

**Authorised Version No. 021**  
**Road Safety (Drivers) Regulations 2009**

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

Authorised Version incorporating amendments as at  
25 June 2015

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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

(1) In these Regulations—

Reg. 5  
amended by  
S.R. Nos  
28/2010  
reg. 8(1),  
175/2013  
reg. 4 (ILA  
s. 39B(2)).

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

\* \* \* \* \*

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;

***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;

***national demerit points table*** means the table at the end of clause 21 of the Supporting Principles set out in Schedule 2 to the National Transport Commission (Road Transport Legislation—Driver Licensing) Regulations 2006 of the Commonwealth, as amended from time to time;

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

Reg. 5 def. of  
*national  
demerit points  
table*  
inserted by  
S.R. No.  
155/2012  
reg. 5.

***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.

***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;

Reg. 5 def. of  
*relevant  
interstate  
offence*  
inserted by  
S.R. No.  
155/2012  
reg. 5.

*relevant interstate offence* means an offence against an Act or Regulation of another jurisdiction that is the same or substantially similar to an offence described in column 1 of the national demerit points table;

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

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

Reg. 5(2)  
inserted by  
S.R. No.  
175/2013  
reg. 4.

- (2) For the avoidance of doubt, in these Regulations, a reference to a person disqualified from driving in a particular jurisdiction includes a person who is disqualified from obtaining a driver licence or learner permit in that jurisdiction.
-

## **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) a car; or
  - (b) a tractor; or
  - (c) a tractor that is towing a trailer of any size.

**Reg. 8(1)  
substituted by  
S.R. No.  
26/2012 reg. 3.**

- (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.

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

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

- (a) a car; or
- (ab) a tractor; 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; or
- (d) a tractor that is towing a trailer of any size.

Reg. 9(ab)  
inserted by  
S.R. No.  
26/2012  
reg. 4(a).

Reg. 9(c)  
amended by  
S.R. No.  
26/2012  
reg. 4(b).

Reg. 9(d)  
inserted by  
S.R. No.  
26/2012  
reg. 4(c).

### **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                           |

---

### **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 Victoria or in another jurisdiction or another country; or
  - (d) the person has had the licence or permit suspended; or

Reg. 18(1)(c)  
amended by  
S.R. No.  
175/2013  
reg. 5.

- (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—

- (a) has, at some time, held—
- (i) an Australian driver licence to drive a car for a period of at least 24 months;
  - and

Reg. 26  
substituted by  
S.R. No.  
86/2013 reg. 4.

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

### **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
  - (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.
- (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 section 21A of the Act, regulation 30(2)(a)(v) or regulation 62(2) relating to the grant or variation of a driver licence or the grant of a learner permit as the case may be.

Reg. 35(b)  
substituted by  
S.R. No.  
51/2011 reg. 6,  
amended by  
S.R. No.  
174/2013  
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.
- (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.

### **Division 3A—Alcohol interlocks**

Pt 2 Div. 3A  
(Heading and  
regs 37A–  
37E)  
inserted by  
S.R. No.  
143/2014  
reg. 5.

#### **37A Definition of minimum compliance period**

In this Division, *minimum compliance period* means a continuous or non-continuous period of at least 6 months, or if the applicant is subject to an alcohol interlock condition for a minimum period that is less than 6 months, a continuous or non-continuous period of at least that minimum period—

- (a) during which alcohol interlock usage data was collected from an approved alcohol interlock fitted to a motor vehicle driven by the applicant; and
- (b) that does not include any operating months during which the applicant used the

Reg. 37A  
inserted by  
S.R. No.  
143/2014  
reg. 5.

- approved alcohol interlock less than twice;  
and
- (c) that does not include any period during which the driver licence or learner permit of the applicant was suspended; and
  - (d) that does not include any period during which the applicant did not hold a driver licence or learner permit; and
  - (e) that is not interrupted by more than 6 consecutive operating months during which the applicant used the approved alcohol interlock less than twice; and
  - (f) that, unless required by paragraphs (b) to (d), does not exclude a more recent period during which alcohol interlock usage data was collected in respect of an approved alcohol interlock fitted to a motor vehicle driven by the applicant.

**Example**

A person has an alcohol interlock installed in a motor vehicle for 7 months, uses it regularly and holds a current driver licence for the entire period. The person complies with the prescribed alcohol interlock usage requirements for the first 6 months but a tampering event occurs in the seventh month. The person cannot exclude the seventh operating month and therefore the person is unable to demonstrate compliance with the prescribed alcohol interlock usage requirements, even though the person would have been able to demonstrate compliance immediately before the tampering event occurred.

Reg. 37B  
inserted by  
S.R. No.  
143/2014  
reg. 5.

**37B Prescribed alcohol interlock usage data requirements**

- (1) For the purposes of sections 50AAAB(3) and 50AAB(5) of the Act, the prescribed alcohol interlock usage data requirements are that, during the minimum compliance period—

- (a) an approved alcohol interlock remains installed in a motor vehicle driven by the applicant; and
- (b) the applicant uses that alcohol interlock at least twice during every operating month; and
- (c) no tampering events occur other than in the first operating month of the minimum compliance period; and
- (d) if the applicant starts the motor vehicle without providing a breath sample into the alcohol interlock other than because of a push start event and other than in the first operating month of the minimum compliance period, the applicant must advise the approved alcohol interlock supplier of that start within 14 days after the start or at the next maintenance service of the alcohol interlock, whichever occurs sooner; and
- (e) subject to subregulation (2), no person fails to start the motor vehicle due to alcohol detected in the breath of that person; and
- (f) subject to subregulation (2), no person, if directed to undertake an alcohol breath test after the motor vehicle was started either by a message on the digital display of the alcohol interlock or by an audible message given by the alcohol interlock—
  - (i) fails to provide a breath sample that contains no registrable alcohol using the alcohol interlock; or
  - (ii) fails to successfully undertake an alcohol breath test using the alcohol interlock.

- (2) For the purposes of subregulation (1)(e) and (f), a person is not taken to have failed or failed to undertake an alcohol breath test using an alcohol interlock if—
- (a) the failure is detected during the first operating month of the minimum compliance period; or
  - (b) the applicant has made an application under section 50AAB of the Act and the Court is satisfied that the failure was caused by a person other than the applicant; or
  - (c) the applicant holds a driver licence or learner permit granted under section 31KA of the Act and—
    - (i) the driver licence or learner permit is subject to an alcohol interlock condition imposed under section 31KA of the Act; and
    - (ii) the driver licence or learner permit is not subject to an alcohol interlock condition imposed because of an alcohol interlock condition direction given to the Corporation by the Magistrates' Court; and
    - (iii) the alcohol interlock is a type of alcohol interlock approved under section 50AAE of the Act that records the identity of the person starting or attempting to start the motor vehicle in which it is installed; and
    - (iv) the Corporation, on the request of the applicant, checks the information recorded by the alcohol interlock and is satisfied that the information demonstrates that the failure was

caused by a person other than the applicant; or

- (d) the person failed to start the motor vehicle due to alcohol detected in the breath of that person or failed to provide a breath sample that contained no registrable alcohol, and that person starts the vehicle by providing a breath sample that does not contain registrable alcohol within one hour of the failure.

