

**Authorised Version No. 007**  
**Road Safety (Drivers) Regulations 2009**

**S.R. No. 95/2009**

Authorised Version incorporating amendments as at  
8 November 2011

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**PART 1—PRELIMINARY**

**1 Objectives**

The objective of these Regulations is to make provision under the **Road Safety Act 1986** for—

- (a) driver licences and learner permits; and
- (b) heavy vehicle driver fatigue management; and
- (c) the charging of fees.

**2 Authorising provisions**

These Regulations are made under section 95 of the **Road Safety Act 1986**.

**3 Commencement**

These Regulations come into operation on 9 November 2009.

**4 Revocation**

The Regulations set out in Schedule 1 are **revoked**.

**5 Definitions**

In these Regulations—

\* \* \* \* \*

Reg. 5  
amended by  
S.R. No.  
28/2010  
reg. 8(1).

Reg. 5 def. of  
*appointment*  
fee  
revoked by  
S.R. No.  
51/2011  
reg. 4(a).

Road Safety (Drivers) Regulations 2009  
S.R. No. 95/2009  
Part 1—Preliminary

r. 5

Reg. 5 def. of  
*appropriate  
fee*  
revoked by  
S.R. No.  
51/2011  
reg. 4(b).

\* \* \* \* \*

***appropriate licence or permit***, for a category of motor vehicle, means a driver licence or learner permit that authorises the holder of the licence or permit to drive a motor vehicle of that category in the jurisdiction or, if issued in another country, the country in which it was issued;

***Australian driver licence*** means—

- (a) a driver licence;

**Note**

***Driver licence*** is defined in section 3 of the Act.

- (b) a licence (other than an Australian learner permit) issued under the law of another jurisdiction authorising the holder to drive a motor vehicle on a highway;

***Australian learner permit*** means—

- (a) a learner permit granted under the Act;
- (b) an interstate learner permit;

**Note**

***Interstate learner permit*** is defined in section 3 of the Act.

***car*** means a motor vehicle, other than a motor cycle, that—

- (a) has a GVM not more than 4.5 tonnes;  
and

- (b) is constructed or equipped to seat not more than 12 adults (including the driver);

**Note**

*GVM* is defined in section 3 of the Act.

*car driver licence* means a driver licence to drive a car;

*car learner permit* means a permit or authority to learn to drive a car;

*converter dolly* means a trailer with one axle group or single axle and a fifth wheel coupling designed to convert a semi-trailer into a dog trailer;

*Demerits Register* means the Demerits Register required to be kept by the Corporation under section 25(1) of the Act;

*driver under instruction plate* means—

- (a) if displayed on a car, a plate approximately 150 millimetres by 150 millimetres bearing the words "driver under instruction" in black letters clearly marked on a yellow background; and
- (b) if displayed on a heavy vehicle or bus, a plate approximately 525 millimetres by 250 millimetres bearing the words "driver under instruction" in black letters clearly marked on a yellow background;

*experienced driver*, in relation to a motor vehicle, means a person who at the relevant time holds—

- (a) a full driver licence that authorises the person to drive the motor vehicle; or

- 
- (b) an appropriate licence or permit that would exempt the person from the requirements of section 18(1)(a) of the Act in respect of the driving of the motor vehicle and that is not expressed to be learner or probationary;

*expiry date* means—

- (a) in relation to a driver licence, the date specified in the licence as the date the term of the licence ends in accordance with section 19(3) of the Act; or
- (b) in relation to a learner permit, the date specified in the permit as the date the term of the permit ends in accordance with section 22(4) of the Act;

*heavy combination vehicle* means—

- (a) a prime mover to which is attached a single semi-trailer that has a GVM more than 9 tonnes plus any unladen converter dolly; or
- (b) a rigid motor vehicle to which is attached a trailer that has a GVM more than 9 tonnes plus any unladen converter dolly;

*heavy rigid vehicle* means—

- (a) a motor vehicle that has a GVM more than 8 tonnes and has 3 or more axles (whether or not the wheels on those axles are on the road); or
- (b) a bus consisting of more than one rigid section which are connected to one another so as to allow rotary movement and passenger access between the sections;

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***jurisdiction*** means an Australian State or internal Territory;

***learner approved motor cycle*** means a motor cycle, or class of motor cycle, approved by the Corporation as a learner approved motor cycle under regulation 58;

***learner driver*** means a person who holds an Australian learner permit and does not have an appropriate driver licence;

***learner log book*** means a record of a person's driving experience—

- (a) made in a document issued by the Corporation; or
- (b) in a form approved by the Corporation;

***light rigid vehicle*** means a motor vehicle that—

- (a) has a GVM more than 4.5 tonnes but not more than 8 tonnes; or
- (b) seats more than 12 adults (including the driver) and has a GVM not more than 8 tonnes;

***major rest break*** means a rest break of at least 5 continuous hours;

***medical practitioner*** means—

- (a) a registered medical practitioner; or
- (b) a person registered or licensed as a medical practitioner under the laws of another jurisdiction;

***medium rigid vehicle*** means a motor vehicle that has a GVM more than 8 tonnes and has no more than 2 axles;

***motor cycle*** includes a motor trike;

**Note**

***Motor cycle*** is defined in section 3 of the Act.

***motor cycle learner permit*** means a permit or authority to learn to drive a motor cycle;

***motor trike*** means a motor vehicle with 3 wheels, but does not include—

- (a) a motor cycle with a side car attached;  
or
- (b) a motor vehicle with 3 wheels that has a body type that is similar to, or is commonly known as, a sedan, station wagon, coupe convertible, roadster, utility, tray top or van;

***non-participating zone*** means all jurisdictions that are not participating jurisdictions;

***P1 probationary driver licence*** means a probationary driver licence granted in accordance with regulation 49 or a licence as varied under regulation 53;

**Note**

***Probationary driver licence*** is defined in section 3 of the Act.

***P1 probationary period*** means the period during which a person holds a P1 probationary driver licence;

***P2 probationary driver licence*** means a probationary driver licence granted in accordance with regulation 50 or 51 or a licence as varied under regulation 54;

**Note**

***Probationary driver licence*** is defined in section 3 of the Act.

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***P2 probationary period*** means the period during which a person holds a P2 probationary driver licence;

***participating zone*** means all participating jurisdictions;

***personal particulars***, in relation to a person means—

- (a) the person's first name, second and third initials (if any) and family name; and
- (b) the person's date of birth; and
- (c) the person's residential address;

***probationary driver*** means the holder of a probationary driver licence;

**Note**

***Probationary driver licence*** is defined in section 3 of the Act.

***probationary prohibited vehicle*** has the meaning given to it in regulation 56;

***Road Rules*** means the Road Safety Road Rules 2009;

***the Act*** means the **Road Safety Act 1986**.

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## **PART 2—DRIVER LICENCES AND LEARNER PERMITS**

### **Division 1—Authority to drive motor vehicle**

#### **6 Categories of motor vehicles for licensing purposes**

- (1) For licensing purposes, the categories of motor vehicles are as follows—
  - (a) motor cycle;
  - (b) car;
  - (c) light rigid vehicle;
  - (d) medium rigid vehicle;
  - (e) heavy rigid vehicle;
  - (f) heavy combination vehicle;
  - (g) multi-combination vehicle.
- (2) For each category of motor vehicle referred to in subregulation (1) there is a corresponding category of driver licence with the same name.
- (3) For each category of motor vehicle referred to in subregulations 1(a) and 1(b) there is a corresponding category of learner permit with the same name.

#### **7 Authority given by motor cycle licence or motor cycle learner permit**

The holder of a motor cycle licence or motor cycle learner permit is authorised to drive a motor cycle.

#### **8 Authority given by car driver licence or car learner permit**

- (1) The holder of a car driver licence or car learner permit is authorised to drive a car.
- (2) The holder of a car driver licence is authorised to drive a car that is towing a single trailer that has a GVM not more than 9 tonnes.

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**9 Authority given by light rigid vehicle licence**

The holder of a light rigid vehicle licence is authorised to drive—

- (a) a car; or
- (b) a light rigid vehicle; or
- (c) a car or a light rigid vehicle that is towing a single trailer that has a GVM not more than 9 tonnes.

**10 Authority given by medium rigid vehicle licence**

The holder of a medium rigid vehicle licence is authorised to drive—

- (a) any vehicle or combination of vehicles the holder of a light rigid vehicle licence is authorised to drive; or
- (b) a medium rigid vehicle; or
- (c) a medium rigid vehicle that is towing a single trailer (other than a semi-trailer) that has a GVM not more than 9 tonnes.

**11 Authority given by heavy rigid vehicle licence**

The holder of a heavy rigid vehicle licence is authorised to drive—

- (a) any vehicle or combination of vehicles the holder of a medium rigid vehicle licence is authorised to drive; or
- (b) a heavy rigid vehicle; or
- (c) a heavy rigid vehicle that is towing a single trailer (other than a semi-trailer) that has a GVM not more than 9 tonnes.

**12 Authority given by heavy combination vehicle licence**

The holder of a heavy combination vehicle licence is authorised to drive—

- (a) any vehicle or combination of vehicles the holder of a heavy rigid vehicle licence is authorised to drive; or
- (b) a heavy combination vehicle.

**13 Authority given by multi-combination vehicle licence**

The holder of a multi-combination vehicle licence is authorised to drive any motor vehicle or combination of vehicles other than a motor cycle.

**14 Category of driver licence or learner permit may be shown by code**

The category of driver licence or learner permit may be shown on a driver licence or learner permit by means of a code as indicated in the following table.

**Table**

<i>Column 1</i>	<i>Column 2</i>
<i>Licence or permit code</i>	<i>Category of driver licence or learner permit</i>
R	motor cycle
C	car
LR	light rigid vehicle
MR	medium rigid vehicle
HR	heavy rigid vehicle
HC	heavy combination vehicle
MC	multi-combination vehicle

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### **15 Exemption for driver under instruction**

- (1) This regulation applies to a person who is driving a motor vehicle and who does not hold a driver licence or learner permit authorising the person to drive that motor vehicle.
- (2) The person is exempted from the requirement under section 18(1)(a) of the Act to hold a driver licence or learner permit authorising the person to drive the motor vehicle if—
  - (a) the person is driving the vehicle for the purpose of gaining experience in driving the motor vehicle; and
  - (b) the person holds a driver licence authorising the person to drive another motor vehicle (other than a motor cycle licence); and
  - (c) someone else who holds an Australian driver licence appropriate for the motor vehicle being driven is sitting beside the person.
- (3) The person must have displayed facing out from the front and rear of the vehicle a driver under instruction plate so that the words "driver under instruction" are clearly visible from a distance of 20 metres ahead of and behind the vehicle.

Penalty: 3 penalty units.

### **16 Exemption for driver under assessment**

- (1) This regulation applies to a person who—
  - (a) has previously held an Australian driver licence or a driver licence issued in another country; and
  - (b) is driving a motor vehicle; and
  - (c) does not hold a driver licence or learner permit authorising the person to drive that motor vehicle.

- 
- (2) The person is exempted from the requirement under section 18(1)(a) of the Act to hold a driver licence or learner permit authorising the person to drive the motor vehicle if—
- (a) the person is driving the vehicle for the purpose of their driving skills being assessed by the Corporation or a person authorised by the Corporation; and
  - (b) someone else who holds an Australian driver licence appropriate for the motor vehicle being driven—
    - (i) is in the vehicle with the person; and
    - (ii) is conducting an assessment of the person's driving skills for the purposes of these Regulations.

**17 Exemption for holder of licence or permit issued outside Victoria**

- (1) A person is exempted from the requirement under section 18(1)(a) of the Act to hold a driver licence or learner permit authorising the person to drive a category of motor vehicle if—
- (a) the person holds a driver licence or learner permit issued in another jurisdiction for that category of motor vehicle; and
  - (b) at the time the licence or permit was issued the person was ordinarily resident in that jurisdiction.
- (2) A person is exempted from the requirement under section 18(1)(a) of the Act to hold a driver licence or learner permit authorising the person to drive a category of motor vehicle if—
- (a) the person holds a driver licence for that category of motor vehicle issued in another country; and

- 
- (b) at the time the licence was issued the person was ordinarily resident in that country; and
  - (c) one or both of the following apply—
    - (i) the licence is written in English or accompanied by an accurate English translation and, in either case, complies with subregulation (3);
    - (ii) the person has a current international driving permit.

**Note**

*International driving permit* is defined in section 3 of the Act.

- (3) A licence or a translation referred to in subregulation (2)(c)(i) must include a full explanation, written in English, of any condition to which the licence is subject and the category of vehicle for which the licence has been issued.

**18 Exceptions to exemption under regulation 17**

- (1) A person who holds a driver licence or learner permit referred to in regulation 17 is not exempt, or ceases to be exempt, under that regulation if—
  - (a) the licence or permit was issued in another jurisdiction or New Zealand and the person has resided in Victoria for a continuous period of 3 months or more; or
  - (b) the licence or permit was issued in a country other than Australia or New Zealand, and—
    - (i) the person is the holder of a permanent visa under the Migration Act 1958 of the Commonwealth that was issued when the person was outside Australia and 6 months or more have elapsed since the person arrived in Australia; or

- 
- (ii) the person is the holder of a permanent visa under the Migration Act 1958 of the Commonwealth that was issued when the person was in Australia and 6 months or more have elapsed since the visa was issued; or
- (c) the person is disqualified from driving a motor vehicle in another jurisdiction or another country; or
- (d) the person has had the licence or permit suspended; or
- (e) the person has been notified under subregulation (3) that he or she is no longer exempt.
- (2) Subregulation (1)(a) does not apply if the person also holds a valid Driver Identification Document issued by the Commonwealth Department of Defence.
- (3) If, in the Corporation's reasonable opinion—
- (a) a person who is exempt under regulation 17 is not fit to drive a motor vehicle; or
- (b) that person's ability to drive safely is impaired due to permanent or long-term injury or illness—
- the Corporation must give the person written notice that the person is no longer exempt from the requirement to hold a driver licence or learner permit.
- (4) The notice must state the following—
- (a) the person is no longer exempt from the requirement to hold a driver licence or learner permit;
- (b) the person must not drive a motor vehicle on a highway;

- (c) the reasons the person is no longer exempt;  
and
- (d) any action that may be taken by the person to  
regain the exemption and the date by which  
that action must be taken.

## **Division 2—Prescribed requirements for grant or variation of driver licence**

### **19 Prescribed requirements for driver licence**

For the purposes of section 19(2)(b) of the Act,  
the prescribed requirements for an applicant for a  
driver licence are that—

- (a) the applicant is a resident of Victoria; and
- (b) the applicant—
  - (i) meets the requirements under this  
Division for the category of motor  
vehicle to which the application relates;  
or
  - (ii) holds a licence issued in another  
jurisdiction authorising the holder to  
drive a motor vehicle of a category or  
class equivalent to the category of  
motor vehicle to which the application  
relates.

### **20 Exemption from requirement**

- (1) The Corporation may exempt an applicant from a  
requirement under this Division having regard to  
the applicant's driving experience and the  
circumstances in which it was obtained.
- (2) The Corporation may exempt an applicant from a  
requirement under this Division if the nature of  
the applicant's occupation, employment or family  
circumstances is such that compliance with the  
requirement would impose undue hardship on the  
applicant or the applicant's family.

