I certify that this is a copy of the authorised version of this Statutory Rule as at 4 November 2026, and that it incorporates all amendments, if any, made before and in force as at that date and 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 4 November 2026.

K Woodward
Chief Parliamentary Counsel
Dated 4 November 2026

TASMANIA

VEHICLE AND TRAFFIC (DRIVER LICENSING AND VEHICLE REGISTRATION) REGULATIONS 2021

STATUTORY RULES 2021, No. 26

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VEHICLE AND TRAFFIC (DRIVER LICENSING AND VEHICLE REGISTRATION) REGULATIONS 2021

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 24 May 2021.

C. WARNER
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON
Minister for Infrastructure and Transport

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021*.

2. Commencement

These regulations take effect on 1 June 2021.

3. Interpretation

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

accessory number plate, in relation to a vehicle, means an additional number plate issued for attachment to a bicycle rack, or some other removable equipment or object, that may be attached to the vehicle;

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);

agricultural task includes, but is not limited to –

(a) the cultivation of land; and

(b) the growing and harvesting of crops; and

(c) the breeding, or rearing, of livestock;

applicable scheduled fee, in relation to a matter, means the fee prescribed in Schedule 1 in respect of the matter and includes any other fee prescribed in that Schedule that is relevant in respect of that matter;

approved form, in relation to a document or item, means a form approved by the Registrar;

auction house means a person who sells, or exchanges, affected vehicles by way of public auction;

auto-parts dismantler means a person who carries on a business in respect of one or more of the following:

(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;

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 period for which the licence is held 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, with a fifth 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

(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 who has a severe disability and has not attained the age of 16 years;

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;

hierarchy of licence classes means the hierarchy established by 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 33(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 –

(i) analyses a breath sample provided by the intended driver of the motor vehicle; and

(ii) detects that the breath sample so 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 either –

(i) an engine capacity of 660cc or less and a power-to-weight ratio not exceeding 150 kilowatts to one tonne; or

(ii) an electric motor with a power output not exceeding 25 kilowatts; 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;

learner driver logbook means the logbook referred to in regulation 24(1);

licence production fee means the fee of that name prescribed in Part 1 of Schedule 1;

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;

L-plate has the same meaning as in regulation 12(2);

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;

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 an approved form; 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 138(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;

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 referred to in regulation 20;

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 rider who, in relation to a particular licence class 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, has progressed beyond the P1 stage and holds a P2 provisional licence in respect of that class;

pensioner means a person who is –

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

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 kilograms, of the motor cycle plus 90 kilograms;

primary licence, in relation to an ancillary certificate, has the meaning given by regulation 50(1);

quad bike has the same meaning as in the *Road Rules 2019*;

register of motor vehicles and trailers means the register kept under regulation 159(1)(a)(ii);

registration payment means, for the relevant registration period –

(a) each applicable scheduled fee for the registration, or the renewal of the registration; and

(b) the motor tax payable, if any; and

(c) if a number plate or number plates are to be issued – the applicable scheduled fee, if any, for the issue of the number plate or number plates; and

(d) the third-party insurance premium payable, if any; and

(e) the road safety levy, if any;

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 157;

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*;

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;

self-propelled personal transportation device means a two-wheeled, self-balancing, battery-powered personal transportation device for which a short term unregistered vehicle permit is in force authorising its use on a public street;

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 registration, in relation to a vehicle, means that the registration of the vehicle is subject to a condition, imposed under regulation 84, that the Registrar

has determined means the vehicle holds special-interest registration;

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*;

vehicle defect notice means a notice issued under Division 9 of Part 6 or the corresponding provision of a corresponding law;

vehicle identifier means –

(a) in the case of a vehicle manufactured before January 1989 –

(i) if the Registrar has issued a vehicle reference number for the vehicle under regulation 80, that number; or

(ii) if the Registrar has issued a surrogate vehicle identifier for the vehicle under regulation 140, that identifier; or

(iii) if a number that is permanently recorded on the vehicle corresponds to a number recorded in respect of the vehicle in the register of motor vehicles and trailers or an equivalent register in another jurisdiction, that number; or

(iv) in any other case, 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 –

(i) if the Registrar has issued a vehicle reference number for the vehicle under regulation 80, that number; or

(ii) if the Registrar has issued a surrogate vehicle identifier for the vehicle under regulation 140, that identifier; or

(iii) in any other case, 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;

VT means the *Vehicle and Traffic Act 1999*;

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 110(1);

written-off vehicles register means the register kept under regulation 159(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*, declare that service in a specified war, or in specified warlike operations, is war service for the purposes of these regulations.

(4) In these regulations, a reference to a licence by a class of licence means a reference to the licence of that class as established under regulation 6.

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

For the purposes of these regulations, the Registrar may take into account the following evidence when determining whether a person is a suitable person to hold a driver licence, an ancillary certificate or an exemption:

(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

If requested by a person, the Registrar is to provide the person with a list of motor cycles, and classes of motor cycles, that are approved by the Registrar as required under paragraph (b) of the definition of *learner approved motor cycle* in regulation 3(1).

PART 2 – DRIVER LICENCES

Division 1 – Classes of driver licences

6. Classes of driver licences

(1) The classes of driver licences are established 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) For the purposes of the Act, a class of driver licence may be referred to by reference to the code shown in parenthesis in subregulation (1) after the relevant class.

(3) A hierarchy of licence classes is established consisting of the following licence classes as listed in ascending order:

(a) a car licence or its equivalent under a corresponding law;

(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) For the avoidance of doubt, a motor cycle licence is not within the hierarchy of licence classes.

7. Authority conferred by licences

(1) A driver licence of a class specified in regulation 6(1) authorises the holder of the licence to drive a motor vehicle of a particular kind on a public street as set out in this regulation.

(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 of 4.5 tonnes or less; and

(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, other than a motor cycle, that –

(a) has a GVM of 4.5 tonnes or less and is constructed or equipped to seat more than 12 adults including the driver; or

(b) has a GVM greater than 4.5 tonnes but not greater than 8 tonnes.

(5) A medium rigid vehicle licence authorises the holder to drive a motor vehicle, other than a motor cycle, 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, other than a motor cycle, 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

(b) a prime mover to which is attached a dolly and a single semi-trailer; or

(c) a rigid motor vehicle towing –

(i) a trailer with a GVM greater than 9 tonnes; and

(ii) 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 only authorises the holder to drive a motor vehicle towing a trailer 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.

(10) A medium rigid vehicle licence or heavy rigid vehicle licence only authorises the holder to drive a motor vehicle towing a trailer 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

(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 of licence 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, 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, a novice driver must complete the following novice licensing stages, in ascending order:

(a) novice driver learner stage;

(b) P1 stage;

(c) P2 stage.

(3) A person who has progressed 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) each training course required by the Registrar for progressing beyond that status; and

(ii) each other theoretical and practical requirement required by the Registrar for progressing beyond that status; or

(b) the person successfully completes –

(i) each training course required under a corresponding law for progressing beyond that status; and

(ii) each other theoretical and practical requirement required under a corresponding law for progressing beyond that status –

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 the status of learner driver 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 determines, on an application for the issue of a driver licence, that the licence is to be issued as a learner licence.

(3) 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 has the status of a learner driver in relation to the driving of motor vehicles for which a driver licence of a higher class in the hierarchy of licence classes is required.

(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 a learner driver for that class.

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 in accordance with regulation 9(2).

(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 that the Registrar considers appropriate.

(4) A person who holds a licence of a particular class who intends 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 held by the person were a learner licence of the relevant class.

11. Duration of learner licence

(1) A learner licence, other than a heavy vehicle learner licence, is to be issued –

(a) for 5 years in the case of a novice driver other than a novice rider; and

(b) for 12 months in any other case.

(2) 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.

12. Requirements for certain learner drivers

(1) 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

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

(2) A person must not drive a motor vehicle on a public street under the authority of a learner licence unless a sign issued or authorised by the Registrar 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.

(3) A person must not drive a motor vehicle, other than a motor cycle, on a public street under the authority of a learner licence 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 continuously for the previous 12-month period, 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) 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

(c) 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.

(4) 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.

(5) 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.

(6) 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.

13. Requirements for all drivers in respect of learner drivers

(1) 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 under the authority of a learner licence.

Penalty: Fine not exceeding 2 penalty units.

(2) A person must not employ, cause or permit another person to drive a motor vehicle in contravention of one or more of the following:

(a) regulation 12;

(b) this regulation.

Penalty: Fine not exceeding –

(a) if the contravention relates to regulation 12(3), (5) or (6) – 20 penalty units; or

(b) in any other case – 5 penalty units.

14. Unaccompanied driver offence

For the purposes of the definition of *unaccompanied driver offence* in section 3 of the Act, an offence against regulation 12(3) is prescribed as an unaccompanied driver offence.

15. Provisional licences

(1) In this regulation –

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

(2) 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.

(3) 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, 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 relevant period specified in regulation 16(2); and

(c) obtains a full licence in relation to that licence class.

(4) A person is only required to progress beyond the status of a provisional driver in relation to a particular licence class once.

(5) A person who has progressed beyond the status of a provisional driver in relation to a car does not, solely by virtue of that progression, progress beyond the status of a provisional driver in relation to a motor cycle.

(6) A person who has progressed beyond the status of a provisional driver in relation to a motor cycle does not, solely by virtue of that progression, progress beyond the status of a provisional driver in relation to a car.

(7) The holder of a provisional licence issued in another State or a Territory who wishes to be issued with a Tasmanian licence may be issued with –

(a) a P1 provisional licence if he or she has held the interstate provisional licence for 12 months or less; or

(b) a P2 provisional licence if he or she has held the interstate provisional licence for more than 12 months.

16. Duration of provisional licences

(1) A provisional licence, under regulation 15, 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.

(2) Subject to subregulation (3), 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 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 attains 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.

(3) Subregulation (2) is subject to the following qualifications:

(a) none of the following periods are 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) the period between the cancellation of a provisional licence and the issue of a new provisional licence to the holder of the licence so cancelled;

(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 or cancelled, the period between the end of the disqualification period and the date on which a new licence is issued to the person;

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

(b) if a person's provisional licence is suspended during the P1 stage –

(i) in addition to paragraph (a)(i), the period for which the person has held the provisional licence before the suspension is also not to be counted; and

(ii) the period for which the person is required to hold a provisional licence is determined as if he or she had not held a provisional licence before the suspension comes to an end, irrespective of whether the person in fact then obtains a new provisional licence;

(c) if a person's provisional licence is cancelled during the P1 stage –

(i) in addition to paragraph (a)(ii), the period for which the person has held a provisional licence before the issue of a new provisional licence is also not to be counted; and

(ii) the period for which the person is required to hold a provisional licence is determined as if the person first obtains a provisional licence when a new provisional licence is issued after the cancellation;

(d) if, during the P1 stage, a person is disqualified from driving for more than 4 months after the provisional licence has expired –

(i) in addition to paragraph (a)(iii), the period for which the person has held a provisional licence before the end of the period of disqualification is also not to be counted; and

(ii) the period for which the person is required to hold a provisional licence is determined as if the person first obtains a provisional licence when a new provisional licence is issued;

(e) if, during the P1 stage, a 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 –

(i) in addition to paragraph (a)(iv), the period for which the person has held a provisional licence before the disqualification or ineligibility is also not to be counted; and

(ii) the period for which the person is required to hold a provisional

licence is determined as if he or she had not held a provisional licence before the period of disqualification, or ineligibility, comes to an end, irrespective of whether the person in fact then obtains a new provisional licence.

17. Requirements for holders of P1 and P2 provisional licences

(1) 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.

(2) Subject to subregulation (4), 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 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.

(3) Subject to subregulation (4), 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.

(4) A person is not subject to the requirements of subregulation (2) or (3) if that person –

(a) is driving an authorised emergency vehicle to or from the scene of an emergency; or

(b) is a police officer driving a motor vehicle in the course of official duties; or

(c) is an emergency management worker, within the meaning of the *Emergency Management Act 2006*, driving a motor vehicle for the purposes of an emergency within the meaning of that Act.

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

Penalty: Fine not exceeding 5 penalty units.

18. Special restrictions affecting P1 provisional licence holders

(1) The holder of a P1 provisional licence in the 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 2019*, 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;

(iii) to facilitate the medical treatment of, or for other medical purposes for, the holder of the licence or a passenger; or

(e) the inability of the holder of the licence to transport the other passenger is reasonably likely to cause undue hardship to the 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 12-month period –

(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*;

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.

19. 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.

20. Novice case management program

(1) In this regulation –

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

(2) The Registrar may decide that a novice driver, or novice rider, is to be subject to 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, that relates to driving, or operating, a vehicle; or

(ii) such an offence under a corresponding law; or

(b) the Registrar is of the opinion, on reasonable grounds, that the novice

driver or novice rider is not a suitable person to drive a motor vehicle of the relevant class without supervision and management that is additional to the supervision and management already required under the Act.

(3) The Registrar may decide that a novice driver, or novice rider, is to no longer be subject to the novice case management program if the Registrar is satisfied, on reasonable grounds, that the novice driver or novice rider is a suitable person to drive a motor vehicle of the relevant class without being subject to the novice case management program.

(4) The Registrar, as part of the case management of a novice driver, or novice rider, under this regulation, 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 27;

(ii) additional conditions on the relevant licence; or

(c) issue a licence for a different stage than the one applied for, by the novice driver or novice rider, in accordance with these regulations; or

(d) if the licence is a provisional licence, 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 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.

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

(1) In this regulation –

relevant offence means a prescribed offence within the meaning of section 13B of the Act.

(2) 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 regulation 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* or a substantially equivalent law of another jurisdiction;

(d) failing to wear a helmet, in contravention of regulation 270(1) of the *Road Rules* or a substantially equivalent law of another jurisdiction;

(e) failing to display P-plates, in contravention of regulation 17(2) or (3) or a substantially equivalent law of another jurisdiction;

(f) 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 18 or a substantially equivalent law of another jurisdiction;

(g) driving a motor cycle in contravention of regulation 19(2) or a substantially equivalent law of another jurisdiction.

(3) If a novice driver or novice rider is convicted of a relevant offence while he or she holds 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.

(4) If a novice driver or novice rider who is in the P1 stage is convicted of a relevant offence while he or she is 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.

(5) If a novice driver or novice rider in the P2 stage is convicted of a relevant offence that occurred while 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.

(6) 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.

Division 3 – Issue of driver licence

22. Calculation of certain periods

For the purposes of calculating, for this Division, 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 all, or any part of, the period as if the licence had been an Australian driver licence.

23. Eligibility requirements for all licences

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

(a) is a resident of Tasmania; and

(b) has attained –

(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, 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 specified in regulation 25; and

(c) is physically and mentally fit to drive a motor vehicle of the relevant class; and

(d) unless the licence is to be issued as a learner licence, is 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 regulation 24; and

(g) is in all other respects a suitable person to hold the licence.

(2) For the avoidance of doubt, the holder of a valid foreign driver licence is not eligible to hold a driver licence solely on the basis that he or she holds the valid foreign driver licence.

(3) Subject to subregulation (4), 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, if committed in Tasmania, is likely to have resulted in the person being disqualified from driving in Tasmania; or

(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.

(4) 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 –

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 (3)(a).

24. Additional eligibility requirements for certain licences

(1) A novice driver who holds a learner licence for a car is to maintain a learner driver logbook in an approved form.

(2) A novice driver in the novice driver learner stage, or a driver who has never held a full licence, in relation to a car, is required to meet the following criteria before applying for a P1 provisional licence:

(a) the person must have held a learner licence for a continuous period of –

(i) if the person is subject to a novice case management program and is required under the program to have held a learner licence for a continuous period of less than 12 months, that period so required; or

(ii) if the person is subject to a novice case management program and is required under the program to have held a learner licence for a continuous period of greater than 12 months, that period so required; or

(iii) in any other case, at least 12 months ending not more than 28 days before applying for the P1 provisional licence;

(b) the person must have at least –

(i) if the person is subject to a novice case management program and is required under the program to have a number of hours of experience driving a car on a public street less than 80 hours, that number of hours so required; or

(ii) if the person is subject to a novice case management program and is required under the program to have a number of hours of experience driving a car on a public street greater than 80 hours, that number of hours so required; or

(iii) in any other case, 80 hours of experience driving a car on a public street –

recorded in his or her learner driver logbook before applying for the P1 provisional licence.