(3) In this regulation—

***operating month*** means a month, the beginning of which is determined by reference to the day on which the approved alcohol interlock was installed in the motor vehicle, during which an approved alcohol interlock remained fitted to a motor vehicle driven by the applicant;

***push start event*** means an event in which a person, in an emergency—

- (a) push starts a motor vehicle, bypassing the breath test requirement of an approved alcohol interlock installed in that vehicle; and
- (b) gives, using the approved alcohol interlock, a breath sample in which no registrable alcohol is present within 10 minutes after the push start;

***registrable alcohol***, in relation to a breath sample given by a person using an approved alcohol interlock, means a concentration of breath alcohol that would prevent a motor vehicle in which the alcohol interlock is installed from starting if that concentration was detected by the alcohol interlock;

***service or repair event*** means an event during which a person, in the course of servicing or repairing a motor vehicle in which an approved alcohol interlock is installed—

- (a) bypasses or disengages an approved alcohol interlock installed in that motor vehicle in accordance with the supplier's instructions; and
- (b) when the service or repair is complete, removes the bypass or re-engages the interlock;

***tampering event*** means an event, other than a push start event or a service or repair event, during which a person drives a motor vehicle in which an approved alcohol interlock is installed and the motor vehicle is started—

- (a) with the approved alcohol interlock disengaged; or
- (b) in a way other than by the person blowing directly into the appropriate part of the approved alcohol interlock.

**Note**

A tampering event may constitute an offence under section 50AAD of the Act.

Reg. 37C  
inserted by  
S.R. No.  
143/2014  
reg. 5.

**37C Reporting of compliance with requirements specified under item 57AA(f) of Schedule 2 to the Act**

For the purposes of section 50AAB of the Act, data relating to compliance with any prescribed alcohol interlock usage data requirements specified under item 57AA(f) of Schedule 2 to the Act must be provided to the court—

- (a) in a report produced by an accredited agency under section 50AAB(5) of the Act; or

(b) by the Chief Commissioner of Police, in the form of a certificate under section 84(1) of the Act; or

(c) by any other means acceptable to the court.

**37D Report to accompany application for exemption from or removal of alcohol interlock condition on medical grounds**

Reg. 37D  
inserted by  
S.R. No.  
143/2014  
reg. 5.

(1) For the purposes of section 50AAAD(3)(c) of the Act, an application to the Corporation for an exemption from or the removal of an alcohol interlock condition on medical grounds must include a report from the specialist health practitioner who prepares the report required under section 50AAAD(3)(b) of the Act indicating whether the specialist health practitioner is of the opinion that—

(a) the applicant is unfit to drive motor vehicles or a category of motor vehicles; or

(b) it would be dangerous for the applicant to drive a motor vehicle or a particular category of motor vehicle; or

(c) any driver licence or learner permit held by the person should be subject to conditions and, if so, the type of conditions that should be imposed.

(2) A report under subregulation (1) must be prepared in accordance with guidelines (if any) issued by the Minister under section 96B of the Act.

**37E Offences relating to alcohol interlocks and privacy of motor vehicle occupants**

Reg. 37E  
inserted by  
S.R. No.  
143/2014  
reg. 5.

A person must not, unless required or permitted to do so under Part 5 or 7B of the Act or under another law or in accordance with the written authorisation of the Corporation—

(a) download, print or possess; or



(b) publish, transmit or disclose to any other person—

an image or data recorded by a camera or other mechanism that records information about the identity of a person starting, attempting to start or using a motor vehicle that forms part of an approved alcohol interlock installed in the motor vehicle.

Penalty: In the case of a natural person,  
20 penalty units;

In the case of a body corporate,  
120 penalty units.

#### **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
    - (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 section 21A of the Act 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.

Reg. 39  
(2)(a)(v)  
amended by  
S.R. Nos  
51/2011 reg. 7,  
174/2013  
reg. 7.

#### **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 or the Heavy Vehicle National Law (Victoria) or the national regulations under that Law.
- (3) The Corporation must refuse to renew a driver licence if the Corporation is satisfied that it is suspended.

Reg. 40(2)(d)  
amended by  
No. 150/2013  
reg. 79.

#### **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;
  - (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.

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

#### **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.
- (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 committed before 1 October 2014 and the driver licence is not cancelled or suspended for that offence. Reg. 52(1)(b) amended by S.R. No. 143/2014 reg. 6(1).
- (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. Examples to reg. 52(2) amended by S.R. No. 143/2014 reg. 6(2).
- 2 A person who holds a P1 probationary driver licence commits an offence against section 49(1) of the Act before 1 October 2014. 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), 51 or 84BN(2) of the Act; or Reg. 52(3)(a) amended by S.R. No. 175/2013 reg. 6(1).
  - (b) regulation 78 or regulation 79; or Reg. 52(3)(b) amended by S.R. No. 175/2013 reg. 6(2).
  - (c) section 89A of the **Sentencing Act 1991**— Reg. 52(3)(c) inserted by S.R. No. 175/2013 reg. 6(3).

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 committed before 1 October 2014, 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 for an offence does not include a licence suspended in the circumstances referred to in regulation 52(3).

Reg. 53  
(1)(b)(ii)  
amended by  
S.R. No.  
143/2014  
reg. 7.

Reg. 53(3)  
substituted by  
S.R. No.  
175/2013  
reg. 7.

#### **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 committed before 1 October 2014, 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 for an offence does not include a licence suspended in the circumstances referred to in regulation 52(3).

Reg. 54  
(1)(b)(ii)  
amended by  
S.R. No.  
143/2014  
reg. 8.

Reg. 54(3)  
substituted by  
S.R. No.  
175/2013  
reg. 8.

#### **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 police officer 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.

Reg. 55(3)(a)  
amended by  
S.R. No.  
145/2014  
reg. 15.

(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) in the case of a motor vehicle manufactured prior to 1 January 2010—
  - (i) has an engine with 8 cylinders or more; or
  - (ii) has an engine that is turbocharged or supercharged (other than a diesel powered vehicle); or
  - (iii) has an engine that has been modified to increase the vehicle's performance

Reg. 56(1)  
substituted by  
S.R. No.  
46/2014  
reg. 4(1).



