his or her name and address as the authorised person requires.

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- (3) A person authorised to clear a written-off vehicle label –
- (a) may require the registered operator or other person in charge of the vehicle to produce evidence showing why the vehicle should no longer be considered to be a repairable write-off; and
  - (b) may require the vehicle to be inspected for the purpose of ascertaining whether the vehicle should no longer be considered to be a repairable write-off.
- (4) The registered operator or other person in charge of the vehicle must pay the applicable scheduled fee for the inspection.
- (5) If a person authorised to clear a written-off vehicle label is satisfied –
- (a) with the evidence of the name and address of the registered operator or other person in charge of the vehicle; and
  - (b) that the vehicle should no longer be considered a repairable write-off –
- that authorised person may clear the written-off vehicle label.
- (6) A person authorised to clear a written-off vehicle label clears that label by –

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- (a) issuing a certificate of clearance to the registered operator or other person in charge of the vehicle; and
  - (b) removing the written-off vehicle label from the vehicle.
- (7) The decision of a person authorised to clear a written-off vehicle label to clear that label or refuse to clear that label is taken to be a decision of the Registrar for the purposes of the *Vehicle and Traffic (Review of Decisions) Regulations 2000*.

**82. Removal of mistakenly affixed written-off vehicle label**

- (1) If a written-off vehicle label has been affixed to a vehicle in error, an authorised officer or a person approved by the Registrar to do so may remove the label from the vehicle.
- (2) If the Registrar has been notified under regulation 77(1) that a vehicle has been assessed as a total loss and the written-off vehicle label is later removed from a vehicle under subregulation (1), the person removing the label is to notify the Registrar of that removal as soon as practicable.

**83. Record to be made in written-off vehicles register**

The Registrar must –

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- (a) make a record in the written-off vehicles register of a vehicle that becomes a written-off vehicle; and
  - (b) remove an entry in respect of a vehicle from, or record a note in respect of a vehicle in, the written-off vehicles register if the written-off vehicle label for that vehicle has been cleared under regulation 81 or removed under regulation 82; and
  - (c) otherwise keep the written-off vehicles register up-to-date.

*Division 8 – Vehicle defect notices*

**84. References to “registered operator”**

A reference in this Division to the “**registered operator**” of a motor vehicle or a trailer includes, in relation to a vehicle for which there is no registered operator, a person in charge of the vehicle.

**85. Basis for issue of formal warning notice or defect notice**

- (1) This regulation applies if a police officer or authorised officer is of the opinion that a motor vehicle or trailer is defective and, as a result of the defect –
  - (a) the vehicle is or may be unroadworthy;  
or

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- (b) the vehicle does not comply with the relevant vehicle standards; or
  - (c) the vehicle does not comply with some other statutory requirement including, in the case of a public passenger vehicle, a statutory requirement under a related law.
- (2) The police officer or authorised officer may –
- (a) warn the driver that the vehicle is defective; or
  - (b) issue a vehicle defect notice in respect of the vehicle.
- (3) In this regulation –

***public passenger vehicle*** means a motor vehicle that is used to operate a passenger transport service within the meaning of the *Passenger Transport Services Act 2011*;

***related law*** means –

- (a) the *Passenger Transport Services Act 2011* and the regulations in force under that Act; and
- (b) the *Taxi and Hire Vehicle Industries Act 2008* and the regulations in force under that Act.

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**86. Issue of formal warning notice**

- (1) A police officer or an authorised officer may warn the driver of a motor vehicle or a trailer without proceeding to issue a vehicle defect notice if the officer is of the opinion that the vehicle's defects do not cause a safety risk but should be remedied.
- (2) A police officer or an authorised officer who decides to warn the driver of a vehicle without proceeding to issue a vehicle defect notice must –
  - (a) if the driver of the vehicle is present, give the driver a formal warning notice; or
  - (b) if the vehicle is unattended, affix the formal warning notice to the vehicle.
- (3) A driver of a vehicle to whom a formal warning notice is given under subregulation (2) must, if not the registered operator of the vehicle, give or send the notice to the registered operator as soon as practicable.

Penalty: Fine not exceeding 5 penalty units.

- (4) A police officer or an authorised officer who gives a formal warning notice under this Division may, by written notice given to the registered operator of the vehicle, withdraw the notice.

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**87. Issue of vehicle defect notice**

- (1) Vehicle defect notices are to be of two classes –
  - (a) major vehicle defect notice; or
  - (b) minor vehicle defect notice.
- (2) A vehicle defect notice –
  - (a) is to be designated as a major vehicle defect notice if the police officer or authorised officer issuing the notice is of the opinion that further use of the vehicle on public streets after a time stated in the notice would constitute an imminent and serious safety risk; and
  - (b) is to be designated as a minor vehicle defect notice if the officer issuing the notice is of the opinion that further use of the vehicle on public streets after a time stated in the notice may constitute a safety risk.
- (3) A vehicle defect notice must state –
  - (a) if the vehicle is registered, the vehicle's registration details including the registration number and the jurisdiction of registration; and
  - (b) if the use of the vehicle on public streets is authorised by a short term unregistered vehicle permit, the number of the permit,

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- the expiry date and the jurisdiction of issue; and
- (c) if the driver is present when the notice is issued, the name of the driver; and
  - (d) to the extent practicable, the vehicle's identification details including its VIN or, if there is no VIN, the chassis number or engine number, its make and type; and
  - (e) the type of inspection conducted; and
  - (f) the vehicle's defects for which the notice is issued; and
  - (g) if a condition limiting the use of the vehicle is imposed, the nature and extent of the limitation and the date and time after which the vehicle is not to be used on a public street (if the notice has not been cleared earlier); and
  - (h) if a total prohibition is imposed on the use of the vehicle, the fact that a total prohibition has been imposed and the date and time after which the vehicle is not to be used on a public street; and
  - (i) if the vehicle is not to be moved to another location under its own motive power, the means by which the vehicle is to be moved to another location; and

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- (j) the nature of the repairs required and the date by which the repairs are to be completed; and
  - (k) the name, official number or other identification of the police officer or authorised officer who issued the notice; and
  - (l) whether a traffic infringement notice was also served in relation to the defect at the same time.
- (4) Without limiting subregulation (3)(g) –
- (a) a vehicle defect notice issued in relation to a public passenger vehicle may impose a condition limiting use of the vehicle by prohibiting the carrying of passengers until the notice has been cleared; and
  - (b) a vehicle defect notice issued in relation to a hire and drive vehicle may impose a condition limiting use of the vehicle by prohibiting the hiring out of the vehicle until the notice has been cleared.
- (5) A police officer or an authorised officer who issues a vehicle defect notice must –
- (a) if the driver of the vehicle is present, give the notice to the driver; or
  - (b) if the vehicle is unattended, affix the notice to the vehicle –

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and, if the notice is a major vehicle defect notice, affix a defective vehicle label to the vehicle.

- (6) A defective vehicle label must –
- (a) identify the vehicle to which it relates by reference to its registration number or, if the vehicle has no registration number, by reference to its VIN, or if it has neither registration number nor VIN, by reference to the number of the short term unregistered vehicle permit (if applicable), its chassis number or engine number; and
  - (b) state the date and time after which the vehicle is not to be used on a public street; and
  - (c) state the name, official number or other identification of the police officer or authorised officer who issued the vehicle defect notice; and
  - (d) state the date of issue of the label; and
  - (e) state the serial number of the notice to which the label relates.
- (7) A driver of a vehicle to whom a vehicle defect notice is given under subregulation (5) must, if not the registered operator of the vehicle, give or send the notice to the registered operator as soon as practicable.

Penalty: Fine not exceeding 5 penalty units.

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(8) A police officer or an authorised officer who issues a vehicle defect notice may, by written notice given to the registered operator of the vehicle, withdraw the notice.

(9) In this regulation –

*public passenger vehicle* means a motor vehicle that is used to operate a passenger transport service within the meaning of the *Passenger Transport Services Act 2011*;

*repairs* includes, in the case of the non-compliance referred to in regulation 85(1)(c), the works or other actions required to address the non-compliance.

**88. Clearance of vehicle defect notice**

(1) The following persons are authorised to clear a vehicle defect notice:

(a) a police officer or an authorised officer;

(b) any other person approved by the Registrar to do so.

(2) Before clearing a vehicle defect notice, a person authorised to clear the notice under subregulation (1) may require the registered operator or other person in charge of the vehicle to produce evidence to the authorised person's satisfaction that the defects described in the

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notice have been rectified and may require that the vehicle be submitted to an inspection for the purpose of ascertaining whether the defects described in the notice have been rectified and whether the vehicle has other defects.

- (3) An authorised person may clear a minor vehicle defect notice on the production of satisfactory evidence of the rectification of the defect.
- (4) Where a major vehicle defect notice is cleared –
  - (a) the authorised person must issue a certificate of clearance to the registered operator; and
  - (b) if a defective vehicle label has been affixed to the vehicle, the authorised person must remove or deface the label or authorise the registered operator or the driver to remove or deface it.
- (5) A person must not remove or deface a defective vehicle label unless authorised to do so by a person authorised to clear the vehicle defect notice under this regulation.

Penalty: Fine not exceeding 10 penalty units.

**89. Compliance with vehicle defect notice**

- (1) If a major vehicle defect notice (other than one imposing a total prohibition on the use of the vehicle) is not complied with within the time allowed for compliance, a person must not use

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the motor vehicle or trailer to which the notice relates on a public street.

Penalty: Fine not exceeding 20 penalty units.

- (2) If a minor vehicle defect notice is not complied with within the time allowed for compliance, a person must not use the motor vehicle or trailer to which the notice relates on a public street.

Penalty: Fine not exceeding 20 penalty units.

- (3) A person must not use a vehicle in respect of which a vehicle defect notice has been issued contrary to a condition limiting its use imposed by the notice.

Penalty: Fine not exceeding 20 penalty units.

- (4) Subregulation (3) does not prevent the use of a vehicle after a defect identified in a vehicle defect notice has been remedied for the purpose of obtaining clearance of the notice.

- (5) A person must not permit the use of a vehicle contrary to this regulation.

Penalty: Fine not exceeding 20 penalty units.

**90. Record to be made in register of motor vehicles and trailers**

The Registrar must record the issue, withdrawal and clearance of vehicle defect notices in the register of motor vehicles and trailers.

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***Division 9 – Use of unregistered vehicles***

**91. Trade plates**

- (1) The Registrar may, on application by a person –
  - (a) who carries on a business involving the manufacture, importation, sale, modification or repair of motor vehicles or trailers; or
  - (b) who carries on any other business and satisfies the Registrar that a trade plate is reasonably required for the purposes of the business –issue a trade plate authorising the use of a vehicle to which the trade plate is affixed on public streets in the course of the business without registration.
- (2) A trade plate –
  - (a) is to be issued, and may be renewed from time to time, for a term determined by the Registrar; and
  - (b) is to be issued on conditions determined by the Registrar.
- (3) An application for the issue or renewal of a trade plate –
  - (a) must be made to the Registrar in a form approved by the Registrar; and

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- (b) must contain the information required in the approved form and be accompanied by the documents or other materials required in the form; and
  - (c) must be accompanied by the applicable scheduled fees for the issue or renewal of the plate and also for the issue or renewal of the related certificate; and
  - (d) must be accompanied by the applicable third-party insurance premium.
- (4) When the Registrar issues or renews a trade plate, the Registrar must also issue to the holder of the plate a certificate –
  - (a) stating the period for which the trade plate is issued or renewed (including a statement of the expiry date); and
  - (b) stating the conditions on which the trade plate is issued; and
  - (c) containing other information the Registrar considers appropriate.
- (5) The holder of a trade plate must ensure that the trade plate is only used for one or more of the following purposes:
  - (a) to enable an unregistered vehicle to be taken from a place of manufacture or storage to a place of sale;

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- (b) to enable the test driving of an unregistered vehicle on public streets;
- (c) to enable the demonstration of an unregistered vehicle to prospective purchasers;
- (d) to enable delivery of an unregistered vehicle to a purchaser or prospective purchaser;
- (e) to enable the use of an unregistered vehicle on public streets for some other purpose connected with its manufacture, repair, modification or sale;
- (f) for another purpose permitted by the Registrar and specified in the certificate issued under subregulation (4) in relation to the trade plate.

Penalty: Fine not exceeding 20 penalty units.

- (6) A person must not use, or permit the use of, a trade plate for a purpose other than one authorised under subregulation (5).

Penalty: Fine not exceeding 20 penalty units.

- (7) A person must not use, or permit the use of, an unregistered vehicle on a public street under the authority of a trade plate unless the trade plate is –

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- (a) temporarily fixed to the rear of the vehicle in the position appropriate for a permanent number plate; or
- (b) displayed on the vehicle in some other way acceptable to the Registrar.

Penalty: Fine not exceeding 10 penalty units.

- (8) The Registrar may, by written notice given to the holder of a trade plate, add to, vary or revoke conditions on which the trade plate was issued or last renewed.
- (9) The Registrar may, by written notice given to the holder of a trade plate, suspend the plate if a cheque for payment of a fee payable for the issue or renewal of the plate is not honoured on first presentation.
- (10) The Registrar may, by written notice given to the holder of a trade plate, cancel the plate if –
  - (a) the person ceases to carry on a business for which the trade plate was issued or ceases to be eligible to hold the trade plate; or
  - (b) the holder of the trade plate or a person who drives a vehicle to which the trade plate is affixed contravenes a provision of this regulation or a condition on which the trade plate was issued.
- (11) The Registrar may, on return of a trade plate, accept the surrender of the plate.

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- (12) The holder of a trade plate must keep records containing details of the use of vehicles under the authority of the trade plate –
- (a) in a manner and form acceptable to the Registrar; and
  - (b) for a period required by the Registrar.

Penalty: Fine not exceeding 15 penalty units.

- (13) Subject to this regulation, the provisions of these regulations relating to number plates apply to a trade plate as if –
- (a) a reference to a number plate were a reference to a trade plate; and
  - (b) a reference to the registered operator of a motor vehicle or a trailer were a reference to the holder of a trade plate.

**92. Short term unregistered vehicle permits**

- (1) The Registrar may issue a short term unregistered vehicle permit authorising the use of an unregistered motor vehicle or trailer on public streets generally or on specified public streets for a period specified in the permit.
- (2) The Registrar may only issue a short term unregistered vehicle permit if satisfied that it would be unreasonable or impracticable in the circumstances to require the registration of the vehicle for the period of the permit.

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- (3) An application for the issue of a short term unregistered vehicle permit –
  - (a) must be made to the Registrar in a form approved by the Registrar; and
  - (b) must contain the information required in the approved form and be accompanied by the documents or other materials required in the form; and
  - (c) must be accompanied by the applicable scheduled fee; and
  - (d) must be accompanied by the applicable third-party insurance premium.
- (4) A short term unregistered vehicle permit may be issued on conditions determined by the Registrar.
- (5) The holder of a short term unregistered vehicle permit must ensure that –
  - (a) if the vehicle for which the permit is issued is a motor vehicle fitted with a windscreen (and is not a motor cycle) –
    - (i) the permit is affixed to the inside left portion of the windscreen so as to be legible from outside the vehicle at all times when the vehicle is being used on a public street under the authority of the permit; and

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- (ii) the permit is removed from the windscreen as soon as it expires; and
  - (b) in any other case, the permit is carried on the vehicle or, if the vehicle is a trailer, on the vehicle by which it is towed, at all times when the vehicle is being used on a public street under the authority of the permit.

Penalty: Fine not exceeding 10 penalty units.