(3) The hours of experience specified in subregulation (2)(b) must include at least 15 hours of experience driving a car at night.

(4) For the purposes of subregulation (2)(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.

(5) If the Registrar makes a determination under subregulation (4) –

(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 considers appropriate, while the determination remains in force.

(6) 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 12(3)(a).

(7) A holder of a learner motor cycle licence is required to meet the following additional eligibility criteria before applying for a P1 provisional motor cycle licence:

(a) if the applicant is a novice rider, the applicant must hold that licence for a continuous period of –

(i) if the person is subject to a novice case management program and is required under the program to have held a learner motor cycle licence for a continuous period of less than 6 months, that period so required; or

(ii) if the person is subject to a novice case management program and is required under the program to have held a learner motor cycle licence for a continuous period of greater than 6 months, that period so required; or

(iii) in any other case, at least 6 months ending not more than 28 days before applying for a motor cycle licence;

(b) the applicant must have attended and successfully completed one or more of the following, as approved by the Registrar, relating to the operation and driving of motor cycles:

(i) a training course;

(ii) an assessment that is written or practical or a combination of both;

(iii) a test that is written or practical or a combination of both;

(8) The Registrar may exempt a person from an eligibility requirement under subregulation (2)(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.

25. Additional eligibility requirements for certain heavy vehicle licences

(1) A person applying for a light rigid vehicle licence must have attained the age of 19 years, and have held an Australian driver licence of class ***C*** or above for at least 12 months, before applying for the licence.

(2) A person applying for a heavy rigid vehicle licence must have completed each of the following before applying for the licence:

(a) must have attained the age of 20 years;

(b) must have held an Australian driver licence of class ***C*** or above for at least 2 years;

(c) must have –

(i) held a licence of class ***LR*** or above for at least 12 months; or

(ii) passed an approved driver training course for the relevant licence class.

(3) A person applying for a heavy combination vehicle licence must have completed each of the following before applying for the licence:

(a) must have attained the age of 20 years;

(b) must have held an Australian driver licence of class ***C*** or above for at least 2 years;

(c) must have –

(i) held a licence of class ***MR*** or above for at least 12 months; or

(ii) passed an approved driver training course for the relevant licence class.

(4) A person applying for a multi-combination vehicle licence must have completed each of the following before applying for the licence:

(a) must have attained the age of 21 years;

(b) must have –

(i) held a licence of class ***HR*** or above for at least 12 months; or

(ii) passed an approved driver training course for the relevant licence class.

(5) The Registrar may exempt a person from an eligibility requirement under this regulation if the person –

(a) has attained 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.

26. Application for driver licence

(1) An application for a driver licence must –

(a) be made to the Registrar in an approved form; and

(b) contain the information required in the approved form; and

(c) be accompanied by the evidence required by the Registrar of the applicant's –

(i) name; and

(ii) date of birth; 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, state a postal address for the service of notices on the applicant; and

(e) 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) be accompanied by each applicable scheduled fee 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) No fee is payable for the issue of a driver licence if –

(a) an application for the driver licence is made by a person who holds an Australian driver licence issued under a corresponding law; and

(b) the applicant is entitled to the issue of the driver licence under the principle of mutual recognition.

(4) A person who holds a driver licence of a particular class and who is eligible for, and intends to hold, a licence of another class must apply for the 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.

27. Additional requirements by Registrar

(1) The Registrar may require an applicant for a driver licence to do one or more of the following:

(a) 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;

(b) 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 class for which the licence is sought;

(c) to submit to a test to satisfy the Registrar that the applicant has an adequate knowledge of the law governing road traffic;

(d) to provide evidence, of a kind specified by the Registrar, establishing to the Registrar's satisfaction that –

(i) the applicant is, in other respects, a suitable person to hold a licence of the class sought by the applicant; or

(ii) 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

(iii) the applicant is, in other respects, eligible to hold a licence of the class sought by the applicant.

(2) The Registrar may accept evidence obtained within or outside Tasmania for the purposes of this regulation.

(3) The fee payable for a test, assessment or training course required by the Registrar under this regulation is –

(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.

28. Issue of driver licences generally

(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) The Registrar must issue a driver licence of a lower class than the class of licence applied for under these regulations 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 the lower class; and

(c) on the application, the applicant asks the Registrar to issue a licence of the lower class.

(3) A driver licence is to be issued as either or both of the following:

(a) a licence of a particular class in the hierarchy of licence classes;

(b) a motor cycle licence.

(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.

(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 Australian driver 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.

29. Issue of interlock licences

(1) Despite regulation 28, the Registrar must issue a driver licence as an interlock licence if 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 (2), 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 within the meaning of section 17 of the *Road Safety (Alcohol and Drugs) Act 1970*; 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 71 before the interlock licence expired or was cancelled.

(2) Subregulation (1) 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) a subsequent offence, within the meaning of section 17 of the *Road Safety (Alcohol and Drugs) Act 1970*, if the previous offence and the subsequent offence both occur within a 5-year period;

(c) an offence in respect of a failure to comply with a direction 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.

(3) Nothing in this regulation affects the Registrar's discretion to impose any condition, including an I condition, on any driver licence in any other circumstance.

30. Issue of probationary licences

(1) For the purposes of paragraph (ab) of the definition of *probationary licence* in the Act, a person has applied for a licence in prescribed circumstances if the person has applied for the licence –

(a) following a period of suspension from driving ordered by an Australian court; or

(b) following a period of suspension, or disqualification, from driving imposed under the Act or any other Act; or

(c) having previously held a driver licence which was cancelled in accordance with the Act or any other Act; or

(d) having previously held a driver licence and following a period of ineligibility to hold a driver licence –

(i) ordered by an Australian court; or

(ii) under the Act or any other Act; or

(e) to replace an equivalent licence issued under a corresponding law.

(2) For the purposes of paragraph (ac) of the definition of *probationary licence* in the Act, a person has completed a period of suspension, or disqualification, in prescribed circumstances if the person has completed –

(a) a period of suspension, or disqualification, from driving ordered by an Australian court; or

(b) a period of suspension, or disqualification, from driving imposed under the Act or any other Act.

(3) The Registrar may issue a driver licence as a probationary licence if the Registrar considers it appropriate in the circumstances.

31. Term of driver licences

(1) Subject to this regulation, a driver licence other than a driver licence receipt, 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) A driver licence receipt is issued for the period ending at the earliest of the following:

(a) the date stated in the receipt as the date on which the receipt expires;

(b) a driver licence, other than a driver licence receipt, is received by the person to whom it is issued;

(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.

(3) 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 surrendered licence, whichever is the shorter.

(4) 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 surrendered licence or some other term as agreed between the applicant and the Registrar.

(5) 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 surrendered licence or

some other term as agreed between the applicant and the Registrar.

(6) If the earlier driver licence that is surrendered under subregulation (5) is an interlock licence, each class of driver licence specified on the licence that is issued under that subregulation, including a class of driver licence relating to a learner licence, is subject to the I condition.

32. Form of driver licences

(1) A driver licence, including a driver licence receipt, is to be in an approved form.

(2) A driver licence, other than a driver licence receipt, must include –

(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) each condition to which the licence is subject; and

(j) any other information that the Registrar determines should be included on the licence.

(3) A licence condition may be shown on a driver licence by use of a code in accordance with regulation 33(3) or such other code determined by the Registrar.

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

33. Conditions on 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 or class a requirement that normally attaches to a licence of a different type or class.

(3) Without limiting subregulation (1), the conditions may include one or more of the following:

(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 Part 5, 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***);

(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 that 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.

(5) The Registrar is not to impose an I condition under subregulation (1) 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.

(6) A driver who holds an Australian driver licence that is subject to a condition referred to in

subregulation (3)(j), or the corresponding provision of a corresponding law, must carry 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.

(7) In addition to any other condition that may be imposed, a probationary 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.

(8) A condition referred to in subregulation (7)(b) that is imposed on a licence does not affect, in respect of the licence, the operation of the demerit points scheme.

(9) Subject to regulation 71, 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.

(10) 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.

34. Recording of issue or variation of driver licences

(1) On issuing a driver licence, the Registrar must record the following information in respect of the driver licence in the driver licence register:

(a) the holder's name;

(b) the holder's date of birth;

(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 on the holder;

(e) the licence number;

(f) a copy of the photograph included on the licence as required under regulation 32(2)(e);

(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;

(h) 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 ceases to be a provisional licence;

(i) the commencement date and expiry date of the licence;

(j) each condition 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 any other purposes that 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 4 – Expiry and renewal of driver licence

35. Expiry of driver licence

(1) Unless renewed, cancelled or surrendered, a driver licence expires at midnight at the end of the day recorded in the driver licence register as the licence expiry date.

(2) 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.

(3) 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.

(4) If the Registrar extends, on the Registrar's own initiative, the licence expiry date in respect of a driver licence under subregulation (2), the Registrar is to notify the holder of that driver licence of the new licence expiry date for that driver licence.

36. Notices of renewal

(1) The Registrar may send a notice of renewal to the holder of a driver licence.

(2) A notice of renewal is to –

(a) be addressed to the holder of the driver licence; and

(b) remind the holder of the licence expiry date; and

(c) warn the holder that, if the licence is not renewed on or before the licence expiry date, the licence will expire; and

(d) if the licence to be renewed is a learner licence, state that, before the licence is renewed, the holder must successfully complete a test, or assessment, to the Registrar's satisfaction, to show that the holder continues to be competent to learn to drive motor vehicles of the relevant class.

(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.

(4) For the purposes of this Part, the Registrar may send a notice of renewal to the holder of a learner licence.

37. Application for renewal of driver licence

(1) An application for renewal of a driver licence must –

(a) be made to the Registrar in an approved form; 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

(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

(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, other than a learner licence, may be made even though the licence has already expired if the licence has expired less than 5 years before the date of the application.

38. Additional requirements by Registrar

(1) The Registrar may require an applicant for the renewal of a driver licence to do one or more of the following:

(a) 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;

(b) 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;

(c) to submit to a test to satisfy the Registrar that the applicant has an adequate knowledge of the law governing road traffic;

(d) to provide evidence, of a kind specified by the Registrar, establishing to the Registrar's satisfaction that –

(i) the applicant is, in other respects, a suitable person to hold a licence of the class sought by the applicant; or

(ii) the applicant is, in other respects, eligible to hold a licence of the class sought by the applicant.

(2) The Registrar may accept evidence obtained within or outside Tasmania for the purposes of this regulation.

(3) The applicable scheduled fee is payable for a test or assessment, other than a medical examination, required by the Registrar under this regulation.

39. Renewal of driver licence

(1) If satisfied that an applicant for the renewal of a driver licence remains eligible to hold the licence, the Registrar must renew the licence.

(2) If the Registrar renews a driver licence, the Registrar must –

(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 runs, 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 is 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.

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

40. 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

(b) the person has failed to comply with regulation 58 or 59 if required to do so; or

(c) 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

(d) the person does not have adequate knowledge of the law governing road traffic; or

(e) the person is not competent to drive a motor vehicle of the relevant class; or

(f) the person is not in some other respect a suitable person to drive a motor vehicle of the relevant class; or

(g) the Registrar is satisfied, on reasonable grounds, that the person is not a suitable person –

(i) to drive a motor vehicle of the relevant class; or

(ii) to hold the licence; or

(h) the person is for some other reason ineligible to hold the licence; or

(i) 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

(j) 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

(k) 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

(l) the person has contravened, or failed to comply with, a condition of the licence; or

(m) the licence was issued or renewed in error, or is incorrect in any respect; or

(n) the person has failed to pay a scheduled fee in respect of the licence.

(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 within 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.

(5) The following decisions are not administrative decisions for the purposes of the *Vehicle and Traffic (Review of Decisions) Regulations 2021*:

(a) a decision to vary, suspend or cancel a driver licence under subregulation (1)(b);

(b) a decision to vary a driver licence by imposing an I condition on the licence.

41. Notice of variation, suspension or cancellation of driver licence

(1) If the Registrar makes a decision 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) subject to subregulation (2), the reasons for the variation, suspension or cancellation; and

(c) the date on which the variation, suspension or cancellation takes effect.

(2) Despite subregulation (1), if a written notice under that subregulation relates to a decision of the Registrar that is not, by virtue of regulation 40(5), an administrative decision for the purposes of the *Vehicle and Traffic (Review of Decisions) Regulations 2021*, the Registrar –

(a) is not required to give written notice of the reasons for the variation, suspension or cancellation under subregulation (1)(b); but

(b) must, in addition to the other matters specified in subregulation (1), state in the written notice that the decision of the Registrar is not an administrative decision for the purposes of those regulations.

(3) 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.

(4) The notice under subregulation (1) 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 results 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 is not 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 is no longer authorised to drive a motor vehicle on a public street.

(5) A driver licence is varied, suspended or cancelled in accordance with the notice.

(6) 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.

(7) For the avoidance of doubt, if a driver licence is suspended under this Division, the period of suspension does not terminate if the licence is cancelled, or expires, while so suspended.

Division 6 – Surrender of driver licence

42. Surrender of driver licence

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

(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 –

(a) 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; and

(b) on the Registrar's acceptance of the surrender, the driver licence is cancelled.

(4) Subject to subregulation (5), 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.

(5) The Registrar may deduct, from the amount of the refund, the licence production fee, before making the refund, and no refund is to be made if the amount of the refund does not exceed the amount of the fee.

(6) This regulation does not apply to the surrender of an Australian driver licence issued under a corresponding law that is surrendered in anticipation of the issue of a driver licence under these regulations.

Division 7 – Demerit points

43. Demerit points

(1) The offences specified in column 2 of Parts 1 and 2 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 and 2 of that Schedule.

(2) The legislation creating each of the prescribed offences is as specified for the offence in column 3 of Parts 1 and 2 of Schedule 2.

Division 8 – Miscellaneous

44. Notification of change of details

(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 provide the Registrar with evidence of the

change of name if requested to do so 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 on the holder.

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

45. Notification of change of circumstances

(1) 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

(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.

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

46. Exemptions from requirement to hold driver licence

(1) In this regulation –

farm tractor means a tractor that is being used for farming, dairying, pastoral or 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, a road construction vehicle and an earth-moving machine

that is not constructed on the chassis of a type normally used in the construction of a truck.

(2) The following classes of drivers are exempt from the requirement to hold a driver licence of the classes or types specified when driving the relevant motor vehicle 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 machine, 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 the tractor is mainly used;

(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

while the licence issued under the corresponding law is in force;

(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 while the foreign driver licence is in force;

(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 while the foreign driver licence is in force.

(3) A person is exempt from the requirement to hold a motor cycle learner licence when driving 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 that displays the letter "L" in black lettering on a yellow background.

(4) An exemption under this regulation does not operate in favour of a person who, but for this subregulation, would have the benefit of the exemption if the person is in breach of a condition of the exemption.

47. Exemptions from requirement to hold motorcycle licence

(1) 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; and

(b) is neither a learner licence nor a provisional licence.

(2) 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 all training and assessments required by the Registrar in respect of the exemption; and

(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).

(3) 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 (2)(b).

(4) 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.

(5) Without limiting the generality of regulation 33, a condition referred to in subregulation (4) 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.

47A. Exemption from requirement to hold motor cycle licence – postal worker driving postal vehicle

(1) In this regulation –

Australia Post has the same meaning as in the *Australian Postal Corporation Act 1989* of the Commonwealth;

postal vehicle means a motor vehicle that is a motor trike that –

(a) is a learner approved motor cycle that has an electric motor as its sole means of propulsion; and

(b) has a maximum motor cycle speed not exceeding 50 kilometres per hour;

postal worker means a person who is employed, or engaged, to deliver mail and parcels within Tasmania for, or on behalf of, Australia Post.