- (3) In deciding whether or not to grant an exemption under subregulation (2), the Corporation must have regard to—
- (a) the likely effect of the decision on safe, efficient and equitable road use in Victoria;
  - (b) the applicant's driving experience and the circumstances in which it was obtained.

**Note**

Under regulation 36, the Corporation may impose conditions on a driver licence issued to a person for whom a requirement has been dispensed with under this regulation.

**21 Requirement for car driver licence**

- (1) For the purposes of regulation 19(b)(i), the requirement for an applicant for a car driver licence is that—
- (a) immediately before the licence is granted, the applicant has held an Australian learner permit to drive a car for a continuous period, not less than the relevant period under subregulation (2), for a person of the applicant's age; or
  - (b) the applicant holds or, within the past 5 years, has held a driver licence issued in another country that authorises the holder to drive a car.
- (2) For the purposes of subregulation (1)(a), the relevant period is—
- (a) 12 months for a person who is less than 21 years old; or
  - (b) 6 months for a person who is at least 21 years old but less than 25 years old; or
  - (c) 3 months for any other person.

- (3) However, the Corporation may decide to reduce the period for which an applicant must have held a car learner permit if the applicant has held a motor cycle licence or motor cycle learner permit for not less than 12 months.
- (4) For the purposes of subregulation (1)(b), a licence is not to be taken to authorise the driving of a car if the licence is suspended.

## **22 Additional requirements for car driver licence applicant under the age of 21 years**

- (1) For the purposes of regulation 19(b)(i), the requirements for an applicant for a car driver licence who, at the time of the application, is under the age of 21 years are—
  - (a) the requirement under regulation 21; and
  - (b) a minimum of 120 hours of driving experience on roads under the supervision of an experienced driver sitting beside the learner driver, to be recorded in a learner log book as required under regulation 31.

### **Note**

*Road* is defined in section 3 of the Act.

- (2) The driving experience under subregulation (1)(b) must include the number of hours of night driving determined by the Corporation.

## **23 Requirement for motor cycle licence**

- (1) For the purposes of regulation 19(b)(i), the requirement for an applicant for a motor cycle licence is that—
  - (a) immediately before the licence is granted, the applicant has held an Australian learner permit to drive a motor cycle for a continuous period of not less than 3 months;  
or

- (b) the applicant has completed a training course in motor cycle driving approved by the Corporation; or
  - (c) the applicant holds, or within the past 5 years has held, a driver licence issued in another country that authorises the holder to drive a motor cycle.
- (2) For the purposes of subregulation (1)(c), a licence is not to be taken to authorise the driving of a motor cycle if the licence is suspended.

**24 Requirement for light rigid vehicle licence or medium rigid vehicle licence**

For the purposes of regulation 19(b)(i), the requirement for an applicant for a light rigid vehicle licence or medium rigid vehicle licence is that the applicant has, at some time, held an Australian driver licence to drive a car for a period of at least 12 months.

**25 Requirement for heavy rigid vehicle licence**

For the purposes of regulation 19(b)(i), the requirement for an applicant for a heavy rigid vehicle licence is that the applicant has, at some time, held an Australian driver licence to drive a car for a period of at least 24 months.

**26 Requirement for heavy combination vehicle licence**

For the purposes of regulation 19(b)(i), the requirements for an applicant for a heavy combination vehicle licence are that the applicant has, at some time, held—

- (a) an Australian driver licence to drive a car for a period of at least 24 months; and
- (b) an Australian driver licence to drive a medium rigid vehicle or a heavy rigid vehicle for a period of at least 12 months.

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### **27 Requirement for multi-combination vehicle licence**

For the purposes of regulation 19(b)(i), the requirements for an applicant for a multi-combination vehicle licence are that the applicant has—

- (a) at some time held an Australian driver licence to drive a heavy combination vehicle or a heavy rigid vehicle for a period of at least 12 months; and
- (b) completed a driver training course approved by the Corporation.

### **28 Calculating periods for which a person has held a driver licence**

- (1) For the purposes of regulations 24, 25, 26 and 27, the Corporation may also take into account some or all of the periods during which the person has held a licence to drive a motor vehicle in an external Territory or another country.
- (2) In calculating the periods for which a person has held a driver licence referred to in regulations 24, 25, 26 and 27, the Corporation must exclude the following periods—
  - (a) any period for which the person's Australian driver licence has been suspended;
  - (b) any period for which the person has been disqualified from driving.

### **Division 3—Procedures for grant or variation of driver licence or grant of learner permit**

#### **29 Mandatory refusal for specified applicants**

- (1) This regulation applies to a person who—
  - (a) is currently disqualified from driving under the law of Victoria or another jurisdiction; or

- (b) has an Australian driver licence or an Australian learner permit that is currently suspended; or
  - (c) is currently disqualified from driving under the law of another country in circumstances that, if they occurred in Victoria, would have resulted in the person being disqualified from driving in Victoria.
- (2) If the person applies for a driver licence or learner permit, the Corporation must refuse the application.

**30 Prescribed procedures for application for the grant or variation of driver licence or grant of learner permit**

- (1) This regulation applies to an application for—
- (a) the grant of a driver licence under section 19 of the Act;
  - (b) the variation of a driver licence to include an additional category of motor vehicle or to include less restrictive licence conditions under section 20 of the Act;
  - (c) the grant of a learner permit under section 22 of the Act.
- (2) The prescribed procedures for an application referred to in subregulation (1) are as follows—
- (a) the applicant must apply to the Corporation, in a form approved by the Corporation, that includes or is accompanied by—
    - (i) the applicant's personal particulars; and
    - (ii) any evidence the Corporation reasonably requires to verify the personal particulars; and
    - (iii) a specimen signature; and

- (iv) the applicant's address for service of notices, if this is different from the person's residential address; and
  - (v) the relevant fees specified in Schedule 5 for tests conducted by the Corporation, including fees relating to appointments for those tests;
- (b) the applicant's photograph must be taken or a digitised image of the applicant made, or the applicant must provide a photograph or digitised image of the applicant in a form specified by the Corporation.
- (3) In addition, if the applicant has been disqualified from driving in another jurisdiction after being convicted or found guilty of an offence involving alcohol or another drug, the applicant must provide evidence that the applicant has—
- (a) complied with any requirements of the law of that jurisdiction relating to the assessment of drivers convicted of offences involving alcohol or other drugs; or
  - (b) completed a driver education program approved by the Corporation.

Reg. 30  
(2)(a)(v)  
amended by  
S.R. No.  
51/2011 reg. 5.

**31 Car driver licence applicants under the age of 21 years**

- (1) For the purposes of section 19(2)(b) of the Act, the prescribed procedures for an applicant for a car driver licence who, at the time of the application, is under the age of 21 years are—
- (a) the prescribed procedures under regulation 30; and

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- (b) that the applicant must give the Corporation—
- (i) the applicant's learner log book; and
  - (ii) a declaration of completion in accordance with subregulation (3).
- (2) Subregulation (1)(b) does not apply to an applicant who has been exempted under regulation 20 from the requirement to complete the minimum driving experience under regulation 22.
- (3) For the purpose of subregulation (1)(b)(ii), a declaration of completion must—
- (a) be in a form approved by the Corporation; and
  - (b) be signed by the applicant; and
  - (c) be signed by an experienced driver who has supervised the applicant.

**Note**

It is an offence under section 71 of the Act to attempt to obtain a licence by making a false statement.

**32 Consideration of application and decision**

- (1) After considering an application for the grant or variation of a driver licence or grant of a learner permit, the Corporation must—
- (a) grant a driver licence or learner permit of the category, or make the variation, applied for, subject to any conditions that the Corporation considers to be appropriate; or
  - (b) refuse, under regulation 33, to grant a driver licence or learner permit of the category, or to make the variation, applied for.

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- (2) In considering the application, the Corporation may have regard to a judgment, order or decision made in accordance with the Act or another Australian law under which authority is given to drive motor vehicles on highways.

### **33 Refusal of application**

- (1) The Corporation must refuse to grant or vary a driver licence or to grant a learner permit if—
- (a) the applicant—
    - (i) has failed to meet a requirement prescribed in Division 2 for the category of motor vehicle to which the application relates; and
    - (ii) has not been exempted under regulation 20 from that requirement; or
  - (b) the applicant has refused or failed to undergo, or has not passed, any appropriate test the applicant is required to undergo by the Corporation under the Act.

#### **Example**

The Corporation may require the applicant to undergo tests relating to eye sight, road law knowledge or driving ability.

- (2) The Corporation may refuse to grant or vary a driver licence or to grant a learner permit if—
- (a) the applicant has failed to comply with the procedures specified in regulation 30 or 31 (if applicable); or
  - (b) the applicant does not have sufficient knowledge of road laws or driving ability, or is not fit to hold the category of driver licence or learner permit applied for; or

- (c) the applicant has not otherwise complied with a requirement under the Act or these Regulations.

**34 Applicants who have a licence or permit issued outside Victoria**

- (1) This regulation applies if—
  - (a) the Corporation decides to grant a driver licence or learner permit to an applicant or vary a driver licence or learner permit held by the applicant; and
  - (b) the applicant holds a current driver licence or learner permit issued outside of Victoria (*a non-Victorian licence or permit*).
- (2) Before granting or varying a driver licence or learner permit the Corporation may—
  - (a) require the applicant to surrender the non-Victorian licence or permit to the Corporation; or
  - (b) if it has been issued in another jurisdiction, deface, or require the applicant to deface, the non-Victorian licence or permit.
- (3) In deciding whether to exercise its discretion under subregulation (2) the Corporation may take into consideration whether, during the term of the driver licence or learner permit granted or varied by the Corporation—
  - (a) the applicant will require the non-Victorian licence or permit for driving in the country of issue;
  - (b) the non-Victorian licence or permit is part of another authority that will be required by the applicant.

### **35 Licence or permit issued in another jurisdiction**

If a driver licence or learner permit issued in another jurisdiction is surrendered or defaced under regulation 34(2), the Corporation—

- (a) may grant a driver licence or learner permit with an expiry date that is the same as the date the surrendered or defaced licence or permit would have expired; and
- (b) must waive the fees payable under regulations 30(2)(a)(v) and 62(2) relating to the grant or variation of the driver licence or learner permit.

Reg. 35(b)  
substituted by  
S.R. No.  
51/2011 reg. 6.

### **36 Conditions if exemption granted**

If the Corporation has exercised its power of exemption under regulation 20 and granted a driver licence or variation to a driver licence, or has exercised its power of exemption under regulation 57(4) in respect of the holder of a probationary driver licence, it may impose conditions on the driver licence, including conditions—

- (a) limiting the number of passengers who may be carried in a vehicle driven by the person;
- (b) limiting the routes that may be travelled by the person;
- (c) restricting the times of the day the person may drive;
- (d) restricting the days of the week the person may drive.

### **37 Conditions of driver licences or learner permits**

- (1) A condition to which a driver licence or learner permit is subject may be shown on the licence or permit by means of a code.

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- (2) A code in column 1 of Schedule 2 may be used on a driver licence or learner permit to indicate the licence or permit is subject to the condition set out opposite in column 2 of that Schedule.
- (3) If a condition is shown by a code—
- (a) the Corporation must include on the driver licence document or learner permit document a note explaining the condition or to the effect that the condition may be found out by asking the Corporation; and
  - (b) the Corporation may give the person who holds the licence or permit a notice containing a full explanation of the condition and may require the person to carry the notice while driving.
- (4) If a person who holds a driver licence or learner permit is required to carry a notice referred to in subregulation (3)(b) the person must comply with the requirement.
- Penalty: 3 penalty units.
- (5) The holder of a driver licence or learner permit issued in another jurisdiction or another country and subject to a condition must, when driving in Victoria, carry a notice issued by the driver licensing authority in that jurisdiction or country that contains a full explanation of the condition to which the licence or permit is subject.
- Penalty: 3 penalty units.
- (6) For the purposes of subregulation (5), the notice must be written in English or accompanied by an accurate English translation.
- (7) Subregulation (5) does not apply if the meaning of the condition can be clearly ascertained from its description on the driver licence document or learner permit document.

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#### **Division 4—Renewal of licence**

##### **38 Renewal notice**

- (1) The Corporation may send a notice (a *renewal notice*) to a person who holds a driver licence stating that if the driver licence is not renewed on or before the date specified in the notice the driver licence will expire.
- (2) If the Corporation fails to send a renewal notice to a person who holds a driver licence, or if the renewal notice is not received by the person, the failure or non-receipt does not affect—
  - (a) the expiry date of the driver licence; and
  - (b) the obligation of the person to renew the licence if the person intends to drive a motor vehicle on a highway after the expiry date of the person's licence.

##### **39 Application for renewal of a driver licence**

- (1) A person may apply to the Corporation to renew the person's driver licence, no later than 5 years after the expiry date of the licence, in such a manner as the Corporation requires.
- (2) For the purposes of subregulation (1), the Corporation may require—
  - (a) the applicant to provide an application for renewal of the driver licence in the form approved by the Corporation that includes—
    - (i) the applicant's personal particulars; and
    - (ii) any evidence the Corporation reasonably requires to verify the personal particulars; and
    - (iii) a specimen signature; and

Reg. 39  
(2)(a)(v)  
amended by  
S.R. No.  
51/2011 reg. 7.

- (iv) the applicant's address for service of notices, if this is different from the applicant's residential address; and
  - (v) the fee payable under regulation 62(2) for the renewal of a driver licence;
- (b) the applicant's photograph be taken or a digitised image of the applicant made, or the applicant to provide a photograph or digitised image of the applicant in a form specified by the Corporation;
  - (c) the applicant to comply with any of the requirements of this Part.
- (3) A person may not apply for the renewal of the person's driver licence, but may apply for a new driver licence under Division 3, if the driver licence—
- (a) is cancelled; or
  - (b) is not renewed within 5 years after the expiry date of the licence.

#### **40 Renewal or refusal to renew driver licence**

- (1) The Corporation must renew the driver licence if—
- (a) the applicant has complied with the requirements of these Regulations; and
  - (b) the Corporation would grant the applicant a new licence if the applicant were applying for a driver licence under Division 3.
- (2) The Corporation may refuse to renew a driver licence if the Corporation is satisfied that—
- (a) the applicant is not eligible for the category of driver licence applied for; or

- (b) the applicant does not have sufficient knowledge of road laws or driving ability, or is not fit to hold the category of licence applied for; or
  - (c) the applicant has refused, failed to undergo, or has not passed the appropriate tests required by the Corporation under the Act; or
  - (d) the applicant has not otherwise complied with a requirement under the Act or these Regulations.
- (3) The Corporation must refuse to renew a driver licence if the Corporation is satisfied that it is suspended.

#### **41 Term of renewed driver licence**

The expiry date of a renewed driver licence is to be calculated from—

- (a) the expiry date of the licence being renewed, if it is renewed before, on or within 6 months after the expiry date; or
- (b) the day the licence is renewed, if it is renewed more than 6 months, but not more than 5 years, after the expiry date of the licence being renewed.