- (6) A person must not use, or permit the use of, a vehicle under a short term unregistered vehicle permit unless the permit is affixed or carried as required under subregulation (5).

Penalty: Fine not exceeding 10 penalty units.

- (7) The Registrar may, by written notice to the holder of a short term unregistered vehicle permit, cancel the permit if satisfied that –
  - (a) the vehicle has been used contrary to the conditions of the permit; or
  - (b) the vehicle has been otherwise used contrary to the provisions of the Act or these regulations.

**93. Information to be recorded in registers**

- (1) If the Registrar issues a trade plate, the Registrar must record in the register kept under regulation 124 details of –

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- (a) the trade plate; and
  - (b) the person to whom it is issued; and
  - (c) the conditions on which the trade plate is issued.
- (2) If the Registrar issues a short term unregistered vehicle permit, the Registrar must record in the register of motor vehicles and trailers details of –
- (a) the permit (including its number); and
  - (b) the person to whom it is issued; and
  - (c) the conditions on which the permit is issued.

***Division 10 – Exemptions from registration***

**94. Driving vehicle to and from place of registration, &c.**

- (1) A motor vehicle or a trailer is exempt from the requirement to be registered if the vehicle –
- (a) is proceeding (under its own power or under tow) for the purpose of registration by the most direct or convenient route to a place at which vehicles are registered, a vehicle inspection station, a weighbridge or another place directly associated with the registration process; or

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- (b) is proceeding (under its own power or under tow) from any such place by the most direct or convenient route to –
- (i) another such place; or
  - (ii) a place where the vehicle could be conveniently garaged or kept; or
  - (iii) a convenient place of repair after failing to pass inspection.
- (2) In proceedings for an offence against the Act or these regulations, the onus of proving that the defendant had the benefit of an exemption under this regulation at the time of the alleged offence lies on the defendant.

**95. Statutory exemption for interstate and foreign vehicles**

- (1) A statutory exemption is subject to the following conditions:
- (a) the exemption lapses when the period since the vehicle last entered Tasmania exceeds 3 months or a longer period approved by the Registrar in the particular case;
  - (b) all number plates, documents and labels that must be carried or displayed on the vehicle under the law of the State, Territory or foreign country under which

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the vehicle is registered, or its use on roads is authorised, must be carried on the vehicle and (if applicable) conspicuously displayed as required under the requirements of that law;

- (c) the exemption is ineffective if the registration of the vehicle is suspended or its use is prohibited under a corresponding law;
  - (d) the exemption is ineffective unless the vehicle is covered by a current third-party insurance policy under the *Motor Accidents (Liabilities and Compensation) Act 1973* or the corresponding law of another Australian jurisdiction.
- (2) The condition specified in subregulation (1)(a) does not apply in the case of a vehicle –
- (a) that is not being used for a commercial purpose; and
  - (b) that is being operated by a person who has a residential address, or ordinarily resides, in a place other than Tasmania.

- (3) In this regulation –

*statutory exemption* means an exemption under section 28 or 29 of the Act.

**96. Exemption for certain caravans, &c.**

A caravan or trailer –

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- (a) which is operated by a person resident in another State or a Territory of the Commonwealth, is drawn by a motor vehicle registered in that State or Territory but is not itself required to be registered in that State or Territory; and
  - (b) which is covered by a current third-party insurance policy under the *Motor Accidents (Liabilities and Compensation) Act 1973* or the corresponding law of another Australian jurisdiction –

is exempt from registration.

**97. Vehicles driven by police officers and authorised officers**

If a police officer or an authorised officer drives a vehicle in the course of official duties (other than an official vehicle), the vehicle is, while being driven by the officer, exempt from the requirement to be registered.

**98. Exemption for agricultural implements, &c.**

- (1) The following vehicles are exempt from registration:
  - (a) an agricultural implement towed by another vehicle;
  - (b) a trailer towed by an agricultural machine operating as an agricultural machine;

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- (c) a vehicle under tow by a tow truck operating as a tow truck;
  - (d) road construction plant owned by a council.
- (2) If a public street (other than a beach) is closed to traffic under section 56A of the Act for the purposes of a motor vehicle race or reliability trial, a motor vehicle participating in the race or reliability trial is, while travelling on that street, exempt from registration.
- (3) In this regulation –

*beach* means any land (whether above or below high-water mark) which forms, or forms part of, the beach or shore of the sea or any tidal waters;

*road construction plant* means a vehicle –

- (a) consisting of –
  - (i) an earthmoving machine;  
or
  - (ii) a machine for compacting earth or road construction materials; or
  - (iii) a machine for laying or profiling road construction materials;  
and

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- (b) used for the construction, maintenance or repair of roads.

**99. Registrar’s power to exempt**

- (1) The Registrar may, by notice in the *Gazette* –
  - (a) exempt a vehicle of a specified class from registration; or
  - (b) exempt a vehicle of a specified class, or a vehicle that is being used in specified circumstances or in a specified location, from the application of specified provisions of these regulations; or
  - (c) vary or revoke an exemption previously granted under this regulation.
- (2) An exemption may be granted under this regulation on conditions specified in the notice.
- (3) An exemption under this regulation does not operate in favour of a person who would, but for this subregulation, have the benefit of the exemption while that person is in breach of a condition of the exemption.

**100. Exemption for driving vehicle between properties intersected by public street**

An unregistered vehicle may be driven directly across a public street from property on one side of the public street to property on the other side of the public street.

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**101. Exemption from registration does not affect obligation to have appropriate third-party insurance cover**

An exemption from registration does not imply an exemption from the requirement to pay any applicable third-party insurance premium.

*Division 11 – Miscellaneous*

**102. Vehicle inspection program for public passenger vehicles and hire and drive vehicles**

- (1) Vehicles of the following classes are liable to inspection under a vehicle inspection program:
  - (a) public passenger vehicles;
  - (b) hire and drive vehicles.
- (2) The Registrar may establish a vehicle inspection program for vehicles of any such class.
- (3) In its application to large passenger vehicles, a vehicle inspection program may provide for –
  - (a) the initial inspection of public passenger vehicles (other than taxis) and hire and drive vehicles that are not more than 12 months old; and
  - (b) the inspection at 12-monthly intervals of public passenger vehicles (other than taxis) and hire and drive vehicles that are more than 12 months old; and

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- (c) the inspection at 6-monthly intervals of public passenger vehicles (other than taxis) and hire and drive vehicles that are more than 15 years old.
- (3A) In its application to small passenger vehicles, a vehicle inspection program may provide for –
- (a) the initial inspection of public passenger vehicles (other than taxis), luxury hire cars and restricted hire vehicles that are not more than 3 years old; and
  - (b) the inspection at 12-monthly intervals of public passenger vehicles (other than taxis), hire and drive vehicles, luxury hire cars and restricted hire vehicles that are more than 3 years old; and
  - (c) the inspection at 6-monthly intervals of public passenger vehicles (other than taxis), hire and drive vehicles, luxury hire cars and restricted hire vehicles that are more than 15 years old; and
  - (d) the initial inspection of public passenger vehicles that are taxis and not more than 12 months old; and
  - (e) the inspection at 6-monthly intervals of public passenger vehicles that are taxis and more than 12 months old; and
  - (f) in the case of public passenger vehicles that are taxis (where those vehicles had been used for other purposes before first

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being used as taxis or were second-hand when first used as taxis) initial inspection and then subsequent inspection at 6-monthly intervals.

- (4) The Registrar may extend the interval between inspections under subregulation (3) or (3A), for a vehicle or a class of vehicles, if the Registrar is satisfied that such extension would not compromise road safety.
- (5) An inspection of a vehicle under a vehicle inspection program is to be carried out by a police officer, an authorised officer or some other person approved by the Registrar.
- (6) The Registrar or, if the Registrar directs, the person who carried out the inspection must, if a vehicle passes an inspection under a vehicle inspection program, issue to the registered operator as soon as practicable –
  - (a) an inspection label in a form approved by the Registrar –
    - (i) indicating that an inspection has been carried out and that the vehicle has passed the inspection; and
    - (ii) identifying the person who carried out the inspection; and
    - (iii) stating the registration number of the vehicle; and

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- (iv) stating the date of the inspection;  
and
  - (v) (if applicable) stating the date by  
which the next inspection under  
the vehicle inspection program is  
to be carried out; and
  - (vi) containing any other information  
the Registrar considers  
appropriate; and
- (b) written instructions, in a form approved  
by the Registrar, for affixing the label to  
the vehicle.
- (7) The registered operator of the vehicle must –
- (a) affix the inspection label to the vehicle in  
accordance with the instructions issued  
under subregulation (6); and
  - (b) keep the label affixed to the vehicle until  
the date the vehicle is next inspected  
under a vehicle inspection program  
(unless its removal is authorised under  
subregulation (8)).

Penalty: Fine not exceeding 2 penalty units.

- (8) A person must not remove or deface a current  
inspection label unless authorised to do so by an  
authorised officer, a police officer or some other  
person approved by the Registrar.

Penalty: Fine not exceeding 2 penalty units.

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- (9) Vehicles that are liable to inspection under a vehicle inspection program are vehicles of a prescribed category for the purposes of section 50(8) of the Act.
- (10) Subject to subregulation (11), a person must not –
- (a) use, or permit the use of, a vehicle on a public street for hire or reward if the vehicle has not been presented for an inspection that it is required to have under a vehicle inspection program; or
  - (b) use, or permit the use of, a vehicle on a public street if the vehicle does not pass an inspection under a vehicle inspection program.

Penalty: Fine not exceeding 20 penalty units.

- (11) Subregulation (10) does not prevent the use of a vehicle on a public street at a particular time if –
- (a) the vehicle is used as permitted by the Registrar; or
  - (b) the vehicle has, before the relevant time, passed a later inspection to the Registrar's satisfaction.
- (12) In this regulation –

*public passenger vehicle* means a motor vehicle that is used to operate a passenger transport service within the

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meaning of the *Passenger Transport Services Act 2011*.

**103. Requirement for insurance**

A motor vehicle or a trailer is not to be registered, nor is the registration of a motor vehicle or a trailer to be renewed, unless any applicable third-party insurance premium for the period of registration or the renewal has been paid in respect of the vehicle.

**104. Modification of registered vehicles**

- (1) If a registered motor vehicle or trailer has been modified and is a heavy vehicle, a person must not use it, or permit its use, on a public street unless the modification and the vehicle so modified –
  - (a) both comply with the applicable relevant vehicle standards; or
  - (b) are both otherwise acceptable to the Regulator, within the meaning of the HVNL, under that Act.

Penalty: Fine not exceeding 20 penalty units.

- (2) If a registered motor vehicle or trailer has been modified and subregulation (1) does not apply to the vehicle, a person must not use it, or permit its use, on a public street unless the modification and the vehicle so modified –

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- (a) both comply with the relevant vehicle standards; or
- (b) are both otherwise acceptable to the Registrar.

Penalty: Fine not exceeding 20 penalty units.

- (3) For the purposes of these regulations, a modification, or a vehicle so modified, is acceptable to the Registrar if it meets the requirements specified by the Registrar for the modification and the vehicle so modified.

**104A. Modification plate**

- (1) If a vehicle, other than a heavy vehicle, is modified –
  - (a) in the case of a registered vehicle, the registered operator of the vehicle; or
  - (b) in any other case, a person responsible for the vehicle –

must ensure that the vehicle is inspected by a person, determined by the Registrar to be a person suitable to inspect the modifications, before the vehicle is used on a public street.

Penalty: Fine not exceeding 20 penalty units.

- (2) If a person inspecting a vehicle under subregulation (1) is satisfied that the modification, and the vehicle as modified, meet

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the relevant vehicle standards or the modification specifications, the person may –

- (a) issue a modification plate in respect of the modification and fit, or affix, the modification plate to the vehicle; and
- (b) on issuing a modification plate in respect of the modification, give a certificate to the registered operator of the vehicle, or a person responsible for the vehicle if the vehicle is unregistered, certifying that the person is satisfied that the modification and the vehicle as modified –
  - (i) meet the relevant vehicle standards; or
  - (ii) meet the modification specifications.

**105. Notification of change of circumstances**

- (1) If a change of circumstance occurs affecting information recorded in the register of motor vehicles and trailers about a registered motor vehicle or trailer or its registered operator, the registered operator must, within 14 days after the change, notify the Registrar of the change.

Penalty: Fine not exceeding 5 penalty units.

- (2) Without limiting subregulation (1), a change of circumstance occurs if –

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- (a) a vehicle that is not an affected vehicle is wrecked, demolished or dismantled; or
  - (b) an alteration is made to a vehicle, or its configuration or use (as recorded in the register).
- (3) If a change of circumstance occurs affecting information recorded in the register of motor vehicles and trailers about a motor vehicle or a trailer for which a short term unregistered vehicle permit is in force, or about the holder of the permit, the holder of the permit must, within 14 days after the change, notify the Registrar of the change.
- Penalty: Fine not exceeding 5 penalty units.
- (4) If a change of circumstance occurs affecting information recorded in the register of motor vehicles and trailers about the holder of a trade plate or the business carried on by the holder of a trade plate, the holder of the trade plate must, within 14 days after the change, notify the Registrar of the change.
- Penalty: Fine not exceeding 10 penalty units.
- (5) Unless the Registrar requires written notification, a notification under this regulation need not be in writing.
- (6) The Registrar may require evidence in a form acceptable to the Registrar –

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- (a) verifying the correctness of information notified under this regulation; or
  - (b) if the information relates to a modification of a vehicle, verifying that the modification was lawfully made.
- (7) Where an alteration is made to a registered vehicle, or its configuration or use, that affects its liability to motor tax, this regulation does not affect the need to obtain an upgrade of registration (or a temporary upgrade permit) before the vehicle is again used on a public street.

**106. Return of number plates or trade plate after cancellation or expiry, &c.**

- (1) Subject to any agreement with the Registrar to the contrary, the registered operator of a motor vehicle or a trailer must, if the registration is cancelled or expires without renewal, return the number plates issued for the vehicle (including any bicycle rack number plate) to the Registrar.

Penalty: Fine not exceeding 10 penalty units.

- (2) Unless the Registrar allows a longer time for the return of the number plates –
- (a) the number plates are, subject to paragraph (b), to be returned within 3 months after the cancellation or expiry of the registration; and

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- (b) where seasonal registration expires, the number plates are to be returned within 14 days after the end of the period allowed for renewal of the seasonal registration.
- (3) Subject to any agreement with the Registrar to the contrary, a person to whom a trade plate has been issued must, if the trade plate is cancelled or expires without renewal, return it to the Registrar within 3 months (or a longer period allowed by the Registrar) after the date of its cancellation or expiry.
- Penalty: Fine not exceeding 10 penalty units.
- (4) A person to whom a number plate or a trade plate is issued must, if so required by the terms on which the Registrar issues the plate, return the plate to the Registrar at the end of a particular period or on the occurrence of a particular event.
- Penalty: Fine not exceeding 10 penalty units.
- (5) The registered operator of a motor vehicle or a trailer, or any other person who may be in possession of a number plate or a trade plate, must, if so required by written notice given to the registered operator or other person by the Registrar, return the plate to the Registrar within a time specified in the notice.

Penalty: Fine not exceeding 10 penalty units.

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- (6) A person is not in breach of a requirement to return a number plate or a trade plate under this regulation –
- (a) if within the time allowed for compliance with the requirement the person produces evidence to the Registrar’s satisfaction that the plate has been lost, stolen or destroyed; or
  - (b) if the Registrar waives compliance with the requirement.