(2) A person is exempt from the requirement to hold a motor cycle licence when driving a postal vehicle on a public street if that person, at the time at which the person is driving the postal vehicle –

(a) is a postal worker; and

(b) is driving the postal vehicle in the person's capacity as a postal worker; and

(c) holds a driver licence, in the hierarchy of licence classes, other than a learner licence in relation to a car.

48. Exemptions from requirement to hold driver licence while operating self-propelled personal transportation device

A person is exempt from the requirement to hold a driver licence when driving a self-propelled personal transportation device on a public street.

49. Interstate and international drivers

(1) In this regulation –

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

(2) 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.

(3) 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 other than a valid Driver Identification Document issued by the Department of Defence, the person has resided in Tasmania for a continuous period of 6 months or a longer period determined by the Registrar; or

(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 6 months or a longer period determined by the Registrar; or

(c) the person is issued with a driver licence under the Act.

(4) The Registrar may terminate a visitor's exemption if –

(a) 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; or

(b) 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

(c) the Registrar believes, on reasonable grounds, that the person is not competent to drive a motor vehicle of the relevant class as the person has failed a test, assessment or training course that –

(i) is required under the Act for a driver licence for that class of motor vehicle to be issued under the Act; and

(ii) was undertaken with the intention of applying for the driver licence to be issued to the person; or

(d) the Registrar believes, on reasonable grounds, that grounds exist that would, assuming the visitor's exemption were a driver licence, be sufficient grounds for –

(i) suspending or cancelling the licence; or

(ii) imposing a condition on the licence.

(5) If the Registrar terminates an exemption under subregulation (4), the Registrar must give the person in whose favour the exemption operated a written notice stating –

(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

(iii) subject to any action specified under paragraph (d), is not entitled to the exemption under the Act while he or she continues to stay in Australia; 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 under the Act; and

(e) the date by which the person must take that action.

PART 3 – ANCILLARY CERTIFICATES

Division 1 – Ancillary certificates generally

50. Ancillary certificates

(1) An ancillary certificate is only issued in relation 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, or details, 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, or details, 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.

51. Form, term, &c., of ancillary certificate

(1) An ancillary certificate is to be –

(a) in an approved form; and

(b) issued for a term determined by the Registrar to be appropriate to the type of certificate.

(2) If the Registrar issues an ancillary certificate to a person, the Registrar may place a code, determined by the Registrar, on the driver licence of the person to show that the person holds an ancillary certificate.

52. Issue of identification card

(1) If the Registrar issues an ancillary certificate –

(a) the Registrar must also issue an identification card, in an approved form, if the ancillary certificate authorises the holder to provide driving instruction; and

(b) in any other case, the Registrar may issue an identification card in an approved form.

(2) If an identification card has been issued under subregulation (1) to the holder of an ancillary certificate, the holder must, while driving or using a motor vehicle under the authority of the ancillary certificate, keep the identification card displayed in the vehicle so 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.

53. Suspension or cancellation of primary licence or ancillary certificate

(1) If a primary licence is suspended or cancelled, each related ancillary certificate is also suspended or cancelled.

(2) Despite subregulation (1), an ancillary certificate may be suspended or cancelled independently of the primary licence.

(3) In addition to any other grounds on which an ancillary certificate may be suspended or cancelled, an ancillary certificate may be suspended or cancelled on the ground that –

(a) the holder has failed to comply with the conditions of the certificate; or

(b) the holder is not, in some other respect, a suitable person to hold an ancillary certificate.

54. Surrender of primary licence or ancillary certificate

(1) If a primary licence is surrendered by the holder of an ancillary certificate, each related ancillary certificate is cancelled.

(2) An ancillary certificate may be surrendered, by the holder of the certificate, independently of the primary licence.

Division 2 – Ancillary certificates in driving instruction

55. 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 attained 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

(e) is in all 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, for which the person held such a licence 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 do either or both of the following:

(a) 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;

(b) to successfully complete all or part of a training course specified by the Registrar.

(4) If the Registrar requires an applicant for an ancillary certificate in driving instruction to successfully complete part of a training course, the conditions of the certificate, if issued, may provide that the holder must successfully complete the remainder of the course within a specified time.

(5) The conditions 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 has been issued.

56. Requirements for motor vehicles used in driving instruction

(1) In this regulation –

dual controls, in relation to a motor vehicle, means duplicate pedals for –

(a) the footbrake; and

(b) if the vehicle has a manual transmission, the clutch –

fitted so that an 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.

(2) For the purposes of section 14(4) of the Act, a vehicle complies with the requirements of these regulations for motor vehicles used to provide driving instruction if the vehicle is 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 transverse plane as the driver of the vehicle.

(3) Subregulation (2) does not apply if –

(a) the vehicle is provided by the person under instruction; or

(b) the GVM of the vehicle exceeds 4.5 tonnes; or

(c) the vehicle has seating for more than 12 adults including the driver.

Division 3 – Ancillary certificates to drive public passenger vehicles

57. 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) attained 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) attained the age of 21 years and has held an Australian driver licence, other than a learner licence, authorising the holder to drive motor vehicles, for at least 12 months during the previous 3 years; and

(c) is in all 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, for which the person held such a licence as if the licence had been an Australian driver licence.

(3) The Registrar may require the applicant to comply with either or both of the following requirements:

(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.

PART 4 – DOCUMENT OBLIGATIONS

58. Return of driver licence or ancillary certificate on suspension or cancellation

(1) The holder (or former holder) of a driver licence must, within 21 days after the giving of a notice of suspension or cancellation under regulation 41 in respect of the licence, return the licence and any related ancillary certificate to the Registrar.

Penalty: Fine not exceeding 10 penalty units.

(2) The holder (or former holder) of an ancillary certificate must, within 21 days after the giving of a notice of suspension or cancellation under regulation 41 in respect of the ancillary certificate, return the ancillary certificate to the Registrar.

Penalty: Fine not exceeding 10 penalty units.

(3) 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.

(4) 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.

(5) 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 period 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.

(6) The Registrar is to only return a driver licence or an ancillary certificate returned to the Registrar under this regulation if –

(a) the licence or ancillary certificate was suspended; and

(b) the period of suspension has come to an end.

59. Return of driver licence or ancillary certificate on variation

(1) The holder of a driver licence or an ancillary certificate must, in accordance with 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 must be returned within 21 days after the service of –

(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 period 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.

PART 5 – MANDATORY ALCOHOL INTERLOCK PROGRAM

60. Interpretation of Part

(1) In this Part –

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 the circumstances 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 62;

monitoring data means –

(a) information –

(i) recorded by an interlock; and

(ii) downloaded by an approved provider during the service or removal of the interlock; and

(b) any other information that 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 61(1)(a);

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 the circumstances where the 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 Part, a reference to a nominated vehicle of the holder of an interlock licence is a reference to the motor vehicle nominated under regulation 61(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.

61. 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, to be installed with an interlock; and

(b) have an interlock installed in at least one motor vehicle that he or she has nominated under paragraph (a); and

(c) comply with this Part 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 64; and

(ii) is, at each service, serviced in accordance with regulation 66; 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:

(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 74(2)(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 Part, 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 Part is a breach of an I condition; and

(b) the holder of an interlock licence must comply with this Part in respect of each motor vehicle that he or she has nominated under subregulation (1)(a).

62. 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.

(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 Part;

(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 that the holder of an interlock licence is required to complete while holding the interlock licence;

(e) any other matter that 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 that he or she thinks necessary for the implementation, operation or

administration of a program approved under subregulation (1).

63. 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

(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 65.

(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.

64. Installation of interlock

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

(2) For the purposes of regulation 61(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 Part and any additional installation requirements specified in the MAIP; and

(c) an applicant for, or the holder of, an interlock licence has nominated the motor vehicle under regulation 61(1)(a); and

(d) any fees payable in respect of the installation and hire of the interlock have been paid.

(3) Before an interlock is installed in a nominated vehicle, each person who nominated the motor vehicle under regulation 61(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 that 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.

(4) 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 (3); and

(b) that each person who nominated the motor vehicle under regulation 61(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 61(1)(a) by the person referred to in paragraph (b).

65. 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

(b) is to contain such information as the Registrar determines; and

(c) is to be accompanied by each applicable scheduled fee 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 that 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.

66. Service of interlock

(1) For the purposes of regulation 61(2)(a)(ii), an interlock is correctly serviced if each holder of the interlock licence who nominated the motor 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 65, 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 Part and the MAIP; and

(b) may arrange for the service to be held at the same time as, or at a different time from, 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

(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.

67. 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.

(2) If an interlock is installed in accordance with an approval under regulation 65 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.

68. Eligibility for revocation of I condition

(1) In this regulation –

full exemption means an exemption under regulation 73(3)(a) or (b).

(2) Despite regulation 33(9) and subject to regulation 69, 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 Part 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 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.

(3) The Registrar may be satisfied that the holder of an interlock licence has complied with subregulation (2)(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.

69. Restarting of time periods

(1) The holder of an interlock licence must restart the period specified in regulation 68(2)(b)(i) or regulation 68(2)(c) if –

(a) the interlock licence is suspended or cancelled as a consequence of –

(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 68(2)(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 –

(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 after the date 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 after the date 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 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 68(2)(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 68(2)(b)(ii), other than in accordance with regulation 66(3); or

(j) despite regulation 66(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 68(2)(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 68(2)(b)(ii).

(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 73, 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 73, from the date specified by the Registrar in writing to the holder of the interlock licence.

70. Adjustment of time periods

(1) The Registrar may determine that a period of monitoring data does not count towards the

period specified in regulation 68(2)(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 69(1)(a); or

(b) the interlock licence expires and is not renewed within 14 days after the date 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 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 after the date 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 66; or

(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 66(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 66(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 68(2)(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 69(1)(a); or

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

71. 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 68(2)(b)(i) or regulation 68(2)(c), the Registrar is to notify the holder of the interlock licence that he or she is eligible to apply under regulation 33(9) 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 the 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, a licence holder after the Registrar has notified the 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 –

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

(b) accompanied by each relevant applicable scheduled fee for the application.

(4) If the Registrar is not satisfied of the matters referred to in regulation 68, the Registrar is to refuse the application and refund each applicable schedule fee paid with the application.

(5) If an application is refused under subregulation (4) due to the Registrar not being satisfied of all the matters referred to in regulation 68, the Registrar is to notify the applicant under subregulation (1) when the applicant is next eligible under regulation 68 to have the condition revoked.

(6) Nothing in this regulation, or in regulation 68, prevents the Registrar from –

(a) requiring further evidence of the matters specified in regulation 68, or any other matter that 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 68, if the Registrar believes it appropriate in the circumstances that the person should continue to hold an interlock licence.

(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 2021*.

72. 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

(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 that 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 Part or the MAIP, as required.

73. Exemptions from this Part

(1) The holder of an interlock licence may apply for an exemption from the application of regulation 61(2)(a).

(2) An application under subregulation (1) is –

(a) to be in an approved form; and

(b) to be accompanied by each relevant applicable scheduled fee 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 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 operate the interlock successfully.

(3) After receiving an application under subregulation (1), the Registrar may issue an

exemption, subject to any conditions that 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 that measures alcohol consumption, to be modified to enable the applicant to be able to operate the interlock or device successfully; or

(b) the Registrar is satisfied that –

(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 ferry service that makes regular trips on a weekly, or more frequent, basis; and

(ii) it is not reasonable or practicable for an interlock, or another device that measures 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 ferry service that makes regular trips on a weekly, or more frequent, basis; and

(ii) it is not reasonable or practicable for an interlock, or another device that measures alcohol consumption, to be installed and serviced on a motor vehicle used by the applicant while he or she visits that island; or

(d) the Registrar is satisfied that –

(i) the applicant has nominated a vehicle or vehicles under regulation 61(1)(a) and has had an interlock installed, in accordance with regulation 64, 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, class or quality of the other vehicle to be driven by the applicant under the exemption; or

(e) the Registrar is satisfied that –

(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

(f) 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.

(4) An exemption issued under subregulation (3) –

(a) is to be in an approved form; and

(b) may be subject to any conditions that the Registrar thinks fit.

(5) An exemption issued under subregulation (3)(a), (b), (e) or (f) exempts the holder of the exemption from the requirements of regulation 61 and the MAIP, other than regulation 61(2)(b), while the holder of the exemption is operating a motor vehicle in accordance with the exemption.

(6) An exemption issued under subregulation (3)(c) exempts the holder of the exemption from the requirements of regulation 61 and the MAIP, other than regulation 61(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.

(7) An exemption issued under subregulation (3)(d) exempts the holder of the exemption from the requirements of regulation 61 and the MAIP,

other than regulation 61(2)(b), only while the holder of the exemption is operating a vehicle, or class or type of vehicle, in accordance with the exemption.

(8) 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.

(9) The holder of an exemption must comply with each condition of the exemption.

Penalty: Fine not exceeding 20 penalty units.

(10) An exemption issued under subregulation (3) ceases to have effect on whichever of the following occurs first:

(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.

74. Interstate licences and interlocks

(1) In this regulation –

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

(2) 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 64; and

(b) as a result of that substantial compliance, the installation of the interstate interlock is taken to be in accordance with regulation 64.

(3) Subregulation (2) 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.

(4) 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 (2) to be installed in accordance with regulation 64; 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 68(2)(b)(i) or regulation 68(2)(c) for the holder of the interstate interlock licence that provided the data.

75. 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 –

(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

(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.

(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.

PART 6 – REGISTRATION OF MOTOR VEHICLES AND TRAILERS

Division 1 – Eligibility for registration

76. Eligibility to be registered operator

(1) Each of the following is eligible to be the registered operator of a vehicle:

(a) a natural person who has attained the age of –

(i) for the registered operator of a heavy vehicle, 18 years; or

(ii) for the registered operator of any other vehicle, 16 years;

(b) a body corporate;

(c) a Government department, or State authority, within the meaning of the *State Service Act 2000*, or an equivalent department, authority or body in another jurisdiction.

(2) The following restrictions apply in relation to registered operators:

(a) a body corporate may only be the registered operator of a vehicle 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 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 vehicle under a business name.

77. Eligibility for registration of motor vehicles or trailers

(1) A vehicle is eligible for registration if –

(a) the vehicle is roadworthy and complies with the relevant vehicle standards; and

(b) 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

(c) the garage address of the vehicle is, or is to be, in Tasmania; and

(d) there is no offensive advertising notice in relation to the vehicle; and

(e) 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 vehicle that would be eligible for registration under subregulation (1) but for non-compliance with a relevant vehicle standard may be eligible for registration that is subject to conditions, if the Registrar is satisfied that the non-compliance can be adequately dealt with by registering the vehicle on appropriate conditions.

78. Discretionary registration

Notwithstanding regulation 77, the Registrar may determine that a vehicle that does not meet the relevant vehicle standards or dimensions is eligible for registration.

79. Compliance with relevant vehicle standards

(1) The Registrar may accept as evidence that a vehicle complies with the relevant vehicle standards –

(a) that the vehicle is entered on the RAV via an entry pathway under section 15(2) of the RVSA: or

(ab) an identification plate relating to the vehicle; or

(b) a certificate, issued by the manufacturer of the vehicle or a person that the Registrar is satisfied is qualified to issue such a certificate, that the vehicle

complies with the relevant vehicle standards.

(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 one or more of the following:

(a) inspect the vehicle to determine if the vehicle complies with the relevant vehicle standards or the modification specifications;

(b) inspect the modification to determine if the modification complies with the relevant vehicle standards or the modification specifications;

(c) if the authorised officer, or person approved by the Registrar, is satisfied that the vehicle and modification comply with the relevant vehicle standards or the modification specifications, issue a modification plate or certificate, or both, to that effect.

(4) For the avoidance of doubt, an inspection under this regulation is an inspection in respect of which a fee is payable under section 58A of the Act.