- (other than a modification made by the manufacturer in the course of the manufacture of the vehicle); or
- (iv) is declared by the Corporation under subregulation (4)(a) to be a probationary prohibited vehicle for the purposes of this regulation; or
- (v) has a modification declared by the Corporation under subregulation (4)(b) to be a high powered modification; or
- (b) in the case of a motor vehicle manufactured on or after 1 January 2010—
- (i) has a power to mass ratio which exceeds 130 kilowatts per tonne; or
- (ii) 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.
- (2) Unless the vehicle 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), a probationary prohibited vehicle does not include—
- (a) a vehicle declared by the Corporation under subregulation (4)(c) not to be a probationary prohibited vehicle; or
- (b) a vehicle operating under a club permit issued under Part 3.4 of the Road Safety (Vehicles) Regulations 2009.
- (3) For the purpose of subregulation (1)(a)(ii), an engine is turbocharged if a turbocharger is installed in the vehicle, whether or not it is otherwise attached to the engine.

Reg. 56(2)  
substituted by  
S.R. No.  
46/2014  
reg. 4(2),  
amended by  
S.R. No.  
200/2014  
reg. 3(1).

Reg. 56(3)  
amended by  
S.R. No.  
46/2014  
reg. 4(3).

- (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.
- (5) For the purpose of this regulation, a motor vehicle is taken to be manufactured—
- (a) subject to paragraph (b), on the date shown on the vehicle's compliance plate; or
  - (b) in the case of a motor vehicle that has been imported from overseas as a used motor car and that has—
    - (i) affixed to it a metal plate with a date stamped on the plate; or
    - (ii) a stamp on one of its metal components that states, "Built" or "Built Date", together with a date—and the date referred to in subparagraph (i) or (ii) is earlier than the date shown on the vehicle's compliance plate referred to in paragraph (a), on the earlier date.
- (6) For the purpose of this regulation, the power to mass ratio of a motor vehicle may be specified—
- (a) by the manufacturer of the motor vehicle; or

Reg. 56(5)  
inserted by  
S.R. No.  
46/2014  
reg. 4(4).

Reg. 56(5)(a)  
amended by  
S.R. No.  
200/2014  
reg. 3(2).

Reg. 56(5)(b)  
amended by  
S.R. No.  
200/2014  
reg. 3(3).

Reg. 56(6)  
inserted by  
S.R. No.  
46/2014  
reg. 4(4).

- (b) by the Minister administering the Motor Vehicle Standards Act 1989 of the Commonwealth; or
- (c) by the Corporation, in circumstances where—
  - (i) the manufacturer has not specified a power to mass ratio or cannot be identified; or
  - (ii) the Minister has not specified a power to mass ratio.

Reg. 56(7)  
inserted by  
S.R. No.  
46/2014  
reg. 4(4).

- (7) In this regulation—

*power to mass ratio* means the ratio between the power output of the engine and the tare mass of the motor vehicle, as at the time of its manufacture, where the power output is expressed in kilowatts and the tare mass is expressed in tonnes;

*tare mass* of a vehicle is the mass of a vehicle ready for service, unoccupied and unladen, with all fluid reservoirs filled to nominal capacity except for fuel, which shall be 10 litres only, and with all standard equipment and any options fitted.

Reg. 56(8)  
inserted by  
S.R. No.  
46/2014  
reg. 4(4).

- (8) For the purpose of this regulation, a document purporting to be from the Corporation showing the power to mass ratio of a motor vehicle is evidence of the power to mass ratio of that motor 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.

- (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 police officer 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.

Reg. 57(2)(c)  
amended by  
S.R. No.  
145/2014  
reg. 16.

- (3) Subregulation (2)(a)(ii) applies only if an Australian Business Number is in force in relation to the person's business.
- (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 was manufactured prior to 1 January 2010 and 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 was manufactured prior to 1 January 2010 and 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.

Reg. 57(4)(a)  
amended by  
S.R. No.  
46/2014 reg. 5.

Reg. 57(4)(b)  
amended by  
S.R. No.  
46/2014 reg. 5.

**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 (where the licence was issued before 1 October 2014) 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.

- (1A) A person who has held a motor cycle licence for a period of less than 3 years (where the licence was issued on or after 1 October 2014) 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; or

Reg. 58(1)  
amended by  
S.R. No.  
144/2014  
reg. 4(1).

Reg. 58(1A)  
inserted by  
S.R. No.  
144/2014  
reg. 4(2).

(c) drive a motor cycle unless the headlights of the motor cycle are on at all times.

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; or

(c) drive a motor cycle unless the headlights of the motor cycle are on at all times; or

(d) drive a motor cycle unless the driver is wearing an approved high visibility vest or jacket that is visible and is securely fitted and fastened.

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), (1A)(a), (2)(a), (2)(c) and (2)(d) do not apply to a police officer 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

Reg. 58(2)(b)  
amended by  
S.R. No.  
144/2014  
reg. 4(3)(a).

Reg. 58(2)(c)  
inserted by  
S.R. No.  
144/2014  
reg. 4(3)(b).

Reg. 58(2)(d)  
inserted by  
S.R. No.  
144/2014  
reg. 4(3)(b).

Reg. 58(4)  
amended by  
S.R. Nos  
144/2014  
reg. 4(4),  
145/2014  
reg. 17.

- (b) by issuing a certificate of registration, in accordance with the Road Safety (Vehicles) Regulations 2009, indicating that the motor cycle is a learner approved motor cycle. Reg. 58(5)(b) amended by S.R. No. 153/2013 reg. 15.
- (6) In calculating the period for which a person has held a motor cycle driver licence referred to in subregulation (1) or (1A), any period for which the person's driver licence has been suspended, or the person has been disqualified from driving, must be excluded. Reg. 58(6) amended by S.R. No. 144/2014 reg. 4(5).
- (7) In this regulation *approved high visibility vest or jacket* means a high visibility vest or jacket that meets and is labelled or marked to indicate that it meets at least one of the following standards for day and night high visibility garments and apparel— Reg. 58(7) inserted by S.R. No. 144/2014 reg. 4(6).
- (a) AS/ANZ 4602.1:2011;
- (b) International Standard ISO20471:2013 "High visibility clothing—Test methods and requirements";
- (c) American National Standard ANSI/ISEA 207-2011 "American National Standard for High Visibility Public Safety Vests";
- (d) American National Standard ANSI/ISEA 107-2010 "American National Standard for High Visibility Safety Apparel and Headwear".

## 59 Towing of vehicles by certain drivers

The holder of a P1 probationary car driver licence, or the holder of a motor cycle licence that was issued on or after 1 October 2014 who has held the motor cycle licence for a period of less than 3 years, must not drive a motor vehicle (other than a tractor) that is towing another motor vehicle or a trailer unless—

Reg. 59 (Heading) amended by S.R. No. 144/2014 reg. 5(1).

Reg. 59 amended by S.R. No. 144/2014 reg. 5(2).



- (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.

#### **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 a licence that is suspended for an offence does not include a licence suspended in the circumstances referred to in regulation 52(3).
- (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.