**107. Return of certificate of registration after cancellation or expiry of registration, &c.**

If the registration of a motor vehicle or a trailer is cancelled or expires without renewal, the registered operator must, if the Registrar so requires, return the certificate of registration for the vehicle or produce evidence to the Registrar’s satisfaction that the certificate of registration has been lost, stolen or destroyed.

Penalty: Fine not exceeding 5 penalty units.

**108. Exclusion of air cushion vehicles from definition of motor vehicle**

- (1) Air cushion vehicles are excluded from the ambit of the definition of “**motor vehicle**” under paragraph (g) of that definition in section 3 of the Act.
- (2) In this regulation –

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*air cushion vehicle* means a vehicle that is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the water or other surface beneath the vehicle.

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**PART 6 – MOTOR TAX**

*Division 1 – Calculation of motor tax*

**109. Calculation of motor tax on application for registration**

- (1) If a motor vehicle or a trailer is to be registered for a registration period of 12 months, the applicable motor tax is calculated in accordance with the Act.
- (2) If the period for which a vehicle is to be registered is more or less than 12 months, the motor tax payable on an application for the registration (or the renewal of the registration) of the vehicle is calculated in accordance with the following formula:

$$A = A1 \times \frac{B}{365}$$

where –

*A* is the amount of the tax;

*A1* is the amount of the motor tax payable for the registration of the vehicle for 12 months;

*B* is the number of days in the period for which the vehicle is to be registered.

- (3) If the registration of a vehicle is to be renewed on an application for the renewal made after the expiry of the previous registration period, the

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period for which the vehicle is to be registered on the application is to be calculated as if it commenced at the end of the previous registration period.

**110. Upgrade of registration or issue of temporary upgrade permit**

- (1) If there is an alteration to a registered motor vehicle or trailer, or its configuration or use, that increases its liability to motor tax, the Registrar may, on application under this regulation, upgrade the registration of the vehicle or issue a temporary upgrade permit for the vehicle for a period stated in the permit.
- (2) An application to upgrade the registration of a vehicle or for a temporary upgrade permit –
  - (a) must be made to the Registrar in a form approved by the Registrar; and
  - (b) must contain the information required in the approved form; and
  - (c) must be accompanied by the appropriate amount of additional motor tax calculated in accordance with subregulation (3); and
  - (d) must be accompanied by the applicable scheduled fee (if any).

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(3) The amount of the additional motor tax required for an application under this regulation is to be calculated as follows:

(a) in the case of an application to upgrade the registration of the vehicle, the additional motor tax is to be calculated in accordance with the following formula:

$$A = \frac{(A1 - A2)N}{D}$$

where –

**A** is the amount of the additional motor tax;

**A1** is the amount of the motor tax that would have been payable for the last period of registration of the vehicle if the alteration had been effected before that period commenced;

**A2** is the amount of the motor tax actually paid for the last period of registration of the vehicle;

**N** is the number of days remaining in the period of registration when the alteration increasing liability to motor tax occurred;

**D** is the number of days in the period of registration for which motor tax was paid;

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- (b) in the case of an application for a temporary upgrade permit, the additional motor tax is to be calculated in accordance with the following formula:

$$A = (A1 - A2) \times D$$

where –

*A* is the amount of the additional motor tax;

*A1* is the amount of the motor tax that would have been payable for the last period of registration of the vehicle if the alteration had been effected before that period commenced, calculated as a daily rate;

*A2* is the amount of the motor tax actually paid for the last period of registration of the vehicle, calculated as a daily rate;

*D* is the number of days for which the permit is to be issued.

- (4) The Registrar may require the applicant –
- (a) to provide further information or evidence to assist with the determination of the application; or
  - (b) to produce the vehicle for inspection at a nominated time and place.

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- (5) A temporary upgrade permit –
- (a) is to be in a form approved by the Registrar; and
  - (b) is to be subject to the following conditions:
    - (i) the permit must be carried in the vehicle to which it relates;
    - (ii) any other conditions the Registrar determines and specifies in the permit.

- (6) A person who uses, or permits the use of, a vehicle on a public street under the authority of a temporary upgrade permit must comply with the conditions of the permit.

Penalty: Fine not exceeding 20 penalty units.

- (7) A person who uses, or permits the use of, a vehicle on a public street under the authority of a temporary upgrade permit must ensure that the permit is carried in the vehicle.

Penalty: Fine not exceeding 10 penalty units.

- (8) The holder of a temporary upgrade permit may surrender the permit to the Registrar and, on the surrender, is entitled to a proportion of the motor tax paid on the application for the permit equivalent to the proportion that the number of days in the remainder of the term of the permit

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bears to the number of days in the whole of the term of the permit.

- (9) The Registrar may deduct from the amount of the refund the applicable gazetted fee for making the refund and no refund is to be made if the amount of the refund does not exceed the amount of the fee.

**111. Downgrade of registration and refund of motor tax**

- (1) If there is an alteration to a registered motor vehicle or trailer, or its configuration or use, that reduces its liability to motor tax, the Registrar may, on application under this regulation, downgrade the registration of the vehicle and refund an appropriate proportion of the motor tax last paid on the application for the grant or the renewal of the registration.
- (2) An application to downgrade the registration of a vehicle and refund an appropriate proportion of motor tax –
- (a) must be made to the Registrar in a form approved by the Registrar; and
  - (b) must contain the information required in the approved form.
- (3) The amount of the refund payable under this regulation is to be calculated as follows:

$$A = \frac{(A1 - A2)N}{D}$$

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where –

*A* is the amount of the refund;

*AI* is the amount of the motor tax actually paid for the last period of registration of the vehicle;

*A2* is the amount of the motor tax that would have been payable for the last period of registration of the vehicle if the alteration had been effected before that period commenced;

*N* is the number of days remaining in the period of registration;

*D* is the number of days in the period of registration for which motor tax was paid.

(4) The Registrar may require the applicant –

(a) to provide further information or evidence to assist with the determination of the application; or

(b) to produce the vehicle for inspection at a nominated time and place.

**112. Refund of motor tax on surrender of registration**

(1) On acceptance of an application for the surrender of the registration, the Registrar must make a refund of motor tax to the former

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registered operator calculated in accordance with the following formula:

$$A = A1 \times \frac{B}{365}$$

where –

*A* is the amount of the refund;

*A1* is the amount of the motor tax payable for the registration of the vehicle for 12 months;

*B* is the number of days remaining in the registration period as at the date of acceptance of the surrender.

- (2) The Registrar may deduct from the amount of the refund the applicable gazetted fee for making the refund and no refund is to be made if the amount of the refund does not exceed the amount of the fee.

**113. Reassessment of motor tax**

- (1) If it appears to the Registrar that an assessment of the motor tax payable for a particular vehicle is incorrect, the Registrar may reassess motor tax for the vehicle.
- (2) For the purposes of this regulation, an assessment that no motor tax is payable for a particular vehicle is taken to be a nil assessment.

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- (3) If the reassessment increases the amount of motor tax payable, the Registrar may, by written notice given to the registered operator of the vehicle, require the registered operator to pay the additional amount within the period (which must be at least 14 days from the date of the notice) allowed in the notice.
- (4) The registered operator is not liable to pay additional motor tax under subregulation (3) if –
- (a) the reassessment relates to an assessment made more than 3 years before the date of the reassessment; and
  - (b) the Registrar is satisfied that the registered operator did not intend to avoid the payment of motor tax.
- (5) If the reassessment reduces the amount of motor tax previously assessed, the Registrar must, within 14 days after the date of the reassessment, refund the amount of any overpayment of motor tax to the registered operator.

*Division 2 – Exemptions, rebates and refunds*

**114. General exemptions**

The following are exempt from motor tax:

- (a) a light vehicle whose registered operator is –
  - (i) the Crown; or

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- (ii) the State Fire Commission; or
  - (iii) an institution that is, or is entitled to be, endorsed by the Australian Taxation Office as a charitable or benevolent institution; or
  - (iv) otherwise approved by the Registrar as being exempt;
- (ab) a heavy vehicle whose registered operator is an institution that is, or is entitled to be, endorsed by the Australian Taxation Office as a charitable or benevolent institution;
  - (b) a bitumen-laying machine, a bulldozer, an earthmoving machine, an excavator, a forklift truck, a front-end loader, an industrial barrow, a log loader, a log skidder, a road grader, a road roller, a rotary hoe, a shovel loader, a street sweeper, a traction engine, a traxcavator or a trench digger;
  - (c) an agricultural machine used exclusively for agricultural purposes;
  - (d) a vehicle designed or adapted for use and used exclusively in, or in connection with, fire-fighting operations;
  - (e) a vehicle that has been registered under regulation 59 on condition that the vehicle has restricted use;

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- (f) an ambulance;
- (g) a self-propelled wheelchair;
- (h) a trailer consisting of a mobile air compressor, a concrete mixer, a mobile electric generator or a mobile latrine;
- (i) a dolly (but not a converter dolly);
- (j) a vintage vehicle used as approved by the Registrar if the registered operator of the vehicle is a full member of a car club, approved by the Registrar for this paragraph;
- (k) a special-interest vehicle used as approved by the Registrar.

**115. Exemptions based on disabilities**

- (1) A vehicle whose registered operator is a person who, as a result of war service –
  - (a) has sustained the loss of, or has been permanently deprived of the use of, an arm, leg, hand or foot; or
  - (b) is totally and permanently incapacitated –is, subject to this regulation, exempt from motor tax.
- (2) An exemption under subregulation (1) does not apply to –

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- (a) a vehicle used for hire for the carriage of passengers or goods; or
  - (b) a vehicle with a GVM exceeding 4.5 tonnes which is designed to be used primarily for the carriage of goods or passengers and goods; or
  - (c) a bus.
- (3) A vehicle whose registered operator has a severe disability is, subject to this regulation, exempt from motor tax.
- (4) A vehicle whose registered operator is a parent or guardian of a person under the age of 16 years who has a severe disability is, subject to this regulation, exempt from motor tax.
- (5) There can be only one exemption from motor tax in force under this regulation at the same time for, or in respect of, the same person.
- (6) If an exemption under this regulation could be applied to any one of 2 or more vehicles, the exemption only applies to one of those vehicles nominated to the Registrar by the registered operator or registered operators in a manner and form approved by the Registrar.
- (7) If a vehicle ceases to be exempt from motor tax under this regulation, the registered operator must, within 14 days –
- (a) give the Registrar written notice of the cessation of the exemption; and

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- (b) if the Registrar so requires, pay to the Registrar motor tax calculated in accordance with subregulation (8).

Penalty: Fine not exceeding 10 penalty units.

- (8) The amount to be paid to the Registrar is to be calculated in accordance with the following formula:

$$A = \frac{N}{365} \times T$$

where –

*A* is the amount to be paid;

*N* is the number of days remaining of the period for which the registration was granted or last renewed at the time the exemption ceased;

*T* is the amount of the motor tax that would have been payable, but for the exemption, if the registration had been granted or last renewed for a period of 12 months.

**116. Rebate for pensioner or eligible asylum seeker**

- (1) If the Registrar is satisfied by statutory declaration or otherwise that –
- (a) the registered operator of a truck with a GVM not exceeding 4.5 tonnes is a pensioner or eligible asylum seeker; and

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- (b) the registered operator does not intend to use the truck, or allow it to be used, for the purposes of a trade or business –

the Registrar may grant a rebate of 40% of the motor tax that would, but for this subregulation, be payable in respect of the truck.

- (2) Unless the Registrar otherwise determines, if a pensioner or eligible asylum seeker is the registered operator of more than one truck, the rebate under subregulation (1) may only be granted in respect of one of those trucks.
- (3) If during a period for which a rebate is granted under this regulation –
  - (a) the registered operator of the truck ceases to be a pensioner or eligible asylum seeker; or
  - (b) the registered operator changes so that a person who is not a pensioner or eligible asylum seeker becomes the registered operator of the truck; or
  - (c) the truck is used or let on hire for the purposes of a trade or business –

the entitlement to the rebate ceases.

- (4) If the entitlement to the rebate ceases, the registered operator of the truck must, within 14 days –

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- (a) give the Registrar written notice of the cessation of the entitlement; and
- (b) if the Registrar so requires, pay to the Registrar a proportion of the rebate calculated in accordance with subregulation (5).

Penalty: Fine not exceeding 10 penalty units.

- (5) The amount to be paid to the Registrar is to be calculated in accordance with the following formula:

$$A = \frac{N}{D} \times R$$

where –

*A* is the amount to be paid;

*N* is the number of days remaining of the period for which the rebate was granted at the time the entitlement ceased;

*D* is the number of days in the period for which motor tax was paid; and

*R* is the amount of the rebate.

**117. Rebate for some farm vehicles**

- (1) If the Registrar is satisfied by statutory declaration or otherwise that the registered operator of a truck –
  - (a) is engaged in farming or horticulture; and

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(b) will use the truck to transport produce or stock, or goods required for farming or horticulture; and

(c) will not use the truck for carrying on any trade, business, occupation or employment other than farming or horticulture and will not hire it out –

the Registrar may grant a rebate of 40% of the motor tax that would, but for this subregulation, be payable in respect of the truck.

(2) For the purpose of identifying a truck as one in respect of which a rebate has been granted under this regulation, the Registrar may issue distinctive number plates for it.

(3) If the Registrar issues distinctive number plates under subregulation (2), the person to whom the plates are issued must –

(a) affix the number plates to the truck in accordance with these regulations; and

(b) keep them so affixed for the period for which the rebate is granted.

Penalty: Fine not exceeding 10 penalty units.

(4) If during a period for which a rebate is granted under this regulation –

(a) the registered operator of the truck ceases to be engaged in farming or horticulture; or

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- (b) the registered operator of the truck uses it for carrying on any trade, business, occupation or employment other than farming or horticulture or hires it out –

the entitlement to the rebate ceases.

- (5) If the entitlement to the rebate ceases, the registered operator of the truck must, within 14 days –
- (a) give the Registrar written notice of the cessation of the entitlement; and
- (b) return any distinctive number plate issued for the truck (unless the Registrar authorises its retention); and
- (c) pay to the Registrar a proportion of the rebate calculated in accordance with subregulation (6).

Penalty: Fine not exceeding 10 penalty units.

- (6) The amount to be paid to the Registrar is to be calculated in accordance with the following formula:

$$A = \frac{N}{D} \times R$$

where –

*A* is the amount to be paid;

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*N* is the number of days remaining of the period for which the rebate was granted at the time the entitlement ceased;

*D* is the number of days in the period for which the motor tax was paid;

*R* is the amount of the rebate.

(7) In this regulation –

*farming* includes dairy farming, pastoral farming and fruit growing;

*truck* includes –

- (a) a prime mover; and
- (b) a trailer with a GVM exceeding 4.5 tonnes.

118. . . . .

**119. Rebate for interchangeable trailers**

(1) A trailer is an interchangeable trailer if –

(a) the trailer –

- (i) is a semi-trailer for carrying goods; and
- (ii) is towed (or is to be towed) only by a prime mover that is registered in the name of the

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registered operator of the trailer and is one of a number of semi-trailers for carrying goods registered in that person's name; and

- (b) the number of semi-trailers for carrying goods registered (or to be registered) in the registered operator's name exceeds the number of prime movers registered in the registered operator's name; and
  - (c) the trailer did not travel more than 20 000 kilometres in the last preceding period of 12 months or, if being registered for the first time, is unlikely to travel more than 20 000 kilometres in the 12-month period immediately after it is registered.
- (2) If the Registrar is satisfied by statutory declaration or otherwise that –
- (a) a trailer is an interchangeable trailer; and
  - (b) a number of semi-trailers at least equivalent to the number of prime movers registered in the registered operator's name are registered in the registered operator's name without rebate under this regulation –

a rebate of 40% of the motor tax that would, but for this subregulation, be payable in respect of that trailer applies.