80. Vehicle reference number

(1) The Registrar may issue a reference number for a vehicle if –

(a) the vehicle does not have an identification number; or

(b) the existing identification number for the vehicle –

(i) appears to have been altered or defaced; or

(ii) is the same as for another vehicle; or

(iii) has been assigned in error; or

(iv) has been determined by the Registrar not to be a valid identification number; or

(c) there is more than one existing identification number for the vehicle; or

(d) the Registrar believes that it is reasonable in the circumstances to issue a new reference number for the vehicle.

(2) If a reference number is issued under subregulation (1) in respect of a vehicle, an applicant for registration, or the registered operator, of the vehicle must ensure that –

(a) the reference number is stamped or displayed, in the vehicle in respect of

which it has been issued, in accordance with the requirements specified by the Registrar; and

(b) any previous number stamped or displayed in the vehicle is marked, or obscured, in accordance with the requirements specified by the Registrar.

Penalty: Fine not exceeding 10 penalty units.

(3) If a reference number issued in respect of a vehicle 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

81. Application for registration

(1) An application for registration of a vehicle must –

(a) be made to the Registrar in an approved form by or on behalf of the proposed registered operator; and

(b) 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, state a postal address for the service of notices on the proposed registered operator; and

(d) state the proposed garage address for the vehicle; and

(e) state the period for which registration is sought; and

(f) if the registration payment payable under paragraph (h) is affected by the configuration in which the vehicle is operated, nominate the configuration in which the vehicle is to be operated; and

(g) contain the other information required in the approved form and be accompanied by any documents or other materials required in the form; and

(h) be accompanied by the appropriate registration payment.

(2) The Registrar may require the applicant –

(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.

82. Registration of vehicles

(1) 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 written-off vehicles register.

(2) The Registrar must register a vehicle 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.

(3) Despite subregulation (2), 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

(b) the vehicle or a part of the vehicle may have been stolen; or

(c) subject to subregulation (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.

(4) Subregulation (3)(c)(i) is not a ground for refusal to register a vehicle –

(a) if –

(i) the identification number or vehicle identifier of the vehicle was entered in the written-off vehicles register because the vehicle to which the identification number or vehicle identifier belonged was stolen; and

(ii) the Registrar is satisfied that –

(A) the stolen vehicle was lawfully recovered; and

(B) the vehicle to be registered is the recovered stolen vehicle; and

(C) the vehicle is not otherwise a statutory write-off or a repairable write-off; or

(b) if –

(i) the identification number or vehicle identifier of the 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

(ii) the Registrar is satisfied that the vehicle to be registered –

(A) is the repairable write-off; and

(B) 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 force in relation to the vehicle.

(6) The registration, or renewal of the registration, of a vehicle takes effect on a date recorded in the register of motor vehicles and trailers being a date that –

(a) may be earlier than the date on which the application for registration or renewal of registration is decided; but

(b) is not earlier than the date on which the registration payment is received by the Registrar.

83. Registration period

(1) The registration of a vehicle is to remain in force, subject to suspension, surrender or cancellation under these regulations, until the end of the last day of the period fixed by the Registrar when granting or renewing the registration.

(2) As a general rule, the registration period for a motor vehicle is to be 3 months, 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.

84. Conditional registration

(1) The Registrar may register a vehicle on conditions regulating the operation or use of the vehicle, and on other conditions that 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 if conditions are 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 –

(i) the deficiencies in the vehicle's operating characteristics; and

(ii) the conditions imposed by the Registrar on the vehicle's registration, if any;

(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) the deficiencies in the vehicle's operating characteristics; and

(ii) the conditions imposed by the Registrar on the vehicle's registration, if any.

(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.

85. Conditional registration guidelines

(1) The Registrar may approve guidelines in respect of one or more of the following:

(a) conditional registration;

(b) vehicles, or classes of vehicles, that may be conditionally registered.

(2) The Registrar is to ensure that guidelines approved under subregulation (1) are published on the website maintained by, or on behalf of, the Department while those guidelines are in force.

(3) The Registrar may, as a condition of registration imposed under regulation 84 in respect of a vehicle, require the registered operator of the vehicle to comply with guidelines approved under subregulation (1).

86. Recording of registration

(1) On registering a vehicle, the Registrar must record in the register of motor vehicles and trailers –

(a) the registered operator's name; and

(b) the registered operator's residential address; and

(c) if there is no postal service to the registered operator's residential address, a postal address for the service of notices on the registered operator; and

(d) the vehicle's registration number; and

(e) the vehicle's make; and

(f) the vehicle's body type; and

(g) the vehicle's –

(i) VIN; or

(ii) chassis number and engine number – if there is no VIN for the vehicle; or

(iii) vehicle identifier – if there is no identification number for the vehicle; and

(h) the vehicle's GVM, and GCM, if applicable; and

(i) the vehicle's garage address; and

(j) if the vehicle is conditionally registered, the conditions of registration; and

(k) 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

(l) in the case of a motor vehicle that is a heavy vehicle, the nominated configuration in which the vehicle is to be operated; and

(m) 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 any 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.

87. Issue of certificate of registration

The Registrar must issue to the registered operator of a vehicle, for each registration period, a certificate of registration for the vehicle containing the following information:

(a) the registered operator's name;

(b) the registered operator's residential address;

(c) if there is no postal service to the registered operator's residential address – a postal address for the service of notices on the registered operator;

(d) the vehicle's registration number;

(e) the vehicle's make;

(f) the vehicle's body type;

(g) the vehicle's –

(i) VIN; or

(ii) chassis number and engine number – if there is no VIN for the vehicle; or

(iii) vehicle identifier – if there is no identification number for the vehicle;

(h) the vehicle's GVM, and GCM, if applicable;

(i) the vehicle's garage address;

(j) if the vehicle is conditionally registered, a code for the relevant condition;

(k) 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;

(l) in the case of a heavy vehicle, the heavy vehicle charging category;

(m) any other information that the Registrar considers appropriate.

88. Issue of registration number and number plates

(1) On registering a vehicle, the Registrar must assign a distinguishing registration number to the vehicle.

(2) The Registrar may, on renewing the registration of a vehicle, 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 that provides that –

(a) for a specified consideration, the Registrar is to assign a registration number or numbers, in a specified form, to the vehicle or vehicles; and

(b) on payment of such specified consideration, the person is not required to pay, as specified in the agreement, the applicable specified fees for the issuing of a number plate.

(4) For each registered vehicle, 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 quad bike) or a trailer, accompanied by the applicable scheduled fee, issue an accessory number plate bearing the registration number assigned to the relevant vehicle.

(6) A number plate issued under subregulation (4), or an accessory number plate issued under subregulation (5), remains the property of the Registrar unless –

(a) the number plate is issued in respect of a heavy vehicle; and

(b) that heavy vehicle is registered in another jurisdiction.

(7) A number plate issued in another jurisdiction is the property of the Registrar –

(a) if the number plate was issued in respect of a heavy vehicle; and

(b) while that heavy vehicle is registered in Tasmania.

89. Obligation to display number plate

(1) The registered operator of a registered vehicle 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 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 or quad bike, 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, quad bike or trailer, the number plate must be affixed to its rear.

Penalty: Fine not exceeding 10 penalty units.

(2) A person must not use a vehicle on a public street unless the person ensures –

(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 –

(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 vehicle on a public street unless –

(a) the number plate, or number plates, issued for the vehicle under these regulations or a corresponding law (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 –

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

Penalty: Fine not exceeding 10 penalty units.

(5) It is a defence in proceedings for an offence under subregulation (4), if the defendant proves that –

(a) the non-compliance with this regulation was a result of an accident; and

(b) it was not reasonable, in the circumstances, to have remedied the non-compliance by the time of the alleged offence.

(6) A person may be charged with, found guilty and convicted of an offence under subregulation (4) whether or not the relevant vehicle was registered at the time of the offence.

(7) If the Registrar issues an accessory 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.

Penalty: Fine not exceeding 10 penalty units.

90. Registrar may require return of number plates

(1) This regulation applies if the Registrar –

(a) is of the opinion that the registration number on a number plate –

(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, including being 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

(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 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) Subregulation (4) does not apply to the holder of a number plate if, within the period specified in the notice under subregulation (2), the person produces evidence to the Registrar's satisfaction that the number plate has been lost, stolen or destroyed.

Division 3 – Issue of specific registration numbers

91. 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 must –

(a) be made to the Registrar in an approved form; and

(b) contain the information required in the approved form; and

(c) be accompanied by the documents or other materials required in the form; and

(d) 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

(e) 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

(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, subject to any conditions that the Registrar thinks fit; 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) each condition on which the plate is issued, if any; and

(ii) any other information that the Registrar considers appropriate.

(5) If a personalised number plate is required to be returned under regulation 90(2), the rights to the specific registration number on the number plate are terminated –

(a) on the date specified in the notice under regulation 90(2); or

(b) if no date is specified in the notice under regulation 90(2), on the return of the number plate.

(6) For the avoidance of doubt, a personalised number plate is a number plate and remains the property of the Registrar in accordance with regulation 88(6).

92. Refusal to assign rights

The Registrar may refuse to assign the rights to a specific registration number if –

(a) in the opinion of the Registrar, 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

(b) the Registrar determines to withhold that specific registration number from sale; or

(c) the specific registration number –

(i) in the opinion of the Registrar, may be mistaken for another registration number; or

(ii) in the opinion of the Registrar, is offensive or is otherwise inappropriate for display; or

(iii) is prohibited under any Act.

93. 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 91(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 an approved form, to 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 91(1) for the rights to the specific registration number on the personalised number plate.

94. Transfer of personalised number plates

(1) A personalised number plate, including the right to the specific registration number on the plate, is transferable.

(2) A person to whom a personalised number plate is transferred must, within 14 days after the transfer –

(a) notify the Registrar, in an approved form, 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

(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.

95. 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

(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.

96. 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.

97. 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.

Division 4 – Renewal of registration

98. Notice of renewal

(1) The Registrar may send a notice of renewal to the registered operator of a vehicle.

(2) A notice of renewal is to –

(a) be addressed to the registered operator of the vehicle; and

(b) remind the registered operator of the registration expiry date; and

(c) 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.

99. Application for renewal of registration

(1) An application for the renewal of the registration of a vehicle must –

(a) be made to the Registrar in an approved form; and

(b) contain the information required in the approved form; and

(c) be accompanied by any documents or other material required in the form; and

(d) be accompanied by the appropriate registration payment.

(2) An application for the renewal of the registration of a vehicle 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.

100. Renewal of registration

(1) Subject to subregulation (2), the Registrar must renew, for a further period, the registration of a vehicle that is eligible for registration if –

(a) an application for the renewal of the registration has been made to the Registrar; and

(b) the application is accompanied by the appropriate registration payment and any other relevant fee; and

(c) the applicant has complied with any requirements made by the Registrar in respect of the application.

(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 under regulation 82; 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 (other than 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 next expires, 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 purpose of calculating the appropriate registration payment and the date when the registration next expires, 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 5 – Transfer of registration, &c.

101. Transfer of registration

(1) In this regulation –

relevant date, in relation to a transfer of registration of a vehicle, means –

(a) if the transfer relates to a change in the beneficial ownership of a vehicle, a date falling 7 days after

the completion of the relevant transfer; 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 vehicle, 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.

(2) 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 vehicle).

(3) An application for the transfer of registration –

(a) must be made to the Registrar in an approved form; and

(b) must –

(i) state whether the proposed transfer is related to a transfer or proposed transfer of beneficial ownership of the vehicle to which the application relates; and

(ii) contain any other information required in the form; and

(iii) be accompanied by any documents or other materials required in the form.

(4) The registered operator of a vehicle who is to transfer the registration to another person must before the relevant date for the transfer –

(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.

(5) If the transferor wishes 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.

(6) The proposed transferee must –

(a) complete the form as transferee; and

(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.

(7) A person who takes possession of a vehicle 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.

(8) Subject to subregulation (10), the Registrar must register the transfer of registration on receipt of an application for the transfer under this regulation.

(9) The Registrar may register the transfer of registration of a vehicle despite non-compliance with a requirement of these regulations if the Registrar considers it appropriate to do so in the circumstances.

(10) The Registrar may refuse to transfer the registration of a vehicle 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) an accessory number plate has been issued in respect of 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

(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 may, assuming it were an application for the registration of the vehicle, be refused.

(11) The Registrar must refuse to transfer the registration of a vehicle if the transfer would be contrary to an order of an Australian court of which the Registrar has been notified.

(12) On registering the transfer of the registration of a vehicle, the Registrar must issue a new certificate of registration to the new registered operator.

(13) For the purposes of an application for the transfer of registration of a vehicle, the registration is taken to continue for 3 months after the expiry of the last registration period.

102. 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 vehicle 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 lodge a notice of change of beneficial ownership with the Registrar –

(a) if the notice is lodged by the transferor – 7 days after completion of the transaction; and

(b) if the notice is lodged by the transferee – 14 days after completion of the transaction.

Penalty: Fine not exceeding 15 penalty units.

(3) A notice of change of beneficial ownership –

(a) must be in an approved form; and

(b) must contain the information required in the form; and

(c) may be given by the parties jointly.

(4) For the purposes of this regulation, the registration of a vehicle is taken to continue for 3

months after the expiry of the last registration period.

Division 6 – Surrender of registration

103. Surrender of registration

(1) On application by the registered operator of a registered vehicle, the Registrar must accept the surrender of the registration of the vehicle unless –

(a) the applicant fails to comply with a requirement under subregulation (2); or

(b) the Registrar has suspended or cancelled the registration or commenced action for suspension or cancellation of the registration.

(2) If the Register accepts an application for the surrender of the registration of a registered vehicle, the applicant for the surrender of registration must –

(a) return to the Registrar the number plates issued for the vehicle, including any accessory number plate issued in respect of 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) On acceptance of the surrender, the registration is cancelled.

Division 7 – Suspension or cancellation of registration

104. Suspension or cancellation of registration

(1) Subject to this Division, the Registrar may suspend or cancel the registration of a registered vehicle 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 –

(i) a condition of its registration; or

(ii) a total prohibition on its use imposed by a vehicle defect notice; or

(iii) a condition imposed by a vehicle defect notice; or

(f) the registered operator fails to produce the vehicle for inspection as required by the Registrar; or

(g) the vehicle has been destroyed or damaged beyond repair; or

(h) 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

(i) the registered operator has outstanding monetary liabilities to the Registrar or the Crown relating to the vehicle; or

(j) the Registrar is directed to do so by the Director, Monetary Penalties Enforcement Service, as appointed under section 8 of the *Monetary Penalties Enforcement Act 2005*.

(2) 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 Bureau withdraws its advertising code breach notice.

(3) 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.

(4) Despite the suspension of registration, the registration period continues to run.

105. Notice of suspension

(1) If the Registrar decides to suspend the registration of a vehicle, 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

(b) if the proposed suspension is based on a non-compliance that is capable of remedy –

(i) stating that the suspension may be avoided by taking specified action before the date on which the suspension is to take effect; and

(ii) specifying each action that must be taken, to the Registrar's satisfaction, for the suspension to be avoided.

(2) If a notice under subregulation (1) specifies an action that may be taken to avoid a suspension of registration and the registered operator takes the specified action 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) If the registration of a vehicle 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.

(5) For the avoidance of doubt, if the registration of a vehicle is suspended under this Division, the period of suspension does not terminate if the registration of the vehicle is cancelled, or expires, while so suspended.

106. Notice of cancellation

(1) The Registrar must not cancel the registration of a vehicle under this Division unless –

(a) the Registrar has first suspended the registration and the suspension has not been withdrawn under regulation 105; or

(b) the Registrar is satisfied that, in the circumstances of the case, it would be inappropriate to first suspend the registration.

(2) If the Registrar decides to cancel the registration of a vehicle, or is required under regulation 104(2) 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 –

(i) stating that the cancellation may be avoided by taking specified action before the date on which

the cancellation is to take effect; and

(ii) specifying each action that must be taken, to the Registrar's satisfaction, for the cancellation to be avoided.

(3) 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 104(2) to cancel the registration of the vehicle.