Reg. 60(4)  
substituted by  
S.R. No.  
175/2013  
reg. 9.

#### **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 police officer 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

Reg. 61(2)(a)  
amended by  
S.R. No.  
145/2014  
reg. 18.

Reg. 61(2)(d)  
amended by  
S.R. No.  
155/2012  
reg. 6(1).

- (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; or

Reg. 61(2)(e)  
inserted by  
S.R. No.  
155/2012  
reg. 6(2).

- (e) who is driving a motor vehicle on a highway while under the instruction of a driving coach who is present in the vehicle.

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

- (4) In this regulation—

Reg. 61(4)  
def. of  
*approved provider*  
inserted by  
S.R. No.  
155/2012  
reg. 6(3).

***approved provider*** means a person or body approved in writing by the Corporation to provide driver training;

***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;

***driving coach*** means—

- (a) a person who holds a driving instructor authority under section 33 of the Act; or  
(b) a person employed by an approved provider to teach driving skills;

Reg. 61(4)  
def. of  
***driving coach***  
inserted by  
S.R. No.  
155/2012  
reg. 6(3).

***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.

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

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

Reg. 62  
(Heading)  
amended by  
S.R. No.  
27/2014  
reg. 5(1).

Reg. 62(1)  
amended by  
S.R. No.  
27/2014  
reg. 5(2).

Reg. 62(2)  
amended by  
S.R. No.  
51/2011 reg. 9,  
substituted by  
S.R. No.  
174/2013  
reg. 8.

Reg. 62(2)(b)  
amended by  
S.R. No.  
27/2014  
reg. 5(3).

Reg. 62(3)  
amended by  
S.R. No.  
27/2014  
reg. 5(4).

- (1) This regulation applies if the Corporation decides to grant, vary or renew a driver licence or learner permit.
- (2) The Corporation must issue the applicant a driver licence document or learner permit document in the form required by regulation 63 as soon as practicable after payment of—
  - (a) in the case of the grant or renewal of a driver licence—the relevant fee specified in section 21A of the Act; or
  - (b) in the case of the variation of a driver licence or the variation, grant or renewal of a learner permit—the relevant fee specified in Schedule 5.
- (3) If the Corporation decides to renew or vary a driver licence or 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.

**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.
- (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

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

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—

- (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 Information to be recorded by Corporation**

- (1) For the purposes of section 16G(3) of the Act the following information is prescribed—
  - (a) an identification number;
  - (b) the gender of a person;

Reg. 66  
amended by  
S.R. No.  
51/2011  
reg. 12,  
substituted by  
S.R. No.  
199/2014  
reg. 4.



- (c) personal particulars;
  - (d) a person's title;
  - (e) a person's address for service of notices if this is different from the person's residential address;
  - (f) if a person holds a driver licence or a learner permit issued under the Act or in another jurisdiction or country, any information contained in the driver licence or the learner permit, including—
    - (i) the driver licence or the learner permit number;
    - (ii) the category or categories of the driver licence or the learner permit;
    - (iii) the commencement date of the driver licence or the learner permit;
    - (iv) the expiry date of the driver licence or the learner permit;
    - (v) any condition to which the driver licence or the learner permit is subject;
    - (vi) any period for which the driver licence is probationary.
- (2) Any person in respect of whom the Corporation has created a record that records information referred to under 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.

## **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 |

Road Safety (Drivers) Regulations 2009  
S.R. No. 95/2009  
Part 2—Driver licences and learner permits

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| <i>Column 1</i>   | <i>Column 2</i>  |
|---|--|
| <i>Class of test</i>  | <i>Prescribed class of person</i>  |
| 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 |
| 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**

Reg. 69(1)  
amended by  
S.R. No.  
199/2014  
reg. 5.

- (1) This regulation applies if the Corporation believes on reasonable grounds that a record containing information referred to 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.

#### **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—

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

Reg. 71(2)(a)  
substituted by  
S.R. No.  
174/2013  
reg. 9.

- (a) the fee payable under section 21A of the Act for the grant or renewal of a driver licence or under regulation 62(2) for the 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.
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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*** means—

- (a) in relation to a relevant offence, the number of demerit points specified in column 3 of Schedule 3 in respect of that offence;
- (b) in relation to a relevant interstate offence, the number of demerit points specified in column 2 of the national demerit points table in respect of that offence;

Reg. 72(1)  
def. of  
***appropriate number of demerit points***  
substituted by  
S.R. No.  
155/2012  
reg. 7(a).

***duly notified*** means notified by—

- (a) Victoria Police or the police force of 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);

Reg. 72(1)  
def. of  
***duly notified***  
amended by  
S.R. No.  
145/2014  
reg. 19.

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

Reg. 72(1)  
def. of  
***relevant event***  
amended by  
S.R. No.  
155/2012  
reg. 7(b).

Reg. 72(1)  
def. of  
*relevant  
offence*  
substituted by  
S.R. No.  
155/2012  
reg. 7(c).

*relevant offence* means an offence described in column 1 of Schedule 3 in relation to the use of a motor vehicle.

- (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.

**73A Corporation to record demerit points for relevant interstate offences**

Reg. 73A  
inserted by  
S.R. No.  
155/2012  
reg. 8.

(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 interstate offence; or
- (b) the penalty specified in an infringement notice, penalty notice, expiation notice or similar notice issued to the person in relation to a relevant interstate offence has been paid; or
- (c) an infringement notice, penalty notice, expiation notice or similar notice issued to the person in relation to a relevant interstate offence has taken effect as a conviction under an Act of another jurisdiction; or



- (d) an action equivalent to the making of an enforcement order within the meaning of the **Infringements Act 2006** or Schedule 3 to the **Children, Youth and Families Act 2005** (as the case may be) has been taken against the person in relation to a relevant interstate offence and the action has not been reversed; or
- (e) a proceeding against the person for a relevant interstate offence has been adjourned under a provision of an Act of another jurisdiction that is the equivalent of section 59(2) of the **Criminal Procedure Act 2009**.

- (2) The Corporation must not record demerit points against a person in the Demerits Register under subregulation (1) 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.

#### **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

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

- (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
- (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**.

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

- (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**

Reg. 76  
amended by  
S.R. No.  
155/2012  
reg. 9(1).

The Corporation must treat demerit points recorded under regulation 73 or 73A 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.

\* \* \* \* \*

Reg. 77A  
inserted by  
S.R. No.  
28/2010 reg. 5,  
revoked by  
S.R. No.  
28/2010 reg. 6.

## **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 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.

Reg. 78(1)  
amended by  
S.R. No.  
27/2014  
reg. 6(1).

- (2) The Corporation must vary, suspend or cancel a person's driver licence or 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

Reg. 78(2)  
amended by  
S.R. No.  
27/2014  
reg. 6(2).

(c) the person is otherwise unfit to hold the licence or permit.

