

# Road Safety (Drivers) Regulations

## Exposure Draft

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Victoria

## Road Safety (Drivers) Regulations

### Exposure Draft

#### Part 1—Preliminary

##### 1 Objective

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

- (a) driver licences and learner permits; and
- (b) 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 *DATE TBD*.

##### 4 Revocation

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

## 5 Definitions

(1) In these Regulations—

***appropriate licence or permit***, for a category of motor vehicle, means a licence or 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;

***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;

***authorised representative*** means a person who has the authority to represent the Estate of a deceased person and can establish to the satisfaction of VicRoads the person's—

- (a) identity; and
- (b) authority to represent the Estate of the deceased person;

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

- (a) has a GVM of 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 that authorises the holder of the licence to drive a car on a highway;

**car learner permit** means a learner permit that authorises the holder of the permit to learn to drive a car on a highway;

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

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

**defence force member** means a person who is on—

- (a) full-time permanent service with the Australian Defence Force; or
  - (b) full-time duty with the Australian Defence Force Reserve;
-



***Demerits Register*** means the Demerits Register required to be kept by VicRoads under section 35(1) and (2) 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;

***eligible family member***, of a defence force member, means a person who—

- (a) resides with the defence force member; and
- (b) is entitled to be transferred with the defence force member at the expense of the Australian Defence Force;

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

***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 of 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 of more than 9 tonnes plus any unladen converter dolly;

**heavy rigid vehicle** means—

- (a) a motor vehicle that has a GVM of 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 Territory;

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

**learner approved motor cycle** means a motor cycle, or a class of motor cycle, that has been approved by VicRoads under regulation 57(7) to be a learner approved motor cycle;

**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 in a form approved by VicRoads;

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

- (a) has a GVM of 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 of not more than 8 tonnes;

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

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

**Note**

***Motor cycle*** and ***motor trike*** are defined in section 3 of the Act.

***motor cycle learner permit*** means a learner permit that authorises the holder of the permit to learn to drive a motor cycle on a highway;

***motor home*** means a motor vehicle that—

- (a) is not a bus; and
- (b) has a GVM of not more than 4.5 tonnes; and
- (c) is designed and constructed for the primary purpose of providing a temporary dwelling for persons using the vehicle for recreational travel;

***non-Victorian licence or permit*** means a licence or permit issued in another jurisdiction or country that authorises the holder to drive a motor vehicle in that jurisdiction or country;

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

***P1 probationary driver licence*** means a probationary driver licence granted in accordance with regulation 50;

**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 51;

**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;

***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;

**Note**

***Domestic partner*** and ***spouse*** are defined in section 3 of the Act.

***personal particulars***, in relation to a person means the following details—

- (a) the first name, second and third initials (if any) and family name of the person;
- (b) the person's date of birth;
- (c) the person's residential address;
- (d) the person's address for service of notices, if this is different from the person's residential address;
- (e) the person's mobile phone number;
- (f) the person's email address;

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

***practical driving test*** means a test of a person driving a vehicle, conducted by VicRoads or a person authorised by VicRoads, for the purpose of assessing a person's driving skills;

***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 55;

***registered occupational therapist*** means a person who is registered under the Health Practitioner Regulation National Law (Victoria) to practise in the occupational therapy profession (other than as a student);

***registered optometrist*** means a person who is registered under the Health Practitioner Regulation National Law (Victoria) to practise in optometry (other than as a student);

***supervising driver***, in relation to a motor vehicle being driven by a learner driver, means a person who at the relevant time holds a full licence that authorises the person to drive that vehicle and who is supervising the learner driver;

***the Act*** means the **Road Safety Act 1986**;

***VicRoads*** means the Roads Corporation within the meaning of section 3 of the **Transport Integration Act 2010**;

***Victoria Police*** means the body established by section 6 of the **Victoria Police Act 2013**.

- (2) In these Regulations, a reference to a person disqualified from driving in a particular jurisdiction or another country includes a person who is disqualified from obtaining a driver licence or learner permit in that jurisdiction or country.
- (3) Unless otherwise expressly stated, a reference in these Regulations to a driver includes a reference to a rider, and a reference in these Regulations to driving includes a reference to riding.