(4) If a notice under subregulation (2) specifies an action that may be taken to avoid a cancellation of registration and the registered operator takes the specified action before the date on which the cancellation is to take effect, the Registrar must withdraw the notice of cancellation.

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

Division 8 – Written-off vehicles

107. Application of Division 8

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

108. Persons who may assess written-off vehicles

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:

(a) an insurer;

(b) a loss assessor;

(c) a dealer;

(d) an auto-parts dismantler;

(e) an auction house.

109. Notifying Registrar of written-off vehicle

(1) If an insurer, loss assessor, dealer, auto-parts dismantler or auction house assesses, in the course of business, an affected vehicle as a total loss, 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 an entry in respect of the affected vehicle exists in the written-off vehicles register, subregulation (1) applies even if the affected vehicle is situated outside Tasmania when the assessment that it is a total loss is made.

(3) A notification under subregulation (1) is to be in an approved form and contain the following information:

(a) the registration number of the vehicle, if any;

(b) the VIN of the vehicle, or if there is no VIN for the vehicle, the 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;

(k) such other information as the Registrar requires.

(4) 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.

110. Written-off vehicle labels

(1) The Registrar may issue a written-off vehicle label that is to be affixed to a written-off vehicle.

(2) A written-off vehicle label is to –

(a) be in an approved form; 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 printed –

(a) on the label; or

(b) on a separate document that is to be issued with the label.

111. 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 110(3); and

(b) before notifying the Registrar of that assessment as required by regulation 109; 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, in accordance with these regulations, by another such person.

(3) 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 113 or 114.

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.

112. 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.

113. 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.

(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 –

(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 2021*.

114. 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 109(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.

115. Record to be made in written-off vehicles register

The Registrar is to –

(a) make a record in the written-off vehicles register of a vehicle that becomes a written-off vehicle as soon as practicable after the Registrar becomes aware that the vehicle has become 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 113 or removed under regulation 114 as soon as practicable after the Registrar becomes aware that the label has been so cleared or removed; and

(c) otherwise keep the written-off vehicles register up-to-date.

Division 9 – Vehicle defect notices

116. Interpretation

(1) In this Division –

major vehicle defect notice means a vehicle defect notice of a class referred to in regulation 119(2)(a);

minor self-clearing defect notice means a vehicle defect notice of a class referred to in regulation 119(2)(c);

minor vehicle defect notice means a vehicle defect notice of a class referred to in regulation 119(2)(b);

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*

(2) A reference in this Division to the ***registered operator*** of a vehicle includes a person in charge of the vehicle if there is no registered operator of the vehicle.

117. Basis for issue of formal warning notice or defect notice

(1) In this regulation –

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.

(2) This regulation applies if a police officer or authorised officer is of the opinion that a vehicle is defective and, as a result of the defect –

(a) the vehicle is or may be unroadworthy; or

(b) the vehicle does not comply with the relevant vehicle standards; or

(c) the vehicle does not comply with a statutory requirement for the vehicle

including, in the case of a public passenger vehicle, a statutory requirement under a related law.

(3) 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.

118. Issue of formal warning notice

(1) A police officer or an authorised officer may warn the driver of a vehicle without issuing 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 warns the driver of a vehicle without issuing 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 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.

119. Issue of vehicle defect notice

(1) In this regulation –

repairs includes, in the case of the non-compliance referred to in regulation 117(2)(c), the works or other actions required to address the non-compliance.

(2) A vehicle defect notice is to be one of the following classes:

(a) major vehicle defect notice;

(b) minor vehicle defect notice;

(c) minor self-clearing defect notice.

(3) A vehicle defect notice is to be issued as –

(a) 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; or

(b) 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; or

(c) a minor self-clearing defect notice – if the officer issuing the notice is of the opinion that –

(i) the use of the vehicle on a public street does not pose a safety risk; or

(ii) a number plate attached to the vehicle is wholly, or partially, obscured, defaced or otherwise not legible as required.

(4) A vehicle defect notice is to 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, the expiry date of the permit 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 identification number, or vehicle identifier, and 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

(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; and

(m) the action required for the vehicle defect notice to be cleared.

(5) Without limiting subregulation (4)(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.

(6) 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 –

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

(7) A defective vehicle label must –

(a) identify the vehicle to which it relates by reference to –

(i) its registration number; or

(ii) if the vehicle has no registration number, its identification number or vehicle identifier; or

(iii) if the vehicle has no registration number, identification number or vehicle identifier, the number of the short term unregistered vehicle permit, if applicable, its chassis number or engine number; and

(b) state –

(i) the date and time after which the vehicle is not to be used on a public street; and

(ii) the name, official number or other identification of the police officer or authorised officer who issued the vehicle defect notice; and

(iii) the date of issue of the label; and

(iv) the serial number of the vehicle defect notice to which the label relates.

(8) A driver of a vehicle to whom a vehicle defect notice is given under subregulation (6) must, if the driver is not the registered operator of the vehicle, give the notice to the registered operator as soon as practicable.

Penalty: Fine not exceeding 5 penalty units.

(9) 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.

120. Clearance of vehicle defect notice

(1) The following persons (an ***authorised person***) are the only persons authorised to clear a vehicle defect notice other than a minor self-clearing defect notice:

(a) a police officer;

(b) an authorised officer;

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

(2) Before clearing a vehicle defect notice, an authorised person may require –

(a) 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 notice have been rectified; and

(b) if the vehicle defect notice is a major vehicle defect notice or a minor vehicle defect notice –

(i) 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; and

(ii) the registered operator, or other person in charge of the vehicle, to pay the applicable scheduled fees for the inspection.

(3) The owner, or operator, of a vehicle may clear a minor self-clearing defect notice if the owner, or operator –

(a) has fully rectified the defects specified in the minor self-clearing defect notice; and

(b) has provided a statutory declaration to the Registrar stating that the defects specified in the minor self-clearing defect notice have been rectified in full.

(4) If a major vehicle defect notice is cleared –

(a) the authorised person who cleared the major vehicle defect notice must issue a certificate of clearance to the registered operator; and

(b) if a defective vehicle label has been affixed to the vehicle under these regulations, 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 an authorised person.

Penalty: Fine not exceeding 10 penalty units.

121. 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 period for compliance, a person must not use the vehicle 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 period for compliance, a person must not use the vehicle 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 of 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.

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

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

Division 10 – Use of unregistered vehicles

123. Issue of trade plates

(1) A person may apply to the Registrar for a trade plate, if the person –

(a) carries on a business involving the manufacture, importation, sale, modification or repair of motor vehicles or trailers; or

(b) carries on any other business and satisfies the Registrar that a trade plate is reasonably required for the purposes of the business.

(2) On receipt of an application under subregulation (1), the Registrar may –

(a) issue the applicant with a trade plate; and

(b) authorise the applicant to use a vehicle, to which the trade plate is affixed, on public streets in the course of business without registration.

(3) A person is authorised under subregulation (2)(b) to use the trade plate issued to the person –

(a) for a period determined by the Registrar; and

(b) on such conditions as determined by the Registrar.

(4) A person to whom a trade plate is issued under subregulation (2)(a) may apply for a renewal of the authorisation under subregulation (2)(b) to use the trade plate.

(5) An application under subregulation (1) or (4) must –

(a) be made to the Registrar in an approved form; and

(b) contain the information required in the approved form; and

(c) be accompanied by the documents or other materials required in the approved form; and

(d) be accompanied by –

(i) the applicable scheduled fees for the issue of the trade plate or the renewal of the authorisation to use the trade plate; and

(ii) the applicable third-party insurance premium.

(6) If the Registrar issues a trade plate or renews the authorisation to use the trade plate, the Registrar must also issue to the holder of the plate a certificate –

(a) stating –

(i) the period for which the person is authorised to use the trade plate; and

(ii) the expiry date for the authorisation to use the trade plate; and

(iii) each condition on which the use of the trade plate is authorised, if any; and

(b) containing other information that the Registrar considers appropriate.

(7) The Registrar may, by written notice given to the holder of a trade plate, add, vary or revoke a condition on the authorisation to use the trade plate.

(8) Subject to this Division, 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 vehicle were a reference to the holder of a trade plate.

124. Use of trade plates

(1) 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;

(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 regulation 123(6) in relation to the trade plate.

Penalty: Fine not exceeding 20 penalty units.

(2) A person must not use, or permit the use of, a trade plate for a purpose other than one authorised under subregulation (1).

Penalty: Fine not exceeding 20 penalty units.

(3) 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 –

(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.

125. Suspension or cancellation of trade plates

(1) The Registrar may, by written notice given to the holder of a trade plate, suspend the plate if a fee payable for the issue or renewal of the plate is not paid.

(2) 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.

(3) The Registrar may, on return of a trade plate, accept the surrender of the plate.

(4) 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.

126. Short term unregistered vehicle permits

(1) The Registrar may issue a short term unregistered vehicle permit authorising the use of an unregistered vehicle 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.

(3) An application for the issue of a short term unregistered vehicle permit must –

(a) be made to the Registrar in an approved form; and

(b) contain the information required in the approved form; and

(c) be accompanied by the documents or other materials required in the approved form; and

(d) be accompanied by –

(i) the applicable scheduled fee; and

(ii) 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

(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.

127. Information to be recorded in registers

(1) If the Registrar issues a trade plate, the Registrar must record in the register of motor vehicles and trailers details of –

(a) the trade plate; and

(b) the person to whom it is issued; and

(c) each condition on which the trade plate is issued, if any.

(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) each condition on which the permit is issued, if any.

Division 11 – Exemptions from registration

128. Driving vehicle to and from place of registration &c.

(1) A vehicle 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

(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.

129. Statutory exemption for interstate and foreign vehicles

(1) In this regulation –

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

(2) 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 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 vehicle does not have the benefit of the relevant statutory exemption if –

(i) the registration of the vehicle is suspended or its use is prohibited under a corresponding law; or

(ii) the vehicle is not 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.

(3) The condition specified in subregulation (2)(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.

130. Exemption for certain caravans &c.

A caravan, or trailer, is exempt from registration if the caravan or trailer –

(a) is operated by a person resident in another State or a Territory of the Commonwealth; and

(b) is towed by a motor vehicle registered in that State or Territory; and

(c) is not required to be registered in that State or Territory; and

(d) 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.

131. 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.

132. Exemption for agricultural implements &c.

(1) 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

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

(2) 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;

(c) a vehicle under tow by a tow truck operating as a tow truck;

(d) road construction plant owned by a council.

(3) 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.

133. 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.

134. 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.

135. 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 12 – Miscellaneous

136. Vehicle inspection program for certain vehicles

(1) 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*.

(2) Vehicles of the following classes are liable to inspection under a vehicle inspection program:

(a) public passenger vehicles;

(b) hire and drive vehicles;

(c) vehicles used for the purposes of driving instruction.

(3) The Registrar may establish a vehicle inspection program for vehicles of any such class.

(4) A vehicle inspection program that applies to large passenger vehicles 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

(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.

(5) A vehicle inspection program that applies to small passenger vehicles 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

(e) the inspection at 12-monthly intervals of public passenger vehicles that are taxis.

(f) . . . . . .

(6) The Registrar may extend the interval between inspections under subregulation (4) or (5), for a vehicle or a class of vehicles, if the Registrar is satisfied that such extension would not compromise road safety.

(7) An inspection of a vehicle under a vehicle inspection program –

(a) is to be carried out by a police officer, an authorised officer or some other person approved by the Registrar; and

(b) may be carried out after payment of the applicable scheduled fee.

(8) 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 an approved form –

(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

(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 that the Registrar considers appropriate; and

(b) written instructions, in an approved form, for affixing the label to the vehicle.

(9) The registered operator of the vehicle must –

(a) affix the inspection label to the vehicle in accordance with the instructions issued under subregulation (8); and

(b) keep the label affixed to the vehicle until the date on which the vehicle is next inspected under a vehicle inspection program (unless its removal is authorised as specified in subregulation (10)).

Penalty: Fine not exceeding 2 penalty units.

(10) 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.

(11) 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.

(12) Subject to subregulation (13), a person must not –

(a) operate, or permit the operation of, a vehicle on a public street for one or more of the following purposes if the vehicle has not been presented for an inspection that it is required to have under a vehicle inspection program:

(i) a passenger transport service within the meaning of the

Passenger Transport Services Act 2011;

(ii) a hire and drive passenger service within the meaning of the *Passenger Transport Services Act 2011*;

(iii) providing driving instruction for hire or reward; or

(b) operate, or permit the operation of, a vehicle on a public street for one or more of the purposes specified in paragraph (a) if the vehicle does not pass an inspection under a vehicle inspection program.

Penalty: Fine not exceeding 20 penalty units.

(13) Subregulation (12) does not prevent the operation of a vehicle on a public street at a specified time if –

(a) the vehicle is operated as permitted by the Registrar; or

(b) the vehicle has, before the specified time, passed a later inspection to the Registrar's satisfaction.

137. Requirement for insurance

A vehicle is not to be registered, nor is the registration of a vehicle 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.

138. Modification of registered vehicles

(1) If a registered vehicle 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 Law.

Penalty: Fine not exceeding 20 penalty units.

(2) If a registered vehicle 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 –

(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.

139. 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 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.

(3) A person must not, without the Registrar's approval –

(a) alter, or deface, a modification place fitted or affixed to a vehicle other than a heavy vehicle; or

(b) remove a modification plate fitted or affixed to a vehicle other than a heavy vehicle.

Penalty: Fine not exceeding 10 penalty units.

140. Surrogate vehicle identifiers and vehicle plates

(1) In this regulation –

surrogate vehicle identifier means a number allocated to a vehicle under this regulation, or a corresponding law, in place of the VIN, engine number or chassis number for the vehicle.

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

(a) issued in relation to a vehicle under this regulation; or

(b) issued or approved, in relation to a vehicle, in accordance with a corresponding law.

(2) If the Registrar is satisfied that the vehicle identifier of a vehicle is no longer a suitable means of identifying the vehicle, the Registrar may –

(a) allocate a surrogate vehicle identifier in respect of the vehicle; and

(b) issue a vehicle plate in respect of the vehicle, that bears the surrogate vehicle identifier so issued.

(3) If the Registrar issues a vehicle plate in respect of a vehicle under subregulation (2)(b), the owner, or registered operator, of the vehicle must ensure that the vehicle plate is affixed to the vehicle as specified by the Registrar.

(4) A person must not, without the Registrar's approval –

(a) alter, or deface, a vehicle plate fitted or affixed to a vehicle; or

(b) remove a vehicle plate fitted or affixed to a vehicle.

Penalty: Fine not exceeding 10 penalty units.

141. 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 vehicle 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 –

(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 vehicle 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 –

(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.

142. 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 vehicle must, if the registration is cancelled or expires without renewal, return the number plates issued for the vehicle, including any accessory number

plate issued in respect of the vehicle, 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

(b) where seasonal registration expires, the number plates are to be returned within 14 days after the end of the period 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 specified 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 vehicle, 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.

(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 period 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.

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

If the registration of a vehicle 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.

144. Exclusion of air cushion vehicles and personal mobility devices from definition of motor vehicle

(1) In this regulation –

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;

personal mobility device has the same meaning as in the *Road Rules*.

(2) The following classes of vehicles are excluded from the ambit of the definition of *motor vehicle* under paragraph (g) of that definition in section 3 of the Act:

(a) air cushion vehicles;

(b) personal mobility devices.

PART 7 – MOTOR TAX

Division 1 – Calculation of motor tax

145. Calculation of motor tax on application for registration

(1) If a vehicle 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:

$$A = \frac{B}{C} \times D$$

where –

A is the amount of the tax;

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

C is the number of days in the 12-month period that commences on the day on which the registration, or renewal of registration, is to take effect;

D is the amount of the motor tax payable for the registration of the vehicle for 12 months.

(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 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.

146. Upgrade of registration or issue of temporary upgrade permit

(1) If there is an alteration to a registered vehicle, 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 must –

(a) be made to the Registrar in an approved form; and

(b) contain the information required in the approved form; and

(c) be accompanied by –

(i) the appropriate amount of additional motor tax calculated in accordance with subregulation (3); and

(ii) the applicable scheduled fee, if any.