#### **Division 5—Learner drivers**

#### **42 Term of learner permit**

- (1) The Corporation may grant a car learner permit for a period not exceeding 10 years.
- (2) The Corporation may grant a motor cycle learner permit for a period not exceeding 15 months.

#### **Note**

The procedure for applying for a learner permit is set out in regulation 30.

- (3) The expiry date of the learner permit must be specified in the learner permit.

**43 Surrender of learner permit**

- (1) A person who holds a car learner permit must, if required by the Corporation, surrender the permit to the Corporation if the person is granted a driver licence that authorises the person to drive a car.
- (2) A person who holds a motor cycle learner permit must, if required by the Corporation, surrender the permit to the Corporation if the person is granted a driver licence that authorises the person to drive a motor cycle.

**44 Renewal or refusal to renew learner permit**

- (1) A car learner permit may be renewed for a period of not more than 10 years and may be renewed more than once.
- (2) A motor cycle learner permit may not be renewed.
- (3) The Corporation must refuse to renew a car learner permit if—
- (a) it is suspended; or
  - (b) more than 5 years have passed after the permit expired.

**45 Application for renewal of a car learner permit**

- (1) A person may apply to the Corporation to renew the person's car learner permit in such a manner as the Corporation requires.
- (2) For the purposes of subregulation (1), the Corporation may require—
- (a) the applicant to provide an application for renewal of the car learner permit in the form approved by the Corporation that includes—
    - (i) the applicant's personal particulars; and

- (ii) any evidence the Corporation reasonably requires to verify the personal particulars; and
- (iii) a specimen signature; and
- (iv) the applicant's address for service of notices, if this is different from the applicant's residential address; and
- (v) the fee payable under regulation 62(2) for the renewal of a learner permit;

Reg. 45  
(2)(a)(v)  
amended by  
S.R. No.  
51/2011 reg. 8.

- (b) the applicant's photograph be taken or a digitised image of the applicant made, or the applicant to provide a photograph or digitised image of the applicant in a form specified by the Corporation.

#### **46 Restrictions affecting learner drivers**

- (1) A learner driver must not drive a motor vehicle (other than a tractor) that is towing a trailer.  
Penalty: 10 penalty units.
- (2) A learner driver must not drive a motor vehicle on a highway (other than a tractor or motor cycle) unless an experienced driver is sitting beside the learner driver.  
Penalty: 20 penalty units.
- (3) A learner driver must not drive a tractor on a highway unless—
  - (a) the learner permit held by the learner driver authorises the learner driver to drive a car; and
  - (b) the tractor is being used solely in connection with agriculture, horticulture, dairying, pastoral or other similar pursuits, or commercial fishing; and

- (c) the learner driver has had 10 hours of experience driving a tractor.

Penalty: 10 penalty units.

#### **47 Learner driver must display L plates**

- (1) A learner driver must not drive a motor vehicle (other than a tractor) on a highway unless—
- (a) an L plate is displayed facing out from the rear of the motor vehicle so that the letter "L" is clearly visible from a distance of 20 metres behind the vehicle; and
  - (b) in the case of a vehicle other than a motor cycle, an L plate is displayed facing out from the front of the vehicle so that the letter "L" is clearly visible from a distance of 20 metres ahead of the vehicle.

Penalty: 3 penalty units.

- (2) An experienced driver must not sit beside a learner driver, as required under regulation 46(2), if the learner driver is committing an offence against subregulation (1).

Penalty: 3 penalty units.

- (3) A person who is not a learner driver must not drive a motor vehicle on a highway if there is displayed facing out from the front or rear of the motor vehicle a plate that is, or that resembles, an L plate.

Penalty: 3 penalty units.

- (4) Subregulation (3) does not apply to a person who is instructing a learner driver and who is driving the motor vehicle solely for the purposes of instructing the learner driver.

(5) In this regulation—

**L plate** means a plate measuring approximately 150 millimetres by 150 millimetres that has a black letter "L" clearly marked on a yellow background.

### **Division 6—Probationary drivers**

#### **48 Probationary driver licence**

- (1) Subject to subregulations (2) and (3), a driver licence granted to an applicant who has not previously held a driver licence must be granted on probation in accordance with this Division.
- (2) The driver licence must be granted as a full driver licence if the applicant—
  - (a) is not less than 21 years of age; and
  - (b) either—
    - (i) holds a full driver licence issued in another jurisdiction or country; or
    - (ii) holds a driver licence issued on a probationary basis in another jurisdiction or country and has held the licence for a period of 3 years or more.
- (3) The driver licence may be granted as a full driver licence if—
  - (a) the applicant holds, or has previously held, a driver licence issued in another jurisdiction or country; and
  - (b) the Corporation is satisfied that, by reason of age, experience, occupation or special circumstances, the applicant is fit to be granted a full driver licence.

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- (4) The probationary period of a driver licence comprises—
- (a) the period, if any, for which the licence is granted as a P1 probationary licence, subject to extension under regulation 52 (the *P1 probationary period*); and
  - (b) the period for which the licence is granted as a P2 probationary licence, subject to extension under regulation 52 (the *P2 probationary period*).
- (5) At the expiry of the probationary period, the Corporation must grant a full driver licence to the holder of the probationary licence.

#### **49 P1 probationary driver licence**

- (1) Subregulation (2) applies if the Corporation grants a driver licence to an applicant who—
- (a) is less than 21 years of age; and
  - (b) has not previously held a driver licence; and
  - (c) if the applicant holds a driver licence issued on a probationary basis in another jurisdiction or country, has held the probationary licence for less than one year.
- (2) The driver licence must be granted as a P1 probationary driver licence for the period that expires one year after—
- (a) in the case of an applicant who holds a driver licence issued on a probationary basis in another jurisdiction or country the later of—
    - (i) the date the probationary licence was issued; or
    - (ii) the date of the applicant's 18th birthday; or

- (b) in any other case, the date the P1 probationary driver licence is granted.
- (3) If a person's P1 probationary driver licence is cancelled, the next driver licence granted to the person must be granted as a P1 probationary driver licence for the period that expires one year after it is granted.

#### **50 P2 probationary driver licence**

- (1) Subregulation (2) applies if the Corporation grants a driver licence to an applicant who—
  - (a) is not less than 21 years of age; and
  - (b) has not previously held a driver licence; and
  - (c) if the applicant holds a driver licence issued on a probationary basis in another jurisdiction or country, has held that licence for less than 3 years.
- (2) The driver licence must be granted as a P2 probationary driver licence for the period that expires 3 years after—
  - (a) in the case of an applicant who holds a driver licence issued on a probationary basis in another jurisdiction or country, the later of—
    - (i) the date the licence of the other jurisdiction or country was issued; or
    - (ii) the date of the applicant's 18th birthday; or
  - (b) in any other case, the date the P2 probationary driver licence is granted.
- (3) Subregulation (4) applies if the Corporation grants a driver licence to an applicant who—
  - (a) is less than 21 years of age; and
  - (b) has not previously held a driver licence; and

- (c) holds a driver licence issued on a probationary basis in another jurisdiction or country and has held that licence for one year or more.
- (4) The driver licence must be granted as a P2 probationary driver licence for the period that expires 4 years after the later of—
  - (a) the date the licence of the other jurisdiction or country was issued; or
  - (b) the date of the applicant's 18th birthday.
- (5) If a person's P2 probationary driver licence is cancelled, the next driver licence granted to the person must be granted as a P2 probationary driver licence for the period that expires 3 years after it is granted.

**51 Transition from P1 probationary driver licence to P2 probationary driver licence**

- (1) Subject to subregulation (2), the Corporation must grant a P2 probationary driver licence to the holder of a P1 probationary driver licence on the expiration of the P1 probationary driver licence.
- (2) However, before granting a P2 probationary driver licence, the Corporation may require the holder of a P1 probationary driver licence to pass any appropriate test or to comply with any other procedures or requirements.
- (3) If a person passes a test or complies with procedures or requirements required by the Corporation under subregulation (2), the Corporation must grant a P2 probationary driver licence to the person on the later of—
  - (a) the day the person passes the test or complies with the procedures or requirements; or

- (b) the expiration of the P1 probationary driver licence.
- (4) If a person does not pass a test or comply with procedures or requirements required by the Corporation under subregulation (2), the Corporation must not grant a P2 probationary driver licence until the person passes that test or complies with those procedures or requirements.
- (5) A P2 probationary driver licence granted under subregulation (1) or (3) must be granted for the period that expires 3 years after it is granted.

## **52 Extension of probationary driver licence**

- (1) This regulation applies if a person who holds a P1 probationary driver licence or a P2 probationary driver licence—
  - (a) has his or her driver licence suspended; or
  - (b) is convicted or found guilty of an offence under section 49(1) of the Act and the driver licence is not cancelled or suspended for that offence.
- (2) For the purpose of section 21(1)(a), 21(2)(a) and 21(6)(a) of the Act and subject to subregulation (3), the Corporation must extend the P1 probationary period or the P2 probationary period of the person's licence for the period equal to the sum of—
  - (a) the period of the suspension (if any); and
  - (b) 6 months.

### **Examples**

- 1 A person who holds a P1 probationary driver licence commits a traffic related offence. The person's licence is suspended for one month by the Court. As a result, the P1 probationary period is extended by 7 months.

- 2 A person who holds a P1 probationary driver licence commits an offence against section 49(1) of the Act. The person's licence is not suspended or cancelled. As a result, the P1 probationary period is extended by 6 months.
- (3) If the person's driver licence is suspended under—
- (a) section 24(1A) or 51 of the Act; or
  - (b) regulation 78 or regulation 79—
- the Corporation must extend the P1 probationary period or P2 probationary period of the person's driver licence for the period of the suspension of the licence.

**53 Variation of P2 probationary driver licence to P1 probationary driver licence**

- (1) This regulation applies if—
- (a) a person holds a P1 probationary driver licence at the time of committing an offence; and
  - (b) the person holds a P2 probationary driver licence at the time—
    - (i) the person's licence is suspended for the offence; or
    - (ii) in the case of an offence against section 49(1) of the Act, the person is convicted or found guilty of the offence and the driver licence is not cancelled or suspended for that offence.
- (2) The Corporation must vary the driver licence held by the person to a P1 probationary driver licence for 6 months commencing from—
- (a) the day on which the suspension of the licence expires; or

(b) if subregulation (1)(b)(ii) applies, the day on which the person is convicted or found guilty of the offence.

(3) A reference in subregulation (1)(b)(i) to a licence that is suspended does not include a licence suspended under section 51 of the Act.

**54 Variation of full driver licence to P2 probationary driver licence**

(1) This regulation applies if—

(a) a person holds a P2 probationary driver licence at the time of committing an offence; and

(b) the person holds a full driver licence at the time—

(i) the person's licence is suspended for the offence; or

(ii) in the case of an offence against section 49(1) of the Act, the person is convicted or found guilty of the offence and the driver licence is not cancelled or suspended for that offence.

(2) The Corporation must vary the driver licence held by the person to a P2 probationary driver licence for 6 months commencing from—

(a) the day on which the suspension of the licence expires; or

(b) if subregulation (1)(b)(ii) applies, the day on which the person is convicted or found guilty of the offence.

(3) A reference in subregulation (1)(b)(i) to a licence that is suspended does not include a licence suspended under section 51 of the Act.

### **55 Probationary driver must display P plates**

- (1) A person who holds a probationary driver licence or a driver licence issued on a probationary basis in another jurisdiction must not drive a motor vehicle (other than a tractor) on a highway unless—
  - (a) an appropriate P plate is displayed facing out from the rear of the vehicle so that the letter "P" is clearly visible and the colour of the plate is distinguishable from a distance of 20 metres behind the vehicle; and
  - (b) in the case of a vehicle other than a motor cycle, an appropriate P plate is displayed facing out from the front of the vehicle so that the letter "P" is clearly visible and the colour of the plate is distinguishable from a distance of 20 metres ahead of the vehicle.

Penalty: 3 penalty units.

- (2) A person who does not hold a probationary driver licence or a driver licence issued on a probationary basis in another jurisdiction must not drive a motor vehicle on a highway if there is displayed facing out from the front or rear of the vehicle a plate that is, or that resembles, a P plate.

Penalty: 3 penalty units.

- (3) Subregulation (1) does not apply to a person who is—
  - (a) a member of the police force who, in the course of duty, is driving a motor vehicle; or
  - (b) a member of the Country Fire Authority who is driving a motor vehicle in the course of fire fighting operations; or
  - (c) driving an ambulance service or a Victoria State Emergency Service vehicle in the course of duty.

(4) In this regulation—

***appropriate P plate***—

- (a) in relation to a P1 probationary driver licence, means a plate measuring approximately 150 millimetres by 150 millimetres that has a white letter "P" clearly marked on a red background; and
- (b) in relation to a P2 probationary driver licence, means a plate measuring approximately 150 millimetres by 150 millimetres that has a white letter "P" clearly marked on a green background; and
- (c) in relation to a probationary licence issued under a corresponding law of another jurisdiction which requires the holder of that licence to display a "P" plate while driving a motor vehicle, means a "P" plate that complies with the relevant requirements of that law.

**56 Probationary prohibited vehicles**

- (1) Subject to subregulation (2), for the purpose of regulation 57, a ***probationary prohibited vehicle*** is a motor vehicle (other than a motor cycle) that—
  - (a) has an engine with 8 cylinders or more; or
  - (b) has an engine that is turbocharged or supercharged (other than a diesel powered vehicle); or
  - (c) has an engine that has been modified to increase the vehicle's performance (other than a modification made by the manufacturer in the course of the manufacture of the vehicle); or

- (d) is declared by the Corporation under subregulation (4)(a) to be a probationary prohibited vehicle for the purposes of this regulation; or
  - (e) has a modification declared by the Corporation under subregulation (4)(b) to be a high powered modification.
- (2) A ***probationary prohibited vehicle*** does not include a vehicle declared by the Corporation under subregulation (4)(c) not to be a probationary prohibited vehicle.
- (3) For the purpose of subregulation (1)(b), an engine is turbocharged if a turbocharger is installed in the vehicle, whether or not it is otherwise attached to the engine.
- (4) For the purpose of this regulation, the Corporation, by notice published in the Government Gazette, may—
- (a) declare that a vehicle or class of vehicle is a probationary prohibited vehicle; or
  - (b) declare that a modification to a vehicle or type of modification to a vehicle is a high powered modification; or
  - (c) declare that a vehicle, other than a vehicle with an engine having 8 cylinders or more, is not a probationary prohibited vehicle.

**57 Offence to drive probationary prohibited vehicle**

- (1) The holder of a probationary driver licence must not drive a probationary prohibited vehicle on a highway.

Penalty: 10 penalty units.