## **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 subregulation (1)(a) and (b) there is a corresponding category of learner permit with the same name.

#### **7 Authority given by licences and permits**

- (1) The holder of a motor cycle licence or motor cycle learner permit is authorised to drive a motor cycle.
  - (2) 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.
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Exposure Draft

Part 2—Driver licences and learner permits

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



- (7) 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.
- (8) The holder of a multi-combination vehicle licence is authorised to drive any motor vehicle or combination of vehicles other than a motor cycle.

### **8 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.

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

### **9 Authorisation for driver under instruction**

- (1) This regulation applies to a person who—
- (a) is driving a motor vehicle; and
  - (b) holds a driver licence authorising the person to drive another motor vehicle (other than a motor cycle licence); and
-

- (c) does not hold a driver licence authorising the person to drive that motor vehicle.
- (2) For the purpose of section 18(1)(c) of the Act, a person is authorised to drive the motor vehicle if—
  - (a) the person is driving the motor vehicle for the purpose of gaining experience in driving the motor vehicle; and
  - (b) 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.

**10 Authorisation for driver of motor vehicle  
(other than a motor cycle) 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 other than a motor cycle; and
    - (c) does not hold a driver licence or learner permit authorising the person to drive that motor vehicle.
  - (2) For the purpose of section 18(1)(c) of the Act, a person is authorised to drive the motor vehicle if—
-

- (a) the person is driving the motor vehicle for the purpose of their driving skills being assessed by VicRoads or a person authorised by VicRoads; 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.

**11 Authorisation for driver of motor cycle under assessment**

- (1) This regulation applies to a person who—
    - (a) is driving a motor cycle; and
    - (b) does not hold a driver licence or learner permit authorising the person to drive that motor cycle.
  - (2) For the purpose of section 18(1)(c) of the Act, a person is authorised to drive the motor cycle if—
    - (a) the person is driving the motor cycle for the purpose of having the person's driving skills assessed by VicRoads or a person authorised by VicRoads; and
    - (b) VicRoads or a person authorised by VicRoads is conducting an assessment of the person's driving skills for the purposes of these Regulations; and
    - (c) an L plate is displayed facing out from the rear of the motor cycle so that the letter "L" is clearly visible from a distance of 20 metres behind the motor cycle.
-

**12 Authorisation for holder of non-Victorian licence or permit**

- (1) For the purpose of section 18(1)(b) of the Act, a person is authorised to drive a category of motor vehicle if—
- (a) the person holds an appropriate non-Victorian licence or permit for that category of motor vehicle; and
  - (b) at the time the licence or permit was issued the person was ordinarily resident in the jurisdiction or country in which it was issued; and
  - (c) in the case of a licence issued in another country—the licence is written in English or accompanied by an accurate English translation and, in either case, complies with subregulation (3).
- (2) For the purpose of section 18(1)(b) of the Act, a person is authorised to drive a motor home on a highway if—
- (a) the person holds a driver licence for any category of motor vehicle (other than a driver licence that only authorises the person to ride a motor cycle or motor trike) issued in another country; and
  - (b) at the time the licence was issued the person was ordinarily resident in that country; and
  - (c) the licence is written in English or accompanied by an accurate English translation and, in either case, complies with subregulation (3).
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- (3) A licence or a translation referred to in subregulations (1)(c) and (2)(c) 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.

### **13 Exceptions to authorisation under regulation 12**

- (1) A person who holds an appropriate non-Victorian licence or permit referred to in regulation 12 is not authorised, or ceases to be authorised, under that regulation if—
- (a) the person has resided in Victoria for a period of 6 months or more; or
  - (b) the person is disqualified from driving a motor vehicle in Victoria or in another jurisdiction or another country; or
  - (c) the non-Victorian licence or permit is suspended; or
  - (d) the person is notified under subregulation (3) that the person is no longer authorised.
- (2) Subregulation (1)(a) does not apply to a defence force member or eligible family member.
- (3) If, in VicRoads's reasonable opinion—
- (a) a person who is authorised under regulation 12 is not fit to drive a motor vehicle on a highway; or
  - (b) that person's ability to drive safely is impaired due to permanent or long-term injury or illness—

VicRoads must give the person written notice that the person is no longer authorised to drive a motor vehicle on a highway.