(3) If an application under this regulation is to upgrade the registration of a vehicle, the amount of the additional motor tax required for the application under this regulation is to be calculated in accordance with the following formula:

$$A = (B - C) \times \frac{E}{D}$$

where –

A is the amount of the additional motor tax;

B 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;

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

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

E is the number of days remaining in the period of registration when the alteration that increased liability to motor tax occurred.

(4) If an application under this regulation is for a temporary upgrade permit, the amount of the additional motor tax required, for the application under this regulation, is to be calculated in accordance with the following formula:

$$A = (B - C) \times D$$

where –

A is the amount of the additional motor tax;

B 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;

C 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.

(5) 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.

(6) A temporary upgrade permit –

(a) is to be in an approved form; 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 that the Registrar determines and specifies in the permit.

(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 comply with the conditions of the permit.

Penalty: Fine not exceeding 20 penalty units.

(8) 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.

(9) 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 bears to the number of days in the whole of the term of the permit.

147. Downgrade of registration and refund of motor tax

(1) If there is an alteration to a registered vehicle, 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 must –

(a) be made to the Registrar in an approved form; and

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

(3) The amount of the refund payable under this regulation is to be calculated as follows:

$$A = (B - C) \times \frac{E}{D}$$

where –

A is the amount of the refund;

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

C 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;

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

E is the number of days remaining in the period of registration.

(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.

148. Refund of motor tax on surrender of registration

On acceptance of an application for the surrender of the registration, the Registrar must make a refund of motor tax to the former registered operator calculated in accordance with the following formula:

$$A = \frac{B}{C} \times D$$

where –

A is the amount of the refund;

B is the number of days remaining in the registration period for the vehicle as at the date of acceptance of the surrender;

C is the number of days in the registration period for vehicle;

D is the amount of the motor tax paid in respect of the relevant registration period.

149. 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, the following is taken to be an assessment of motor tax where the amount of motor tax payable is zero:

(a) an assessment that no motor tax is payable for a particular vehicle is taken to be a nil assessment;

(b) an exemption from motor tax.

(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) specified 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

150. General exemptions

The following are exempt from motor tax:

(a) a light vehicle in respect of which the registered operator is –

(i) the Crown; or

(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;

(b) a heavy vehicle in respect of which the registered operator is an institution that is, or is entitled to be, endorsed by the Australian Taxation Office as a charitable or benevolent institution;

(c) 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;

(d) an agricultural machine used exclusively for agricultural purposes;

(e) a vehicle designed or adapted for use and used exclusively in, or in connection with, fire-fighting operations;

(f) a vehicle that the Registrar, by virtue of the conditions imposed under regulation 84 on the registration of the vehicle, has determined holds restricted registration;

(g) an ambulance;

(h) a self-propelled wheelchair;

(i) a trailer consisting of a mobile air compressor, a concrete mixer, a mobile electric generator or a mobile latrine;

(j) a dolly (but not a converter dolly);

(k) 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;

(l) a special-interest vehicle used as approved by the Registrar.

151. Exemptions based on disabilities

(1) A vehicle in respect of which the 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 –

(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 in respect of which the registered operator has a severe disability is, subject to this regulation, exempt from motor tax.

(4) A vehicle in respect of which the 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 an approved form.

(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

(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:

$$A = \frac{B}{C} \times D$$

where –

A is the amount to be paid;

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

C is the number of days in the 12-month period that commences on the day on which the registration, or renewal of registration, took effect;

D 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.

152. 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

(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 –

(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:

$$A = \frac{B}{C} \times D$$

where –

A is the amount to be paid;

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

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

D is the monetary amount of the rebate granted for the period for which the motor tax was paid.

153. Rebate for some farm vehicles

(1) 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.

(2) 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

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

(c) does not intend to use the truck for carrying on any trade, business, occupation or employment other than farming or horticulture and does not intend to 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.

(3) 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.

(4) If the Registrar issues distinctive number plates under subregulation (3), 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.

(5) 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

(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.

(6) 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 (7).

Penalty: Fine not exceeding 10 penalty units.

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

$$A = \frac{B}{C} \times D$$

where –

A is the amount to be paid;

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

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

D is the monetary amount of the rebate granted for the period for which the motor tax was paid.

154. 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 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) A registered operator of a trailer is entitled to a rebate of 40% of the motor tax that would, but for this subregulation, be payable in respect of the trailer if the Registrar is satisfied, by statutory declaration or otherwise that –

(a) the trailer is an interchangeable trailer; and

(b) the registered operator has a number of semi-trailers registered in his or her name; and

(c) the registered operator has paid the full amount of motor tax payable in respect of a number of semi-trailers equal to the number of prime movers registered in the registered operator's name.

(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

(c) pay to the Registrar a proportion of the rebate calculated in accordance with subregulation (7).

Penalty: Fine not exceeding 10 penalty units.

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

$$A = \frac{B}{C} \times D$$

where –

A is the amount to be paid;

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

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

D is the monetary amount of the rebate granted for the period for which the motor tax was paid.

(8) 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.

(9) 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 –

(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.

(10) On receiving a notice under subregulation (6)(a) or making a determination under subregulation (9), 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.

155. 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.

(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:

$$A = B - C$$

where –

A is the amount of the rebate;

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

C 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.

(8) If the registration of the bus is transferred and the Registrar is not satisfied that the bus is to be used by the new registered operator of low-distance transportation, the Registrar may make a determination under subregulation (7).

(9) On receiving a notice under subregulation (6)(a) 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.

PART 8 – ROAD SAFETY LEVY

156. Interpretation of Part

In this Part –

prescribed period means the period commencing on 1 July 2017 and ending on 30 June 2037.

157. 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

(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:

$$A = \frac{B}{C} \times D$$

where –

A is the amount of the road safety levy;

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

C is the number of days in the 12-month period that commences on the day on which the registration, or renewal of registration, is to take effect;

D is the amount of the road safety levy payable for the registration of the vehicle for 12 months.

158. 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:

(a) a farm, construction or other vehicle that the Registrar considers to 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*.

PART 9 – REGISTERS

159. 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 that the Registrar considers appropriate.

160. Security of information in registers

(1) In this regulation –

DVS has the same meaning as in the *Identity Verification Services Act 2023* of the Commonwealth;

Identity Matching Services has the same meaning as in the intergovernmental agreement within the meaning of the

Identity Verification Services Act 2023 of the Commonwealth;

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;

protected information means information recorded in a register that is –

(a) personal information; or

(b) commercially sensitive information.

(2) The Registrar may divulge protected information only in one or more of the following circumstances:

(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;

(e) if and as required for the purposes of Identity Matching Services, including a DVS, in connection with the exercise of the Registrar's driver licensing functions.

161. Issue of certificates and disclosure of information contained in register

(1) A person may apply to the Registrar for a certificate setting out the information recorded in a register kept under regulation 159 in relation to the applicant.

(2) The Registrar must, on receipt of an application under subregulation (1) accompanied by the applicable scheduled fee, issue a certificate to the applicant containing the information requested in the application.

(3) Despite subregulation (2), the Registrar may only –

(a) issue a certificate setting out information recorded in a register kept under regulation 159 in relation to a vehicle to the registered operator of the vehicle; or

(b) issue a certificate setting out information recorded in a register kept under regulation 159 in relation to a short term unregistered vehicle permit to the holder, or former holder, of the permit; or

(c) issue a certificate setting out information recorded in a register kept under regulation 159 in relation to a trade plate to the holder, or former holder, of the trade plate.

(4) . . . . . .

(5) The Registrar may, in response to some other request for information recorded in a register, provide that information –

(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 that the Registrar considers appropriate in the circumstances.

(6) . . . . . .

(7) 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.

162. . . . . .

PART 10 – FEES AND CHARGES

163. 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) Nothing in these regulations prevents a fee from being charged in respect of an administrative act, examination, test, assessment, vehicle inspection, material or service, provided under

the Act or these regulations, for which no such specific provision exists.

(4) If a registration period is to be more or less than a period for which a registration fee is fixed in Schedule 1, the registration fee payable for the period is to be calculated in accordance with the following formula:

$$A = \frac{B}{C} \times D$$

where –

A is the registration fee;

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

C is the number of days in the 12-month period that commences on the day on which the registration, or renewal of registration, is to take effect;

D is the fee payable for the registration of the vehicle for 12 months.

(4A) If a registration period is to be more or less than a period for which an applicable scheduled fee, that is a registration fee, is fixed in Schedule 1, the fire levy component of that fee payable on registration or renewal of registration of a motor vehicle (other than a motor cycle) is to be calculated in accordance with the following formula:

$$A = B \times \frac{C}{D}$$

where –

A is the fire levy component payable for the period for which the vehicle is to be registered;

B is the rounded indexed amount (as defined in section 77L of the *Fire Service Act 1979* for the relevant financial year;

C is the number of days in the period for which the vehicle is to be registered;

D is the number of days in the 12-month period that commences on the day on which the registration, or renewal of registration, to which the fire levy component relates, is to take effect.

(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.

164. Licence fee exemption

(1) Subject to subregulation (2), a person who has attained the age of 65 years is exempt from the licence fee payable on an application for the issue or renewal of a driver licence.

(2) Despite subregulation (1), a person entitled to the exemption under that subregulation must still pay the licence production fee for the manufacture of the driver licence.

165. Waiver of licence fee

The Registrar may waive a fee payable in respect of the application for, or the issue or renewal of, a driver licence if the Registrar is satisfied that it is reasonable in the circumstances to do so.

166. 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 a full licence of the relevant class in accordance with subregulation (2), if the Registrar is satisfied that the person –

(a) 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 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 waive a fee 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.

167. Registration fee exemption

(1) No registration fee is payable for the renewal of the registration of an agricultural machine used 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.

168. Waiver of fee for transfer of registration

The Registrar is to waive the fee for the transfer of registration if –

(a) the transferee is a person with a disability who has attained the age of 16 years and the transferor is the guardian of that person; or

(b) the transferee –

(i) is the beneficiary of the vehicle as part of deceased estate; and

(ii) is exempt from the payment of duty in respect of the transfer under section 199 of the *Duties Act 2001*; or

(c) the transferee is the registered operator of the vehicle that is registered in joint names and the other registered operator is deceased.

168A. Registration fee waived or remitted in certain circumstances

(1) In this regulation –

hire and drive passenger service has the same meaning as in the *Passenger Transport Services Act 2011*;

registration payment means, in relation to a relevant vehicle –

(a) each applicable schedule fee for the registration, or the renewal of the registration, for the vehicle; and

(b) if a number plate or number plates are to be issued in respect of the vehicle – the applicable schedule fee, if any, for the issue of the number plate or number plates; and

(c) the road safety levy payable in respect of the vehicle, if any;

relevant period means the 2-year period commencing on 1 July 2021;

relevant vehicle means a light vehicle, other than a trailer or agricultural machine, that –

(a) is used to provide a hire and drive passenger service; and

(b) uses one or more electric motors for propulsion; and

(c) is fuelled from a hydrogen fuel cell, an off-vehicle electrical power source, a battery or an electric generator; and

(d) is not fitted with an internal combustion engine that provides either propulsion or a fuel source for an electric propulsion system.

(2) Subject to subregulation (4), each registration payment due in respect of a vehicle during the relevant period is waived if, at the time at which the registration payment is due –

(a) the vehicle is a relevant vehicle that is being used to provide a hire and drive passenger service; and

(b) the person providing that hire and drive passenger service is accredited under the *Passenger Transport Services Act 2011* to provide such a service.

(3) If a registration payment that is waived under subregulation (2) in respect of a relevant vehicle

is paid, the amount so paid is to be remitted to the registered operator of the vehicle.

(4) The Registrar may require the registered operator of a relevant vehicle to pay the registration payment, that was waived under subregulation (2) in respect of the vehicle, if the Registrar is satisfied that the vehicle ceased to be used as part of a hire and drive passenger service within the 6-month period after the registration payment was waived.

168B. Registration fee waived or remitted – business vehicles

(1) In this regulation –

eligible vehicle means a vehicle that –

(a) is used to provide one of the following services within the meaning of the *Passenger Transport Services Act 2011*:

(i) a hire and drive passenger service;

(ii) a passenger transport service that is also –

(A) a taxi service within the meaning of the *Taxi and Hire*

Vehicle Industries Act 2008; or

(B) a luxury hire car service within the meaning of the *Taxi and Hire Vehicle Industries Act 2008*; or

(C) a tour within the meaning of the *Taxi and Hire Vehicle Industries Act 2008*; and

(b) is liable to inspection under a vehicle inspection program in accordance with regulation 136; and

(c) belongs to one of the following classes of vehicles specified in Schedule 1 to the *Economic Regulator (MAIB Premiums) Order 2017*:

(i) class no. 6 (Taxi or Luxury Hire Car);

(ii) class no.7 (Large Public Passenger Vehicle);

(iii) class no. 8 (Hire and Drive Vehicle);

(iv) class no. 16 (Medium Public Passenger Vehicle); and

(d) is not –

(i) the subject of a grant, or the subject of an undecided application for a grant, under the program known as the Hire and Drive Reimbursement Program provided by the Department of State Growth; or

(ii) being used to provide a regular passenger service, within the meaning of the *Passenger Transport Services Act 2011*, listed on a valid contract with the Crown for the provision of general access services or school bus services between 1 July 2021 and 31 December 2021 inclusive; or

(iii) the subject of some other arrangement with the Crown in relation to the registration payment

payable in relation to that vehicle between 1 July 2021 and 31 December 2021 inclusive;

relevant period means the 6-month period commencing 1 July 2021;

relevant registration payment, in relation to an eligible vehicle, means the following payable amounts that are due to be paid during the relevant period for the renewal of registration of the eligible vehicle:

(a) each applicable scheduled fee;

(b) the motor tax payable;

(c) if a number plate or number plates are to be issued in respect of the eligible vehicle – the applicable scheduled fee, if any, for the issue of the number plate or number plates;

(d) the road safety levy payable, if any.

(2) A registered operator of an eligible vehicle may apply to the Registrar for the waiving of the relevant registration payment in relation to the eligible vehicle.

(3) If a relevant registration payment, or any part of a relevant registration payment, in respect of an eligible vehicle is made, the registered operator

may apply to the Registrar for remittance of the amount so paid.

(4) An application under subregulation (2) or (3) is to be –

(a) in an approved form; and

(b) made before 31 March 2022.

(5) On receiving an application under subregulation (2) or (3), the Registrar may –

(a) approve the application; or

(b) refuse the application; or

(c) request further information from the applicant and, after receiving and considering the further information, approve the application under paragraph (a) or refuse the application under paragraph (b).

(6) If the Registrar approves the application made under subregulation (2), the relevant registration payment due in respect of the eligible vehicle is waived.

(7) If, after waiving a relevant registration payment under subregulation (6) in respect of an eligible vehicle, the Registrar becomes aware that the vehicle to which the application relates is not an eligible vehicle, the Registrar may recover from the applicant the amount of the relevant

registration payment waived under this regulation in respect of the vehicle.

(8) If the Registrar approves the application made under subregulation (3), the Registrar is to remit to the registered operator of the eligible vehicle the amount to which the application relates.

169. Limitation on concessional registration payments for eligible pensioners and eligible asylum seekers

(1) In this regulation –

concessional registration payment means a registration payment payable by an eligible pensioner or eligible asylum seeker under Part 3 of Schedule 1.

(2) 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.

170. Limitation on concessional administrative fee for eligible pensioners and eligible asylum seekers

(1) In this regulation –

concessional administrative fee means an administrative fee payable by an eligible pensioner or eligible asylum seeker under Part 3 of Schedule 1.

(2) 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.

171. Waiver of inspection fees

The Registrar may waive a fee payable for inspection of a vehicle –

(a) if the inspection arose out of a complaint of unroadworthiness; or

(b) if the Registrar is satisfied that it is reasonable in the circumstances to do so.

172. 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.

173. National heavy vehicle number plate fee

(1) 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.