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- (2) Subregulation (1) does not apply to—
- (a) the holder of a probationary driver licence who is driving a probationary prohibited vehicle—
    - (i) in the course of his or her employment and at the request of his or her employer; or
    - (ii) subject to subregulation (3), in the course of his or her business or to or from the workplace of that business; or
  - (b) the holder of a probationary driver licence who is exempt from the requirement in subregulation (1) by the Corporation in accordance with subregulation (4); or
  - (c) a member of the police force who, in the course of duty, is driving a motor vehicle; or
  - (d) a person who is driving a probationary prohibited vehicle that is also a heavy vehicle if—
    - (i) that person does not hold a driver licence that authorises the holder to drive that motor vehicle; and
    - (ii) he or she is the holder of a driver licence of another category; and
    - (iii) a person who holds an Australian driver licence which is appropriate for the category of vehicle that is being driven is sitting beside him or her; and
    - (iv) there is a driver under instruction plate affixed to, and facing out from, the front and rear of the vehicle.
- (3) Subregulation (2)(a)(ii) applies only if an Australian Business Number is in force in relation to the person's business.

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- (4) The Corporation, by written instrument, may exempt the holder of a probationary driver licence from the requirement of subregulation (1) if—
- (a) the vehicle has an engine that is—
    - (i) turbocharged or supercharged; and
    - (ii) has a power mass ratio of less than 100 kW per tonne; or
  - (b) the vehicle has 4 or more seats, and has an engine that is—
    - (i) turbocharged or supercharged; and
    - (ii) has a power mass ratio of 100 kW per tonne or more but less than 125 kW per tonne; or
  - (c) the nature of that person's occupation, essential activities or family circumstances is such that compliance with the regulation would impose undue hardship on the person or the person's family.

**Note**

Under regulation 36, the Corporation may impose conditions on a driver licence issued to a person for whom a requirement has been dispensed with under this regulation.

- (5) In deciding whether or not to grant an exemption under subregulation (4)(b), the Corporation must have regard to—
- (a) the likely effect of the decision on safe, efficient and equitable road use in Victoria;
  - (b) the characteristics of the vehicle, including whether it is designed for sports performance rather than family use.
- (6) In deciding whether or not to grant an exemption under subregulation (4)(c), the Corporation must have regard to the likely effect of the decision on safe, efficient and equitable road use in Victoria.

(7) In this regulation—

*power mass ratio*, in relation to a motor vehicle, means the ratio between the power output of the engine of the motor vehicle at the time of its manufacture including any additional output resulting from any modification to the motor vehicle after its manufacture expressed in kilowatts and the unladen mass of the motor vehicle expressed in tonnes.

### **58 Restrictions affecting certain motor cycle riders**

(1) A person who has held a motor cycle licence for a period of less than 12 months must not—

- (a) drive a motor cycle other than a learner approved motor cycle; or
- (b) drive a motor cycle on which there is a pillion passenger.

Penalty: 10 penalty units.

(2) A person who holds a motor cycle learner permit must not—

- (a) drive a motor cycle other than a learner approved motor cycle; or
- (b) drive a motor cycle on which there is a pillion passenger.

Penalty: 10 penalty units.

(3) If the Corporation is satisfied that a person has motor cycle driving experience in another jurisdiction or another country, it may specify in the licence a shorter period than that required in subregulation (1).

(4) Subregulations (1)(a) and (2)(a) do not apply to a member of the police force who, in the course of duty, is driving a motor cycle on which there is no pillion passenger.

- (5) For the purpose of this regulation, the Corporation may approve a motor cycle, or class of motor cycle, to be a learner approved motor cycle—
- (a) by notice published in the Government Gazette; or
  - (b) by issuing a registration label, in accordance with the Road Safety (Vehicles) Regulations 2009, indicating that the motor cycle is a learner approved motor cycle.
- (6) In calculating the period for which a person has held a motor cycle driver licence referred to in subregulation (1), any period for which the person's driver licence has been suspended, or the person has been disqualified from driving, must be excluded.

#### **59 Towing of vehicles by P1 probationary drivers**

The holder of a P1 probationary driver licence must not drive a motor vehicle (other than a tractor) that is towing another motor vehicle or a trailer unless—

- (a) the person is driving the motor vehicle in the course of the person's employment and at the request of the person's employer; or
- (b) the person is driving a motor vehicle which is being used solely in connection with agriculture, horticulture, dairying, pastoral or other similar pursuits or commercial fishing; or
- (c) an experienced driver is sitting beside the person and a driver under instruction plate is affixed to, and facing out from, the front and rear of the vehicle.

Penalty: 10 penalty units.

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**60 Passenger restriction for probationary drivers**

- (1) This regulation applies if a probationary driver licence is cancelled or suspended as the result of an offence committed by the licence holder during the P1 probationary period of the licence and—
  - (a) the suspension period has ended; or
  - (b) the person has been issued with a further P1 probationary driver licence.
- (2) Subject to subregulation (5), the Corporation must impose on that licence a condition that the licence holder must not drive a motor vehicle while carrying more than one other person for the remainder of the P1 probationary period of the licence.
- (3) A P1 probationary driver who holds a licence subject to a condition imposed by the Corporation under subregulation (2), must not breach that condition.

Penalty: 10 penalty units.
- (4) A reference in subregulation (1) to suspension of a driver licence for an offence does not include immediate suspension under section 51 of the Act by a member of the police force or an officer of the Corporation.
- (5) The Corporation may decline to impose a condition under subregulation (2) if it is satisfied that the nature of the person's occupation, employment, essential activities or family circumstances is such that compliance with the regulation would impose undue hardship on the person or the person's family.
- (6) In deciding whether or not to decline to impose a condition under subregulation (2), the Corporation must have regard to—

- (a) the likely effect of the decision on safe, efficient and equitable road use in Victoria;
- (b) the person's driving experience and the circumstances in which it was obtained.

**61 Peer passenger restriction for P1 probationary drivers**

- (1) A P1 probationary driver or corresponding novice driver must not drive a motor vehicle on a highway in which there is more than one peer passenger.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to a driver—
  - (a) who is a member of the police force and is driving a motor vehicle on a highway in the course of his or her duties; or
  - (b) who is driving an emergency vehicle on a highway in the course of his or her employment or duties, or in accordance with any terms of a contract or any engagement; or
  - (c) whose driver licence is subject to a condition that the licence holder must not drive a motor vehicle on a highway while carrying more than one other person; or
  - (d) who is driving a motor vehicle on a highway in which there is an experienced driver sitting beside him or her.
- (3) The Corporation, by instrument in writing, may exempt a person from the requirement of subregulation (1) if the nature of that person's occupation, employment, essential activities or family circumstances is such that compliance with the regulation would impose undue hardship on the person or the person's family having regard to

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the likely effect of the exemption on safe, efficient and equitable road use in Victoria.

(4) In this regulation—

***corresponding novice driver*** means a person who—

- (a) holds a driver licence issued on a probationary basis under a corresponding law of another jurisdiction; and
- (b) who has held that licence for less than 12 months and was under 21 years of age when that licence was granted to that person;

***emergency vehicle*** has the same meaning as in the Road Rules;

***P1 probationary driver*** means a person who holds a P1 probationary driver licence;

***peer passenger***, in relation to a P1 probationary driver or corresponding novice driver, means a person who is at least 16 years of age and less than 22 years of age but does not include a person who is—

- (a) the spouse or domestic partner of the P1 probationary driver or corresponding novice driver; or
- (b) the sibling or step-sibling of the P1 probationary driver or corresponding novice driver;

***spouse*** of a person means a person to whom the person is married.

**Note**

***Domestic partner*** of a person is defined in section 16B(1) of the Act.

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**Division 7—Driver licence document and learner permit document**

**62 Issue of document upon grant, variation or renewal of driver licence or grant or renewal of learner permit**

- (1) This regulation applies if the Corporation decides to grant, vary or renew a driver licence or to grant or renew a learner permit.
- (2) As soon as practicable after payment of the relevant fee specified in Schedule 5 for the grant, variation or renewal of a driver licence or learner permit, the Corporation must issue the applicant a driver licence document or learner permit document in the form required by regulation 63.
- (3) If the Corporation decides to renew or vary a driver licence or renew a learner permit, the Corporation may—
  - (a) require the applicant to surrender the previous driver licence or learner permit document to the Corporation; or
  - (b) deface, or require the applicant to deface, the previous driver licence or learner permit document.

Reg. 62(2)  
amended by  
S.R. No.  
51/2011 reg. 9.

**Note**

Under regulation 34 if the Corporation grants or varies a driver licence or learner permit to an applicant who holds a non-Victorian licence or permit, the Corporation may require the applicant to surrender the non-Victorian driver licence or may deface, or require the applicant to deface, a licence or permit from another jurisdiction.

- (4) Before the document is issued, the Corporation may issue a driver licence receipt or learner permit receipt to the applicant as an interim measure.

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- (5) A driver licence receipt or learner permit receipt ceases to be in force on the earlier of the following days—
- (a) the day that is 2 months after the date of its issue;
  - (b) the day that the driver licence document or learner permit document is issued to the applicant.
- (6) A driver licence receipt or learner permit receipt must include the details required by regulation 63 for a driver licence or learner permit except for the inclusion of a photograph or digitised image of the person.

**63 Form of driver licence or learner permit document**

- (1) A driver licence or learner permit document must show details of the following—
- (a) an identification number for the person to whom it is issued;
  - (b) subject to subregulation (2), the person's first name, second and third initials (if any) and family name;
  - (c) a photograph or digitised image of the person;
  - (d) the person's residential address;
  - (e) the person's date of birth;
  - (f) the person's signature or a reproduction of the person's signature;
  - (g) the category or categories of driver licence or learner permit held by the person;
  - (h) the expiry date of the licence or permit;
  - (i) the code of any condition to which the licence or permit is subject.

- (2) If space does not permit compliance with subregulation (1)(b), a driver licence or learner permit document may—
  - (a) set out one or more of the person's names in truncated form;
  - (b) omit one or more of the person's initials.

**64 Replacement of driver licence or learner permit document**

- (1) The holder of a driver licence or learner permit may apply to the Corporation for the replacement of the licence or permit document if—
  - (a) it is stolen, lost, damaged or destroyed; or
  - (b) the holder's name has changed; or
  - (c) the holder's appearance has changed significantly.
- (2) The applicant must give the Corporation the personal particulars or other information the Corporation considers necessary to identify the applicant, including evidence to verify those particulars.
- (3) The Corporation may require the applicant to comply with any of the requirements of regulations 30 and 31 as if the applicant were applying for a driver licence or learner permit.
- (4) The Corporation may, on payment by the applicant of the relevant fee specified in Schedule 5 for the issue of a replacement driver licence or learner permit document and surrender of the original driver licence or learner permit document (where applicable), issue a replacement licence or permit document to the applicant if the Corporation is satisfied—

Reg. 64(4)  
amended by  
S.R. No.  
51/2011  
reg. 10.

- (a) the licence or permit document has been lost, stolen or destroyed, or damaged in a way that requires its replacement; or
- (b) for any other reason, the replacement is appropriate in the circumstances.

### **65 Correction of driver licence or learner permit**

- (1) The Corporation may vary a driver licence or learner permit to correct an error or omission in it, and issue a replacement document—
  - (a) if asked by the holder of the licence or permit; and
  - (b) on payment of the relevant fee specified in Schedule 5 for the issue of a replacement driver licence or learner permit document.

Reg. 65(1)(b)  
amended by  
S.R. No.  
51/2011  
reg. 11.

- (2) The Corporation may vary a driver licence or learner permit to correct an error or omission in the licence or permit.
- (3) When issuing a replacement driver licence or learner permit document under this regulation, the Corporation may require the surrender of the original document.

### **Division 8—Miscellaneous**

### **66 Records to be kept by Corporation**

- (1) For each driver licence or learner permit, the Corporation must keep a record of the following information—
  - (a) the identification number for the person to whom the licence or permit is issued;
  - (b) the person's gender;
  - (c) personal particulars;
  - (d) the person's title;

- (e) the person's address for service of notices if this is different from the person's residential address;
  - (f) the category or categories of the licence or permit;
  - (g) the commencement and expiry dates of the licence or permit;
  - (h) any condition to which the licence or permit is subject;
  - (i) any period for which the licence is probationary.
- (2) The Corporation may also keep other records in relation to each person to whom a driver licence or learner permit has been issued which it considers to be relevant to its driver licensing functions under the Act and these Regulations.
- (3) Any person whose name appears in records referred to in subregulation (1) is entitled, on payment of the relevant fee payable under regulation 111(1), to request a search of the records and to obtain a certificate as to any matter appearing in the records in relation to him or her.

Reg. 66(3)  
amended by  
S.R. No.  
51/2011  
reg. 12.

### **67 Change of personal particulars or condition**

- (1) A holder of a driver licence or learner permit must notify the Corporation of any change to the person's personal particulars or the person's address for service of notices if this is different from the person's residential address within 14 days of the change.
- Penalty: 3 penalty units.
- (2) If a holder of a driver licence or learner permit, or a person who is exempt from holding a driver licence or learner permit under regulation 17, is affected by a permanent or long-term injury or illness that may impair the person's ability to drive

safely, the person must, as soon as practicable after becoming aware of the injury or illness, notify the Corporation about it.

Penalty: 3 penalty units.

- (3) A notification under this regulation need not be in writing unless required by the Corporation.

## 68 Tests

- (1) For the purposes of section 27(3) of the Act, a test of the class described in column 1 of the following Table must be carried out by a person of the class described opposite the test in column 2 of the Table.

**Table**

<i>Column 1</i>	<i>Column 2</i>
<i>Class of test</i>	<i>Prescribed class of person</i>
Medical tests	Registered medical practitioners
Tests relating to eye sight	Registered medical practitioners, optometrists, occupational therapists, officers of the Corporation and other persons authorised in writing by the Corporation to conduct tests of road law knowledge and driving ability
Evaluations of drivers' physical and cognitive abilities or skills to drive	Occupational therapists and other persons authorised in writing by the Corporation to conduct tests of physical and cognitive abilities or skills to drive

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<i>Column 1</i>	<i>Column 2</i>
<i>Class of test</i>	<i>Prescribed class of person</i>
Tests of road law knowledge and driving ability	Officers of the Corporation and other persons authorised in writing by the Corporation to conduct tests of road law knowledge and driving ability

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- (2) The Corporation must accept, for the purposes of section 27 of the Act, a certificate of the results of a medical test conducted in another jurisdiction if the test otherwise complies with this regulation.

#### **69 Verification of records**

- (1) This regulation applies if the Corporation believes on reasonable grounds that information contained in a record under regulation 66 in relation to a driver licence or learner permit is inaccurate or misleading.
- (2) The Corporation, by written notice given to the person who holds the driver licence or learner permit, may require the person to—
- (a) give evidence to the Corporation, in the way specified in the notice, about anything relevant to the issuing, variation or continuation of the licence or permit, including the person's personal particulars; or
  - (b) give the Corporation specified documents for inspection; or
  - (c) attend at a time and place specified in the notice for identification.

#### **Note**

Failure to comply with the notice may result in the person's licence or permit being suspended or cancelled under regulation 79.

- (3) A person who is required under subregulation (2)(c) to attend at a specified time and place may request a change to the time or place.
- (4) If a request is made under subregulation (3), the Corporation must—
  - (a) consider the request; and
  - (b) give written notification to the person of its decision.
- (5) After complying with this regulation, the Corporation may alter a record if it considers that it is inaccurate or misleading.