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- (4) The notice must state the following—
- (a) the person is no longer authorised to drive a motor vehicle on a highway;
  - (b) the person must not drive a motor vehicle on a highway;
  - (c) the reasons the person is no longer authorised;
  - (d) any action that may be taken by the person to regain the authorisation and the date by which that action must be taken.
- (5) Any non-Victorian licence or permit held by a person ceases to authorise the person to drive any category of motor vehicle on a highway if the person is required by VicRoads under section 27(1A) of the Act to undergo a test or assessment and the person has refused or failed to undergo the test or assessment or has not passed the test or assessment.
- (6) For the purposes of subregulation (5), the person is disqualified from driving any category of motor vehicle on a highway until—
- (a) if the person refused or failed to undergo the test or assessment—that person undergoes and passes the test or assessment; or
  - (b) if the person did not pass the test or assessment—that person undergoes a further test or assessment and passes the test or assessment; or
  - (c) VicRoads decides to grant the person a driver licence or learner permit.
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- (7) Any driver licence held by a person issued in another country ceases to authorise the person to drive any category of motor vehicle on a highway if the person applies for a driver licence and fails a practical driving test for a driver licence under the Act.

**Note**

Under section 18A of the Act if a person is granted a driver licence or learner permit under the Act, any non-Victorian licence or permit held by that person ceases to authorise the person to drive a motor vehicle on a highway.

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

**Note**

VicRoads may exempt an applicant from a requirement under this Division. See regulation 99.

**14 Prescribed requirements for driver licence**

For the purposes of section 19(2) and 20(3) 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 equivalent to the category of motor vehicle to which the application relates.

## **15 Requirement for car driver licence**

- (1) For the purposes of regulation 14(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, being for at least the relevant period specified in subregulation (2); or
  - (b) the applicant holds or, within the past 5 years, has held a licence issued in another jurisdiction or country that authorises, or authorised, the person to drive a car in that jurisdiction or country.
- (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) 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.

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

- (1) For the purposes of regulation 14(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 15; and
    - (b) a minimum of 120 hours of driving experience on roads under the supervision of a supervising driver sitting beside the
-



learner driver, to be recorded in a learner log book as required under regulation 24.

**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 VicRoads.

**17 Requirement for motor cycle licence**

- (1) For the purposes of regulation 14(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 at least 3 months; or
  - (b) the applicant holds or, within the past 5 years, has held a licence issued in another jurisdiction or country that authorises, or authorised, the person to drive a motor cycle in that jurisdiction or country.
- (2) For the purposes of subregulation (1)(b), a licence is not to be taken to authorise the driving of a motor cycle if the licence is suspended.

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

For the purposes of regulation 14(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.

**19 Requirement for heavy rigid vehicle licence**

For the purposes of regulation 14(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.

**20 Requirement for heavy combination vehicle licence**

For the purposes of regulation 14(b)(i), the requirements for an applicant for a heavy combination vehicle licence is that the applicant has, at some time, held an Australian driver licence to drive a medium rigid vehicle or a heavy rigid vehicle for a period of at least 12 months.

**21 Requirement for multi-combination vehicle licence**

For the purposes of regulation 14(b)(i), the requirements for an applicant for a multi-combination vehicle licence is that the applicant has 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.

**22 Calculating periods for which a person has held a driver licence**

In calculating the periods for which a person has held an Australian driver licence referred to in regulations 18, 19, 20 and 21, VicRoads must exclude any period for which the person was not permitted to drive a motor vehicle.

**Example**

Any period during which the person's driver licence was suspended.