Reg. 78(3)  
amended by  
S.R. No.  
27/2014  
reg. 6(3).

(3) The Corporation may suspend or vary a person's driver licence or 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**

Reg. 79(1)  
amended by  
S.R. No.  
27/2014 reg. 7.

(1) The Corporation may vary, suspend or cancel a person's driver licence or 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

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Part 3—Variation, suspension or cancellation of driver licence or learner permit

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(c) the licence or permit was granted, varied or renewed in error; or

(d) payment of a fee to the Corporation under section 21A of the Act or under these Regulations has been rejected; or

Reg. 79(1)(d)  
amended by  
S.R. No.  
174/2013  
reg. 10.

**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 a person's driver licence or learner permit, on receiving notice from another jurisdiction that a person is disqualified for a period from driving in that jurisdiction, for the same period.

Reg. 79(2)  
substituted by  
S.R. No.  
199/2014  
reg. 6.

(3) The Corporation must cancel a person's driver licence or learner permit, on receiving notice from another jurisdiction that a person's driver licence or learner permit in that jurisdiction has been cancelled because of a judgment, order or decision made under, or otherwise by operation of, the law of that jurisdiction.

Reg. 79(3)  
inserted by  
S.R. No.  
199/2014  
reg. 6.

Reg. 80  
(Heading)  
amended by  
S.R. No.  
27/2014  
reg. 8(1).

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

Reg. 80(1)  
amended by  
S.R. Nos  
27/2014  
reg. 8(2)(a),  
199/2014  
reg. 7.

(1) Subject to subregulation (2) and regulation 80A, 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(1)—

Reg. 80(1)(a)  
substituted by  
S.R. No.  
27/2014  
reg. 8(2)(b).

(a) decides to vary the licence or permit by imposing a new condition on it, other than if the Corporation decides to vary the licence or permit on any of the grounds under regulation 78(2); 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.

**80A Variation of driver licence or learner permit**

- (1) If the Corporation varies a driver licence or learner permit on any of the grounds under regulation 78(2), the Corporation must give written notice to the holder of the driver licence or learner permit stating the details of the variation of the licence or permit including—
- (a) the reasons for the variation of the licence or permit; and
  - (b) that the notice takes effect immediately upon service of the notice or on a later date specified in the notice; and
  - (c) the conditions, if any, to which the licence or permit is subject; and

Reg. 80A  
inserted by  
S.R. No.  
27/2014 reg. 9.



- (d) any actions that the holder of the licence or permit must take to comply with any conditions imposed on the licence or permit; and
  - (e) that the person has a right under Part 4 to apply within 28 days after receiving the notice to have the decision reviewed.
- (2) A notice of variation of a driver licence or learner permit that is served on the holder of the licence or permit under this regulation takes effect immediately upon service of the notice or on a later date specified in 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 police officer 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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Reg. 81(a)  
amended by  
S.R. No.  
145/2014  
reg. 20.

## PART 4—REVIEW AND APPEAL RIGHTS

### Division 1—Definition

#### 82 Definition for Part 4

In this Part—

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

Reg. 82  
amended by  
S.R. No.  
27/2014  
reg. 10,  
substituted by  
S.R. No.  
143/2014  
reg. 9.

### Division 2—Review

#### 82A Definition for Division 2

In this Division—

*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 learner permit under section 24 of the Act; or
- (d) a decision by the Corporation to grant a driver licence or learner permit that is subject to an alcohol interlock condition under section 31KA of the Act; or
- (e) a decision by the Corporation not to remove an alcohol interlock condition under section 50AAAB of the Act.

Reg. 82A  
inserted by  
S.R. No.  
143/2014  
reg. 10.

**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
  - (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—

Reg. 84(3)(a)  
amended by  
S.R. No.  
143/2014  
reg. 11(1).

- (a) subject to subregulation (3A), affirm the relevant decision; or
- (b) vary the relevant decision; or
- (c) revoke the relevant decision.

Reg. 84(3A)  
inserted by  
S.R. No.  
143/2014  
reg. 11(2).

- (3A) The Corporation may affirm a decision under section 50AAAB of the Act not to remove an alcohol interlock condition on the basis of a partial analysis as to whether the affected person complied with the prescribed alcohol interlock usage data requirements if it is the opinion of the

person conducting the review that the partial analysis reveals that the affected person has failed to comply with those requirements.

**Example**

The Corporation, under section 50AAAB of the Act, decides to not remove an alcohol interlock condition imposed on a person's driver licence on the basis of multiple tampering events. The affected person seeks internal review of that decision.

The person reviewing the decision concludes that a tampering event occurred in the last operating month within the meaning of regulation 37B(3), and therefore the affected person must remain subject to the alcohol interlock condition.

The person reviewing the decision is not required to consider whether any earlier alleged tampering events are accurately recorded because the analysis of the most recent tampering event establishes that the affected person has not complied with the prescribed alcohol interlock usage data requirements.

- (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.

Reg. 84A  
inserted by  
S.R. No.  
143/2014  
reg. 12.

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

#### **84A Definition for Division 3**

In this Division—

*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 (other than a decision by the Corporation not to remove an alcohol interlock condition under section 50AAAB of the Act); or
- (c) a decision by the Corporation to vary, suspend or cancel a person's driver licence or learner permit under section 24 of the Act.

#### **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 police officer must be made within 28 days after the police officer 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.

Reg. 85(3)  
amended by  
S.R. No.  
145/2014  
reg. 21.

### **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
  - (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 Victoria Police the endorsed copy of the notice, not less than 14 days before the hearing date.

Reg. 86(2)(b)  
amended by  
S.R. No.  
145/2014  
reg. 22.

### **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 Victoria Police.

Reg. 87(2)  
amended by  
S.R. No.  
145/2014  
reg. 23.

### **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—
  - (a) lodged with a registrar of the Magistrates' Court; and
  - (b) served on the Corporation.

Pt 5  
(Heading and  
regs 89–106)  
amended by  
S.R. Nos  
28/2010  
reg. 8(3),  
51/2011  
regs 14, 15,  
127/2011  
reg. 3,  
revoked by  
S.R. No.  
150/2013  
reg. 80.

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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 or 73A; 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

Reg. 107  
def. of  
*eligible  
person*  
amended by  
S.R. Nos  
155/2012  
reg. 9(2),  
59/2013 reg. 4.



(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; and

(c) according to the Corporation's records, will be less than 26 years of age on the expiry date of the person's driver licence;

Reg. 107  
def. of  
*relevant  
offence*  
amended by  
S.R. No.  
155/2012  
reg. 9(3)(4).

*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); or
- (e) a relevant interstate offence.

## 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;
- (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.

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

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

(1) The fee payable by an eligible person for the renewal of the person's licence is the relevant fee payable under section 21A of the Act for that renewal reduced by 25%.