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- (3) For the purpose of identifying a vehicle as one in respect of which a rebate applies under this regulation, the Registrar may issue a distinctive number plate for the vehicle.
- (4) If the Registrar issues a distinctive number plate under subregulation (3), the person to whom the number plate is issued must –
  - (a) affix the number plate to the vehicle in accordance with these regulations; and
  - (b) keep it so affixed for the registration period (or the part of the registration period for which the rebate applies).

Penalty: Fine not exceeding 10 penalty units.

- (5) If, during a period for which a rebate is granted under this regulation, the criteria for classifying the trailer as an interchangeable trailer are no longer satisfied, the entitlement to the rebate ceases.
- (6) If the entitlement to the rebate ceases, the registered operator of the trailer must, within 14 days –
  - (a) give the Registrar written notice of the cessation of the entitlement; and
  - (b) return any distinctive number plate issued for the vehicle (unless the Registrar authorises its retention); and

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- (c) pay to the Registrar a proportion of the rebate calculated in accordance with the following formula:

$$A = C \times D$$

where –

**A** is the amount to be paid;

**C** is 40% of the amount of the motor tax that would have been payable when the trailer was last registered if it had not been an interchangeable trailer, calculated as a daily amount;

**D** is the number of days remaining in the registration period when the entitlement to the rebate ceased.

Penalty: Fine not exceeding 10 penalty units.

- (9) The registered operator of a trailer that is an interchangeable trailer must not, without the Registrar's written permission, cause or permit the trailer to be drawn by a prime mover that is not registered in that person's name.

Penalty: Fine not exceeding 20 penalty units.

- (10) If the Registrar determines that the entitlement to the rebate has ceased, and gives written notice of that determination to the registered operator of the trailer, the registered operator must, within 14 days –

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- (a) return any distinctive number plate issued for the vehicle (unless the Registrar authorises its retention); and
- (b) pay to the Registrar a proportion of the rebate equivalent to the proportion that the remaining part of the registration period (expressed in days) bears to the whole of the registration period (expressed in days).

Penalty: Fine not exceeding 10 penalty units.

- (11) On receiving a notice under subregulation (6) or making a determination under subregulation (10), the Registrar may –
  - (a) issue a replacement certificate of registration for the trailer; and
  - (b) make any necessary changes to the particulars recorded in respect of the trailer in the register of motor vehicles and trailers.

**120. Rebate for certain 3-axle buses**

- (1) If the Registrar is satisfied by statutory declaration or otherwise that a 3-axle bus with a GVM exceeding 12 tonnes is to be used for low-distance transportation for a period for which the registration is to be granted or renewed, the Registrar may grant a rebate of the motor tax that would, but for this subregulation, be payable in respect of that bus.

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- (2) A bus is used for low-distance transportation if it travels less than 60 000 kilometres during a period of 12 months (to be calculated from the commencement of each registration period, whether the registration period is 12 months or a lesser period).
- (3) In deciding whether a bus is to be used for low-distance transportation during the period for which the registration is to be granted or renewed, the Registrar is to have particular regard to –
  - (a) if applicable, the distance travelled by the bus in the 12 months before the application for the registration or the renewal of the registration; and
  - (b) if a rebate has previously been granted, whether the bus was in fact used for low-distance transportation during the period for which the rebate was granted.
- (4) The rebate is not to be granted except on the registration or the renewal of the registration of the bus.
- (5) The amount of the rebate is to be calculated in accordance with the following formula:

$$R = A1 - A2$$

where –

**R** is the amount of the rebate;

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*A1* is the amount of the motor tax that would, but for this subregulation, be payable in respect of the bus;

*A2* is the amount of the motor tax that would have been payable if the bus had been a 2-axle bus with a GVM exceeding 12 tonnes.

- (6) If the bus ceases to be used for low-distance transportation, the registered operator of the bus must, within 14 days –
- (a) give the Registrar written notice of the cessation of the entitlement; and
  - (b) pay to the Registrar a proportion of the rebate equivalent to the proportion that the number of days in the remaining part of the registration period bears to the number of days in the whole of the registration period.

Penalty: Fine not exceeding 10 penalty units.

- (7) If the Registrar determines that the entitlement to the rebate has ceased, and gives written notice of that determination to the registered operator of the bus, the registered operator must, within 14 days, pay to the Registrar a proportion of the rebate equivalent to the proportion that the remaining part of the registration period bears to the whole of the registration period.

Penalty: Fine not exceeding 10 penalty units.

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- (8) If the registration of the bus is transferred and the Registrar is not satisfied that the bus will be used by the new registered operator for low-distance transportation, the Registrar may make a determination under subregulation (7).
- (9) On receiving a notice under subregulation (6) or making a determination under subregulation (7), the Registrar may –
  - (a) issue a replacement certificate of registration for the bus; and
  - (b) make any necessary changes to the particulars recorded in respect of the bus in the register of motor vehicles and trailers.

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**PART 7 – ROAD SAFETY LEVY**

**121. Interpretation of Part**

In this Part –

*prescribed period* means the period commencing on 1 July 2017 and ending on 30 June 2027.

**122. Road safety levy**

- (1) A person must pay a levy for the registration, or renewal of registration, of a vehicle if –
  - (a) the person applies, in the prescribed period, for registration of the vehicle; or
  - (b) the person applies for the renewal of registration of the vehicle and that renewal falls due in the prescribed period.
- (2) The road safety levy is payable to the Registrar on an application of a kind referred to in subregulation (1).
- (3) If a person applies to register, or renew the registration of, a vehicle for a registration period of 12 months, the road safety levy is –
  - (a) 16.13 fee units, if the person is not an eligible pensioner or eligible asylum seeker; or

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- (b) 9.68 fee units, if the person is an eligible pensioner or eligible asylum seeker.
- (4) If a person applies to register, or renew the registration of, a vehicle for a period of more or less than 12 months, the road safety levy is an amount calculated in accordance with the following formula:

$$A = A1 \times \frac{B}{365}$$

where –

*A* is the amount of the road safety levy;

*A1* is the amount of the road safety levy payable in respect of the registration, or renewal of registration, of the vehicle for a registration period of 12 months;

*B* is the number of days in the period for which the vehicle is to be registered.

**123. Exempted vehicles**

- (1) The Registrar, by notice in the *Gazette*, may exempt a vehicle, or a class of vehicles, from this Part.
- (2) Without limiting the generality of subregulation (1), the Registrar may exempt any one or more of the following vehicles from this Part:

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- (a) a farm, construction or other vehicle that the Registrar considers will be unlikely to be used regularly on public streets;
  - (b) an ambulance;
  - (c) a vehicle designed or adapted for use and used exclusively in, or in connection with, fire-fighting operations.
- (3) A notice under this regulation is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

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**PART 8 – REGISTERS**

**124. Registers**

- (1) The Registrar –
  - (a) must keep the following registers:
    - (i) a register of driver licences;
    - (ii) a register of motor vehicles and trailers;
    - (iii) a register of demerit points;
    - (iv) a register of written-off vehicles; and
  - (b) may maintain other registers for the purposes of the Act.
- (2) A register may be kept in the form of, or as part of, a computer database or in another form the Registrar considers appropriate.

**125. Security of information in registers**

- (1) Information recorded in a register is protected information if it is –
  - (a) personal information; or
  - (b) commercially sensitive information.
- (2) The Registrar may divulge protected information only in the following circumstances:

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- (a) if and as the Registrar considers appropriate in the public interest for the purposes of the administration of an Act of this State, another State or a Territory, or the Commonwealth;
  - (b) if and as authorised by the person to whom the information relates;
  - (c) if and as required by a court or other body or person authorised to take evidence;
  - (d) if and as required for the purposes of NEVDIS;
  - (da) if and as required for the purposes of identity matching services;
  - (e) if and as authorised by administrative guidelines issued by the Minister;
  - (f) if and as otherwise authorised by the Minister.
- (3) In this regulation –

*identity matching services* means the scheme for the purpose of sharing and matching identity information established in accordance with the Intergovernmental Agreement on Identity Matching Services made by the Commonwealth Government, New South Wales, Victoria, Queensland, South Australia, Western Australia, Northern Territory,

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Australian Capital Territory and Tasmania on 5 October 2017, as in force for the time being;

*NEVDIS* means the scheme established by New South Wales, Victoria, Queensland, South Australia, Western Australia, Northern Territory, Australian Capital Territory and Tasmania to provide a national exchange of vehicle and driver information and known as the National Exchange of Vehicle and Driver Information System.

**126. Issue of certificates and disclosure of information contained in register**

- (1) The Registrar must, on receipt of an application for a certificate under this regulation accompanied by the applicable scheduled fee, issue a certificate setting out information recorded in a register kept under regulation 124 in relation to the applicant.
- (2) The Registrar must, on receipt of an application accompanied by the applicable scheduled fee –
  - (a) issue to the registered operator of a vehicle a certificate setting out information recorded in a register kept under regulation 124 in relation to the vehicle; or
  - (b) issue to the holder, or former holder, of a short term unregistered vehicle permit a

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- certificate setting out information recorded in a register kept under regulation 124 in relation to the vehicle;  
or
- (c) issue to the holder, or former holder, of a trade plate a certificate setting out information recorded in a register kept under regulation 124 in relation to the trade plate.
- (3) Any other request for access to information recorded in a register kept under regulation 124 is to be dealt with in accordance with administrative guidelines issued by the Minister.
- (4) Subject to the administrative guidelines, information may be disclosed –
- (a) in the form of a certificate; or
  - (b) in the form of an extract from the register; or
  - (c) orally (including by telephone); or
  - (d) by means of the internet; or
  - (e) by any other means of communication the Registrar considers appropriate in the circumstances.
- (5) Subject to any other law and the administrative guidelines, the Registrar may charge a fee for the disclosure of information in accordance with the administrative guidelines.

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- (6) Despite any other provision of this regulation, the Registrar must not specify in a certificate issued, or otherwise provide, under this regulation any information in respect of a vehicle recorded in the written-off vehicles register, other than that the vehicle is or is not a statutory write-off or repairable write-off.

**127. Administrative guidelines**

- (1) The Minister may issue administrative guidelines governing the disclosure of information (including protected information) from a register kept under these regulations.
- (2) The Minister may revise administrative guidelines issued under this regulation from time to time.

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**PART 9 – FEES AND CHARGES**

**128. Fees generally**

- (1) Subject to these regulations, the applicable scheduled fee is payable to the Registrar –
  - (a) on an application for a matter described in Schedule 1; or
  - (b) for an administrative act described in Schedule 1; or
  - (c) for an examination, test or assessment (other than a medical examination) described in Schedule 1; or
  - (d) for a vehicle inspection described in Schedule 1 that is carried out by a police officer or an authorised officer; or
  - (e) for materials or services described in Schedule 1.
- (2) The applicable scheduled fee is payable irrespective of whether the person liable for the fee asked for, or wanted, the administrative act, examination, test, assessment, vehicle inspection, materials or services to which the fee relates.
- (3) It is not to be inferred, from the fact that certain provisions of these regulations provide specifically for the payment of fees for certain administrative acts, examinations, tests, assessments, vehicle inspections, materials or

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services, that fees cannot be fixed for administrative acts, examinations, tests, assessments, vehicle inspections, materials or services for which no such specific provision exists.

- (4) In the case of a registration fee, if the actual registration period is to be more or less than a period for which a fee is fixed in Schedule 1, the fee is to be calculated in accordance with the following formula:

$$F = N \times \frac{A}{365}$$

where –

*F* is the registration fee;

*N* is the number of days in the period for which registration is sought;

*A* is the fee for a registration period of 12 months.

- (5) If the period for which a driver licence is issued or renewed is not an exact multiple of one year, the remainder is, for the purpose of determining the licence fee, to be treated as a whole year.

**129. Licence fee exemption**

- (1) Subject to subregulation (2), a person who has reached the age of 65 years is exempt from the licence fee payable on an application for the issue or renewal of a driver licence.

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- (2) An applicable gazetted fee to cover the cost of manufacturing the licence document is payable by a person entitled to the exemption under subregulation (1).

**130. Licence fee waived in certain circumstances**

- (1) If a person applies for a full licence, the Registrar may waive the fee payable in respect of full licence of the relevant class in accordance with subregulation (2), if the Registrar is satisfied that the person –
- (a) after the commencement of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Graduated Licensing) Regulations 2020*, completed the P1 stage and the P2 stage without committing an offence that –
    - (i) resulted in the recording of demerit points against the person; or
    - (ii) led to a period of disqualification, licence cancellation or suspension, or a period of ineligibility; and
  - (b) is being issued with the full licence within the 5-year period immediately after completion of the P2 stage.
- (2) The Registrar may only waive under subregulation (1) so much of a fee payable in

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respect of a licence as is up to and including the amount of the fee payable for a full licence issued for 3 years.

- (3) The Registrar may only issue a licence under subregulation (1) in respect of a person if the Registrar is satisfied –
- (a) of the matters referred to in subregulation (1); and
  - (b) that the person has not previously received –
    - (i) a refund of his or her provisional licence fees under the regulations in relation to any class of licence; or
    - (ii) a waiver of a fee under this regulation in relation to any class of licence.
- (4) If, after waiving a fee in respect of a licence under this regulation, the Registrar becomes aware that a person does not meet the requirements of subregulation (3), the Registrar may recover from the holder of the licence the amount of the fee waived under this regulation in respect of the licence.

**131. Registration fee exemption**

- (1) No registration fee is payable for the renewal of the registration of an agricultural machine used

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exclusively for agricultural purposes if the applicable third-party insurance premium has been paid for the period of renewal.

- (2) No registration fee is payable for the renewal of the registration of a vehicle designed or adapted for use and used exclusively in, or in connection with, firefighting operations if the applicable third-party insurance premium has been paid for the period of renewal.

**132. Waiver of fee for transfer of registration**

The Registrar is to waive the fee for the transfer of registration where the transferee is a person with disabilities who has attained the age of 16 years and the transferor is the guardian of that person.

**133. Limitation on concessional registration payments for eligible pensioners and eligible asylum seekers**

- (1) Unless the Registrar otherwise determines, an eligible pensioner or eligible asylum seeker is, at any one time, entitled to a concessional registration payment only for –
  - (a) one caravan; and
  - (b) one trailer (other than a caravan); and
  - (c) one motor cycle; and
  - (d) one motor vehicle (other than a motor cycle).

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(2) In this regulation –

*concessional registration payment* means a registration payment payable by an eligible pensioner or eligible asylum seeker under Division 3 of Schedule 1.

**134. Limitation on concessional administrative fee for eligible pensioners and eligible asylum seekers**

(1) Unless the Registrar otherwise determines, an eligible pensioner or eligible asylum seeker is, at any one time, entitled to a concessional administrative fee only for –

- (a) one caravan; and
- (b) one trailer (other than a caravan); and
- (c) one motor cycle; and
- (d) one motor vehicle (other than a motor cycle).

(2) In this regulation –

*concessional administrative fee* means an administrative fee payable by an eligible pensioner or eligible asylum seeker under Division 3 of Schedule 1.

**135. Waiver of fee on transfer of registration**

(1) Unless the Registrar otherwise determines, the Registrar is, during the prescribed period, to

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waive a registration transfer fee if the transfer of registration is from an eligible pensioner to the eligible pensioner's spouse.