(2) This regulation applies in respect of a national heavy vehicle number plate issued in this jurisdiction for a heavy vehicle.

(3) 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 (2) applies.

(4) For the financial year ending 30 June 2022, the national heavy vehicle number plate fee is $26.10.

(5) In any subsequent financial year, the amount of the fee is to be calculated by multiplying the fee fixed by the Registrar under subregulation (4) by the relevant indexation factor.

(6) 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 divided by the Australian CPI number for the December quarter in 2020.

PART 11 – MISCELLANEOUS

174. 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) a number plate;

(f) a trade plate;

(g) a 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) An application under this regulation must –

(a) be made to the Registrar in an approved form; and

(b) contain the information required in the approved form; and

(c) be accompanied by the applicable scheduled fee, if any.

(4) 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.

(5) 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.

(6) The applicable scheduled fee payable in respect of an application under subregulation (5) is the fee payable for the issue of a duplicate licence.

(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

(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 that 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 vehicle, 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 period specified in the notice.

Penalty: Fine not exceeding 10 penalty units.

175. Agency

(1) If an approved form of 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.

176. 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 in accordance with the standards set out in the publication entitled *Assessing Fitness to Drive*, published by Austroads Ltd in June 2022 and 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 an approved form; and

(b) if given in that form to the Registrar, must be taken into consideration by the Registrar.

177. 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.

178. 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.

179. 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 vehicle on a public street;

(c) an offence, under section 32 of the Act, of using a vehicle on a public street contrary to a total prohibition on its use imposed under these regulations;

(d) an offence, under section section 64(1)(a) of the Act, of dishonestly obtaining or attempting to obtain –

(i) a driver licence, including the renewal of a driver licence; or

(ii) an ancillary certificate, including the renewal of an ancillary certificate; or

(iii) the registration, including the renewal of registration, of a vehicle.

180. 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 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.

181. 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.

182. 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 2010* 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.

(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 in respect of 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.

(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.

183. Further savings and transitional provisions

(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, the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010* apply to the regressed driver or rider, while he or she is so regressed, as if –

(a) these regulations had not commenced; and

(b) the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010* had not been repealed; and

(c) 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 the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010*.

(3) If, before the commencement day, a regressed driver or rider has not been issued with a licence after being so regressed, the regressed driver or rider is taken to be a driver or rider to whom the novice case management program applies.

184. Graduated licensing savings and transitional provisions

The savings and transitional provisions set out in Schedule 3 have effect.

SCHEDULE 1 – FEES

Regulation 163

PART 1 – LICENCE FEES

	Provision	Matter	Fee units
1.	DLVR 26(1)(f)	Issue of a learner licence	20.76
2.		Issue of a provisional licence (issued for both a P1 stage and a P2 stage) –	
	DLVR 26(1)(f)	(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 who has a severe disability and has not attained the age of 16 years	20.76
	DLVR 26(1)(f)	(b) in any other case	34.76
3.		Issue of a provisional licence (issued for a P2 stage only) –	

	Provision	Matter	Fee units
		(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 who has a severe disability and has not attained the age of 16 years	13.76
		(b) in any other case	20.76
4.	DLVR 26(1)(f), 37(1)(d)	Issue or renewal of a driver licence (other than a learner licence or provisional licence) –	
		(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 who has a severe disability and has not attained the age of 16 years, and the licence is issued or renewed for –	

	Provision	Matter	Fee units
		(i) 12 months	13.76
		(ii) 2 years	19.76
		(iii) 3 years	26.76
		(iv) 4 years	32.76
		(v) 5 years	37.76
		(b) in any other case where the licence is issued or renewed for –	
		(i) 12 months	20.76
		(ii) 2 years	33.76
		(iii) 3 years	46.76
		(iv) 4 years	59.76
		(v) 5 years	71.76
5.	DLVR 26(1)(f)	Issue of a driver licence to a person whose driver licence has been cancelled	25 (in addition to the fee prescribed above)
6.	DLVR 26(1)(f)	Application for the issue of an interlock licence –	

	Provision	Matter	Fee units
		(a) in the case of a pensioner or eligible asylum seeker	23
		(b) in the case of any other person	35
7.	DLVR 65(3)	Application to install an interlock that identifies and differentiates between multiple users –	
		(a) in the case of a pensioner or eligible asylum seeker	23 (per applicant)
		(b) in the case of any other person	35 (per applicant)
8.	DLVR 71(3)	Application to revoke an I condition from an interlock licence –	
		(a) in the case of a pensioner or eligible asylum seeker	23
		(b) in the case of any other person	35
9.	DLVR 73(2)	Application for exemption from installing interlock –	

	Provision	Matter	Fee units
		(a) in the case of a pensioner or eligible asylum seeker	23
		(b) in the case of any other person	35
10.	DLVR 26(1)(f)	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 –	
		(a) if the licence is issued only for the balance of the term of the surrendered 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 plus the fee for renewal
11.	DLVR 27(3)(b), 38(3)	Testing or assessing a person's ability to drive a motor vehicle –	

	Provision	Matter	Fee units
		(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	50.53
		(c) in the case of a class "R" driver licence	26
		(d) in any other case	30
12.	DLVR 174(3)	Issue of a duplicate driver licence –	
		(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 who has a severe disability and has not attained the age of 16 years	12.76
		(b) in any other case	16.76

	Provision	Matter	Fee units
13.	DLVR 174(3)	Issue of a replacement driver licence	6.76
14.	DLVR 3	Licence production fee	6.76

PART 2 – FEES FOR ANCILLARY CERTIFICATES

	Provisions	Matter	Fee units
1.	DLVR 26(1)(f), 37(1)(d) (as applied by DLVR 50(2))	Issue or renewal of a public passenger vehicle ancillary certificate	12
2.	DLVR 26(1)(f), 37(1)(d) (as applied by DLVR 50(2))	Issue or renewal of an ancillary certificate in driving instruction	30
3.	DLVR 27(3)(b), 38(3) (as applied by DLVR 50(2))	Testing or assessing a person's ability to provide driving instruction	50
4.	DLVR 174(3)	Issue of a duplicate ancillary certificate or duplicate identification card	10

	Provisions	Matter	Fee units
5.	DLVR 174(3)	Issue of a replacement ancillary certificate or replacement identification card	10

PART 3 – VEHICLE REGISTRATION FEES

	Provision	Matter	Fee units
1.	DLVR 81(1)(h), 99(1)(d)	Registration or renewal of registration of a light motor vehicle (other than a motor cycle) for a period of 12 months –	
		(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 who has a severe disability and has not attained the age of 16 years	24 plus the "rounded indexed amount" (as defined in section 77L(4) of the *Fire Service Act 1979*) for the relevant financial year

	Provision	Matter	Fee units
		(b) in the case of any other person	46 plus the "rounded indexed amount" (as defined in section 77L(4) of the *Fire Service Act 1979*) for the relevant financial year
2.	DLVR 81(1)(h), 99(1)(d)	Registration or renewal of registration of a heavy motor vehicle (other than a motor cycle) for a period of 12 months	46 plus the "rounded indexed amount" (as defined in section 77L(4) of the *Fire Service Act 1979*) for the relevant financial year
3.	DLVR 81(1)(h), 99(1)(d)	Registration or renewal of registration of a motor cycle for a period of 12 months –	

	Provision	Matter	Fee units
		(a) in the case of a pensioner or eligible asylum seeker	23
		(b) in the case of any other person	46
4.	DLVR 81(1)(h), 99(1)(d)	Registration or renewal of registration of a trailer, that is a light vehicle, for a period of 12 months –	
		(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 who has a severe disability and has not attained the age of 16 years	10
		(b) in the case of any other person	20
5.	DLVR 81(1)(h), 99(1)(d)	Registration or renewal of registration of a trailer, that is a heavy vehicle, for a period of 12 months	20

	Provision	Matter	Fee units
6.	DLVR 81(1)(h), 99(1)(d)	Administrative fee –	
		(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	2.5
		(c) for registration, or renewal of registration, of a heavy vehicle for a period of 6 months	5
		(d) for registration, or renewal of registration, of a light vehicle for a period of 3 months –	

	Provision	Matter	Fee units
		(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 who has a severe disability and has not attained the age of 16 years	1.25
		(ii) in the case of any other person	2.5
		(e) for registration, or renewal of registration, of a light vehicle for a period of 6 months –	

	Provision	Matter	Fee units
		(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 who has a severe disability and has not attained the age of 16 years	2.5
		(ii) in the case of any other person	5
7.	DLVR 81(1)(h), 99(1)(d), 101(5)	Issue of a set of number plates, other than national heavy vehicle number plates –	
		(a) for a motor vehicle other than a motor cycle or quad bike	13.5
		(b) for a trailer	11.5
		(c) for a motor cycle or quad bike	11.5

	Provision	Matter	Fee units
8.	DLVR 88(5)	Issue of an accessory number plate for a vehicle (other than a motor cycle or quad bike)	11.5
9.	DLVR 174(3)	Issue of a set of duplicate number plates for a motor vehicle (other than a motor cycle or quad bike)	51.5
10.	DLVR 174(3)	Issue of a duplicate number plate for a motor cycle, quad bike or trailer	51.5
11.	DLVR 174(3)	Issue of a set of replacement number plates, other than national heavy vehicle number plates, for a motor vehicle (other than a motor cycle or quad bike)	13.5
12.	DLVR 174(3)	Issue of a replacement number plate, other than a national heavy vehicle number plate, for a motor cycle, quad bike or trailer	11.5
13.	DLVR 174(3)	Issue of a duplicate or replacement certificate of registration	10
14.	VT 58A DLVR 79, 81	Inspection fees for registration purposes in the case of –	

	Provision	Matter	Fee units
		(a) a bus	50
		(b) a heavy vehicle	35
15.	DLVR 101(6)(b), 101(7)(b)	Transfer of registration fee –	
		(a) for a motor vehicle (including a motor cycle)	18
		(b) for a trailer	18
16.	DLVR 123(5)	Issue of a trade plate	41.5
17.	DLVR 123(5)	Renewal of authorisation to use trade plate	30
18.	DLVR 174(3)	Issue of a replacement trade plate	11.5
19.	DLVR 126(3)	Issue of a short term unregistered vehicle permit	6
20.	VT 58A DLVR 120(2)	Inspection fees for clearing a vehicle defect notice –	
		(a) in the case of a complete roadworthiness inspection of –	
		(i) a bus	50

	Provision	Matter	Fee units
		(ii) a heavy vehicle	35
		(b) in any other case	10
21.	VT 58A VT 50(1)	Inspection fees in the case of a random inspection, not otherwise specified in this Schedule, of –	
		(a) a bus	50
		(b) a heavy vehicle	35
22.	VT 58A DLVR 136(7)	Inspection fees in the case of an inspection under a vehicle inspection program of –	
		(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 *Passenger Transport Services Act 2011*	35

	Provision	Matter	Fee units
		(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 *Passenger Transport Services Act 2011*	25
23.	DLVR 113(4)	Inspection fee for assessing the clearance of a written-off vehicle label	113.5

PART 4 – MISCELLANEOUS

	Provision	Matter	Fee units
1.	DLVR 146(2)	Issue of a temporary upgrade permit	25
2.	DLVR 161(2)	Issue of a certificate containing information from the register	10

SCHEDULE 2 – DEMERIT POINTS OFFENCES

Regulation 43

PART 1 – NATIONAL SCHEDULE OF DEMERIT POINTS OFFENCES

	Offence	Provision	Demerit points
	Driving contrary to minor vehicle defect notice		
1.	Use vehicle contrary to minor vehicle defect notice	DLVR 121(2)	1
2.	Use vehicle contrary to condition in minor vehicle defect notice	DLVR 121(3)	1
	Driving contrary to major vehicle defect notice or prohibition on use		
3.	Use vehicle contrary to major vehicle defect notice	DLVR 121(1)	3
4.	Use vehicle contrary to condition in major vehicle defect notice	DLVR 121 (3)	3
5.	Use/permit use of vehicle on public street contrary to prohibition on use	VT 32	3
	Failing to dip headlights		

	Offence	Provision	Demerit points
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	RR 219	1
	Following too closely		
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	RR 127(1)	1
	Driving at night without lights		
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

	Offence	Provision	Demerit points
12.	Tow vehicle at night or in weather reduced visibility conditions without lights as required on towed vehicle	RR 216(1)	1
	Exceeding speed-limit		
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
	Improperly overtaking or passing		

	Offence	Provision	Demerit points
18.	Drive past a no overtaking or passing sign when oncoming vehicle on bridge/road	RR 93(1)(a)	2
19.	Overtake vehicle on bridge/road contrary to no overtaking or passing sign	RR 93(1)(b)	2
20.	Overtake on bridge contrary to no overtaking on bridge sign	RR 94	2
21.	Overtake when unsafe and 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.	Overtake to right of vehicle indicating turning right or making U-turn	RR 142 (1)	2
24.	Pass/overtake (when unsafe) to left of vehicle displaying do not overtake turning vehicle sign that is indicating turning left	RR 143(1)	2

	Offence	Provision	Demerit points
25.	Pass/overtake (when unsafe) to right of vehicle displaying do not overtake turning vehicle sign that is indicating turning right, or making 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
	Turning or stopping without signalling		
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
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

	Offence	Provision	Demerit points
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 roundabout)	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
	Turning improperly		
40.	Fail to keep left when starting left hand turn (from road other than multi-lane road)	RR 27(1)	2

	Offence	Provision	Demerit points
41.	Fail to approach and enter intersection from within left lane (unless otherwise permitted) when turning left from multi-lane road	RR 28(1)	2
42.	Fail to approach and enter intersection from within slip lane (unless obstructed) when turning left 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 road other than multi-lane road)	RR 31(1)	2
45.	Fail to approach and enter intersection from within right lane (unless otherwise permitted) when turning right 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 hook turn only sign	RR 34(1)	2
48.	Start U-turn without clear view and when could unreasonably obstruct traffic	RR 37	2

	Offence	Provision	Demerit points
49.	Make U-turn contrary to no U-turn sign (at dividing strip)	RR 39(1)	2
50.	Make U-turn contrary to no U-turn sign (along road)	RR 39(2)	2
51.	Make U-turn at intersection with traffic lights without U-turn permitted sign	RR 40	2
52.	Make U-turn at intersection without traffic lights (contrary to no U-turn sign)	RR 41	2
53.	Start U-turn at intersection from incorrect position	RR 42	2
54.	Fail to turn left at *left turn only sign*	RR 88(1)	2
55.	Fail to turn left when entering intersection in *left lane must turn left sign* lane	RR 88(2)	2
56.	Fail to turn right at *right turn only sign*	RR 89(1)	2
57.	Fail to turn right when entering intersection in *right lane must turn right sign* lane	RR 89(2)	2
58.	Turn at no turns sign	RR 90	2

	Offence	Provision	Demerit points
59.	Turn left at no left turn sign	RR 91(1)	2
60.	Turn right at no right turn sign	RR 91(2)	2
61.	Make U-turn at no right turn sign	RR 91(2)	2
	Failing to keep left		
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 near to centre of traffic island (where vehicle too large to drive in roundabout without driving over central traffic island)	RR 115(1)(c)	2
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 right hand lane on multi-lane road (in over 80 km/h zone or where *keep left unless overtaking sign* applies) when not permitted	RR 130(2)	2

	Offence	Provision	Demerit points
67.	Driver (other than rider of postal vehicle, bicycle or animal riding on path or nature strip) fail to keep left of oncoming vehicles as required	RR 131(1)	2
68.	Fail to keep left of centre of two-way road (when no dividing line/median strip) (unless otherwise permitted)	RR 132(1)	2
	Disobeying traffic signal		
69.	Fail to stop as required on red traffic light or proceed before permitted	RR 56(1)	3
70.	Fail to stop as required on red traffic arrow or proceed before permitted	RR 56(2)	3
71.	Fail to stop on yellow traffic light when could have done so safely or proceed before permitted	RR 57(1)	3
72.	Fail to stop on yellow traffic arrow when could have done so safely or proceed before permitted	RR 57(2)	3
73.	Enter intersection or marked foot crossing contrary to red traffic light	RR 59(1)	3