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

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

- (1) This regulation applies to an application for—
    - (a) the grant of a driver licence or learner permit; or
    - (b) the variation of a driver licence or learner permit.
  - (2) The prescribed procedures for the application are as follows—
    - (a) the applicant must apply to VicRoads, in a form approved by VicRoads, that includes or is accompanied by—
      - (i) the applicant's personal particulars; and
      - (ii) any evidence VicRoads reasonably requires to verify the personal particulars; and
      - (iii) a signature; and
      - (iv) the relevant fee for—
        - (A) the grant of a driver licence as specified in section 21A of the Act; or
        - (B) the grant of a learner permit as specified in Schedule 6; or
        - (C) the variation of a driver licence or learner permit as specified in Schedule 6; and
      - (v) the relevant fees specified in Schedule 6 for tests or assessments conducted by VicRoads, including fees relating to appointments for those tests or assessments; and
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- (vi) any other information VicRoads requires;
- (b) the applicant's photograph must be taken, or the applicant must provide a photograph in a form specified by VicRoads.

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

- (1) 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 23; and
  - (b) that the applicant must give VicRoads—
    - (i) the applicant's learner log book; and
    - (ii) a declaration of completion in accordance with subregulation (2).
- (2) For the purpose of subregulation (1)(b)(ii), a declaration of completion must—
  - (a) be in a form approved by VicRoads; and
  - (b) be signed by the applicant; and
  - (c) be signed by a supervising 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.

**25 Consideration of application and decision**

- (1) After considering an application for the grant or variation of a driver licence or learner permit, VicRoads must—
    - (a) grant a driver licence or learner permit of the category, or make the variation, applied for, subject to any conditions that VicRoads considers to be appropriate; or
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- (b) refuse, under regulation 64, to grant a driver licence or learner permit of the category, or to make the variation, applied for.

**Note**

The grant of a driver licence to a person to whom section 31KA or 31KB of the Act applies must be made subject to an alcohol interlock condition.

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

**26 Appointment to verify non-Victorian licence or permit**

- (1) This regulation applies to an applicant who holds an appropriate non-Victorian licence or permit and—
    - (a) who seeks to have a driver licence or learner permit granted in accordance with regulation 25; or
    - (b) who had a driver licence or learner permit granted in accordance with regulation 25 and has applied for variation of that licence or permit.
  - (2) The applicant must make an appointment with VicRoads for the purpose of verifying the details of the non-Victorian licence or permit.
  - (3) VicRoads may verify a non-Victorian licence or permit.
  - (4) The applicant must pay the relevant fee specified in Schedule 6 for an appointment under this regulation in relation to the grant or variation of a driver licence or learner permit, as applicable.
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**27 Applicants who have a licence or permit issued outside Victoria**

- (1) This regulation applies if—
  - (a) VicRoads 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 non-Victorian licence or permit.
- (2) Before granting or varying a driver licence or learner permit VicRoads may—
  - (a) require the applicant to surrender the non-Victorian licence or permit to VicRoads; or
  - (b) deface, or require the applicant to deface, the non-Victorian licence or permit.
- (3) In deciding whether to exercise its discretion under subregulation (2), VicRoads may take into consideration whether, during the term of the driver licence or learner permit granted or varied by VicRoads—
  - (a) the applicant will require the non-Victorian licence or permit for driving in the country of issue; or
  - (b) the non-Victorian licence or permit is part of another authority that will be required by the applicant.

**28 Grant of driver licence or learner permit after surrender or defacement**

If an appropriate non-Victorian licence or permit is surrendered or defaced under regulation 27(2), VicRoads—

- (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) where a licence or permit surrendered or defaced is an Australian driver licence or learner permit—must waive the fees payable under section 21A of the Act, regulation 23(2)(a)(iv) or 60(2) relating to the grant or variation of a driver licence or learner permit, as the case may be.

## **29 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 must be used on a driver licence or learner permit to indicate the driver licence or learner 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) VicRoads 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 VicRoads; or
  - (b) VicRoads must 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.