#### **70 Notification of certain offences**

- (1) This regulation applies if—
  - (a) a court convicts a person to whom section 52 of the Act applies of an offence against section 49(1) of the Act, or finds the person guilty of the offence; and
  - (b) the court does not suspend or cancel the person's driver licence or learner permit or disqualify the person from obtaining a licence or permit.
- (2) The responsible officer of the court must notify the Corporation of the details of the conviction or the finding of guilt.
- (3) In this regulation—

**responsible officer** means—

  - (a) in the case of the Magistrates' Court, the Principal Registrar of the Court; and
  - (b) in the case of the County Court, the Registrar of the Court; and
  - (c) in the case of the Supreme Court, the Principal Registrar of the Court.

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**71 Exemption for consular or diplomatic staff**

- (1) The Corporation may exempt a member of consular or diplomatic staff from a requirement to undergo any tests required by the Corporation under the Act.
- (2) The Corporation may waive the payment by a member of consular or diplomatic staff of any of the following fees—
  - (a) the fee payable under regulation 62(2) for the grant, renewal or variation of a driver licence;
  - (b) the fee payable under regulation 62(2) for the grant or renewal of a learner permit;
  - (c) the fee payable under regulation 64(4) for the issue of a replacement driver licence or learner permit document;
  - (d) the fee payable under regulation 65(1) for the issue of a replacement driver licence or learner permit document.

Reg. 71(2)  
substituted by  
S.R. No.  
51/2011  
reg. 13.

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**PART 3—VARIATION, SUSPENSION OR CANCELLATION  
OF DRIVER LICENCE OR LEARNER PERMIT**

**Division 1—Demerit points**

**72 Definitions for Division 1**

(1) In this Division—

*appropriate number of demerit points*, in relation to a relevant offence, means the number of demerit points specified for that offence in column 3 of Schedule 3;

*duly notified* means notified by—

- (a) the police force of Victoria or another jurisdiction; or
- (b) a court, tribunal or other entity involved in the administration of the criminal justice system in Victoria or another jurisdiction; or
- (c) any other authority or person responsible for the enforcement, investigation or prosecution of offences against the laws of Victoria or of another jurisdiction; or
- (d) an employee or delegate of an entity referred to in paragraph (a), (b) or (c);

*relevant event* means an event which may be duly notified under regulation 73(1);

*relevant offence* means an offence described in column 1 of Schedule 3 in relation to the use of a motor vehicle or an offence against the law of another jurisdiction that corresponds to such an offence.

- (2) A summary of an offence in column 1 of Schedule 3 is not to be taken to affect the nature or elements of the offence to which the summary refers or the operation of these Regulations.

### 73 Corporation to record demerit points

- (1) For the purposes of section 25(2) of the Act, the Corporation must record in the Demerits Register the appropriate number of demerit points against a person if it is duly notified that—
- (a) the person has been convicted, or found guilty, of a relevant offence; or
  - (b) the penalty specified in an infringement notice issued to the person in relation to a relevant offence has been paid; or
  - (c) the person has had a conviction imposed by a court under section 89(4) of the Act in relation to a relevant offence; or
  - (d) an infringement notice issued to the person in relation to a relevant offence has taken effect as a conviction under section 89A(2) of the Act; or
  - (e) an enforcement order has been made against the person and not revoked under Division 2 of Part 4 of the **Infringements Act 2006** or Schedule 3 to the **Children, Youth and Families Act 2005** in relation to a relevant offence; or
  - (f) a proceeding against the person for a relevant offence has been adjourned under section 59(2) of the **Criminal Procedure Act 2009**.

Reg. 73(1)(f)  
amended by  
S.R. No.  
28/2010  
reg. 8(2).

- (2) If, but for this subregulation, demerit points would be recorded in respect of offences under section 49(1)(b) and section 49(1)(f) or (g) of the Act that occur in relation to the same period of driving or

being in charge of a motor vehicle, demerit points may be recorded only in respect of one of those offences.

- (3) Despite anything to the contrary in this regulation, the Corporation must not record demerit points against a person in the Demerits Register if more than 12 months have elapsed since the Corporation was duly notified of a relevant event.

#### **74 Record of day on which offence was committed**

- (1) For the purposes of section 25(2) of the Act, the Corporation must record demerit points in the Demerits Register in relation to the day on which the offence was committed.
- (2) For the purposes of subregulation (1), if a proceeding for an offence is adjourned under section 59(2) of the **Criminal Procedure Act 2009**, the offence is taken to have been committed on the day alleged in the charge for the offence.

Reg. 74(2)  
amended by  
S.R. No.  
28/2010  
reg. 8(2).

#### **75 Notice to be given to other jurisdictions**

- (1) If a person holds a licence or permit to drive a motor vehicle issued in another jurisdiction, the Corporation may send to the driver licensing authority of that jurisdiction details of any offence described in column 1 of Schedule 3 in relation to which—
- (a) the person was convicted or found guilty; or
- (b) the penalty specified in an infringement notice was paid; or
- (c) the person has not paid the penalty and an enforcement order in respect of the unpaid penalty has been made and not revoked under Division 2 of Part 4 of the **Infringements Act 2006** or Schedule 3 to the **Children, Youth and Families Act 2005**; or

Reg. 75(1)(d)  
amended by  
S.R. No.  
28/2010  
reg. 8(2).

(d) the person has been charged but the proceeding in relation to that charge has been adjourned under section 59(2) of the **Criminal Procedure Act 2009**.

(2) However, if details of an offence for which the person was convicted or found guilty have been sent under subregulation (1)(a) to a driver licensing authority, the Corporation must advise that driver licensing authority if the Corporation is duly notified that the conviction for the offence has been set aside and a conviction for the offence has not been entered.

**76 Demerit points recorded against person who does not hold Australian driver licence or Australian learner permit**

The Corporation must treat demerit points recorded under regulation 73 against a person who does not hold an Australian driver licence or Australian learner permit as demerit points recorded against the holder of an Australian driver licence or Australian learner permit if the person subsequently obtains one.

**77 Notification of too many demerit points**

- (1) For the purposes of section 25(3) of the Act, the prescribed particulars are—
- (a) details of the driver licence or learner permit; and
  - (b) the period during which the demerit points were incurred; and
  - (c) particulars of the offences for which the demerit points were incurred, including the date of each offence and the demerit points recorded in relation to each offence; and

- (d) details of the right of the holder of the driver licence or learner permit to elect, under section 25(3A) of the Act, to extend the demerit point period and the consequences of exercising or failing to exercise that right.
- (2) For the purposes of section 25(3B)(c) of the Act, the prescribed particulars are—
  - (a) a reference to the notice served under section 25(3) of the Act on the person; and
  - (b) particulars of each offence committed within the 12 month period commencing on the date specified in the notice referred to in paragraph (a) and of the demerit points incurred in relation to each offence; and
  - (c) the period for which the driver licence or learner permit is suspended and the date the suspension starts; and
  - (d) information about the right of the holder of the driver licence or learner permit to appeal to the Magistrates' Court; and
  - (e) the place to which the holder of the driver licence or learner permit must send or take the licence or permit.

**77A Cancellation of certain demerit points**

- (1) In this regulation—

*the Repeat Speeders Trial* means the trial conducted by the Corporation between 25 May 2010 and 31 December 2011 consisting of—

- (a) the Intelligent Speed Assist sub-trial in which each participant must use a data-logger supplied by the Corporation which records all speeds driven by the participant and may use an in-vehicle device supplied by the Corporation

Reg. 77A  
inserted by  
S.R. No.  
28/2010 reg. 5.

which provides alerts when the participant exceeds the relevant speed limit; and

- (b) the Behavioural Intervention Program sub-trial in which each participant must attend a behavioural program designed to help the participant reflect on, and develop strategies to reduce, his or her speeding behaviour.
- (2) The Corporation must cancel 3 demerit points recorded in the Demerits Register against a person if—
- (a) a conviction or finding of guilt has not been recorded or made against the person in respect of the offence for which the demerit points were recorded; and
  - (b) the person has participated in the Repeat Speeders Trial and completed it to the satisfaction of the Corporation; and
  - (c) during the Repeat Speeders Trial, the person—
    - (i) has not committed an offence resulting in the cancellation or suspension of his or her driver licence; and
    - (ii) has not been served with a demerit point option notice under section 25 of the Act; and
  - (d) the person has not been assigned to the control group in a sub-trial.

**Division 2—Variation, suspension and cancellation by Corporation**

**78 Variation, suspension or cancellation of driver licence or learner permit on the ground that person is unfit to drive or that is dangerous for person to drive**

- (1) The Corporation may vary, suspend or cancel a person's driver licence or suspend or cancel a person's learner permit if—
  - (a) the person is required by the Corporation under section 27 of the Act to undergo a test; and
  - (b) the person has refused or failed to undergo the test or has not passed the test.
- (2) The Corporation must vary, suspend or cancel a person's driver licence or suspend or cancel a person's learner permit if, based on the results of a test required by the Corporation under section 27 of the Act or a report from a registered medical practitioner, the Corporation believes—
  - (a) it would be dangerous for the person to drive a motor vehicle, or a category of motor vehicle, because of illness or bodily infirmity, defect or incapacity or because of the effects of treatment for any of those things; or
  - (b) the person does not have sufficient knowledge of road law or sufficient driving ability; or
  - (c) the person is otherwise unfit to hold the licence or permit.
- (3) The Corporation may suspend or vary a person's driver licence or suspend a person's learner permit until the person has undergone a test of health or competence or any other appropriate test if—

- (a) the Corporation receives information which discloses or suggests that a person is unfit to drive or that it may be dangerous to allow that person to hold a driver licence, a particular category of driver licence, or a learner permit; and
- (b) the Corporation is satisfied on reasonable grounds that the information is reliable.

**79 Other grounds for variation, suspension or cancellation of driver licence or learner permit**

- (1) The Corporation may vary, suspend or cancel a person's driver licence or suspend or cancel a person's learner permit if—
  - (a) a court order requires the person to pay a sum of money by way of fine, penalty, costs or restitution or any 2 or more of those things and—
    - (i) the order was made in relation to an offence arising out of the use of a motor vehicle in Victoria, including a parking infringement or traffic infringement; and
    - (ii) a person authorised by law to issue or execute a warrant for the enforcement of the court order notifies the Corporation that the order is wholly or partially unsatisfied; or
  - (b) the person no longer meets the requirements under Part 2 for the particular category of driver licence or learner permit; or
  - (c) the licence or permit was granted, varied or renewed in error; or

- (d) payment of a fee to the Corporation under these Regulations has been rejected; or

**Example**

A person pays a fee by cheque and that cheque is dishonoured.

- (e) the person has been convicted or found guilty in another jurisdiction or country of an offence that, if the person had been licensed in that jurisdiction or country, would have enabled the driver licensing authority of that jurisdiction or country to vary, suspend or cancel the person's licence or permit; or
- (f) the person has failed to comply with a condition of the licence or permit; or
- (g) the person has surrendered the licence or permit to the Corporation or the driver licensing authority in another jurisdiction for cancellation; or
- (h) the person has failed to comply with a notice given under regulation 69.
- (2) The Corporation must suspend or cancel a person's driver licence or learner permit if the Corporation has received notice from another jurisdiction that—
- (a) the person is disqualified from driving in another jurisdiction; or
- (b) the person's driver licence or learner permit in another jurisdiction was cancelled because of a judgment, order or decision made under, or otherwise by operation of, the law of that jurisdiction.

**80 Procedure for variation, suspension or cancellation of driver licence or suspension or cancellation of learner permit**

- (1) Subject to subregulation (2), the Corporation must give written notice to the holder of a driver licence or learner permit in compliance with subregulation (3) if the Corporation, under regulation 78 or 79—
  - (a) decides to vary the licence by imposing a new condition on it; or
  - (b) decides to suspend or cancel the licence or permit.
- (2) The Corporation is not required to give written notice to the holder of a driver licence or learner permit if—
  - (a) the Corporation cancels the licence or permit under regulation 79(1)(g); or
  - (b) the Corporation suspends the licence under section 24(3) of the Act; or
  - (c) the licence or permit is suspended or cancelled because the holder of the licence or permit refuses or fails to undergo a test under section 27(1) of the Act or does not pass the test.
- (3) The notice must state—
  - (a) the decision and the reasons for it;
  - (b) the effect and date of the decision;
  - (c) any action that may be taken by the person to avoid the variation, suspension or cancellation;
  - (d) the date by which the person must take that action;

- (e) if the person must return the licence or permit to the Corporation, the date by which it must be returned;
  - (f) that the person has a right, under Part 4, to apply within 28 days after receiving the notice to have the decision reviewed.
- (4) The notice must be given to the holder of the driver licence or learner permit at least 28 days before the decision takes effect.
- (5) The driver licence or learner permit is varied, suspended or cancelled in accordance with the notice unless the Corporation, by further written notice, withdraws the notice.

#### **81 Return of driver licence or learner permit**

If a person's driver licence or learner permit is suspended or cancelled by the Corporation or a court, the person must upon being given or served with a notice of the suspension or cancellation—

- (a) if the notice is served personally by a member of the police force or an officer of the Corporation or of the court, give the licence or permit immediately to the person who served the notice; or
- (b) in any other case, send or take the licence or permit to the place specified in the notice within the time specified in the notice.

Penalty: 3 penalty units.

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**PART 4—REVIEW AND APPEAL RIGHTS**

**Division 1—Definition**

**82 Definitions for Part 4**

In this Part—

*affected person* means a person in relation to whom the Corporation has made a relevant decision;

*relevant decision* means—

- (a) a decision by the Corporation to refuse a person's application for a driver licence or learner permit; or
- (b) a decision by the Corporation to refuse a person's application to vary or renew the person's driver licence or to renew the person's learner permit; or
- (c) a decision by the Corporation to vary, suspend or cancel a person's driver licence or to suspend or cancel a person's learner permit under section 24 of the Act.

**Division 2—Review**

**83 Affected person entitled to be given reasons for relevant decision**

- (1) If an affected person has not been given the information set out in subregulation (2) in relation to a relevant decision, the affected person may apply to the Corporation for the information.
- (2) The Corporation must, within 14 days after receiving the affected person's application, give the affected person—
  - (a) the Corporation's decision and the reasons for the decision; and

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- (b) the name or position of the person who made the decision.

**84 Internal review**

- (1) An affected person may, within 28 days after receiving notice about the relevant decision, apply to the Corporation for an internal review of the decision.
- (2) A relevant decision cannot be reviewed by the person who made the decision.
- (3) After considering an application for review, the Corporation must—
  - (a) affirm the relevant decision; or
  - (b) vary the relevant decision; or
  - (c) revoke the relevant decision.
- (4) The Corporation must give the affected person written notice of its decision within 28 days after the day on which the application for the internal review is received by the Corporation.
- (5) A relevant decision that is subject to an internal review is taken to be affirmed by the Corporation if the Corporation does not give written notice of its decision under subregulation (4) to the affected person within the time specified in that subregulation.
- (6) An application for an internal review of a relevant decision does not stay the operation of the decision.