- (2) However, the waiver under subregulation (1) only applies to an eligible pensioner to the extent of –
- (a) one caravan; and
  - (b) one trailer (other than a caravan); and
  - (c) one motor cycle; and
  - (d) one motor vehicle (other than a motor cycle).
- (3) In this regulation –

***prescribed period*** means the 2-year period immediately following the date on which the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2008* take effect;

***registration transfer fee*** means the transfer of registration fee payable in respect of a motor vehicle or a trailer under items 31 and 32 of Division 3 of Schedule 1;

***spouse***, of an eligible pensioner, includes a person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with the eligible pensioner.

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**136. Waiver of inspection fees**

The Registrar may waive a fee payable for inspection of a motor vehicle or a trailer –

- (a) if the inspection arose out of a complaint of unroadworthiness; or
- (b) if the Registrar is satisfied there are other proper reasons for waiving the fee.

**137. Registrar may provide materials and services related to Registrar's functions**

- (1) The Registrar may provide materials and services related to driver licensing, vehicle registration and other functions of the Registrar under the Act and these regulations.
- (2) The Registrar may fix and recover fees for providing materials and services under this regulation.

**137A. National heavy vehicle number plate fee**

- (1) This regulation applies in respect of a number plate issued for a heavy vehicle that is registered otherwise than on one or more conditions.
- (2) A national heavy vehicle number plate fee is payable for the issue, or replacement, of a number plate or a set of number plates for a vehicle to which subregulation (1) applies.

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- (3) For the financial year ending 30 June 2019, the national heavy vehicle number plate fee is \$25.
- (4) In any subsequent financial year, the amount of the fee is to be calculated by multiplying \$25 by the relevant indexation factor.
- (5) The relevant indexation factor for a fee in a particular financial year is the Australian CPI number for the December quarter immediately preceding that financial year.
- (6) In this regulation –

*Australian CPI number*, for a particular quarter in a financial year, means the Consumer Price Index, weighted average of eight capital cities for that quarter, published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth.

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**PART 10 – MISCELLANEOUS**

**138. Issue of duplicate or replacement documents**

- (1) This regulation applies to the following:
  - (a) a driver licence;
  - (b) an ancillary certificate;
  - (c) an identification card;
  - (d) a certificate of registration;
  - (e) . . . . .
  - (f) a number plate;
  - (g) a trade plate;
  - (h) any other document, plate or device issued by the Registrar under the Act or these regulations.
- (2) If a document, plate or device to which this regulation applies has been lost, stolen, damaged or destroyed, the Registrar may, on application under this regulation, issue a duplicate document, plate or device.
- (3) If the expiry date for a P1 provisional licence or a P2 provisional licence changes under section 13B of the Act, the Registrar, on application by the provisional licence holder under this regulation, is to issue a replacement licence.

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- (4) The fee payable under subregulation (3) is the fee payable for the issue of a duplicate licence.
- (5) The Registrar may, on application under this regulation or on the Registrar's own initiative, issue a replacement document, plate or device to which this regulation applies if it is desirable to do so to correct an error or to reflect a change of circumstance occurring since the document, plate or device was issued.
- (6) An application under this regulation must –
  - (a) be made to the Registrar in a form approved by the Registrar; and
  - (b) contain the information required in the approved form; and
  - (c) be accompanied by the applicable scheduled fee (if any).
- (7) If an application under this regulation is for a duplicate or replacement driver licence or ancillary certificate, the applicant must, if the Registrar so requires –
  - (a) submit to the taking of a photograph for inclusion on the driver licence or ancillary certificate –
    - (i) by a person authorised by the Registrar to take such photographs; or

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- (ii) under alternative arrangements acceptable to the Registrar; and
    - (b) provide a specimen signature as required by the Registrar for inclusion on the driver licence or ancillary certificate; and
    - (c) provide any further information or evidence the Registrar may require.
  - (8) The Registrar may, by written notice, recall a document, plate or device to which this regulation applies.
  - (9) A notice of recall must be addressed –
    - (a) in the case of a driver licence or ancillary certificate, to the holder or former holder of the licence or certificate; or
    - (b) in the case of a document, plate or device issued in respect of a motor vehicle or a trailer, to the registered operator or person in charge of the vehicle; or
    - (c) in any case, to a person to whom the document, plate or device was issued or whom the Registrar reasonably believes to be in possession of it.
  - (10) A person to whom a notice of recall is given under this regulation must deliver the document, plate or device to which the notice relates to the Registrar within the time allowed in the notice.

Penalty: Fine not exceeding 10 penalty units.

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**139. Agency**

- (1) If a form approved by the Registrar for an application under the Act or these regulations allows for execution by an agent, the application may be validly made by an agent.
- (2) The Registrar may require a person who has made an application purportedly as an agent to produce evidence, to the Registrar's satisfaction, of the agent's authority to act on behalf of the principal.
- (3) If a requirement is made under subregulation (2), the Registrar may decline to deal with the application until the evidence is produced.

**140. Medical examinations**

- (1) A medical examination to be conducted under the Act or these regulations by a medical practitioner or registered health care practitioner must be conducted as follows:
  - (a) if the person examined is the holder of, or an applicant for, a motor cycle licence, a car licence, or a light rigid vehicle licence, the examination must be conducted in accordance with the standards set out in the publication entitled *Assessing Fitness to Drive for Commercial and Private Vehicle Drivers March 2012* published by Austroads Inc., as amended or substituted from time to time;

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- (b) if the person examined is the holder of, or an applicant for, a medium rigid vehicle licence, a heavy rigid vehicle licence, a heavy combination vehicle licence, a multi-combination vehicle licence or an ancillary certificate, the examination must be conducted in accordance with the standards set out in the publication entitled *Assessing Fitness to Drive for Commercial and Private Vehicle Drivers March 2012* published by Austroads Inc., as amended or substituted from time to time.
- (2) Evidence of the results of a medical examination conducted in another jurisdiction –
- (a) may be given, for the purposes of proceedings under the Act, by certificate in a form approved by the Registrar; and
  - (b) if given in that form to the Registrar, must be taken into consideration by the Registrar.

**140A. Vehicle inspection stations**

The Registrar is to publish, in any manner or form that the Registrar considers appropriate, a list of the places that may be suitable or appropriate for specified inspections under the Act.

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**141. Forms**

If an application, notice or other document is not in the form required under these regulations, but is in a form that is to substantially the same effect, the form is taken to comply with the requirements of these regulations.

**142. Notification of conviction, &c.**

The following are prescribed offences for the purposes of section 65(1)(c) of the Act:

- (a) an offence (under section 18(10) of the Act) of driving a motor vehicle in breach of a condition of a restricted driver licence imposed in accordance with an order of a court;
- (b) an offence (under section 27(1) of the Act) of using an unregistered motor vehicle or trailer on a public street;
- (c) an offence (under section 32 of the Act) of using a motor vehicle or a trailer on a public street contrary to a total prohibition on its use imposed under these regulations;
- (d) an offence (under section 64(1)(a) of the Act) of dishonestly obtaining or attempting to obtain –
  - (i) a driver licence (or the renewal of a driver licence); or

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- (ii) an ancillary certificate (or the renewal of an ancillary certificate); or
- (iii) the registration (or the renewal of registration) of a motor vehicle or a trailer.

**143. Cooperation between driver licensing and vehicle registration authorities**

- (1) The Registrar may request the authority responsible for carrying out functions corresponding to those of the Registrar in another Australian jurisdiction to carry out, on behalf of the Registrar, functions under the Act or these regulations in relation to persons or vehicles in the other jurisdiction.
- (2) Anything done at the request of the Registrar under subregulation (1) is taken, for the purposes of the Act and these regulations, to have been validly done by the Registrar.
- (3) The Registrar is empowered to carry out functions under a corresponding law in relation to persons or vehicles in Tasmania on receipt of a request from the authority responsible for carrying out functions corresponding to those of the Registrar under the corresponding law.

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**144. Prescribed minimum fines for excessive speeding**

- (1) For the purposes of section 19B(1)(c)(i)(A) of the Act, the prescribed amount is \$650.
- (2) For the purposes of section 19B(1)(c)(i)(B) of the Act, the prescribed amount is \$900.

**145. Savings and transitional provisions**

- (1) In this regulation –

*administrative decision* includes an approval, an authorisation, an acceptance, a declaration, a determination, a permission and a requirement;

*commencement day* means the day on which these regulations take effect;

*current regulations* means these regulations;

*former regulations* means the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2000* as in force immediately before the commencement day;

*plate* means a number plate, a trade plate or any other plate or label.

- (2) An administrative decision in force under the former regulations immediately before the commencement day is taken to be an administrative decision in force under the current regulations subject to the same terms.

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- (3) A certificate, licence, permit or registration in force under the former regulations immediately before the commencement day is taken to be a certificate, licence or permit in force under the current regulations subject to the same terms.
  - (4) If the suspension of a certificate, licence, permit or registration was in force under the former regulations immediately before the commencement day –
    - (a) the suspension is taken to be a suspension in force under the current regulations subject to the same terms; and
    - (b) subregulation (3) has effect with respect to the certificate, licence, permit or registration despite the suspension.
  - (5) A registration number, or a plate, in force under the former regulations immediately before the commencement day is taken to be a registration number, code or plate in force under the current regulations subject to the same terms.
  - (6) An exemption, waiver or exception in force under the former regulations immediately before the commencement day is taken to be an exemption, waiver or exception in force under the current regulations subject to the same terms.
  - (7) A notice in force under the former regulations immediately before the commencement day is taken to be a notice in force under the current regulations subject to the same terms.

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- (8) A reference in a document to the former regulations, or to a provision of the former regulations, is taken to be a reference to the current regulations, or to the equivalent provision of the current regulations.

**146. Further savings and transitionals**

- (1) In this regulation –

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

*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

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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.

**147. Graduated licensing savings and transitional**

The savings and transitional provisions set out in Schedule 3 have effect on the commencement of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Graduated Licensing) Regulations 2020*.

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**SCHEDULE 1 – FEES**

Regulation 128

Division 1 – Licence Fees			
Col 1 - Item No.	Col 2 - Fee Category	Col 3 - Fee Units	Col 4 - Legislative Reference
1.	Issue of a learner licence	20.76	DLVR 20(1)(f)
2.	Issue of a provisional licence (issued for both a P1 stage and a P2 stage) –		
	(a) in the case of a pensioner, an eligible asylum seeker, a person with a severe disability or the parent or guardian of a person with a severe disability who has not attained the age of 16 years	20.76	DLVR 20(1)(f)
	(b) in any other case	34.76	DLVR 20(1)(f)
3.	Issue of a provisional licence (issued for a P2 stage only) –		
	(a) in the case of a pensioner, an eligible asylum seeker, a person with a severe disability or the parent or guardian of a person with a severe disability who has not attained the age of 16 years	13.76	DLVR 20(1)(f)
	(b) in any other case	20.76	DLVR 20(1)(f)

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4.	<p>Issue or renewal of a driver licence (other than a learner licence or provisional licence) –</p> <p>(a) in the case where the applicant for or holder of the licence is a pensioner, an eligible asylum seeker, a person with a severe disability, or the parent or guardian of a person with a severe disability who has not attained the age of 16 years, and the licence is issued or renewed for:</p> <p style="padding-left: 40px;">(i) 12 months</p> <p style="padding-left: 40px;">(ii) 2 years</p> <p style="padding-left: 40px;">(iii) 3 years</p> <p style="padding-left: 40px;">(iv) 4 years</p> <p style="padding-left: 40px;">(v) 5 years</p> <p>(b) in any other case where the licence is issued or renewed for –</p> <p style="padding-left: 40px;">(i) 12 months</p> <p style="padding-left: 40px;">(ii) 2 years</p> <p style="padding-left: 40px;">(iii) 3 years</p> <p style="padding-left: 40px;">(iv) 4 years</p> <p style="padding-left: 40px;">(v) 5 years</p>	<p>DLVR 20(1)(f) DLVR 29(1)(d)</p> <p>13.76</p> <p>19.76</p> <p>26.76</p> <p>32.76</p> <p>37.76</p> <p>20.76</p> <p>33.76</p> <p>46.76</p> <p>59.76</p> <p>71.76</p>
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5.	Issue of a driver licence to a person whose driver licence has been cancelled	25 (in addition to the fee prescribed above)	DLVR 20(1)(f)
5A.	Application for the issue of an interlock licence –		DLVR 20(1)(f)
	(a) in the case of a pensioner or eligible asylum seeker	23	
	(b) in the case of any other person	35	
5B.	Application to install an interlock that identifies and differentiates between multiple users –		DLVR 26F(3)
	(a) in the case of a pensioner or eligible asylum seeker	23 (per applicant)	
	(b) in the case of any other person	35 (per other applicant)	
5C.	Application to revoke an I condition from a driver licence –		DLVR 26L(3)
	(a) in the case of a pensioner or eligible asylum seeker	23	
	(b) in the case of any other person	35	
5D.	Application for exemption from installing interlock –		DLVR 26N(2)
	(a) in the case of a pensioner or eligible asylum seeker	23	

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	(b) in the case of any other person	35	
6.	Issue of a driver licence of a particular class in the hierarchy of licence classes on the surrender of a licence of a lower class –		DLVR 20(1)(f)
	(a) if the licence is issued only for the balance of the term of the earlier licence	12 plus a further 6.76 for the issue of a new licence document	
	(b) if the licence is simultaneously renewed for a further term	12 in addition to the fee for renewal	
7.	Testing or assessing a person’s ability to drive a motor vehicle –		DLVR 21(6)(a)(ii) & (b) DLVR 30(6)
	(a) in the case of a class “C” driver licence where the person is not a novice driver	26	
	(b) in the case of a class “C” driver licence where the person is a novice driver in the novice driver learner stage	55.59	
	(d) in the case of a class “R” driver licence	26	
	(e) in any other case	30	

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8.	Issue of a duplicate driver licence –		DLVR 138(6)(c)
	(a) in the case of a pensioner, an eligible asylum seeker, a person with a severe disability, or the parent or guardian of a person with a severe disability who has not attained the age of 16 years	12.76	
	(b) in any other case	16.76	
9.	Issue of a replacement driver licence	6.76	DLVR 138(6)(c)
<b>Division 2 – Fees for ancillary certificates</b>			
<b>Col 1 - Item No.</b>	<b>Col 2 - Fee Category</b>	<b>Col 3 - Fee Units</b>	<b>Col 4 - Legislative Reference</b>
10.	Issue or renewal of a public passenger vehicle ancillary certificate	12	DLVR 20(1)(f) & 29(1)(d) as applied by DLVR 39(2)
11.	Issue or renewal of an ancillary certificate in driving instruction	30	DLVR 20(1)(f) & 29(1)(d) as applied by DLVR 39(2)
12.	Testing or assessing a person's ability to provide driving instruction	50	DLVR 21(6) & 30(6) as applied by DLVR 39(2)

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13.	Issue of a duplicate ancillary certificate or duplicate identification card	10	DLVR 138(6)(c)
14.	Issue of a replacement ancillary certificate or replacement identification card	10	DLVR 138(6)(c)

**Division 3 – Vehicle registration fees**

<b>Col 1 - Item No.</b>	<b>Col 2 - Fee Category</b>	<b>Col 3 - Fee Units</b>	<b>Col 4 - Legislative Reference</b>
15.	Registration or renewal of registration of a motor vehicle (other than a motor cycle) with a GVM not exceeding 4.5 tonnes for a period of 12 months –		DLVR 56(1)(h) DLVR 67(1)(c)
	(a) in the case of a pensioner, an eligible asylum seeker, a person with a severe disability, or the parent or guardian of a person with a severe disability who has not attained the age of 16 years	24 plus the “rounded indexed amount” (as defined in section 77L of the <i>Fire Service Act 1979</i> ) for the relevant financial year	
	(b) in the case of any other person	46 plus the “rounded indexed amount” (as defined in section 77L of the <i>Fire Service Act 1979</i> ) for the relevant financial year	