Reg. 109(1)  
substituted by  
S.R. No.  
51/2011  
reg. 17,  
amended by  
S.R. No.  
174/2013  
reg. 11.

(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.

### **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.

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

### **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.

Reg. 111(3)(a)  
amended by  
S.R. No.  
145/2014  
reg. 24.

- (3) Subregulation (1) does not prevent the Corporation from entering into an agreement—
- (a) with a public authority, including Victoria Police 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.

Reg. 111A  
inserted by  
S.R. No.  
143/2014  
reg. 13 (as  
amended by  
S.R. No.  
1/2015 reg. 3).

**111A Cost recovery fees—alcohol interlock scheme**

- (1) A person must pay the cost recovery fee specified in Schedule 5 if an approved alcohol interlock is installed in a motor vehicle because that person's driver licence or learner permit is subject to an alcohol interlock condition.
- (2) A cost recovery fee payable under subregulation (1)—
  - (a) may be paid by any means acceptable to the approved alcohol interlock supplier who maintains, or authorises a person or body to maintain, the alcohol interlock; and
  - (b) is payable in respect of each month or part of a month during which the approved alcohol interlock is installed in the motor vehicle; and
  - (c) is due at the beginning of the month for which the fee is payable.
- (3) A person is eligible for the concessional rate of the cost recovery fee, specified in Schedule 5, if that person—

- (a) is the holder of a pensioner concession card issued under section 1061ZF of the Social Security Act 1991 of the Commonwealth; or
  - (b) is the holder of a health care card within the meaning of the Social Security Act 1991 of the Commonwealth other than—
    - (i) in respect of a child in foster care; or
    - (ii) a child in respect of whom a carer allowance under section 953 of that Act is payable; or
  - (c) is the holder of a Gold Card, being a card issued to a person who is eligible—
    - (i) for treatment under Part V of the Veterans' Entitlements Act 1986 of the Commonwealth; and
    - (ii) to receive a pension under section 13(1) of that Act as—
      - (A) the widow or widower of a veteran within the meaning of that Act; or
      - (B) a totally and permanently incapacitated veteran to whom section 24 of that Act applies; or
  - (d) is the holder of a Gold Card, being a card issued to a person who is eligible for treatment under Part V of the Veterans' Entitlements Act 1986 of the Commonwealth, other than a dependant (not including the widow or widower) of a veteran.
- (4) In order to claim the concessional rate of the cost recovery fee a person must—

- (a) present a current health care card, pensioner concession card or Gold Card issued in the person's name to—
    - (i) the approved alcohol interlock supplier who installs or maintains, or authorises a person or body to install or maintain, the relevant alcohol interlock; or
    - (ii) a person or body authorised by the approved alcohol interlock supplier to install or maintain the relevant alcohol interlock; and
  - (b) not already be receiving the concessional rate in respect of another approved alcohol interlock.
- (5) A concessional rate is not available in relation to a non-standard repair or service of an approved alcohol interlock for which the person is liable because of, for example, misuse, vandalism or a motor vehicle accident.

**Note**

Cost recovery fees are collected on behalf of the Corporation by the approved alcohol interlock supplier who maintains, or authorises a person or body to maintain, the alcohol interlock—see section 50A(5) of the Act.

**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; Reg. 112(d)  
amended by  
S.R. No.  
44/2013  
reg. 3(a).
- (e) fees sent to the Corporation by approved providers of approved safe driving programs under section 84BU(1) of the Act. Reg. 112(e)  
inserted by  
S.R. No.  
44/2013  
reg. 3(b).

### 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).

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

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

(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).

Reg. 114  
amended by  
S.R. No.  
174/2013  
reg. 12.

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

The Corporation may reduce, waive or refund a fee specified under section 21A of the Act or 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.

Reg. 114A  
inserted by  
S.R. No.  
143/2014  
reg. 14.

#### **114A Persons eligible for concessional rates—commercial fees for alcohol interlocks**

For the purposes of section 50AAE(6)(a) of the Act, the persons eligible under regulation 111A for the concessional rate of the cost recovery fee is a class of persons to which approved alcohol interlock suppliers must provide concessions.

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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  
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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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Sch. 2  
amended by  
S.R. No.  
144/2014  
reg. 6.

**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—<br>(a) holds a probationary licence; or<br>(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—<br>(a) must not drive a motor cycle other than a learner approved motor cycle; and<br>(b) must not drive a motor cycle on which there is a pillion passenger; and<br>(c) must not drive a motor cycle unless the headlights of the motor cycle are on at all times—<br>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.  |
| N                     | That the driver must drive a motor cycle with an automatic transmission.   |
| 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.  |

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| <i>Column 1</i>       | <i>Column 2</i>  |
|-----------------------|--|
| <i>Condition code</i> | <i>Licence or permit condition</i>   |
| X                     | That the driver must comply with any condition of which he or she has been notified in writing by the Corporation.   |
| Z                     | That—<br>(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<br>(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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**SCHEDULE 3**

Regulation 72

Sch. 3  
substituted by  
S.R. No.  
138/2009  
reg. 4.

**DEMERIT POINTS**

| <i>Item</i>  | <i>Description of offence</i>  | <i>Reference</i>  | <i>Demerit points</i> |
|--|--|---|-----------------------|
| Sch. 3<br>item 1<br>amended by<br>S.R. No.<br>143/2014<br>reg. 15(1).  | 1 An offence under section 49(1)(b), (f) or (g) of the RSA, where section 50(1AB) or 50(1AC) of the RSA applies and the person's driver licence or learner permit has not been cancelled for the offence | RSA 49  | 10                    |
| Sch. 3<br>item 2<br>amended by<br>S.R. No.<br>143/2014<br>reg. 15(2).  | 2 A drink-driving infringement and the person's driver licence or learner permit has not been cancelled by force of section 89C of the RSA   | RSA 3, 49   | 10                    |
| Sch. 3<br>items 3, 4<br>revoked by<br>S.R. No.<br>135/2010<br>reg. 4.  | * * * * *  | * * * * *   | * * * * *             |
|  | 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,<br>RR 121, 122,<br>123, 124  | 4                     |
| Sch. 3 item 8<br>substituted by<br>S.R. No.<br>150/2013<br>reg. 81(1). | 8 Driving fatigue-regulated vehicle in contravention of maximum work requirement<br>—critical risk breach  | HVNL<br>250(1)(a),<br>251(1)(a),<br>254(1)(a),<br>256(1)(a),<br>258(1)(a),<br>260(1)(a) | 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 vehicle in contravention of minimum rest requirement<br>—critical risk breach | HVNL 250(1)(b),<br>251(1)(b),<br>254(1)(b),<br>256(1)(b),<br>258(1)(b),<br>260(1)(b)  | 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),<br>RR 56(1), 56(2),<br>57(1), 57(2),<br>57(3), 59(1), 60,<br>60A(1), 60A(2),<br>61(2), 61(5), 64,<br>65(2), 66(1),<br>66(4), 67(1),<br>68(1), 69(1), 70,<br>71(1), 93(1), 94,<br>95(1), 98(1), 100,<br>101(1), 101(2),<br>115(1), 152(1),<br>281, 282, 284,<br>286(2), 286(3),<br>304(1) | 3                     |
| 12              | Failing to give way, or stop or remain stopped  | RR 38, 62(1),<br>63(2), 63(3),<br>72(1), 73(1),<br>74(1), 75(1),<br>77(1), 78(1),<br>78(2), 79(1),<br>80(2), 80(3),<br>80(4), 81(2), 82,<br>83, 84, 87(1),<br>114(1), 114(2),<br>115(1)   | 3                     |
| 13              | Driving with unrestrained passengers under the age of 16 years  | RR 266(1)   | 3                     |