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### **Division 3—Appeals to Magistrates' Court**

#### **85 Time for appeal**

- (1) An appeal to the Magistrates' Court under section 26 of the Act against a decision of the Corporation must be made within 28 days after—
  - (a) the affected person is given notice of the relevant decision, if the decision was not reviewed under Division 2; or
  - (b) the affected person is given notice of the Corporation's decision under Division 2, if the decision was reviewed under that Division.
- (2) If the Corporation fails to give an affected person notice of its decision as required by regulation 84(4), the person may appeal to the Magistrates' Court within 28 days after the end of the period referred to in that subregulation.
- (3) An appeal to the Magistrates' Court under section 26A of the Act against a member of the police force must be made within 28 days after the member of the police force has taken the action under that section.
- (4) An appeal to the Magistrates' Court under section 26AA of the Act must be made within 28 days after the date on which the suspension commences.

#### **86 Appellant must give notice of appeal**

- (1) A person who appeals to the Magistrates' Court under section 26 or 26AA of the Act must—
  - (a) give written notice of the appeal to a registrar of the Magistrates' Court, asking the registrar to endorse a copy of the notice with the date on which the appeal is to be heard; and

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- (b) serve on the Corporation the endorsed copy of the notice, not less than 14 days before the hearing date.
  - (2) A person who appeals to the Magistrates' Court under section 26A of the Act must—
    - (a) give written notice of the appeal to a registrar of the Magistrates' Court, asking the registrar to endorse a copy of the notice with the date on which the appeal is to be heard; and
    - (b) serve on the Victoria Police Force the endorsed copy of the notice, not less than 14 days before the hearing date.

#### **87 Particulars of order to be given to Corporation**

- (1) The Magistrates' Court must cause particulars of an order made on an appeal under section 26 or 26AA of the Act to be given immediately to the Corporation.
- (2) The Magistrates' Court must cause particulars of an order made on an appeal under section 26A of the Act to be given immediately to the Victoria Police Force.

#### **88 Appeals about demerit points**

- (1) For the purposes of section 26AA(3) of the Act, notice of appeal is given when written notice of the appeal, endorsed by a registrar of the Magistrates' Court, is served on the Corporation in accordance with regulation 86.
- (2) For the purposes of section 26AA(3)(b) of the Act, a notice in writing of discontinuance of appeal must, not later than 4 days before the hearing day be—

Road Safety (Drivers) Regulations 2009  
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Part 4—Review and Appeal Rights

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- (a) lodged with a registrar of the Magistrates' Court; and
  - (b) served on the Corporation.
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**PART 5—FATIGUE MANAGEMENT FOR HEAVY VEHICLE DRIVERS**

**89 Calculation of time**

- (1) In the calculation of *work time* for the purposes of Part 10A of the Act, a period of less than 15 minutes counts as 15 minutes.

**Examples**

A period of working for 14 minutes counts as 15 minutes work time.

A period of working for 17 minutes counts as 30 minutes work time.

A period of working for 53 minutes counts as one hour work time.

- (2) In the calculation of *rest time* for the purposes of Part 10A of the Act, a period of time is calculated in blocks of no less than 15 minutes.

**Examples**

A period of not working for 14 minutes does not count as rest time (because 14 minutes is less than 15 minutes).

A period of not working for 17 minutes counts as 15 minutes rest time (because 17 minutes is more than 15 minutes, but is less than 2 lots of 15 minutes, i.e. 30 minutes).

A period of not working for 53 minutes counts as 45 minutes rest time (because 53 minutes is more than 3 lots of 15 minutes, i.e. 45 minutes, but is less than 4 lots of 15 minutes, i.e. 60 minutes).

- (3) In calculating time in a period for the purposes of Part 10A of the Act, the time must not be counted from within rest time, but must be counted forward—
- (a) if one or more major rest breaks are relevant to the period, from the end of a relevant major rest break; or

Reg. 89(3)(a)  
amended by  
S.R. No.  
127/2011  
reg. 3.

- (b) in any other case, from the end of a relevant period of rest time.

**Example**

A driver works standard hours. The driver completes 7 continuous hours rest time at 7 a.m. on a relevant day, starts work at 7 a.m., works until 12.15 p.m., has a one hour rest break, then works until 7.15 p.m.

In calculating the number of hours worked by the driver on that day, the counting must start from the rest period that finished at 7 a.m. Adding the periods 7 a.m. to 12.15 p.m. and 1.15 p.m. to 7.15 p.m. results in a total of 11¼ hours worked that day (which is not a breach of maximum work time for the period from 7 a.m. to 7.15 p.m.).

However, in calculating the number of continuous hours worked in the second work period that day, the counting must start from the rest period that finished at 1.15 p.m. Adding the periods 1.15 p.m. to 7.15 p.m. results in a total of 6 continuous hours worked (which is a breach of maximum work time for the period from 1.15 p.m. to 7.15 p.m.).

- (4) If a driver undertakes a journey and is in a different time zone from the time zone of the driver's base at the time when a period of time is relevant for the purposes of Part 10A of the Act, the period must be calculated by reference to the time zone of the driver base.

**Example**

If it is necessary to determine the night hours of a driver with a base in Western Australia while the driver is in Victoria on a journey, those night hours are the period between 12 midnight and 6 a.m. in the Western Australian time zone in which the driver's base is situated, even if those hours equate (for instance) to 3 a.m. to 9 a.m. in Victoria.

**90 Calculating time within the participating zone**

In calculating time for the purposes of Part 10A of the Act, time spent by the driver in another jurisdiction within the participating zone is to be treated in the same way as it would be treated if it were spent in Victoria.

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**91 Calculating time from outside the participating zone**

- (1) This regulation applies to a driver who drives a fatigue regulated heavy vehicle into Victoria from the non-participating zone.
- (2) If, within the last 7 days, the driver has spent work time inside the participating zone, any time spent in the non-participating zone is to be treated as if it had been spent in Victoria.
- (3) If, within the last 7 days, the driver has spent work time only in the non-participating zone—
  - (a) any time spent in the non-participating zone before the start of the driver's last major rest break before entering Victoria is to be disregarded; and
  - (b) any time spent in the non-participating zone after the start of the driver's last major rest break before entering Victoria is to be taken into account; and
  - (c) any time spent in the non-participating zone (or in the participating zone) after the start of the driver's last major rest break before entering Victoria is to be treated as if it were spent in Victoria.

**92 Reset rest breaks when changing work/rest hours option**

- (1) For the purposes of section 191R(7) of the Act, the prescribed length of time for a reset rest break is 48 continuous hours.
- (2) If a driver has had a reset rest break between changing from one work/rest hours option to a different work/rest hours option, the period to which the new work/rest hours option applies must be counted forward from the end of the reset rest break.

Reg. 93(1)  
amended by  
S.R. No.  
51/2011  
reg. 14.

### 93 Accreditation fees

- (1) For the purposes of sections 191ZI(2)(d) and 191ZR(2)(e) of the Act, an application for BFM accreditation or AFM accreditation must be accompanied by the relevant fee specified in Schedule 5.
- (2) Subregulation (1) does not apply if the applicant is accredited under either—
  - (a) the Mass Management module of the National Heavy Vehicle Accreditation Scheme; or
  - (b) the Maintenance Management module of the National Heavy Vehicle Accreditation Scheme.
- (3) In this regulation—

***National Heavy Vehicle Accreditation Scheme*** means the accreditation scheme for heavy vehicle operators developed by the National Transport Commission and approved by the Australian Transport Council in November 1997.

### 94 Accreditation record requirements

For the purposes of sections 191ZN(2) and 191ZX(2) of the Act, an operator to whom BFM accreditation or AFM accreditation is granted must keep the required records—

- (a) at the record location; and
- (b) in a way which ensures the records—
  - (i) are reasonably accessible by an inspector; and
  - (ii) are readable and reasonably capable of being understood; and
  - (iii) can be used as evidence.

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**95 Emergency services**

For the purposes of section 191ZZ(1) of the Act, a person to whom that provision applies is exempt from—

- (a) Division 3 of Part 10A of the Act; and
- (b) Division 4 of Part 10A of the Act; and
- (c) section 191Y of the Act.

**96 Approval of certain matters by the Australian Transport Council**

For the purposes of section 191ZZZA(1)(j) of the Act, the following matters are prescribed for approval by the Australian Transport Council—

- (a) the format in which information must be recorded in a written work diary;
- (b) the form of an application to be issued with a written work diary;
- (c) the form of an application for approval of a particular type of electronic work diary;
- (d) guidelines in relation to an electronic work diary.

**97 Application for work diary exemption**

For the purposes of section 191ZZA of the Act, an application for a work diary exemption must include the following information—

- (a) the driver's full name, address and driver licence number;
- (b) the address of the driver's base and record location;
- (c) the full name and address of the driver's nominee under section 191ZZA(3)(b) of the Act;

- (d) the grounds for seeking the exemption, together with documentation to support the grounds for the exemption;
- (e) the period for which the exemption is sought;
- (f) any conditions to which the exemption is sought to be subject.

#### **98 Form of written work diaries**

- (1) A written work diary must allow information to be recorded in the format approved by the Australian Transport Council.
- (2) A written work diary must contain—
  - (a) a unique identifying number for the work diary; and
  - (b) sequentially numbered sheets for making daily records; and
  - (c) provision for recording information on the daily sheets; and
  - (d) a duplicate of any application form in the work diary; and
  - (e) 2 duplicates of each daily sheet; and
  - (f) instructions for use of the work diary.
- (3) A written work diary may contain an application form for the issue of another work diary.

#### **99 Issue of written work diaries**

- (1) A driver who wants to be issued with a written work diary (including a replacement work diary) must apply in person to the Corporation.
- (2) The application must be in the form approved by the Australian Transport Council.
- (3) If the application is for a written work diary to replace another written work diary issued to the driver (the *existing work diary*), the driver must

- give the existing work diary to the Corporation with the application, unless the existing work diary has been destroyed, lost or stolen.
- (4) If the driver gives the existing work diary to the Corporation under subregulation (3), the Corporation must—
- (a) cancel any unused daily sheets in the existing work diary; and
  - (b) return the existing work diary to the driver when the Corporation issues the replacement work diary to the driver.
- (5) If the application is for a written work diary to replace an existing work diary that has been destroyed, lost or stolen, the application must—
- (a) state the work diary's number and that it has been destroyed, lost or stolen (as the case may be); and
  - (b) briefly outline the circumstances of the destruction, loss or theft (as the case may be).
- (6) The Corporation must issue a written work diary to a driver if—
- (a) the application meets the requirements of this regulation; and
  - (b) the driver shows the driver's current driver licence to the Corporation; and
  - (c) the driver pays the relevant fee specified in Schedule 5 for the issue of the diary.
- (7) If the Corporation issues a written work diary to a driver, it must note the date, time and place of issue on the written work diary.

Reg. 99(6)(c)  
amended by  
S.R. No.  
51/2011  
reg. 15.

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- (8) The Corporation may make other notes on the written work diary.
  - (9) If the Corporation issues a written work diary to a driver from another jurisdiction in the participating zone it must—
    - (a) notify the corresponding Authority of that jurisdiction of—
      - (i) the identifying number for the work diary; and
      - (ii) the driver's name and licence number; and
      - (iii) the time, date and place of issue; and
    - (b) include with that notification—
      - (i) a statement of the reason it issued the work diary; or
      - (ii) a copy of the application it received for the issue of the work diary.

**100 Approval of electronic work diaries**

- (1) A person may make written application to the Corporation for approval of a particular type of electronic work diary.
- (2) The application must be in the form approved by the Australian Transport Council.
- (3) The Corporation may approve a system of recording information electronically for use as an electronic work diary for the purposes of Part 10A of the Act if it is satisfied that the system—
  - (a) is suitable for fitting to, or for use in, a fatigue regulated heavy vehicle; and
  - (b) has a mechanism that readily indicates to the driver of the vehicle that the system is, or is not, properly functioning; and

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- (c) is capable of accurately monitoring and recording the work and rest times of the driver of the vehicle, and of recording any other information that a driver is required to record in a work diary under Part 10A of the Act; and
  - (d) if the system is to be fitted to the vehicle and is to be used by more than one driver, is capable of ensuring that—
    - (i) all of the information referred to in paragraph (c) can be accurately monitored or recorded (as the case may be) for each driver; and
    - (ii) the details recorded by, or for a driver, are readily distinguishable from the details recorded by, or for any other driver; and
    - (iii) the name of each driver for whom details are recorded is shown whenever the details are accessed; and
    - (iv) a driver cannot record any information that a driver is required to record in a work diary under Part 10A of the Act in the system for, or on behalf of, another driver; and
  - (e) has a mechanism to ensure that the driver cannot alter any information that the driver records in the system once the driver has had an opportunity to confirm the accuracy of that information; and
  - (f) if the system is designed to enable the driver to send information to the driver's record keeper, has a mechanism that readily indicates to the driver that the information has, or has not, been sent to the record keeper; and

- (g) on being accessed by the record keeper, is capable of readily reproducing the information it contains; and
- (h) while the vehicle to which it is fitted is on the road, is capable of readily reproducing the information it contains in a form that—
  - (i) is readily accessible by an inspector; and
  - (ii) is reasonably capable of being understood by the inspector; and
  - (iii) can be used as evidence.

**Note**

An electronic work diary may include or form part of an intelligent transport system approved under Part 12 of the Act.

- (4) In approving a type of electronic work diary, the Corporation must have regard to any guidelines in relation to electronic work diaries approved by the Australian Transport Council.
- (5) If the Corporation approves an application under this regulation, it must issue a numbered certificate of approval to the applicant.
- (6) In granting an approval, the Corporation may impose conditions in relation to the operation and maintenance of the diary.
- (7) An approval under this regulation covers any system that is identical to the system that was submitted to the Corporation for approval.
- (8) Any identical system that is covered by an approval is also subject to any conditions that were imposed by the Corporation in relation to the approval.

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- (9) A document that purports to be a certificate of approval issued by the Corporation under this regulation is evidence that any system referred to in the document has been approved by the Corporation as an electronic work diary under this regulation.
- (10) If the Corporation does not make the decision sought by an applicant, the Corporation must give the applicant a written notice that states—
- (a) the Corporation's decision; and
  - (b) the reasons for the decision; and
  - (c) that the applicant may apply to have the decision reconsidered.
- (11) Section 191ZZZD of the Act applies to a reconsideration of a decision under this regulation as though it were a decision to which Division 9 of Part 10A of the Act applies.

### **101 Labelling of electronic work diary devices**

- (1) In this regulation, *approved electronic work diary* means a system of recording information electronically that is approved by the Corporation under regulation 100 for use as an electronic work diary for the purposes of Part 10A of the Act, or that is identical to such a system.
- (2) A person may place on any device that is, or that forms part of, an approved electronic work diary a label that indicates that the device is, or is part of, an approved electronic work diary.
- (3) A person must not place on any device a label that indicates that the device is, or is part of, an approved electronic work diary if the device is not, or does not form part of, an approved electronic work diary.

Penalty: 20 penalty units.

- (4) A person must not use as an electronic work diary for the purposes of Part 10A of the Act any device that has a label that indicates that the device is, or is part of, an approved electronic work diary if the person knows, or reasonably ought to know, that the device is not, or does not form part of, an approved electronic work diary.

Penalty: 20 penalty units.