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16.	Registration or renewal of registration of a motor vehicle (other than a motor cycle) with a GVM exceeding 4.5 tonnes for a period of 12 months	46 plus the “rounded indexed amount” (as defined in section 77L of the <i>Fire Service Act 1979</i> ) for the relevant financial year	DLVR 56(1)(h) DLVR 67(1)(c)
17.	Registration or renewal of registration of a motor cycle for a period of 12 months –		DLVR 56(1)(h) DLVR 67(1)(c)
	(a) in the case of a pensioner or eligible asylum seeker	23	
	(b) in the case of any other person	46	
18.	Registration or renewal of registration of a trailer with a GVM not exceeding 4.5 tonnes for a period of 12 months –		DLVR 56(1)(h) DLVR 67(1)(c)
	(a) in the case of a pensioner, an eligible asylum seeker, a person with a severe disability, or the parent or guardian of a person with a severe disability who has not attained the age of 16 years	10	
	(b) in the case of any other person	20	

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19.	Registration or renewal of registration of a trailer with a GVM exceeding 4.5 tonnes for a period of 12 months	20	DLVR 56(1)(h) DLVR 67(1)(c)
20.	Administrative fee –		DLVR 56(1)(h) DLVR 67(1)(c)
	(a) for seasonal registration or renewal of seasonal registration of a heavy vehicle	5	
	(b) for registration or renewal of registration of a heavy vehicle for a period of 3 months or 6 months	5	
	(c) for registration or renewal of registration of a light vehicle for a period of 6 months –		
	(i) in the case of a pensioner, an eligible asylum seeker, a person with a severe disability, or the parent or guardian of a person with a severe disability who has not attained the age of 16 years	2.5	
	(ii) in the case of any other person	5	

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21.	Issue of a set of number plates, other than national heavy vehicle number plates, for a motor vehicle (other than a motor cycle)	13.5	DLVR 56(1)(h) DLVR 67(1)(c) DLVR 69(4)
22.	Issue of a number plate, other than a national heavy vehicle number plate, for a trailer	11.5	DLVR 56(1)(h) DLVR 67(1)(c) DLVR 69(4)
23.	Issue of a number plate for a motor cycle	11.5	DLVR 56(1)(h) DLVR 67(1)(c) DLVR 69(4)
24.	Issue of a bicycle rack number plate for a motor vehicle (other than a motor cycle) or a trailer	11.5	DLVR 62(5)
25.	Issue of a set of duplicate number plates for a motor vehicle (other than a motor cycle)	51.5	DLVR 138(6)(c)
26.	Issue of a duplicate number plate for a motor cycle or a trailer	51.5	DLVR 138(6)(c)
27.	Issue of a set of replacement number plates, other than national heavy vehicle number plates, for a motor vehicle (other than a motor cycle)	13.5	DLVR 138(6)(c)
28.	Issue of a replacement number plate, other than a national heavy vehicle number plate, for a motor cycle or a trailer	11.5	DLVR 138(6)(c)

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29.	Issue of a duplicate or replacement certificate of registration	10	DLVR 138(6)(c)
30.	Inspection fees for registration purposes in the case of –		VT 58A DLVR 54(2) DLVR 56(3)
	(a) a bus	50	
	(b) a heavy vehicle	35	
31.	Transfer of registration fee for a motor vehicle (including a motor cycle)	18	DLVR 69(5)(b) DLVR 69(6)(b)(ii)
32.	Transfer of registration fee for a trailer	18	DLVR 69(5)(b) DLVR 69(6)(b)(ii)
33.	Issue or renewal of a trade plate certificate	30	DLVR 91(3)(c)
34.	Issue or renewal of a trade plate	11.5	DLVR 91(3)(c)
35.	Issue of a replacement trade plate	11.5	DLVR 138(6)(c)
36.	Issue of a short term unregistered vehicle permit	6	DLVR 92(3)(c)
37.	Inspection fees for clearing a vehicle defect notice –		VT 58A DLVR 88
	(a) in the case of a complete roadworthiness inspection of –		

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	(i) a bus	50	
	(ii) a heavy vehicle	35	
	(b) in any other case	10	
38.	Inspection fees in the case of a random inspection, not otherwise specified in this Schedule, of –		VT 58A VT 50(1)
	(a) a bus	50	
	(b) a heavy vehicle	35	
39.	Inspection fees in the case of an inspection under a vehicle inspection program of –		VT 58A DLVR 102(1)
	(a) a large passenger vehicle that is used to operate a passenger transport service or hire and drive passenger service within the meaning of the <i>Passenger Transport Services Act 2011</i>	35	
	(b) a small passenger vehicle that is used to operate a passenger transport service or hire and drive passenger service within the meaning of the <i>Passenger Transport Services Act 2011</i>	25	
40.	Inspection fee for assessing the clearance of a written-off vehicle label	113.5	DLVR 81(4)

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Division 4 – Motor tax fee			
Col 1 - Item No.	Col 2 - Fee Category	Col 3 - Fee Units	Col 4 - Legislative Reference
41.	Issue of a temporary upgrade permit	25	DLVR 110(2)(d)
Division 5 – Fee for supply of information			
Col 1 - Item No.	Col 2 - Fee Category	Col 3 - Fee Units	Col 4 - Legislative Reference
42.	Issue of a certificate containing information from the register	10	DLVR 126(1)

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**SCHEDULE 2 – DEMERIT POINTS OFFENCES**

Regulation 35

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**PART 1 – NATIONAL SCHEDULE OF DEMERIT POINTS OFFENCES**

Driving contrary to minor defect notice

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Failing to dip headlights

Following too closely

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Improperly overtaking or passing

Turning or stopping without signalling

Turning improperly

Failing to keep left

Disobeying traffic signal

Disobeying stop or give way sign or line, or police directing traffic

Failing to give way

Failing to stop or give way at pedestrian, children's or level crossing

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Driving with unrestrained passengers

Failing to wear helmet

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Failing to keep left of dividing line(s) or median strip

Driving carelessly or negligently

Using heavy vehicle contrary to defect notice

Fatigue management offences

**PART 2 – SCHEDULE OF RECOGNISED INTERSTATE DEMERIT POINTS  
OFFENCES**

Note: There are no offences prescribed.

**PART 3 – SCHEDULE OF LOCAL DEMERIT POINTS OFFENCES**

Disobeying sign/road marking

Failing to give way

Heavy vehicle signs

Seatbelts

Speeding

Miscellaneous

**PART 1 – NATIONAL SCHEDULE OF DEMERIT  
POINTS OFFENCES**

Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
1.	Fail to comply with minor vehicle defect notice	DLVR 89(2)	1

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
2.	Use vehicle contrary to condition in minor defect notice  <b>Driving contrary to major defect notice or prohibition on use</b>	DLVR 89(3)	1
3.	Fail to comply with major vehicle defect notice	DLVR 89(1)	3
4.	Use vehicle contrary to condition in major defect notice	DLVR 89(3)	3
5.	Use/permit use of motor vehicle or trailer on public street contrary to prohibition on use  <b>Failing to dip headlights</b>	VT 32	3
6.	Use/allow high-beam headlights within 200 metres of moving vehicle	RR 218(1)	1
7.	Use/allow use of lights likely to dazzle another road user  <b>Following too closely</b>	RR 219	1
8.	Follow another vehicle too closely to stop safely	RR 126	1
9.	Long vehicle driver fail to keep required minimum distance behind another long vehicle  <b>Driving at night without lights</b>	RR 127(1)	1

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
10.	Drive at night or in weather reduced visibility conditions without head/tail/number plate lights effectively operating and visible	RR 215(1)(a)	1
11.	Drive at night or in weather reduced visibility conditions without clearance/side marker lights effectively operating and visible	RR 215(1)(b)	1
12.	Tow vehicle at night or in weather reduced visibility conditions without lights as required on towed vehicle	RR 216(1)	1
<b>Exceeding speed-limit</b>			
13.	Exceed applicable speed-limit applying to driver for length of road by less than 15 km/h	RR 20	2
14.	Exceed applicable speed-limit applying to driver for length of road by 15 km/h or more but less than 30 km/h	RR 20	3
15.	Exceed applicable speed-limit applying to driver for length of road by 30 km/h or more but less than 38 km/h	RR 20	5
16.	Exceed applicable speed-limit applying to driver for length of road by 38 km/h or more but less than 45 km/h	RR 20	6
17.	Exceed applicable speed-limit applying to driver for length of road by 45 km/h or more	RR 20	6
<b>Improperly overtaking or passing</b>			

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
18.	Drive past a <i>no overtaking or passing sign</i> when oncoming vehicle on bridge/road	RR 93(1)(a)	2
19.	Overtake vehicle on bridge/road contrary to <i>no overtaking or passing sign</i>	RR 93(1)(b)	2
20.	Overtake on bridge contrary to <i>no overtaking on bridge sign</i>	RR 94	2
21.	Overtake when unsafe and when no clear view of any approaching traffic	RR 140	2
22.	Driver (other than cyclist) overtake to left of vehicle when not permitted	RR 141(1)	2
23.	Driver overtake to right of vehicle indicating turning right or doing U-turn	RR 142 (1)	2
24.	Pass/overtake (when unsafe) to left of vehicle with <i>do not overtake turning vehicle sign</i> that is indicating turning left	RR 143(1)	2
25.	Pass/overtake (when unsafe) to right of vehicle with <i>do not overtake turning vehicle sign</i> that is indicating turning right, or doing U-turn	RR 143(2)	2
26.	Overtake too close to another vehicle	RR 144(a)	2
27.	Cut in front of vehicle after overtaking	RR 144(b)	2
	<b>Turning or stopping without signalling</b>		
28.	Fail to give required left change of direction signal	RR 46(1)	2
29.	Fail to give required right change of direction signal	RR 48(1)	2

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
30.	Fail to give required stop signal	RR 53(1)	2
31.	Fail to give sufficient stop signal on stopping	RR 53(2)	2
32.	Fail to give stop signal when suddenly slowing	RR 53(3)	2
33.	Fail to give sufficient left change of direction signal before entering roundabout (when leaving at first exit)	RR 112(2)	2
34.	Fail to continue left change of direction signal (when leaving at first exit of roundabout)	RR 112(3)	2
35.	Fail to give sufficient right change of direction signal before entering roundabout (when travelling more than halfway through)	RR 113(2)	2
36.	Fail to continue right change of direction signal (when travelling more than halfway through roundabout)	RR 113(3)	2
37.	Fail to indicate left-change of lane/traffic line in roundabout	RR 117(1)	2
38.	Fail to indicate right-change of lane/traffic line in roundabout	RR 117(2)	2
39.	Fail to indicate left when leaving roundabout (if practicable)	RR 118(1)	2
	<b>Turning improperly</b>		
40.	Fail to keep left when starting left hand turn (from other than multi-lane road)	RR 27(1)	2

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<b>Col 1 Item</b>	<b>Col 2 Offence</b>	<b>Col 3 Legislation creating offence</b>	<b>Col 4 Demerit points</b>
41.	Fail to approach and enter from within left lane (unless otherwise permitted) when turning left from multi-lane road	RR 28(1)	2
42.	Fail to approach and enter from within slip lane (unless obstructed) when turning left at intersection from multi-lane road with slip lane	RR 28(1A)	2
43.	Fail to make left hand turn at intersection as indicated by turn line	RR 29(1)	2
44.	Start right hand turn incorrectly (from other than multi-lane road)	RR 31(1)	2
45.	Fail to approach and enter from within right lane (unless otherwise permitted) when turning right at intersection from multi-lane road	RR 32(1)	2
46.	Make right hand turn incorrectly	RR 33(1)	2
47.	Fail to make hook turn correctly at <i>hook turn only sign</i>	RR 34(1)	2
48.	Start U-turn without clear view and when could unreasonably obstruct traffic	RR 37	2
49.	Make U-turn contrary to <i>no U-turn sign</i> (at dividing strip)	RR 39(1)	2
50.	Make U-turn contrary to <i>no U-turn sign</i> (along road)	RR 39(2)	2
51.	Make U-turn at intersection with traffic lights without <i>U-turn permitted sign</i>	RR 40	2

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
52.	Make U-turn at intersection without traffic lights (contrary to <i>no U-turn sign</i> )	RR 41	2
53.	Start U-turn at intersection from incorrect position	RR 42	2
54.	Fail to turn left at <i>left turn only sign</i>	RR 88(1)	2
55.	Fail to turn left when entering intersection in <i>left lane must turn left sign</i> lane	RR 88(2)	2
56.	Fail to turn right at <i>right turn only sign</i>	RR 89(1)	2
57.	Fail to turn right when entering intersection in <i>right lane must turn right sign</i> lane	RR 89(2)	2
58.	Turn at <i>no turns sign</i>	RR 90	2
59.	Turn left at <i>no left turn sign</i>	RR 91(1)	2
60.	Turn right at <i>no right turn sign</i>	RR 91(2)	2
61.	Make U-turn at <i>no right turn sign</i>	RR 91(2)	2
	<b>Failing to keep left</b>		
62.	Fail to keep left of central traffic island in roundabout	RR 115(1)(a)	2
63.	Fail to keep to left of centre of traffic island in roundabout (where vehicle too large to drive in roundabout without driving on edge of central traffic island)	RR 115(1)(b)	2
64.	Fail to keep to left of centre of traffic island (where vehicle too large to drive in roundabout without driving over central traffic island)	RR 115(1)(c)	2

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
65.	Driver (other than motor bike rider) fail to keep to far left side of road (except on multi-lane road)	RR 129(1)	2
66.	Drive in a right hand lane on multi-lane road (in an over 80 km/h zone or with <i>keep left unless overtaking sign</i> ) when not permitted	RR 130(2)	2
67.	Fail to keep left of oncoming vehicles as required unless rider of postal vehicle, bicycle or animal riding on path or nature strip	RR 131(1)	2
68.	Fail to keep left of centre of road (when no dividing line/median strip)	RR 132(1)	2
	<b>Disobeying traffic signal</b>		
69.	Fail to stop as required on red traffic light	RR 56(1)	3
70.	Fail to stop as required on red traffic arrow	RR 56(2)	3
71.	Fail to stop on yellow traffic light when could have done so safely and/or proceed before permitted	RR 57(1)	3
72.	Fail to stop on yellow traffic arrow when could have done so safely and/or proceed before permitted	RR 57(2)	3
73.	Enter intersection contrary to red traffic light	RR 59(1)	3
74.	Enter intersection or marked foot crossing contrary to red traffic arrow	RR 60	3

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
75.	Driver of motor vehicle enter bicycle storage area contrary to red traffic light	RR 60A(1)	3
76.	Driver of motor vehicle enter bicycle storage area contrary to red traffic arrow	RR 60A(2)	3
77.	Proceed against yellow/red traffic light/arrow after having stopped before entering intersection	RR 61(2)	3
78.	Fail to give way as required when turning at flashing yellow traffic arrow at intersection	RR 64	3
79.	Fail to stop as required at twin red lights (other than at level crossing)	RR 66(1)	3
80.	Proceed through twin red lights after stopping (other than at level crossing) with lights still showing	RR 66(4)	3
81.	Fail to comply with overhead lane control device	RR 152(1)	3
82.	Public bus driver fail to stop as required at red B light	RR 281	3
83.	Public bus driver fail to stop as required at yellow B light	RR 282	3
84.	Public bus driver unlawfully proceed through red/yellow B light (after having stopped)	RR 284	3
85.	Public bus driver (having stopped before entering intersection) proceed before permitted by light/arrow to do so	RR 286(2)	3