**Sch. 3 item 9  
substituted by  
S.R. No.  
150/2013  
reg. 81(2).**

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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>                            |   |
| 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),<br>268(4B)   | 3  |   |
| <b>Sch. 3 item 16 substituted by S.R. No. 150/2013 reg. 81(3).</b> | 16   | Driving in contravention of a condition of a major defect notice   | RS(V)R 240(1),<br>HVNL 529                       | 3 |
|  | 17   | Driving on wrong side of double lines, or on wrong side of divided road  | RR 132(2),<br>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 |
| <b>Sch. 3 item 19A inserted by S.R. No. 135/2013 reg. 4(1).</b>    | 19A  | Drive motor vehicle with TV or visual display unit that is visible to driver or likely to distract another driver        | RR 299(1)  | 4 |
| <b>Sch. 3 item 20 amended by S.R. No. 135/2013 reg. 4(2).</b>      | 20   | Using a mobile phone when prohibited from doing so   | RR 300(1),<br>RR 300(1A)                         | 4 |
|  | 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),<br>271(3), 271(4),<br>271(5), 271(5A) | 3 |

Road Safety (Drivers) Regulations 2009  
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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>  |
| 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  |
|                 |   |   | <b>Sch. 3 item 27 amended by S.R. No. 28/2010 reg. 7.</b>          |
| 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(1A)(a), 58(2)(a)                                  | 3  |
|                 |   |   | <b>Sch. 3 item 30 amended by S.R. No. 144/2014 reg. 7(1).</b>      |
| 31              | Drive a motor cycle on which there is a pillion passenger   | RS(D)R 58(1)(b), 58(1A)(b), 58(2)(b)                                  | 3  |
|                 |   |   | <b>Sch. 3 item 31 amended by S.R. No. 144/2014 reg. 7(2).</b>      |
| 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 vehicle while impaired by fatigue   | HVNL 228(1)   | 3  |
|                 |   |   | <b>Sch. 3 item 33 substituted by S.R. No. 150/2013 reg. 81(4).</b> |
| 34              | Driving fatigue-regulated vehicle in contravention of maximum work requirement<br>—severe risk breach           | HVNL 250(1)(a), 251(1)(a), 254(1)(a), 256(1)(a), 258(1)(a), 260(1)(a) | 3  |
|                 |   |   | <b>Sch. 3 item 34 substituted by S.R. No. 150/2013 reg. 81(5).</b> |



Road Safety (Drivers) Regulations 2009  
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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>  |   |
| <b>Sch. 3 item 35 substituted by S.R. No. 150/2013 reg. 81(6).</b> | 35              | Driving fatigue-regulated vehicle in contravention of minimum rest requirement<br>—severe risk breach | HVNL 250(1)(b), 251(1)(b), 254(1)(b), 256(1)(b), 258(1)(b), 260(1)(b)                      | 3 |
|  | 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 |
| <b>Sch. 3 item 40 substituted by S.R. No. 150/2013 reg. 81(7).</b> | 40              | Driving in contravention of a condition of a minor defect notice                                      | RS(V)R 240(1), HVNL 529  | 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 |

Road Safety (Drivers) Regulations 2009  
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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> |
| 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),<br>216(1) | 1                     |
| 45              | Exceeding the speed-limit by less than 10 km/h  | RR 20                | 1                     |

***HVNL*** means the Heavy Vehicle National Law (Victoria);

Sch. 3 def. of  
***HVNL***  
inserted by  
S.R. No.  
150/2013  
reg. 81(8).

***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.

Sch. 4  
amended by  
S.R. Nos  
138/2009  
reg. 5, 66/2011  
reg. 8,  
150/2013  
reg. 82,  
143/2014  
reg. 16.

#### **SCHEDULE 4**

Regulation 107

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

#### **Heavy Vehicle National Law (Victoria)**

Sections 89, 250(1), 251(1), 254(1), 256(1), 258(1), 260(1),  
293(1), 296(1), 297(2), 298(1), 301, 302, 326(1), 327, 329,  
335(1), 336(1), 468(1), 704.

#### **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), 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).

#### **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.

**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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Sch. 5  
amended by  
S.R. No.  
35/2010 reg. 4,  
substituted by  
S.R. No.  
51/2011  
reg. 20,  
amended by  
S.R. Nos  
23/2013 reg. 5,  
174/2013  
reg. 13,  
150/2013  
reg. 83,  
27/2014  
reg. 11,  
143/2014  
reg. 17.

**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<br/>Regulation</i> | <i>Column 2<br/>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                          |
| 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                           |

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

| <i>Item</i> | <i>Description of fee</i>   | <i>Column 1<br/>Regulation</i> | <i>Column 2<br/>Fee units</i> |
|-------------|---|--------------------------------|-------------------------------|
| 12          | Variation of a driver licence or learner permit, if the variation includes the insertion of an additional category of motor vehicle in the licence or permit or less restrictive licence or permit 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                          |
|             | *            *            *   | *                              | *                             |
|             | *            *            *   | *                              | *                             |
| 17          | Issue of a replacement learner log book   | 110                            | 1.4                           |
| 17A         | Cost recovery fee (full fee)  | 111A(1)                        | 3.0                           |
| 17B         | Cost recovery fee (concessional fee)  | 111A(1)                        | 1.5                           |
| 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  
Schedules

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**SCHEDULE 6**

Regulation 111

**SEARCH AND EXTRACT FEES**

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| <i>Item</i> | <i>Description</i>  | <i>Fee</i>    |
|-------------|---|---------------|
| 1           | Certificate under section 84(1) of the Act                        | \$8.90        |
| 2           | Extract of current information                                    | \$8.90        |
| 3           | Extract of historical information                                 | 1.3 fee units |
| 4           | Information by telephone on telephone enquiry from a municipality | \$8.90        |
| 5           | Search for any other purposes—                                    |               |
|             | (a) of current records  | \$8.90        |
|             | (b) of historical records   | 1.3 fee units |

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Sch. 6  
amended by  
S.R. No.  
35/2010 reg. 5,  
substituted by  
S.R. No.  
51/2011  
reg. 21,  
amended by  
S.R. Nos  
71/2012 reg. 4,  
58/2013 reg. 4,  
85/2014 reg. 4.

## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative 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

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## 2 Table of Amendments

This publication 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); reg. 6 on  
31.12.13: reg. 3(2)

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

Road Safety (Drivers) Amendment (Tractor) Regulations 2012, S.R. No. 26/2012

*Date of Making:* 17.4.12

*Date of Commencement:* 17.4.12

Road Safety (Drivers) and (Vehicles) Amendment (Fees) Regulations 2012,  
S.R. No. 71/2012

*Date of Making:* 28.6.12

*Date of Commencement:* Reg. 4 on 1.7.12: reg. 3

Road Safety (Drivers) Regulations 2009

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Road Safety (Drivers) Amendment (Demerit Points and Peer Passenger Exemption) Regulations 2012, S.R. No. 155/2012

*Date of Making:* 11.12.12

*Date of Commencement:* Regs 5, 7–9 on 11.12.12: reg. 4(1); reg. 6 on 1.1.13: reg. 2(2)

Road Safety (Drivers) Amendment (Fees) Interim Regulations 2013, S.R. No. 23/2013

*Date of Making:* 19.2.13

*Date of Commencement:* Reg. 5 on 19.2.13: reg. 3(1)

Road Safety (Drivers) Amendment (Application of Fees) Regulations 2013, S.R. No. 44/2013

*Date of Making:* 16.4.13

*Date of Commencement:* 16.4.13

Road Safety (Drivers) and (Vehicles) Amendment (Fees) Regulations 2013, S.R. No. 58/2013

*Date of Making:* 4.6.13

*Date of Commencement:* Reg. 4 on 1.7.13: reg. 3

Road Safety (Drivers) Amendment (Renewal Fees) Interim Regulations 2013, S.R. No. 59/2013

*Date of Making:* 4.6.13

*Date of Commencement:* Reg. 4 on 1.7.13: reg. 3(1)

Road Safety (Drivers) Amendment (Heavy Combination Vehicle Licences) Regulations 2013, S.R. No. 86/2013

*Date of Making:* 25.6.13

*Date of Commencement:* 1.7.13: reg. 3

Road Safety (Drivers) and (General) Amendment (Mobile Phones and Other Devices) Regulations 2013, S.R. No. 135/2013

*Date of Making:* 29.10.13

*Date of Commencement:* Reg. 4 on 25.11.13: reg. 3

Road Safety (Vehicles), (Drivers) and (General) Amendment (Heavy Vehicle National Law) Regulations 2013, S.R. No. 150/2013

*Date of Making:* 3.12.13

*Date of Commencement:* Regs 79–83 on 10.2.14: reg. 3

Road Safety (Vehicles), (Drivers) and (General) Amendment (Registration) Regulations 2013, S.R. No. 153/2013

*Date of Making:* 3.12.13

*Date of Commencement:* Reg. 15 on 1.1.14: reg. 3

Road Safety (Drivers) Amendment (Fees) Regulations 2013, S.R. No. 174/2013

*Date of Making:* 17.12.13

*Date of Commencement:* Regs 6–13 on 17.12.13: reg. 3

Road Safety (Drivers) Amendment (Probationary Driver Licences and Other Matters) Regulations 2013, S.R. No. 175/2013

*Date of Making:* 17.12.13

*Date of Commencement:* 17.12.13

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Road Safety (Drivers) Amendment (Variation of Driver Licence and Learner Permit) Regulations 2014, S.R. No. 27/2014

*Date of Making:* 6.5.14  
*Date of Commencement:* 6.5.14: reg. 3

Road Safety (Drivers) and (Vehicles) Amendment Regulations 2014, S.R. No. 46/2014

*Date of Making:* 27.5.14  
*Date of Commencement:* Regs 4, 5 on 1.7.14: reg. 3(2)

Road Safety (Drivers) and (Vehicles) Amendment (Fees) Regulations 2014, S.R. No. 85/2014

*Date of Making:* 24.6.14  
*Date of Commencement:* Reg. 4 on 1.7.14: reg. 3

Road Safety (Drivers) and (General) Amendment (Alcohol Interlocks) Regulations 2014, S.R. No. 143/2014 (as amended by S.R. No. 1/2015)

*Date of Making:* 23.9.14  
*Date of Commencement:* Regs 5–12, 15, 16 on 1.10.14: reg. 3(1); regs 13, 14, 17 on 30.1.15: reg. 3(2)

Road Safety (Drivers) and (General) Amendment (Motor Cycle Graduated Licensing System) Regulations 2014, S.R. No. 144/2014

*Date of Making:* 23.9.14  
*Date of Commencement:* Regs 4–7 on 1.10.14: reg. 3

Road Safety (General) and (Drivers) Amendment Regulations 2014, S.R. No. 145/2014

*Date of Making:* 23.9.14  
*Date of Commencement:* Regs 15–24 on 1.10.14: reg. 3

Road Safety (Drivers), (General) and (Vehicles) Amendment Regulations 2014, S.R. No. 199/2014

*Date of Making:* 29.10.14  
*Date of Commencement:* Regs 4–7 on 1.11.14: reg. 3(1)

Road Safety (Drivers) Amendment (Probationary Prohibited Vehicles) Regulations 2014, S.R. No. 200/2014

*Date of Making:* 29.10.14  
*Date of Commencement:* 29.10.14

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**3 Amendments Not in Operation**

Not updated for this publication.

#### 4 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 2014 is \$13.24. 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 2014 is \$147.61.

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.

Road Safety (Drivers) Regulations 2009

S.R. No. 95/2009

Endnotes

**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 144/2014 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

| <b>Statutory rule provision</b>   | <b>Title of applied, adopted or incorporated document</b>  | <b>Matter in applied, adopted or incorporated document</b> |
|---|--|--|
| Regulation 4(6) definition of <i>approved high visibility vest or jacket</i> in regulation 58 | Australia/New Zealand Standard AS/ANZ 4602.1: 2011 "High visibility safety garments Part 1: Garments for high risk applications", as amended from time to time   | The whole  |
|   | International Standard ISO20471:2013 "High visibility clothing—Test methods and requirements" published by the International Organisation for Standardisation on 1 June 2013, as amended from time to time                             | The whole  |
|   | American National Standard ANSI/ISEA 207-2011 "American National Standard for High Visibility Public Safety Vests" published by the International Safety Equipment Association on 17 October 2011, as amended from time to time        | The whole  |
|   | American National Standard ANSI/ISEA 107-2010 "American National Standard for High Visibility Safety Apparel and Headwear" published by the International Safety Equipment Association on 8 January 2010, as amended from time to time | The whole  |