**30 Application for reduced period for which person is ineligible to be granted a driver licence or learner permit**

- (1) This regulation applies to a person who applies under section 25A of the Act to VicRoads for a reduction in the period for which the person is prevented under section 23A of the Act from obtaining a driver licence or learner permit.
- (2) An application under section 25A of the Act—
- (a) must be made to VicRoads, in a form approved by VicRoads; and
  - (b) must include—
    - (i) the applicant's personal particulars; and
    - (ii) any evidence VicRoads reasonably requires to verify the personal particulars; and
    - (iii) any other evidence VicRoads reasonably requires; and
    - (iv) details of the reduced period being sought by the person.
- (3) Without limiting subregulation (2)(b)(iii), VicRoads may require evidence to determine any of the following—
- (a) whether the person is currently disqualified under the law of another jurisdiction from driving or from obtaining a driver licence or learner permit, or a class of driver licence or learner permit, in that jurisdiction because of a corresponding interstate drink-driving
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- offence committed by the person in the other jurisdiction;
- (b) whether the person would have been eligible for a reduced period of disqualification if the person had resided or remained in the other jurisdiction and had participated or agreed to participate in an alcohol interlock program in that other jurisdiction;
  - (c) whether the person is not otherwise, in Victoria or another jurisdiction, disqualified from driving or from obtaining a driver licence or learner permit.

#### **Division 4—Alcohol interlocks**

##### **31 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 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
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- (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.

**32 Prescribed alcohol interlock usage data requirements**

- (1) For the purposes of sections 50AAAB, 50AAAC and 50AAF 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
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- (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 advises the approved alcohol interlock supplier of that start within 14 days; 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
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- (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 that is subject to an alcohol interlock condition imposed by VicRoads under section 31KA or 31KB of the Act and—
    - (i) the driver licence or learner permit is not subject to an alcohol interlock condition imposed because of an alcohol interlock condition direction given to VicRoads by the Magistrates' Court; and
    - (ii) 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
    - (iii) VicRoads, 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 after the failure.
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(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;
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***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.

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

- (1) For the purposes of section 50AAAD(3)(c) of the Act, an application to VicRoads 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.
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- (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.

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

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 VicRoads—

- (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.

**35 Persons authorised to prepare reports supporting application for alcohol interlock condition removal order**

- (1) This regulation applies to a person or body who, immediately before the day on which section 21 of the **Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017** came into operation, was approved by the Secretary to the Department of Health and Human Services under section 49A(3) of the Act, as then in force, for the purposes of section 50AAB(5) of the Act, as then in force.

- (2) If subregulation (1) applies to a person or body, the person or body is prescribed to be a person or body who is authorised to prepare the report described in section 50AAB(5) that is required to be obtained by a person before applying to the Magistrates' Court for an alcohol interlock condition removal order.

### **Division 5—Behaviour change program**

#### **36 Persons not required to complete first-stage behaviour change program**

- (1) For the purposes of section 58C(5) of the Act, a person is not required to complete a first-stage behaviour change program if—
- (a) the person was convicted or found guilty of an offence referred to in section 89(4) of the **Sentencing Act 1991** (stealing or attempting to steal a motor vehicle) in circumstances where the person's driver licence or learner permit was suspended as a result of that conviction or finding of guilt; and
  - (b) the offence was not committed while under the influence of alcohol or drugs or both.
- (2) For the purposes of section 58F(3) of the Act, the following persons are not required to complete a first-stage behaviour change program—
- (a) a person who would not otherwise be required to complete a first-stage behaviour change program, except for the person being convicted or found guilty of a corresponding interstate drink-driving offence (or any other offence in another State or a Territory that resulted in the imposition of an alcohol interlock condition in that other jurisdiction) that was committed before 30 April 2018;
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- (b) a person referred to in section 31KB(1)(a) of the Act;
  - (c) a person who is exempted from the requirement to complete a first-stage behaviour change program by VicRoads because VicRoads is satisfied that the person completed a rehabilitation, education or behaviour change program required to be completed in another jurisdiction with respect to the relevant offence.
- (3) A person, on application to VicRoads, may be exempted from the requirement to complete a first-stage behaviour change program if there are exceptional circumstances that would make it unreasonable to require the person to complete the program.
  - (4) On receipt of an application under subregulation (3), VicRoads may in writing exempt the applicant from the requirement to complete a first-stage behaviour change program if satisfied that the exceptional circumstances referred to in that subregulation apply to the applicant.
  - (5) If a person commits 2 or more offences arising from the same set of circumstances, VicRoads may only require the person to complete a first-stage behaviour change program in respect of one of those offences.
  - (6) For the purposes of subregulation (5), the same set of circumstances is constituted by one continuous period during which a person continues to drive or be in charge of a motor vehicle.
  - (7) If a person commits 2 or more offences that are heard together in court, VicRoads may only require the person to complete a first-stage behaviour change program in respect of one of those offences.
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**37 Persons required to complete second-stage  
behaviour change program**