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
86.	Public bus driver (already stopped in intersection) fail to proceed as soon as safely possible after B light/arrow changes to yellow/red  <b>Disobeying stop or give way sign or line, or police directing traffic</b>	RR 286(3)	3
87.	Fail to stop and give way as required at a stop sign/line (at intersection without traffic lights)	RR 67(1)	3
88.	Fail to stop and give way as required at a stop sign/line (other than at intersection, children's crossing, level crossing or twin red lights)	RR 68(1)	3
89.	Fail to give way as required at give way sign/line at intersection (other than a roundabout)	RR 69(1)	3
90.	Fail to give way at <i>give way sign</i> on bridge/narrow road	RR 70	3
91.	Fail to give way as required at give way sign/line (other than at intersection, bridge, narrow road, level crossing, twin red lights)	RR 71(1)	3
92.	Fail to stop before reaching <i>hand-held stop sign</i> (other than at children's crossing)	RR 101(1)	3
93.	Proceed past <i>hand-held stop sign</i> before permitted to do so (other than at children's crossing)	RR 101(2)	3
94.	Fail to obey reasonable direction by police/authorised person for safe and efficient traffic regulation	RR 304(1)	3

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
	<b>Failing to give way</b>		
95.	Fail to give way when making U-turn	RR 38	3
96.	Fail to give way when turning at intersection with traffic lights except on green traffic arrow	RR 62	3
97.	Fail to give way at intersection where traffic lights not wholly operating (with <i>traffic light-stop sign</i> displayed)	RR 63(2)	3
98.	Fail to give way as required at intersection (not roundabout) where traffic lights not wholly operating or only flashing yellow (and no <i>traffic light-stop sign</i> displayed)	RR 63(3)	3
99.	Fail to give way as required at uncontrolled/unsigned intersection (other than T-intersection or roundabout)	RR 72(1)	3
100.	Fail to give way as required at uncontrolled/unsigned T-intersection	RR 73(1)	3
101.	Fail to give way as required to vehicle (other than one turning right from road-related area/adjacent land) when entering (uncontrolled/ unsigned) road from road-related area/adjacent land	RR 74(1)(a)	3
102.	Fail to give way to any pedestrian on road when entering (uncontrolled/ unsigned) road from road-related area/adjacent land	RR 74(1)(b)	3
103.	Fail to give way to any vehicle/pedestrian on road-related area crossed when entering (uncontrolled/ unsigned) road from road-related area/adjacent land	RR 74(1)(c)	3

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<b>Col 1 Item</b>	<b>Col 2 Offence</b>	<b>Col 3 Legislation creating offence</b>	<b>Col 4 Demerit points</b>
104.	Fail to give way when entering (uncontrolled/ unsigned) road from road-related area to pedestrian on the road-related area	RR 74(1)(d)(i)	3
105.	Fail to give way when entering (uncontrolled/unsigned) road from road-related area to vehicle ahead or approaching from left or right	RR 74(1)(d)(ii)	3
106.	Fail to give way to any pedestrian on road when entering road-related area/adjacent land from uncontrolled/unsigned road	RR 75(1)(a)	3
107.	Fail to give way as required to any vehicle/pedestrian on road-related area	RR 75(1)(b)	3
108.	Fail to give way to oncoming vehicle when turning right into road-related area/adjacent land	RR 75(1)(c)	3
109.	Fail to give way as required to vehicle on continuing road at T-intersection	RR 75(1)(d)	3
110.	Fail to give way as required to signed signalling bus pulling out	RR 77(1)	3
111.	Move into path of police/emergency vehicle displaying flashing red/blue light or sounding alarm	RR 78(1)	3
112.	Fail to move out of path of police/emergency vehicle displaying flashing red/blue light or sounding alarm	RR 78(2)	3
113.	Fail to give way to police/emergency vehicle displaying flashing red/blue light or sounding alarm	RR 79(1)	3

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
114.	Driver fail to give way to pedestrian in shared zone	RR 83	3
115.	Fail to give way as required to vehicle when driving through break in (unsigned/unmarked) dividing strip	RR 84(1)	3
116.	Fail to give way to vehicle as required when entering turning lane from painted island	RR 85	3
117.	Fail to give way when entering median turning bay to oncoming vehicle already in bay	RR 86(1)	3
118.	Fail to give way to vehicle as required when entering marked lane or line of traffic from either side of road	RR 87(1)	3
119.	Fail to give way to vehicle as required when turning from median strip parking area into marked lane/line of traffic	RR 87(3)	3
120.	Fail to give way on entering roundabout to vehicle in roundabout	RR 114(1)	3
121.	Fail to give way moving from one marked lane to another	RR 148(1)	3
122.	Fail to give way moving from one line of traffic to another (when at least 2 lines of traffic travelling in same direction)	RR 148(2)	3
123.	Fail to give way when diverging (left or right) within marked lane	RR 148A	3
124.	Fail to give way when any part of other vehicle is ahead when lines of traffic merge	RR 149	3

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
125.	Driver on path (other than cyclist or driver entering a road from a road-related area or adjacent land or vice versa) fail to give way to other road users/animals on path	RR 288(4)	3
126.	Driver on nature strip (other than animal rider or driver entering a road from a road-related area or adjacent land or vice versa) fail to give way to other road users/animals on nature strip	RR 289(2)	3
	<b>Failing to stop or give way at pedestrian, children's or level crossing</b>		
127.	Fail to give way to any pedestrian on marked foot crossing with flashing yellow traffic light (other than at/near intersection)	RR 65(2)(a)	3
128.	Obstruct pedestrian on marked foot crossing with flashing yellow traffic light (other than at/near intersection)	RR 65(2)(b)	3
129.	Overtake/pass vehicle stopping/stopped at marked foot crossing with flashing yellow traffic light (other than at/near intersection)	RR 65(2)(c)	3
130.	Approach children's crossing too quickly to stop safely	RR 80(1)	3
131.	Fail to stop at children's crossing (when <i>hand-held stop sign</i> displayed)	RR 80(2)(a)	3
132.	Fail to stop at children's crossing (when pedestrian on/entering crossing)	RR 80(2)(b)	3

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
133.	Proceed through children's crossing when pedestrian is on or entering crossing and before <i>hand-held stop sign</i> no longer displayed or before being signalled to do so	RR 80(3)	3
134.	Proceed through children's crossing while pedestrian is on or is entering the crossing	RR 80(4)	3
135.	Approach pedestrian crossing too quickly to stop safely	RR 81(1)	3
136.	Fail to give way to pedestrian on pedestrian crossing	RR 81(2)	3
137.	Overtake/pass a vehicle stopping/stopped at children's/pedestrian crossing	RR 82	3
138.	Fail to stop and give way at <i>stop sign</i> at level crossing	RR 121	3
139.	Fail to give way at level crossing with give way sign/line	RR 122	3
140.	Enter level crossing (with warning lights operating or warning bells ringing)	RR 123(a)	3
141.	Enter level crossing (with gate/boom/barrier in any stage of operation)	RR 123(b)	3
142.	Enter level crossing when train entering	RR 123(c)	3
143.	Enter level crossing (when approaching train can be seen/heard and danger of collision)	RR 123(d)	3
144.	Enter level crossing (when blocked or road beyond blocked)	RR 123(e)	3

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
	<b>Driving without seatbelts</b>		
145.	Driver fail to wear properly adjusted and fastened seatbelt (when vehicle moving/stationary, but not parked)	RR 264(1)	3
	<b>Driving with unrestrained passengers</b>		
146.	Driver fail to ensure passenger aged 16 or older is restrained as required (when vehicle is moving/stationary, but not parked)	RR 265(3)	3
147.	Driver fail to ensure passenger under 16 years is restrained as required (when vehicle is moving/stationary, but not parked)	RR 266(1)	3
	<b>Failing to wear helmet</b>		
148.	Motor bike rider fail to wear securely fitted and fastened approved motor bike helmet (when vehicle moving/stationary, but not parked)	RR 270(1)(a)	3
149.	Motor bike rider fail to ensure passenger wearing securely fitted and fastened approved motor bike helmet (when vehicle moving/stationary, but not parked)	RR 270(1)(b)	3
	<b>Failing to keep left of dividing line(s) or median strip</b>		
150.	Fail to keep left of dividing line as required	RR 132(2)	3
151.	Driver cross dividing lines as specified to make U-turn	RR 132(2A)	3

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
152.	Fail to keep left of median strip (other than painted island)  <b>Driving carelessly or negligently</b>	RR 135(1)	3
153.	Drive without due care and attention	RR 367(1)	3
154.	Negligent driving (having regard to all the circumstances)  <b>Using heavy vehicle contrary to defect notice</b>	TA 32(2)	3
154A.	Use of heavy vehicle contrary to vehicle defect notice (minor defect notice)	HVNL 529	1
154B.	Use of heavy vehicle contrary to vehicle defect notice (major defect notice)  <b>Fatigue management offences</b>	HVNL 529	3
154C.	Drive fatigue-regulated heavy vehicle whilst impaired by fatigue	HVNL 228(1)	3
154D.	Solo driver of fatigue-regulated heavy vehicle in breach of standard hours (severe risk breach)	HVNL 250(1)	3
154E.	Solo driver of fatigue-regulated heavy vehicle in breach of standard hours (critical risk breach)	HVNL 250(1)	4
154F.	Two-up driver of fatigue-regulated heavy vehicle in breach of standard hours (severe risk breach)	HVNL251(1)	3

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<b>Col 1 Item</b>	<b>Col 2 Offence</b>	<b>Col 3 Legislation creating offence</b>	<b>Col 4 Demerit points</b>
154G.	Two-up driver of fatigue-regulated heavy vehicle in breach of standard hours (critical risk breach)	HVNL251(1)	4
154H.	Solo driver of fatigue-regulated heavy vehicle in breach of BFM hours (severe risk breach)	HVNL254(1)	3
154I.	Solo driver of fatigue-regulated heavy vehicle in breach of BFM hours (critical risk breach)	HVNL254(1)	4
154J.	Two-up driver of fatigue-regulated heavy vehicle in breach of BFM hours (severe risk breach)	HVNL256(1)	3
154K.	Two-up driver of fatigue-regulated heavy vehicle in breach of BFM hours (critical risk breach)	HVNL256(1)	4
154L.	Driver of fatigue-regulated heavy vehicle in breach of AFM hours (severe risk breach)	HVNL 258(1)	3
154M.	Driver of fatigue-regulated heavy vehicle in breach of AFM hours (critical risk breach)	HVNL 258(1)	4
154N.	Driver of fatigue-regulated heavy vehicle in breach of exemption hours (severe risk breach)	HVNL 260(1)	3
154O.	Driver of fatigue-regulated heavy vehicle in breach of exemption hours (critical risk breach)	HVNL 260(1)	4

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**PART 2 – SCHEDULE OF RECOGNISED INTERSTATE  
DEMERIT POINTS OFFENCES**

Note: There are no offences prescribed.

**PART 3 – SCHEDULE OF LOCAL DEMERIT POINTS  
OFFENCES**

Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
	<b>Disobeying sign/road marking</b>		
155.	Drive in direction contrary to traffic lane arrows at intersection (other than roundabout) except as permitted	RR 92(1)	2
156.	Drive contrary to <i>one-way sign</i> unless rider of postal vehicle, bicycle or animal riding on path or nature strip	RR 98(1)	2
157.	Fail to keep left (contrary to <i>keep left sign</i> ) unless rider of postal vehicle, bicycle or animal riding on path or nature strip	RR 99(1)	2
158.	Fail to keep right (contrary to <i>keep right sign</i> ) unless rider of postal vehicle, bicycle or animal riding on path or nature strip	RR 99(2)	2
159.	Drive past <i>no entry sign</i>	RR 100	2
160.	Fail to obey roundabout traffic lane arrows as required	RR 116	2
161.	Cross continuous line separating 2 marked lanes (multi-lane road) when not permitted	RR 147	2
162.	Drive in bicycle lane when not permitted	RR 153(1)	2

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
163.	Driver cross 2 broken parallel dividing lines when not permitted  <b>Failing to give way</b>	RR 371(1)	3
164.	Fail to give way as required in road-related area to vehicle converging on right  <b>Heavy vehicle signs</b>	RR 368(1)	3
165.	Drive overheight vehicle past <i>clearance</i> or <i>low clearance sign</i>	RR 102(1)	2
166.	Drive vehicle past <i>bridge load limit (gross mass) sign/gross load limit sign</i> if in excess of displayed gross mass	RR 103(1)	2
167.	Drive vehicle past <i>bridge load limit (mass per axle group) sign</i> if in excess of mass indicated	RR 103(2)	2
168.	Fail to gear down as required if <i>trucks and buses low gear sign applies</i>  <b>Speeding</b>	RR 108(1)	2
170.	Turn right or left at traffic lights intersection at more than 20 km/h	RR 363(1)	2
171.	Exceed 40 km/h within 50 metres of bus on road displaying school bus warning sign and warning light by less than 10 km/h	RR 374(1)	2
172.	Exceed 40 km/h within 50 metres of bus on road displaying school bus warning sign and warning light by 10 to 14 km/h	RR 374(1)	2

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Col 1 Item	Col 2 Offence	Col 3 Legislation creating offence	Col 4 Demerit points
173.	Exceed 40 km/h within 50 metres of bus on road displaying school bus warning sign and warning light by 15 to 22 km/h	RR 374(1)	3
174.	Exceed 40 km/h within 50 metres of bus on road displaying school bus warning sign and warning light by 23 to 29 km/h	RR 374(1)	3
175.	Exceed 40 km/h within 50 metres of bus on road displaying school bus warning sign and warning light by 30 to 37 km/h	RR 374(1)	5
176.	Exceed 40 km/h within 50 metres of bus on road displaying school bus warning sign and warning light by 38 to 44 km/h	RR 374(1)	6
177.	Exceed 40 km/h within 50 metres of bus on road displaying school bus warning sign and warning light by 45 km/h or more	RR 374(1)	6
<b>Miscellaneous</b>			
178.	Novice driver in novice driver learner stage or novice rider in motor cycle learner stage fail to display clearly visible L-plates as required	DLVR 10(9)	2
179.	Learner driver (other than novice driver in novice driver learner stage or novice rider in motor cycle learner stage) fail to display clearly visible L-plates as required	DLVR 10(9)	2
180.	Novice driver or novice rider in P1 stage fail to display clearly visible P-plates as required	DLVR 12(9)	2

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<b>Col 1 Item</b>	<b>Col 2 Offence</b>	<b>Col 3 Legislation creating offence</b>	<b>Col 4 Demerit points</b>
180A.	Novice driver, or novice rider, in P2 stage fail to display clearly visible P-plates as required	DLVR 12(9A)	2
180B.	Driver in P1 stage drive with more than one passenger, who has attained the age of 16 years but not attained the age of 22 years, in motor vehicle	DLVR 12A(1)	2
181.	Enter marked foot crossing contrary to red traffic light	RR 59(1)	3
182.	Drive with passenger in/on part of motor vehicle not designed primarily for carriage of passengers or goods	RR 268(4A)	3
183.	Drive with passenger in/on part of motor vehicle designed primarily for goods carriage unless part is enclosed and passenger occupies suitable seating position and wears seatbelt	RR 268(4B)	3
184.	Ride motor bike with passenger who is aged under 8 years, unless in side car	RR 271(5A)	3
185.	Drive using mobile phone (when vehicle moving or stationary, but not parked) except to make or receive call from phone secured in mounting or not required to be touched, or as otherwise exempt	RR 300(1)	3
186.	Learner driver, or driver in P1 stage, drive using mobile phone (when vehicle moving or stationary, but not parked)	RR 300(1A)	3

**SCHEDULE 3 – SAVINGS AND TRANSITIONALS**

Regulation 147

**1. Interpretation**

In this Schedule –

***active L1 licence*** means an L1 learner licence in force under the former regulations that, on the commencement day, was not suspended;

***active L2 licence*** means an L2 learner licence in force under the former regulations that, on the commencement day, was not suspended;

***active P1 licence*** means a P1 provisional licence in force under the former regulations that, on the commencement day, was not suspended;

***active P2 licence*** means a P2 provisional licence in force under the former regulations that, on the commencement day, was not suspended;

***commencement day*** means the day on which the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Graduated Licensing) Regulations 2020* take effect;

***expired L2 licence*** means an L2 learner licence in force under the former

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regulations that, on or after the commencement day, had expired for a period of not more than 90 days;

*former regulations* means these regulations as in force before the commencement day;

*suspended L1 licence* means an L1 learner licence in force under the former regulations that, on the commencement day, was subject to a suspension;

*suspended L2 licence* means an L2 learner licence in force under the former regulations that, on the commencement day, was subject to a suspension;

*suspended P1 licence* means a P1 provisional licence in force under the former regulations that, on the commencement day, was subject to a suspension;

*suspended P2 licence* means a P2 provisional licence in force under the former regulations that, on the commencement day, was subject to a suspension.

