

TASMANIA

**VEHICLE AND TRAFFIC (DRIVER LICENSING
AND VEHICLE REGISTRATION) AMENDMENT
(GRADUATED LICENSING) REGULATIONS 2020**

STATUTORY RULES 2020, No. 75

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**VEHICLE AND TRAFFIC (DRIVER LICENSING
AND VEHICLE REGISTRATION) AMENDMENT
(GRADUATED LICENSING) REGULATIONS 2020**

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 16 November 2020.

C. WARNER
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON
Minister for Infrastructure and Transport

1. Short title

These regulations may be cited as the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Graduated Licensing) Regulations 2020*.

2. Commencement

These regulations take effect on
1 December 2020.

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3. Principal Regulations

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

4. Regulation 3 amended (Interpretation)

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

- (a) by omitting the definitions of *L1 learner licence*, *L2 learner licence*, *L1 stage* and *L2 stage*;
- (b) by inserting the following definition after the definition of *multi-combination vehicle licence*:

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

- (c) by inserting the following definition after the definition of *novice case management program*:

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

*S.R. 2010, No. 37

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- (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;
- (d) by omitting “L2 stage” from the definition of *P1 stage* and substituting “novice driver learner stage”.

5. Regulation 8 amended (Novice licensing stages)

Regulation 8(2) of the Principal Regulations is amended by omitting paragraphs (a) and (b) and substituting the following paragraph:

- (a) novice driver learner stage;

6. Regulation 10 amended (Learner licences)

Regulation 10 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (4)(a) “3 years” and substituting “5 years”;

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- (b) by omitting from subregulation (7) “an L2” and substituting “a”.

7. Regulation 12 amended (Provisional licences)

Regulation 12 of the Principal Regulations is amended as follows:

- (a) by inserting the following subregulation after subregulation (9):

(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

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the motor vehicle, from
the front of the motor
vehicle and from the rear
of the trailer.

Penalty: Fine not exceeding 5
penalty units.

- (b) by omitting from subregulation (10)
“subregulation (9)” and substituting
“subregulation (9) or (9A)”.

8. Regulation 12A inserted

After regulation 12 of the Principal Regulations,
the following regulation is inserted in Division
2:

**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

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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 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;

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- (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 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

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(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*;

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.

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9. Regulation 16 amended (Prescribed offences)

Regulation 16 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (b) “regulation 300(1) of the *Road Rules 2009*” and substituting “rule 300(1) or (1A) of the *Road Rules*”;
- (b) by omitting from paragraph (e) “regulation 12(9)” and substituting “regulation 12(9) or (9A)”;
- (c) by inserting the following paragraph after paragraph (e):
 - (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;

10. Regulation 19 amended (Eligibility)

Regulation 19 of the Principal Regulations is amended as follows:

- (a) by omitting subregulations (2), (3) and (4) and substituting the following subregulation:
 - (4) The following additional eligibility criteria apply to a

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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.

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- (b) by omitting from subregulation (5)(b) “9 months” and substituting “12 months”;
- (c) by omitting paragraph (b) from subregulation (6) and substituting the following paragraph:
 - (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.
- (d) by inserting the following subregulations after subregulation (6):
 - (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

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- (b) the Registrar is to ensure that the determination is published, in any manner or form that the Registrar considers appropriate, while the determination remains in force.

11. Regulation 130 substituted

Regulation 130 of the Principal Regulations is rescinded and the following regulation is substituted:

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

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- (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 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

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- (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.

12. Regulation 147 inserted

After regulation 146 of the Principal Regulations, the following regulation is inserted in Part 10:

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*.

13. Schedule 1 amended (Fees)

Schedule 1 to the Principal Regulations is amended as follows:

- (a) by omitting items 2 and 3 and substituting the following items:

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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)

(b) by omitting paragraphs (b) and (c) from item 7 and substituting the following paragraph:

(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	
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14. Schedule 2 amended (Demerit Points Offences)

Part 3 of Schedule 2 to the Principal Regulations is amended as follows:

- (a) by omitting “L1 stage or L2 stage” from column 2 of item 178 in the table and substituting “novice driver learner stage”;
- (b) by omitting “L1 stage or L2 stage” from column 2 of item 179 in the table and substituting “novice driver learner stage”;
- (c) by inserting after item 180 the following items:

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

- (d) by inserting after item 185 the following item:

186.	Learner driver, or driver in P1 stage, drive using mobile phone (when vehicle moving or stationary, but not parked)	RR 300(1A)	3
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15. Schedule 3 inserted

After Schedule 2 to the Principal Regulations, the following Schedule is inserted:

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*

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*(Graduated Licensing)
Regulations 2020* take effect;

expired L2 licence means an L2 learner licence in force under the former 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 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

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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;
 - (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

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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.
- (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 –

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- (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 25 November 2020.

These regulations are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the regulations)

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

- (a) providing for a single learner licence in respect of certain vehicles; and
- (b) amending the requirements for novice learner drivers and provisional drivers in respect of holding, and progressing from, a learner licence or a provisional licence respectively; and
- (c) requiring certain provisional licence holders to display a green P-plate in certain circumstances.