- (1) For the purposes of section 58D(1) of the Act, a person is required to complete a second-stage behaviour change program before the person may apply for the removal of an alcohol interlock condition imposed on the person's driver licence or learner permit if—
- (a) the person commits—
    - (i) an offence referred to in section 58C(2) of the Act; or
    - (ii) a corresponding interstate drink-driving offence (or any other offence in another State or a Territory that resulted in the imposition of an alcohol interlock condition in that other jurisdiction) and section 31KB applies to the person; and
  - (b) the person was subject to an alcohol interlock condition under the Act with respect to that offence; and
  - (c) the offence referred to in paragraph (a) is—
    - (i) a second or subsequent offence; or
    - (ii) a first offence other than—
      - (A) a first offence against section 49(1)(b), (f) or (g) of the Act committed in circumstances where the concentration of alcohol present in the blood of the person was less than 0·15 grams per 100 millilitres of blood or in the breath of the person was less than 0·15 grams per 210 litres of exhaled air; or

- (B) a first corresponding interstate drink-driving offence that was declared, under section 25 of the Act, to correspond with section 49(1)(b) of the Act, committed in circumstances where the concentration of alcohol present in the blood of the person was less than 0.15 grams per 100 millilitres of blood or in the breath of the person was less than 0.15 grams per 210 litres of exhaled air; and
    - (d) the person was required to complete a first-stage behaviour change program with respect to the offence referred to in paragraph (a).
  - (2) In determining whether an offence is a second or subsequent offence for the purposes of this regulation—
    - (a) section 48(2), (5) and (6) of the Act apply; and
    - (b) an offence in respect of which a conviction was recorded or a finding of guilt was made 10 years or more before the commission of the offence referred to in subregulation (1)(a) is to be disregarded if not to do so would make the relevant offence a second or subsequent offence for the purpose of this regulation.
  - (3) If a person is concurrently subject to 2 or more alcohol interlock conditions, VicRoads may only require the person to complete one second-stage behaviour change program before the person may apply for the removal of those alcohol interlock conditions imposed on the person's driver licence or learner permit.
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- (4) Despite anything to the contrary in this regulation, a person, on application to VicRoads, may be exempted from the requirement to complete a second-stage behaviour change program if there are exceptional circumstances that would make it unreasonable to require the person to complete the program.
- (5) On receipt of an application under subregulation (4), VicRoads may in writing exempt the applicant from the requirement to complete a second-stage behaviour change program if satisfied that the exceptional circumstances referred to in that subregulation apply to the applicant.

**38 Prescribed information to be included in notification—behaviour change program**

For the purposes of section 58E(2)(b) of the Act, the following must be included in a notice requiring a person to complete a behaviour change program—

- (a) particulars of the relevant offence;
- (b) the consequences of failing to complete the behaviour change program that has been specified by VicRoads in the notice;
- (c) information to assist the person to contact approved providers who are approved to provide the specified behaviour change program.

**39 Certificate of completion—behaviour change program**

For the purposes of section 58R(3)(b) of the Act, if the person completes a behaviour change program, the approved provider of the program must provide, upon request by VicRoads, a copy of a certificate of completion to VicRoads.

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## **Division 6—Renewal of licence**

### **40 Renewal notice**

- (1) VicRoads 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 VicRoads 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.

### **41 Renewal of driver licence**

- (1) A person may apply to VicRoads to renew their driver licence, within 6 months after the expiry date of the licence.
- (2) A person may not renew their driver licence, but may apply for a new driver licence under Division 3, if the driver licence has been cancelled and the person is not disqualified from driving or from obtaining a driver licence under these Regulations, the Act or any other Act.