- (5) The existence of a label on a device that indicates that the thing is, or forms part of, an approved electronic work diary, and that purports to show the number of a certificate of approval, is evidence that the thing is an approved electronic work diary.

#### **102 Variation or cancellation of approval on application**

- (1) The person to whom the certificate of approval was issued may make written application to the Corporation for variation or cancellation of the approval of an electronic work diary.
- (2) The application for variation must state the variation sought and outline the reasons for the application.
- (3) The Corporation may, by written notice given to the applicant, require the applicant to give the Corporation any necessary additional information.
- (4) The Corporation must decide the application as soon as practicable after the Corporation receives it.
- (5) If the Corporation decides to grant the application, the Corporation must give the applicant written notice of the decision.

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- (6) The variation or cancellation takes effect—
    - (a) when written notice of the decision is given to the applicant; or
    - (b) if a later time is stated in the written notice of the decision, at that time.
  - (7) If the Corporation does not vary or cancel the approval as requested by the applicant, the Corporation must give the applicant a written notice that states—
    - (a) the Corporation's decision; and
    - (b) the reasons for the decision; and
    - (c) that the applicant may apply to have the decision reconsidered.
  - (8) Section 191ZZZD of the Act applies to a reconsideration of a decision under this regulation as though it were a decision to which Division 9 of Part 10A of the Act applies.

**103 Variation or cancellation of approval—without application**

- (1) If the Corporation is satisfied on reasonable grounds that an application for the approval of an electronic work diary was false or misleading in a material respect, the Corporation may—
  - (a) cancel the approval; or
  - (b) if the circumstances do not require the cancellation of the approval, vary the approval.
- (2) Before the Corporation cancels or varies an approval of an electronic work diary the Corporation must give to the person to whom the certificate of approval was issued written notice that the Corporation proposes to cancel or to vary the approval, as the case may be.

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- (3) The notice under subregulation (2) must—
- (a) if the proposed action is to vary the approval, state the proposed variation; and
  - (b) state the ground for the proposed cancellation or variation; and
  - (c) outline the facts and other circumstances forming the basis for the ground; and
  - (d) invite the person to state in writing, within a specified period of at least 14 days after the notice is given, why the approval should not be varied or cancelled.
- (4) If, after considering any written statement made within the specified time, the Corporation is satisfied that the application was false or misleading in a material respect, the Corporation may decide—
- (a) if the proposed action is to vary the approval, to vary the approval in the manner stated in the notice; or
  - (b) if the proposed action is to cancel the approval—
    - (i) to cancel the approval; or
    - (ii) to vary the approval in any manner.
- (5) The Corporation must give the person written notice of the Corporation's decision.
- (6) If the Corporation decides to vary or cancel the approval, the Corporation must also give the person a written notice that states—
- (a) the reasons for the decision; and
  - (b) that the person may apply to have the decision reconsidered.

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- (7) The variation or cancellation takes effect—
- (a) when written notice of the decision, and the reasons for the decision, are given to the person; or
  - (b) if a later time is stated in the notice, that time.
- (8) Section 191ZZZD of the Act applies to a reconsideration of a decision under this regulation as though it were a decision to which Division 9 of Part 10A of the Act applies.

#### **104 Notice of variation of approval**

- (1) This regulation applies if—
- (a) the Corporation varies the approval of an electronic work diary; and
  - (b) in the Corporation's opinion, the variation will, or is likely to, significantly affect the way the diary is to be used.
- (2) The Corporation may direct the person to whom the certificate of approval was issued to notify in writing each person to whom that person has supplied any diary under the approval that the approval has been varied.
- (3) If the Corporation gives a direction to a person under subregulation (2), the person must comply with the direction.
- Penalty: 20 penalty units.
- (4) With the consent of the Corporation, a person may comply with subregulation (3) by publishing details of the variation, and any further details specified by the Corporation, using at least 2 of the following methods—
- (a) by notice published in a newspaper specified by the Corporation;

- (b) by notice published in a journal or newsletter specified by the Corporation;
  - (c) on a website specified by the Corporation.
- (5) Nothing in this regulation prevents the Corporation from publishing details of the variation by whatever means it thinks appropriate.

**Example**

The Corporation may publish the variation by gazettal or on a website.

**105 Removal of electronic work diary approval label**

- (1) This regulation applies if the Corporation cancels the approval of an electronic work diary.
- (2) The Corporation may direct the person to whom the certificate of approval was issued to notify in writing each person to whom that person has supplied any diary under the approval that the approval has been cancelled and that any label on any such diary still in the person's possession should be removed.
- (3) If the Corporation gives a direction to a person under subregulation (2), the person must comply with the direction.

Penalty: 20 penalty units.

- (4) With the consent of the Corporation, a person may comply with subregulation (3) by publishing details of the cancellation, and any further details specified by the Corporation, using at least 2 of the following methods—
  - (a) by notice published in a newspaper specified by the Corporation;

Reg. 105(2)  
amended by  
S.R. No.  
28/2010  
reg. 8(3).

- (b) by notice published in a journal or newsletter specified by the Corporation;
  - (c) on a website specified by the Corporation.
- (5) Nothing in this regulation prevents the Corporation from publishing details of the cancellation by whatever means it thinks appropriate.

**Example**

The Corporation may publish the cancellation by gazettal or on a website.

- (6) A person who is aware that the approval of a diary in the person's possession has been cancelled must remove from the diary any label that relates to the cancelled approval.

Penalty: 20 penalty units.

**106 Corporation may permit the use of diaries whose approval has been cancelled**

- (1) The Corporation may, by notice published in the Government Gazette, permit the use of electronic work diaries whose approval has been cancelled—
- (a) for a specified period not exceeding one year; and
  - (b) on specified conditions.
- (2) Despite anything to the contrary in the regulations, a diary that is the subject of a notice under this regulation is to be treated as if it were an electronic work diary, unless it is being used contrary to any condition specified in the notice.
- (3) The Corporation may, by notice published in the Government Gazette, vary or revoke a notice under this regulation.

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**PART 6—FEES**

**107 Definitions for Part 6**

In this Part—

***assessment date***, in relation to a driver licence,  
means the earlier of the following days—

- (a) the day a renewal notice for the driver licence is sent under regulation 38;
- (b) the day the driver licence is renewed;

***eligible person*** means a person who—

- (a) holds or has held a driver licence; and
- (b) according to the Corporation's records as at the assessment date for the driver licence—
  - (i) has not had demerit points recorded against him or her under regulation 73; and
  - (ii) has not been convicted or found guilty; and
  - (iii) has not paid, or entered into an arrangement to pay, the penalty specified in an infringement notice issued to the person; and
  - (iv) has not had a conviction imposed by a court under section 89(4) of the Act; and
  - (v) has not been convicted under section 89A(2) of the Act; and

(vi) is not the subject of an enforcement order made against the person and not revoked under Division 2 of Part 4 of the **Infringements Act 2006** or Schedule 3 to the **Children, Youth and Families Act 2005**—

in respect of a relevant offence committed or alleged to have been committed during the 3 year period ending 3 months before the expiry date of the driver licence;

*relevant offence* means an offence arising out of the driving of a motor vehicle that is—

- (a) an indictable offence; or
- (b) an offence referred to in column 1 of Schedule 3; or
- (c) an offence under a provision of an Act, a Commonwealth Act or regulations referred to in Schedule 4; or
- (d) an offence against the law of another jurisdiction that corresponds to an offence referred to in paragraph (a), (b) or (c).

### 108 Fees

- (1) Subject to regulations 109 and 114, the fee payable under a regulation listed in column 1 of Schedule 5 is the amount set out opposite the regulation in column 2 of that Schedule.
- (2) The Corporation may require a person to pay the following fees—
  - (a) a fee to make an appointment in relation to testing or assessment for a learner permit or driver licence;

Reg. 108(2)  
substituted by  
S.R. No.  
51/2011  
reg. 16.

r. 109

- (b) a fee to transfer an appointment in relation to testing or assessment for a learner permit or driver licence to a new time or place.

#### **109 Reduced licence renewal fee for good drivers**

Reg. 109(1)  
substituted by  
S.R. No.  
51/2011  
reg. 17.

- (1) The fee payable by an eligible person for the renewal of the person's licence is the relevant fee payable under regulation 62(2) for that renewal reduced by 25%.
- (2) Subregulation (1) does not apply if the driver licence is renewed more than—
- (a) 3 months before the expiry date; or
  - (b) 6 months after the expiry date.

Reg. 110  
amended by  
S.R. No.  
51/2011  
reg. 18.

#### **110 Replacement learner log book fee**

If a learner log book is lost, stolen or damaged, the Corporation may issue a replacement log book on payment of the relevant fee specified in Schedule 5.

#### **111 Search and extract fees**

- (1) The fee payable for a search of, or an extract from, the Corporation's records is, for each person included in the search or referred to in the extract, the relevant fee specified in Schedule 6.
- (2) Subregulation (1) does not apply to the Corporation's records relating to the registration of vehicles.
- (3) Subregulation (1) does not prevent the Corporation from entering into an agreement—
- (a) with a public authority, including the Victoria Police Force or a municipality, for the provision of extracts for fees that—

- 
- (i) are less than the fees specified in Schedule 6; and
  - (ii) do not exceed the costs of providing the extracts; or
- (b) with a person for the purpose of historical research or the supply of statistical information on the terms the Corporation thinks fit.

### **112 Application of fees**

The following fees received by the Corporation must be paid by it into its general fund—

- (a) fees payable under regulation 111 for searches and extracts;
- (b) fees for tests and appointments (including transfer of appointments) in relation to driver licences and learner permits;
- (c) fees for the issue of—
  - (i) replacement driver licences and learner permits;
  - (ii) replacement learner log books;
  - (iii) driver licence variations;
  - (iv) heavy vehicle written work diaries;
- (d) fees payable under regulation 113 for processing refunds.

### **113 Refund of fees if driver licence cancelled**

- (1) The Corporation may refund part of the fee for the grant or renewal of a driver licence if the Corporation cancels the driver licence.

**Reg. 113(1)  
amended by  
S.R. No.  
51/2011  
reg. 19(1).**

- (2) The amount of the refund is to be calculated in accordance with the following formula—

$$\left( \frac{A}{B} \times C \right)$$

where—

A is the unexpired number of months of duration of the licence; and

B is the total number of months for which the licence was granted; and

C is the amount paid for the licence.

- (3) The Corporation may require a person to pay the relevant fee specified in Schedule 5 for processing the refund.

Reg. 113(3)  
amended by  
S.R. No.  
51/2011  
reg. 19(2).

- (4) The Corporation may deduct the fee payable under subregulation (3) from any refund.

Reg. 113(4)  
amended by  
S.R. No.  
51/2011  
reg. 19(3).

- (5) The Corporation is not required to refund an amount that would be otherwise payable if that amount is less than the fee referred to in subregulation (3).

#### **114 Reduction, waiver or refund of fees**

The Corporation may reduce, waive or refund a fee listed in Schedule 5 or 6, in whole or in part, if there are special circumstances that justify the reduction, waiver or refund of the fee.

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**PART 7—TRANSITIONAL PROVISIONS**

**115 Driver licences or learner permits granted under  
revoked regulations**

- (1) A driver licence or learner permit in force under the Road Safety (Drivers) Regulations 1999 before the revocation of those Regulations continues to have effect for the term specified in the licence or permit as if it had been granted under these Regulations.
  - (2) Without limiting subregulation (1), the driver licence or learner permit may be renewed, varied, cancelled or suspended as though it were a driver licence or learner permit granted under these Regulations.
  - (3) Despite the revocation of regulations 302A, 702 and 703 of the Road Safety (Drivers) Regulations 1999, those regulations continue to apply as though they were provisions of these Regulations.
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Road Safety (Drivers) Regulations 2009  
S.R. No. 95/2009

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**SCHEDULES**

**SCHEDULE 1**

Regulation 4

**REVOCATIONS**

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<i>S.R. No.</i>	<i>Title</i>
26/1999	Road Safety (Drivers) Regulations 1999
45/2003	Road Safety (Drivers) (Fees) Regulations 2003
136/2003	Road Safety (Drivers) (Demerit Points) Regulations 2003
48/2004	Road Safety (Drivers) (Demerit Points) Regulations 2004
50/2004	Road Safety (Drivers) (Fees) Regulations 2004
55/2004	Road Safety (Drivers) (Demerit Points Cancellation) Regulations 2004
85/2004	Road Safety (Drivers) (Miscellaneous Fees) Regulations 2004
158/2004	Road Safety (Drivers) (Alcohol and Other Drugs) Regulations 2004
45/2005	Road Safety (Drivers) (Fees) Regulations 2005
1/2006	Road Safety (Drivers) (Amendment) Regulations 2006
52/2006	Road Safety (Drivers) (Fees) Regulations 2006
38/2007	Road Safety (Drivers) (Fees Amendment) Regulations 2007
152/2007	Road Safety (Drivers) (Young Drivers) Regulations 2007
27/2008	Road Safety (Drivers) (Miscellaneous Amendments) Regulations 2008
61/2008	Road Safety (Drivers) (Learner Approved Motor Cycle Scheme and other Amendments) Regulations 2008
63/2008	Road Safety (Drivers) (Fees Amendment) Regulations 2008
116/2008	Road Safety (Drivers) Amendment (Fatigue Management) Regulations 2008
168/2008	Road Safety (Drivers) and Road Safety (General) Amendment (Fatigue Management and Other Matters) Regulations 2008

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<i>S.R. No.</i>	<i>Title</i>
24/2009	Road Safety (Drivers) (Peer Passenger Restrictions) Interim Amendment Regulations 2009
73/2009	Road Safety (Drivers) Amendment (Fees) Regulations 2009

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**SCHEDULE 2**

Regulation 37(2)

**CODES USED TO INDICATE DRIVER LICENCE OR  
LEARNER PERMIT SUBJECT TO CONDITIONS**

<i>Column 1</i>	<i>Column 2</i>
<i>Condition code</i>	<i>Licence or permit condition</i>
A	That the driver must drive a motor vehicle (other than a motor cycle or tractor) with an automatic transmission if the driver— (a) holds a probationary licence; or (b) has a physical disability that prevents a driver from using manual transmission.
B	That if the holder drives a heavy vehicle or bus, the vehicle must be fitted with a synchromesh transmission.
E	That the driver— (a) must not drive a motor cycle other than a learner approved motor cycle; and (b) must not drive a motor cycle on which there is a pillion passenger— before the date appearing after the licence category code R.
I	That the driver must only drive a motor vehicle fitted with an alcohol interlock.
P	That the driver must not drive a motor vehicle while carrying more than one other person.
S	That the driver must wear corrective lenses at all times while driving.
V	That the driver must drive only a motor vehicle fitted with specified driver aids, or modified as directed in writing by the Corporation.
X	That the driver must comply with any condition of which he or she has been notified in writing by the Corporation.

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<i>Column 1</i>	<i>Column 2</i>
<i>Condition code</i>	<i>Licence or permit condition</i>
Z	That— (a) the driver must not drive a motor vehicle if there is any concentration of alcohol present in the blood or breath of the driver; and (b) the driver licence document of the driver must be in his or her possession at all times while he or she is driving or in charge of a motor vehicle.