	Offence	Provision	Demerit points
74.	Enter intersection or marked foot crossing contrary to red traffic arrow	RR 60	3
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 through 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

	Offence	Provision	Demerit points
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
86.	Public bus driver (having stopped after entering intersection) fail to proceed as soon as safely possible after B light/arrow changes to yellow/red or turns off	RR 286(3)	3
	Disobeying stop or give way sign or line, or police directing traffic		
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

	Offence	Provision	Demerit points
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 as required at give way sign 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 or twin red lights)	RR 71(1)	3
92.	Fail to stop before reaching hand-held stop sign (other than at children's crossing)	RR 101(1)	3
93.	Proceed past hand-held stop sign before permitted to do so (other than at children's crossing)	RR 101(2)	3
94.	Fail to obey reasonable direction by police officer or authorised person for safe and efficient regulation of traffic	RR 304(1)	3
	Failing to give way		
95.	Fail to give way when making U-turn	RR 38	3

	Offence	Provision	Demerit points
96.	Fail to give way when turning at intersection with traffic lights except on green traffic arrow	RR 62	3
97.	Fail to stop and give way as required at intersection where traffic lights not, or not wholly, operating (with traffic light-stop sign displayed)	RR 63(2)	3
98.	Fail to give way as required at intersection (other than roundabout) where traffic lights not, or not wholly, operating (and no traffic light-stop sign 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 to vehicle (other than vehicle turning right from road-related area/adjacent land) when entering uncontrolled/unsigned road from road-related area/adjacent land	RR 74(1)(a)	3

	Offence	Provision	Demerit points
102.	Fail to give way to 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 vehicle/pedestrian on road-related area crossed when entering uncontrolled/unsigned road from road-related area/adjacent land	RR 74(1)(c)	3
104.	Fail to give way to pedestrian on road-related area when entering uncontrolled/unsigned road from road-related area	RR 74(1)(d)(i)	3
105.	Fail to give way to vehicle ahead or approaching from left or right when entering uncontrolled/unsigned road from road-related area	RR 74(1)(d)(ii)	3
106.	Fail to give way to pedestrian on road when entering road-related area/adjacent land from uncontrolled/unsigned road	RR 75(1)(a)	3
107.	Fail to give way to vehicle/pedestrian on road-related area/adjacent land when entering road-related area/adjacent land from uncontrolled/unsigned road	RR 75(1)(b)	3

	Offence	Provision	Demerit points
108.	Fail to give way to oncoming vehicle when turning right into road-related area/adjacent land from uncontrolled/unsigned road	RR 75(1)(c)	3
109.	Fail to give to vehicle on continuing road at T-intersection when entering road-related area/adjacent land from uncontrolled/unsigned road	RR 75(1)(d)	3
110.	Fail to give way as required to signed bus indicating pulling out	RR 77(1)	3
111.	Move into path of police/emergency/enforcement/ escourt vehicle displaying flashing red/blue/magenta light or sounding alarm	RR 78(1)	3
112.	Fail to move out of path of police/emergency/enforcement/ escourt vehicle displaying flashing red/blue/magenta light or sounding alarm	RR 78(2)	3
113.	Fail to give way to police/emergency/enforcement/ escourt vehicle displaying flashing red/blue/magenta light or sounding alarm	RR 79(1)	3

	Offence	Provision	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 to oncoming vehicle already in median turning bay when entering 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 to vehicle as required in roundabout when entering roundabout	RR 114(1)	3

	Offence	Provision	Demerit points
121.	Fail to give way to vehicle when moving from one marked lane to another	RR 148(1)	3
122.	Fail to give way to vehicle when 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 to vehicle when diverging (left or right) within marked lane	RR 148A	3
124.	Fail to give way to vehicle when any part of other vehicle is ahead when lines of traffic merge	RR 149	3
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 rider of animal 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

	Offence	Provision	Demerit points
	Failing to stop or give way at pedestrian, children's or level crossing		
127.	Fail to give way to pedestrian/cyclist on or entering marked foot crossing with flashing yellow traffic light (other than at/near intersection)	RR 65(2)(a)	3
128.	Obstruct pedestrian/cyclist on or entering 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 hand-held stop sign displayed)	RR 80(2)(a)	3
132.	Fail to stop at children's crossing (when pedestrian/cyclist on or entering crossing)	RR 80(2)(b)	3

	Offence	Provision	Demerit points
133.	Proceed through children's crossing when pedestrian/cyclist is on or entering crossing and before hand-held stop sign no longer displayed or before being signalled to do so	RR 80(3)	3
134.	Proceed through children's crossing while pedestrian/cyclist on or entering 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/cyclist on or entering 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 stop sign 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

	Offence	Provision	Demerit points
141.	Enter level crossing if gate/boom/barrier closed or opening or closing	RR 123(b)	3
142.	Enter level crossing when train or tram is on or entering crossing	RR 123(c)	3
143.	Enter level crossing when approaching train or tram 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
	Driving without seatbelt		
145.	Driver of vehicle fail to wear properly adjusted and fastened seatbelt (when vehicle moving/stationary, but not parked), unless reversing or otherwise exempt	RR 264	3
	Driving with unrestrained passengers		
146.	Driver of vehicle (other than bus/taxi) fail to ensure passenger aged 16 or older is restrained as required (when vehicle is moving/stationary, but not parked)	RR 265(3)	3

	Offence	Provision	Demerit points
147.	Driver of vehicle (other than bus/motor bike) fail to ensure passenger under 16 years is restrained as required (when vehicle is moving/stationary, but not parked)	RR 266(1)	3
	Failing to wear helmet		
148.	Motor bike rider fail to wear securely fitted and fastened approved motor bike helmet (when motor bike 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 motor bike moving/stationary, but not parked)	RR 270(1)(b)	3
	Failing to keep left of dividing line(s) or median strip		
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

	Offence	Provision	Demerit points
152.	Fail to keep left of median strip (other than painted island) as required	RR 135(1)	3
	Driving carelessly or negligently		
153.	Drive without due care and attention	RR 367(1)	3
154.	Negligent driving	TA 32(2)	3
	Using heavy vehicle contrary to defect notice		
155.	Use of heavy vehicle contrary to vehicle defect notice (minor defect notice)	HVNL 529	1
156.	Use of heavy vehicle contrary to vehicle defect notice (major defect notice)	HVNL 529	3
	Fatigue management offences		
157.	Drive fatigue-regulated heavy vehicle while impaired by fatigue	HVNL 228(1)	3
158.	Solo driver of fatigue-regulated heavy vehicle in breach of standard hours (severe risk breach)	HVNL 250(1)	3

	Offence	Provision	Demerit points
159.	Solo driver of fatigue-regulated heavy vehicle in breach of standard hours (critical risk breach)	HVNL 250(1)	4
160.	Two-up driver of fatigue-regulated heavy vehicle in breach of standard hours (severe risk breach)	HVNL 251(1)	3
161.	Two-up driver of fatigue-regulated heavy vehicle in breach of standard hours (critical risk breach)	HVNL 251(1)	4
162.	Solo driver of fatigue-regulated heavy vehicle in breach of BFM hours (severe risk breach)	HVNL 254(1)	3
163.	Solo driver of fatigue-regulated heavy vehicle in breach of BFM hours (critical risk breach)	HVNL 254(1)	4
163A.	Driver of fatigue-regulated heavy vehicle in breach of alternative compliance hours (severe risk breach)	HVNL 254	3
163B.	Driver of fatigue-regulated heavy vehicle in breach of alternative compliance hours (critical risk breach)	HVNL 254	4

	Offence	Provision	Demerit points
164.	Two-up driver of fatigue-regulated heavy vehicle in breach of BFM hours (severe risk breach)	HVNL 256(1)	3
165.	Two-up driver of fatigue-regulated heavy vehicle in breach of BFM hours (critical risk breach)	HVNL 256(1)	4
166.	Driver of fatigue-regulated heavy vehicle in breach of AFM hours (severe risk breach)	HVNL 258(1)	3
167.	Driver of fatigue-regulated heavy vehicle in breach of AFM hours (critical risk breach)	HVNL 258(1)	4
168.	Driver of fatigue-regulated heavy vehicle in breach of exemption hours (severe risk breach)	HVNL 260(1)	3
169.	Driver of fatigue-regulated heavy vehicle in breach of exemption hours (critical risk breach)	HVNL 260(1)	4

PART 2 – SCHEDULE OF LOCAL DEMERIT POINTS OFFENCES

	Offence	Provision	Demerit points
	Disobeying sign/road marking		

	Offence	Provision	Demerit points
1.	Drive in direction contrary to traffic lane arrows at intersection (other than roundabout) except as permitted	RR 92(1)	2
2.	Drive contrary to one-way sign unless rider of postal vehicle, bicycle or animal riding on path or nature strip	RR 98(1)	2
3.	Fail to keep left (contrary to keep left sign) unless rider of postal vehicle, bicycle or animal riding on path or nature strip	RR 99(1)	2
4.	Fail to keep right (contrary to keep right sign) unless rider of postal vehicle, bicycle or animal riding on path or nature strip	RR 99(2)	2
5.	Drive past no entry sign	RR 100	2
6.	Fail to obey roundabout traffic lane arrows as required	RR 116	2
7.	Cross continuous line separating 2 marked lanes (multi-lane road) when not permitted	RR 147	2
8.	Driver (other than cyclist) in bicycle lane when not permitted	RR 153(1)	2

	Offence	Provision	Demerit points
9.	Driver cross 2 broken parallel dividing lines when not permitted	RR 371(1)	3
	Heavy vehicle signs		
10.	Drive overheight vehicle past clearance sign or low clearance sign	RR 102(1)	2
11.	Drive vehicle past bridge load limit (gross mass) sign/gross load limit sign if in excess of displayed gross mass	RR 103(1)	2
12.	Drive vehicle past bridge load limit (mass per axle group) sign if in excess of mass indicated	RR 103(2)	2
13.	Fail to use appropriate gear as required if trucks and buses low gear sign applies	RR 108(1)	2
	Speeds		
14.	Turn right or left at intersection with traffic lights at more than 20 km/h	RR 363(1)	2
15.	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

	Offence	Provision	Demerit points
16.	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
17.	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
18.	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
19.	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
20.	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
21.	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
	Miscellaneous		

	Offence	Provision	Demerit points
22.	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 12(2)	2
23.	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 12(2)	2
24.	Novice driver or novice rider in P1 stage fail to display clearly visible P-plates as required	DLVR 17(2)	2
25.	Novice driver or novice rider in P2 stage fail to display clearly visible P-plates as required	DLVR 17(3)	2
26.	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 18(1)	2
27.	Enter intersection or marked foot crossing contrary to red traffic light	RR 59(1)	3

	Offence	Provision	Demerit points
27A.	Fail to slow to safe stopping speed when approaching police/emergency/assistance/escort vehicle displaying flashing light or sounding alarm	RR 79A(1)	3
27B.	Fail to give way to police/emergency/assistance/escort vehicle worker in vicinity of vehicle displaying flashing light or sounding alarm	RR 79A(2)	3
27C.	Pass or overtake police/emergency/assistance/escort vehicle displaying flashing light or sounding alarm at speed greater than 40km/h	RR 79A(3)	3
27D.	Fail to maintain safe speed when passing or overtaking police/emergency/assistance/escort vehicle displaying flashing light or sounding alarm so as to cause danger to police/emergency/assistance vehicle worker in vicinity	RR 79A(5)	3
28.	Drive with passenger in/on part of motor vehicle not designed primarily for carriage of passengers or goods	RR 268(4A)	3

	Offence	Provision	Demerit points
29.	Drive with passenger in/on part of motor vehicle designed primarily for carriage of goods unless part is enclosed and passenger occupies suitable seating position and is fitted with seatbelt	RR 268(4B)	3
30.	Ride motor bike with passenger aged under 8 years, unless in sidecar	RR 271(5A)	3
31.	Drive using mobile phone (when vehicle moving or stationary, but not parked) except to make or receive audio call from phone secured in mounting or not required to be touched, or as otherwise exempt	RR 300(1)	3
32.	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 – GRADUATED LICENSING SAVINGS AND TRANSITIONAL PROVISIONS

Regulation 184

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 regulations that, on or after the commencement day, had expired for a period of not more than 90 days;

former regulations means the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010* 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 reference to the suspended L2 licence.

(2) Regulation 17(3) 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 18 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 24(2) 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 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 a novice case management program in force in respect of the holder of the licence;

(d) a determination made by the Registrar under regulation 24(4) 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 –

(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.

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

Notified in the *Gazette* on 28 May 2021.

These regulations are administered in the Department of State Growth.

NOTES

The foregoing text of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021* 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 4 November 2026 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
[1]*Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021*	S.R. 2021, No. 26	1.6.2021
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2021	S.R. 2021, No. 42	25.6.2021
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations (No. 2) 2021	S.R. 2021, No. 54	21.7.2021 4.8.2021
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations (No. 3) 2021	S.R. 2021, No. 63	1.9.2021
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations (No. 4) 2021	S.R. 2021, No. 75	1.10.2021
Vehicle and Traffic (Driver Licensing and Vehicle Registration)	S.R. 2021, No. 101	1.12.2021

Citation	Serial Number	Date of commencement
Amendment (Personal Mobility Devices) Regulations 2021		
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Expanded Business Vehicle Support Package) Regulations 2021	S.R. 2021, No. 117	14.12.2021
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations (No. 5) 2021	S.R. 2021, No. 118	14.12.2021
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2022	S.R. 2022, No. 53	1.8.2022
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2023	S.R. 2023, No. 89	20.12.2023
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2026	S.R. 2026, No. 19	22.4.2026
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations (No. 2) 2026	S.R. 2026, No. 50	1.8.2026
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Road Safety Levy) Regulations 2026	S.R. 2026, No. 87	4.11.2026

[1]Expiry 28 May 2031 - Subordinate Legislation Act 1992

TABLE OF AMENDMENTS

Provision affected	How affected
Regulation 3	Amended by S.R. 2023, No. 89 and S.R. 2026, No. 19
Regulation 40	Amended by S.R. 2021, No. 54
Regulation 41	Amended by S.R. 2021, No. 54
Regulation 47A	Inserted by S.R. 2023, No. 89
Regulation 71	Amended by S.R. 2021, No. 54
Regulation 79	Amended by S.R. 2021, No. 42
Regulation 83	Subregulation (2) substituted by S.R. 2021, No. 42 Amended by S.R. 2026, No. 19
Regulation 88	Amended by S.R. 2026, No. 19
Regulation 89	Amended by S.R. 2026, No. 19
Regulation 113	Amended by S.R. 2021, No. 54

Provision affected	How affected
Regulation 136	Amended by S.R. 2021, No. 75
Regulation 144	Amended by S.R. 2021, No. 101
	Subregulation (2) substituted by S.R. 2021, No. 101
Regulation 156	Amended by S.R. 2026, No. 87
Regulation 160	Amended by S.R. 2026, No. 19
Regulation 161	Subregulation (4) omitted by S.R. 2026, No. 19
	Amended by S.R. 2026, No. 19
	Subregulation (6) omitted by S.R. 2026, No. 19
Regulation 162	Rescinded by S.R. 2026, No. 19
Regulation 163	Subregulation (4A) inserted by S.R. 2021, No. 63
Regulation 168A	Inserted by S.R. 2021, No. 75
Regulation 168B	Inserted by S.R. 2021, No. 117
Regulation 173	Subregulation (4) substituted by S.R. 2021, No. 54
	Amended by S.R. 2021, No. 54
Regulation 176	Amended by S.R. 2026, No. 19
Part 1 of Schedule 1	Amended by S.R. 2021, No. 118
Part 3 of Schedule 1	Amended by S.R. 2021, No. 42, S.R. 2021, No. 63, S.R. 2026, No. 19
Part 1 of Schedule 2	Amended by S.R. 2026, No. 50
Part 2 of Schedule 2	Amended by S.R. 2022, No. 53