**2. Transitional provisions for existing licence holders**

- (1) Unless otherwise specified in this Schedule, on and after the commencement day these regulations apply to –
  - (a) the holder of an active L1 licence as if a reference in these regulations to a learner

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- licence were a reference to the active L1 licence; and
- (b) the holder of a suspended L1 licence as if a reference in these regulations to a learner licence that is suspended were a reference to the suspended L1 licence; and
  - (c) the holder of an active L2 licence as if a reference in these regulations to a learner licence were a reference to the active L2 licence; and
  - (d) the holder of a suspended L2 licence as if a reference in these regulations to a learner licence that is suspended were a reference to the suspended L2 licence.
- (2) Regulation 12(9A) does not apply in respect of the holder of an active P2 licence, or suspended P2 licence, while the licence is in force.
  - (3) Regulation 12A does not apply in respect of the holder of an active P1 licence, or suspended P1 licence once the licence is no longer suspended, while the licence is in force.
  - (4) For the purposes of these regulations, the following provisions apply to the holder of an active L2 licence, suspended L2 licence or expired L2 licence:
    - (a) regulation 19(4) does not apply in respect of the holder of the relevant L2 licence;

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- (b) before applying for a P1 provisional licence, the holder of the relevant L2 licence must have held the L2 licence for –
  - (i) a continuous period of 9 months;  
or
  - (ii) such further continuous period as is specified in the novice case management program in force in respect of the holder of the licence;
- (c) before applying for a P1 provisional licence, the holder of the relevant L2 licence must have recorded in his or her learner driver logbook –
  - (i) at least 50 hours of experience driving a car; or
  - (ii) such other period of experience driving a car as is specified in the novice case management program in force in respect of the holder of the licence;
- (d) a determination made by the Registrar under regulation 19(6A) applies in respect of the hours of experience driving a car to be recorded in the learner driver logbook of the holder of the relevant L2 licence on the successful completion of a specified activity.

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- (5) If a person holds a P1 provisional licence on the commencement day, the fee payable for the issue of a P2 licence to the person is –
- (a) 7 fee units, if the person is an eligible pensioner or eligible asylum seeker; or
  - (b) 14 fee units, if the person is not an eligible pensioner or eligible asylum seeker.

**3. Safer driver reward transitional provisions**

If the holder of a P2 provisional licence completes his or her P2 stage before the commencement day, regulation 130 of the former regulations, as in force immediately before the commencement day, applies to the holder if –

- (a) the holder meets the requirements of that regulation as so in force; and
- (b) the holder applies for a refund under that regulation within 12 months after the commencement day.

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

Notified in the *Gazette* on 2 June 2010.

These regulations are administered in the Department of Infrastructure, Energy and Resources.

### NOTES

The foregoing text of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 December 2020 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
<sup>1</sup> <i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010</i>	S.R. 2010, No. 37	7.6.2010
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2010</i>	S.R. 2010, No. 63	7.6.2010
<i>Legislation Publication Act 1996</i>	No. 17 of 1996	11.6.2010
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2010</i>	S.R. 2010, No. 63	30.6.2010
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Community Transport) Regulations 2010</i>	S.R. 2010, No. 134	15.12.2010
<i>Dangerous Goods (Road and Rail Transport) Act 2010</i>	No. 16 of 2010	1.1.2011
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Vehicle Registration Fees) Regulations 2011</i>	S.R. 2011, No. 59	1.7.2011

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Citation	Serial Number	Date of commencement
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Personalised Number Plates) Regulations 2011</i>	S.R. 2011, No. 68	13.7.2011
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Road Safety Levy) Regulations 2011</i>	S.R. 2011, No. 89	1.11.2011
<i>Personal Property Securities (National Uniform Legislation) Implementation Act 2011</i>	No. 2 of 2011	30.1.2012
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2012</i>	S.R. 2012, No. 28	30.5.2012
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Registration Labels) Regulations 2012</i>	S.R. 2012, No. 71	1.9.2012
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Motor Trikes) Regulations 2012</i>	S.R. 2012, No. 102	21.11.2012
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Segways) Regulations 2013</i>	S.R. 2013, No. 3	6.2.2013
<i>Passenger Transport and Related Legislation (Consequential Amendments) Act 2011</i>	No. 60 of 2011	1.7.2013
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations 2013</i>	S.R. 2013, No. 50	31.7.2013
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Concession Eligibility) Regulations 2013</i>	S.R. 2013, No. 67	28.8.2013
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations (No. 2) 2013</i>	S.R. 2013, No. 91	27.11.2013
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Heavy Vehicle) Regulations 2014</i>	S.R. 2014, No. 10	10.2.2014
<i>Vehicle and Traffic (Driver Licensing</i>	S.R. 2014, No. 71	25.6.2014

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Citation	Serial Number	Date of commencement
<i>and Vehicle Registration) Amendment Regulations 2014</i>		
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Vehicle Standards) Regulations 2014</i>	S.R. 2014, No. 72	1.7.2014
<i>Ambulance Service Amendment Act 2013</i>	No. 73 of 2013	1.7.2014
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Charitable Exemption) Regulations 2014</i>	S.R. 2014, No. 113	5.11.2014
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Heavy Vehicle) Regulations 2014</i>	S.R. 2014, No. 10	30.3.2015
<i>Vehicle and Traffic Amendment (Offensive Advertising) Act 2017</i>	No. 5 of 2017	1.6.2017
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2017</i>	S.R. 2017, No. 23	1.7.2017
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Registration Labels) Regulations 2017</i>	S.R. 2017, No. 54	1.9.2017
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Miscellaneous) Regulations 2017</i>	S.R. 2017, No. 93	29.11.2017
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Identity Matching Services) Regulations 2017</i>	S.R. 2017, No. 113	27.12.2017
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Probationary Licences) Regulations 2017</i>	S.R. 2017, No. 114	1.1.2018
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2018</i>	S.R. 2018, No. 42	4.7.2018
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations (No. 2) 2018</i>	S.R. 2018, No. 93	1.2.2019
<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Graduated Licensing) Regulations 2020</i>	S.R. 2020, No. 75	1.12.2020

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Citation	Serial Number	Date of commencement
<i>Vehicle and Traffic Amendment (Road Vehicle Standards) Act 2020</i>	No. 34 of 2020	not commenced

<sup>1</sup>Expires 2 June 2021 - Subordinate Legislation Act 1992

### TABLE OF AMENDMENTS

Provision affected	How affected
Regulation 3	Amended by S.R. 2010, No. 63, No. 60 of 2011, Sched. 1, S.R. 2013, No. 50, S.R. 2013, No. 67, S.R. 2014, No. 10, S.R. 2014, No. 72, S.R. 2017, No. 54, S.R. 2017, No. 93, S.R. 2017, No. 114 and S.R. 2020, No. 75
Regulation 7	Amended by No. 16 of 2010, Sched. 1
Regulation 8	Amended by S.R. 2020, No. 75
Regulation 9	Amended by S.R. 2017, No. 114
Regulation 10	Amended by S.R. 2014, No. 71, S.R. 2017, No. 93, S.R. 2017, No. 114 and S.R. 2020, No. 75
Regulation 12	Amended by No. 73 of 2013, Sched. 1, S.R. 2014, No. 71, S.R. 2017, No. 114 and S.R. 2020, No. 75
Regulation 12A	Inserted by S.R. 2020, No. 75
Regulation 14	Substituted by S.R. 2017, No. 114
Regulation 15	Rescinded by S.R. 2017, No. 114
Regulation 16	Amended by S.R. 2014, No. 71 and S.R. 2020, No. 75
Regulation 17	Amended by S.R. 2017, No. 114
Regulation 19	Amended by S.R. 2010, No. 63, S.R. 2014, No. 71, S.R. 2017, No. 93, S.R. 2017, No. 114 and S.R. 2020, No. 75
Regulation 21	Amended by S.R. 2013, No. 50 and S.R. 2017, No. 93
Regulation 22	Amended by S.R. 2013, No. 50, S.R. 2014, No. 71 and S.R. 2017, No. 114
Regulation 23	Amended by S.R. 2013, No. 50
Regulation 24	Amended by S.R. 2013, No. 50 and S.R. 2014, No. 71
Regulation 26A of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26B of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26C of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26D of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26E of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26E	Amended by S.R. 2014, No. 72
Regulation 26F of Part 2	Inserted by S.R. 2013, No. 50

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Provision affected	How affected
Regulation 26G of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26H of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26I of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26I	Amended by S.R. 2013, No. 91
Regulation 26J of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26J	Amended by S.R. 2013, No. 91
Regulation 26K of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26L of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26M of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26N of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26N	Amended by S.R. 2013, No. 91
Regulation 26O of Part 2	Inserted by S.R. 2013, No. 50
Regulation 26P of Part 2	Inserted by S.R. 2013, No. 50
Regulation 27	Amended by S.R. 2017, No. 114
Regulation 29	Amended by S.R. 2017, No. 114
Regulation 32	Amended by S.R. 2013, No. 50
Regulation 33	Amended by S.R. 2013, No. 50
Regulation 35	Amended by S.R. 2010, No. 63
Regulation 37A	Inserted by S.R. 2012, No. 102
Regulation 37B	Inserted by S.R. 2013, No. 3
	Amended by S.R. 2018, No. 93
Regulation 38	Amended by S.R. 2014, No. 71
Regulation 48	Amended by S.R. 2010, No. 134
	Rescinded by No. 60 of 2011, Sched. 1
	Amended by S.R. 2012, No. 28
Regulation 52	Amended by No. 60 of 2011, Sched. 1, No. 5 of 2017, s. 8 and S.R. 2017, No. 93
Regulation 54	Amended by S.R. 2017, No. 93
Regulation 57	Amended by S.R. 2010, No. 63, No. 60 of 2011, Sched. 1 and No. 5 of 2017, s. 9
Regulation 58	Amended by S.R. 2018, No. 42
Regulation 60	Amended by S.R. 2010, No. 63
Regulation 63A	Inserted by S.R. 2011, No. 68
Regulation 64	Amended by S.R. 2012, No. 71
	Rescinded by S.R. 2017, No. 54
Regulation 65	Subregulation (1) substituted by S.R. 2012, No. 71
	Subregulation (1A) inserted by S.R. 2012, No. 71
	Amended by S.R. 2012, No. 71
	Rescinded by S.R. 2017, No. 54

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Provision affected	How affected
Regulation 65A of Part 5	Inserted by S.R. 2011, No. 68
Regulation 65B of Part 5	Inserted by S.R. 2011, No. 68
Regulation 65C of Part 5	Inserted by S.R. 2011, No. 68
Regulation 65D of Part 5	Inserted by S.R. 2011, No. 68
Regulation 65E of Part 5	Inserted by S.R. 2011, No. 68
Regulation 65F of Part 5	Inserted by S.R. 2011, No. 68
Regulation 65G of Part 5	Inserted by S.R. 2011, No. 68
Regulation 68	Amended by S.R. 2011, No. 68
Regulation 69	Amended by No. 2 of 2011, Sched. 1 and S.R. 2011, No. 68
Regulation 71	Amended by S.R. 2012, No. 71 and S.R. 2017, No. 54
Regulation 72	Amended by No. 5 of 2017, s. 10
Regulation 74	Amended by No. 5 of 2017, s. 11
Regulation 85	Substituted by No. 60 of 2011, Sched. 1
Regulation 87	Amended by No. 60 of 2011, Sched. 1
Regulation 102	Amended by No. 60 of 2011, Sched. 1
Regulation 104	Substituted by S.R. 2017, No. 93
Regulation 104A	Inserted by S.R. 2017, No. 93
Regulation 107	Amended by S.R. 2012, No. 71 Substituted by S.R. 2017, No. 54
Regulation 114	Amended by S.R. 2010, No. 63, S.R. 2014, No. 113 and S.R. 2018, No. 93
Regulation 116	Amended by S.R. 2013, No. 67
Regulation 118	Rescinded by S.R. 2018, No. 93
Regulation 119	Amended by S.R. 2017, No. 54
Regulation 120	Amended by S.R. 2017, No. 54
Regulation 121	Amended by S.R. 2011, No. 89 and S.R. 2017, No. 23
Regulation 122	Amended by S.R. 2011, No. 89, S.R. 2013, No. 67 and S.R. 2017, No. 23
Regulation 125	Amended by S.R. 2017, No. 113
Regulation 128	Amended by S.R. 2017, No. 93
Regulation 130	Substituted by S.R. 2020, No. 75
Regulation 133	Amended by S.R. 2013, No. 67
Regulation 134	Amended by S.R. 2013, No. 67
Regulation 137A	Inserted by S.R. 2018, No. 42
Regulation 138	Amended by S.R. 2017, No. 54
Regulation 140	Amended by S.R. 2014, No. 71
Regulation 140A	Inserted by S.R. 2017, No. 93
Regulation 145	Inserted by S.R. 2010, No. 63
Regulation 146	Inserted by S.R. 2017, No. 114

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Provision affected	How affected
Regulation 147	Inserted by S.R. 2020, No. 75
Schedule 1	Substituted by S.R. 2010, No. 63 Amended by S.R. 2011, No. 59, No. 60 of 2011, Sched. 1, S.R. 2013, No. 50, S.R. 2013, No. 67, S.R. 2014, No. 71, S.R. 2017, No. 54, S.R. 2017, No. 93, S.R. 2018, No. 42 and S.R. 2020, No. 75
Schedule 2	Substituted by S.R. 2010, No. 63 Amended by S.R. 2014, No. 10
Part 1 of Schedule 2	Amended by S.R. 2010, No. 63 and S.R. 2014, No. 10
Part 2 of Schedule 2	Amended by S.R. 2010, No. 63
Part 3 of Schedule 2	Amended by S.R. 2010, No. 63, S.R. 2014, No. 72 and S.R. 2020, No. 75
Schedule 3	Inserted by S.R. 2020, No. 75