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Road Safety (Drivers) Regulations 2009  
S.R. No. 95/2009

Sch. 3

Sch. 3  
substituted by  
S.R. No.  
138/2009  
reg. 4,  
amended by  
S.R. Nos  
28/2010 reg. 7,  
135/2010  
reg. 4.

**SCHEDULE 3**

Regulation 72

**DEMERIT POINTS**

<i>Item</i>	<i>Column 1</i> <i>Description of offence</i>	<i>Column 2</i> <i>Reference</i>	<i>Column 3</i> <i>Demerit points</i>
1	An offence under section 49(1)(b), (f) or (g) of the RSA, where section 50(1) or 50(1AB) of the RSA applies and the person's driver licence or learner permit has not been cancelled for the offence	RSA 49	10
2	A drink-driving infringement and the person's driver licence or learner permit has not been cancelled by force of section 89C(1) of the RSA	RSA 3, 49	10
	*   *   *   *		
	*   *   *   *		
5	Exceeding speed-limit by 45 km/h or more	RSA 65B, RR 20	8
6	Exceeding speed-limit by 35 km/h or more but less than 45 km/h	RSA 65B, RR 20	6
7	Failing to stop or give way, or remain stopped, at a level crossing or unlawfully entering a level crossing	RSA 68B, RR 121, 122, 123, 124	4
8	Driving fatigue regulated heavy vehicle in contravention of maximum work requirement —critical risk offence	RSA 191L(2) and (4), 191M(2) and (4), 191N(2) and (4), 191O(2) and (4), 191P(2) and (4), 191Q(2) and (4), 191Q(2A) and (4)	4

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
<i>Item</i>	<i>Description of offence</i>	<i>Reference</i>	
		<i>Demerit points</i>	
9	Driving fatigue regulated heavy vehicle in contravention of minimum rest requirement —critical risk offence	RSA 191L(2) and (4), 191M(2) and (4), 191N(2) and (4), 191O(2) and (4), 191P(2) and (4), 191Q(2) and (4), 191Q(2A) and (4)	4
10	Exceeding speed-limit by 25 km/h or more but less than 35 km/h	RR 20	4
11	Disobeying traffic lights, sign or traffic directions of police officer or authorised person	RSA 59(2), RR 56(1), 56(2), 57(1), 57(2), 57(3), 59(1), 60, 60A(1), 60A(2), 61(2), 61(5), 64, 65(2), 66(1), 66(4), 67(1), 68(1), 69(1), 70, 71(1), 93(1), 94, 95(1), 98(1), 100, 101(1), 101(2), 115(1), 152(1), 281, 282, 284, 286(2), 286(3), 304(1)	3
12	Failing to give way, or stop or remain stopped	RR 38, 62(1), 63(2), 63(3), 72(1), 73(1), 74(1), 75(1), 77(1), 78(1), 78(2), 79(1), 80(2), 80(3), 80(4), 81(2), 82, 83, 84, 87(1), 114(1), 114(2), 115(1)	3

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
<i>Item</i>	<i>Description of offence</i>	<i>Reference</i>	<i>Demerit points</i>
13	Driving with unrestrained passengers under the age of 16 years	RR 266(1)	3
14	Driving with unrestrained passenger 16 years old and above	RR 265(3)	3
15	Drive with a passenger in or on part of vehicle not designed for passengers or goods	RR 268(4A), 268(4B)	3
16	Driving contrary to a major defect notice	RS(V)R 240	3
17	Driving on wrong side of double lines, or on wrong side of divided road	RR 132(2), 132(2A), 135	3
18	Driving wrong way on a one-way service road	RR 136	3
19	Driving over double lines surrounding a painted island	RR 138	3
20	Using a mobile phone when prohibited from doing so	RR 300(1), RR 300(1A)	3
21	Using a vehicle on a highway without a properly affixed and displayed number plate	RS(V)R 50	3
22	Driving without a seat belt	RR 264(1)	3
23	Rider or passenger of motor bike not wearing approved motor bike helmet or improperly carrying pillion/sidecar passenger	RR 270(1), 271(3), 271(4), 271(5), 271(5A)	3
24	Risk colliding with alighting, boarding or waiting tram passengers	RR 162(1), 163(1), 164(1), 164A(1)	3
25	Careless driving	RSA 65	3
26	Exceeding speed-limit by 10 km/h or more but less than 25 km/h	RR 20	3
27	Failing to display "P" plates	RS(D)R 55(1)	3

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
<i>Item</i>	<i>Description of offence</i>	<i>Reference</i>	
		<i>Demerit points</i>	
28	Probationary driver driving a probationary prohibited vehicle	RS(D)R 57(1)	3
29	Drive a motor vehicle while carrying more than one person in breach of a condition required by RS(D)R 60(2)	RS(D)R 60(3)	3
30	Drive a motor cycle other than a learner approved motor cycle	RS(D)R 58(1)(a), 58(2)(a)	3
31	Drive a motor cycle on which there is a pillion passenger	RS(D)R 58(1)(b), 58(2)(b)	3
32	P1 probationary driver or corresponding novice driver driving a motor vehicle with more than one peer passenger	RS(D)R 61	3
33	Driving fatigue regulated heavy vehicle while impaired by fatigue	RSA 191D(1)	3
34	Driving fatigue regulated heavy vehicle in contravention of maximum work requirement —severe risk offence	RSA 191L(2) and (4), 191M(2) and (4), 191N(2) and (4), 191O(2) and (4), 191P(2) and (4), 191Q(2) and (4), 191Q(2A) and (4)	3
35	Driving fatigue regulated heavy vehicle in contravention of minimum rest requirement —severe risk offence	RSA 191L(2) and (4), 191M(2) and (4), 191N(2) and (4), 191O(2) and (4), 191P(2) and (4), 191Q(2) and (4), 191Q(2A) and (4)	3

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
<i>Item</i>	<i>Description of offence</i>	<i>Reference</i>	
		<i>Demerit points</i>	
36	Improper overtaking or passing	RR 141(1), 142(1), 143(1), 143(1A), 143(2), 144, 145, 148(1), 148(2), 148A, 160(2), 160(3)	2
37	Turning or stopping without signalling	RR 46(1), 48(1), 53(1), 53(2), 53(3)	2
38	Turning improperly	RR 27(1), 28(1), 28(1A), 29, 31(1), 32(1), 33(1), 37, 92(1)	2
39	Failing to keep left (other than double dividing lines)	RR 129(1), 130(2), 131, 132(1), 132(2), 132(2A)	2
40	Driving contrary to a minor defect notice	RS(V)R 240	1
41	Failure to dip headlights	RR 218(1)	1
42	Long vehicle failing to keep minimum distance behind another long vehicle	RR 127(1)	1
43	Driving insufficient distance behind a vehicle	RR 126	1
44	Driving at night or in hazardous weather conditions without headlights, tail lights, number plate lights and rear lights on, and, if fitted, without clearance lights and side marker lights on	RR 215(1), 216(1)	1
45	Exceeding the speed-limit by less than 10 km/h	RR 20	1

Road Safety (Drivers) Regulations 2009  
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***RSA*** means the **Road Safety Act 1986**;

***RS(D)R*** means these Regulations;

***RS(V)R*** means the Road Safety (Vehicles) Regulations 2009;

***RR*** means the Road Safety Road Rules 2009.

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Sch. 4  
amended by  
S.R. Nos  
138/2009  
reg. 5, 66/2011  
reg. 8.

**SCHEDULE 4**

Regulation 107

**OFFENCES WHICH DISQUALIFY DRIVERS FROM  
LICENCE RENEWAL FEE REDUCTIONS**

**Road Safety Act 1986**

Sections 7(1) and (2), 13(5), 18(1)(a) and (b), 19(5) and (7), 21(1A), 30(1), 32(1), 49(1), 50AAD(1)(a), 56(2) and (7), 59(1) and (8), 60(1), 61(3), (4) and (5), 62(3), 64(1), 68(1) and (2), 70(1A), 74(1) and (2), 191L(2) and (4), 191M(2) and (4), 191N(2) and (4), 191O(2) and (4), 191P(2) and (4), 191Q(2) and (4), 191Q(2A) and (4), 191S, 191T, 191ZA, 191ZB, 191ZC, 191ZG, 191ZOA, 191ZW and 191ZZI.

**Road Rules Victoria published in the Government Gazette  
(Periodical Gazette No. 2) on 28 October 1999**

Rules 62, 63(2), 80(1), 111(1), 116, 140, 149, 265(1), 268(1), (2), (3) and (4), 287(1), 294(1)(a)(ii), 297(1), 298(1) and 299(1).

**Road Safety Road Rules 2009**

Rules 62, 63(2), 80(1), 111(1), 116, 140, 149, 265(1), 268(1), (2), (3) and (4), 287(1), 294(1), 297(1) and (1A), 298(1) and 299(1).

**Road Safety (Drivers) Regulations 1999**

Regulations 211A(1), 213(1) and (3), 214(1) and 220(2).

**Road Safety (Drivers) Regulations 2009**

Regulations 15(3), 46(1), (2) and (3), 47(1) and 57(1).

**Road Safety (General) Regulations 1999**

Regulation 312.

**Road Safety (General) Regulations 2009**

Regulation 50.

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**Road Safety (Road Rules) Regulations 1999**

Regulation 604.

**Road Safety (Vehicles) Regulations 1999**

Regulations 820(2) and 902(5)(a).

**Road Safety (Vehicles) Regulations 2009**

Regulations 259(2) and 266.

**Transport (Compliance and Miscellaneous) Act 1983**

Section 216(2) in circumstances referred to in  
section 216(1)(a), (b), (e) or (f).

**Transport (Conduct) Regulations 2005**

Regulation 36(2), (2A) and (3).

**Environment Protection Act 1970**

Section 48B(1).

**Interstate Road Transport Act 1985 of the Commonwealth**

Sections 8(1), 10(1)(a) and (b) and (3)(a) and (b)  
and 12D(1)(a).

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Road Safety (Drivers) Regulations 2009  
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Sch. 5

Sch. 5  
amended by  
S.R. No.  
35/2010 reg. 4,  
substituted by  
S.R. No.  
51/2011  
reg. 20.

**SCHEDULE 5**

Regulations 30(2), 62(2), 64(4),  
65(1), 93(1), 99(6), 110, 113(3)

**GENERAL FEES**

<i>Item</i>	<i>Description of fee</i>	<i>Column 1 Regulation</i>	<i>Column 2 Fee units</i>
1	Fee to make an appointment in relation to testing or assessment for a learner permit or driver licence	30(2)	1·28
2	Written or computer-based test conducted by the Corporation for a learner permit	30(2)	1·66
3	Written or computer-based test conducted by the Corporation for a driver licence or driver licence variation for—	30(2)	
	(a) a heavy vehicle;		1·37
	(b) other motor vehicles		1·27
4	Practical test conducted by the Corporation for a driver licence or driver licence variation for any motor vehicle other than a heavy vehicle	30(2)	3·08
5	Practical test conducted by the Corporation for a driver licence or driver licence variation for any heavy vehicle	30(2)	3·36
6	Fee to transfer an appointment in relation to testing or assessment for a learner permit or driver licence	30(2)	1·28
7	Grant or renewal of a driver licence—for 10 years	62(2)	13·57
8	Grant or renewal of a driver licence—for 4 years	62(2)	5·32
9	Grant or renewal of a driver licence—for 3 years	62(2)	3·99

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Sch. 5

<i>Item</i>	<i>Description of fee</i>	<i>Column 1 Regulation</i>	<i>Column 2 Fee units</i>
10	Grant of a motor cycle learner permit	62(2)	1·7
11	Grant or renewal of a car learner permit	62(2)	1·7
12	Variation of a driver licence, if the variation includes the insertion of an additional category of motor vehicle in the licence or less restrictive licence conditions	62(2)	2·13
13	Issue of a replacement licence document	64(4), 65(1)	1·66
14	Issue of a replacement learner permit document	64(4), 65(1)	1·66
15	Application for BFM accreditation or AFM accreditation	93(1)	5·99
16	Issue of a written work diary	99(6)	1·37
17	Issue of a replacement learner log book	110	1·4
18	Processing a refund relating to cancellation of a driver licence	113(3)	1·28

Road Safety (Drivers) Regulations 2009  
S.R. No. 95/2009

Sch. 6

Sch. 6  
amended by  
S.R. No.  
35/2010 reg. 5,  
substituted by  
S.R. No.  
51/2011  
reg. 21.

SCHEDULE 6

Regulation 111

SEARCH AND EXTRACT FEES

<i>Item</i>	<i>Description</i>	<i>Fee</i>
1	Certificate under section 84(1) of the Act	\$8.30
2	Extract of current information	\$8.30
3	Extract of historical information	1.3 fee units
4	Information by telephone on telephone enquiry from a municipality	\$8.30
5	Search for any other purposes—	
	(a) of current records	\$8.30
	(b) of historical records	1.3 fee units

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## ENDNOTES

### 1. General Information

The Road Safety (Drivers) Regulations 2009, S.R. No. 95/2009 were made on 26 August 2009 by the Governor in Council under section 95 of the **Road Safety Act 1986**, No. 127/1986 and came into operation on 9 November 2009: regulation 3.

The Road Safety (Drivers) Regulations 2009 will sunset 10 years after the day of making on 26 August 2019 (see section 5 of the **Subordinate Legislation Act 1994**).

Road Safety (Drivers) Regulations 2009  
S.R. No. 95/2009

Endnotes

**2. Table of Amendments**

This Version incorporates amendments made to the Road Safety (Drivers) Regulations 2009 by statutory rules, subordinate instruments and Acts.

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Road Safety (Drivers) Amendment Regulations 2009, S.R. No. 138/2009

*Date of Making:* 4.11.09

*Date of Commencement:* 9.11.09: reg. 3

Road Safety (Drivers) Amendment (Repeat Speeders Trial) Regulations 2010,  
S.R. No. 28/2010

*Date of Making:* 18.5.10

*Date of Commencement:* Regs 5, 7, 8 on 18.5.10: reg. 3(1)

Road Safety (Drivers) and Road Safety (Vehicles) Amendment (Fees) Regulations  
2010, S.R. No. 35/2010

*Date of Making:* 1.6.10

*Date of Commencement:* 1.7.10: reg. 3

Road Safety (Drivers) Amendment (Drug-Driving) Regulations 2010,  
S.R. No. 135/2010

*Date of Making:* 26.10.10

*Date of Commencement:* 12.12.10: reg. 3

Road Safety (Drivers) and (Vehicles) Amendment (Fees) Regulations 2011,  
S.R. No. 51/2011

*Date of Making:* 28.6.11

*Date of Commencement:* 1.7.11: reg. 3

Road Safety (Traffic Management) and (Drivers) Amendment Regulations 2011,  
S.R. No. 66/2011

*Date of Making:* 19.7.11

*Date of Commencement:* 19.7.11

Road Safety (Drivers) Amendment (Fatigue Management) Regulations 2011,  
S.R. No. 127/2011

*Date of Making:* 8.11.11

*Date of Commencement:* 8.11.11

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### 3. Explanatory Details

#### Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2011 is \$12.22. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

#### Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2011 is \$122.14.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.