### **42 Expiry date of renewed driver licence**

The expiry date of a renewed driver licence must be calculated from the expiry date of the licence being renewed, if it is renewed within 6 months after the expiry date.

## **Division 7—Surrender of driver licence or learner permit**

### **43 Surrender and cancellation of driver licence or learner permit**

- (1) A person may apply to VicRoads to surrender their driver licence or learner permit.
- (2) A surrender under subregulation (1) may be made by—
  - (a) the driver licence or learner permit holder; or
  - (b) an authorised representative.
- (3) A person who surrenders their driver licence or learner permit must return the driver licence document or learner permit document to VicRoads.
- (4) If a person surrenders their driver licence or learner permit to VicRoads, VicRoads must cancel the driver licence or learner permit.

## **Division 8—Learner drivers**

### **44 Term of learner permit**

- (1) VicRoads may grant a car learner permit for a period of 10 years.
- (2) VicRoads may grant a motor cycle learner permit for a period of 15 months.

#### **Note**

The procedure for applying for a learner permit is set out in regulation 23.

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

#### **45 Surrender of learner permit**

A person who holds a learner permit must, if required by VicRoads, surrender the permit to VicRoads if the person is granted a driver licence.

#### **46 Renewal of learner permit**

- (1) A person may apply to VicRoads to renew their car learner permit, within 6 months after the expiry date of the licence.
- (2) A person may not renew their car learner permit, but may apply for a new car learner permit under Division 3, if the car learner permit has been cancelled and the person is not disqualified from driving or from obtaining a driver licence under these Regulations, the Act or any other Act.
- (3) A motor cycle learner permit may not be renewed.

#### **47 Restrictions affecting learner drivers**

- (1) A learner driver must not drive a motor vehicle (other than a tractor) that is towing another motor vehicle or 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 a supervising driver is sitting beside the learner driver.

Penalty: 20 penalty units.

- (3) A person who holds a car learner permit must not drive a tractor on a highway unless the tractor is being used solely in connection with agriculture, horticulture, dairying, pastoral or other similar pursuits, or commercial fishing.

Penalty: 10 penalty units.

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#### **48 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) A supervising driver must not sit beside a learner driver, as required under regulation 47(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) a person who is instructing a learner driver and who is driving the motor vehicle solely for the purposes of instructing the learner driver; or
  - (b) a driver of a motor cycle under assessment to whom regulation 11 applies.



## **Division 9—Probationary drivers**

### **49 Probationary driver licence**

- (1) 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 53 (the *P1 probationary period*); and
  - (b) the period for which the licence is granted as a P2 probationary licence, subject to extension under regulation 53 (the *P2 probationary period*).
- (2) At the expiry of the probationary period, VicRoads must grant a full driver licence to the holder of the probationary licence.

### **50 P1 probationary driver licence**

- (1) Subregulation (2) applies if VicRoads 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 non-Victorian licence or permit—has held that 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 non-Victorian licence, the later of—
      - (i) the date that licence was issued; or
      - (ii) the date of the applicant's 18th birthday; or
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- (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.
- (4) In calculating the periods for which a person has held a driver licence referred to in this regulation, VicRoads must exclude any period for which the person was not permitted to drive a motor vehicle.

#### **51 P2 probationary driver licence**

- (1) Subregulation (2) applies if VicRoads grants a driver licence to an applicant who—
    - (a) is at least 21 years of age; and
    - (b) has not previously held a driver licence; and
    - (c) if the applicant holds a non-Victorian licence or permit—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 non-Victorian licence issued, the later of—
      - (i) the date the licence 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 (5) applies if VicRoads grants a driver licence to an applicant who—
    - (a) is less than 21 years of age; and
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- (b) has not previously held a driver licence; and
  - (c) holds a non-Victorian licence and has held that licence for one year or more from the date of the applicant's 18th birthday.
- (4) Subregulation (5) applies if VicRoads grants a driver licence to an applicant who—
- (a) is at least 21 years of age; and
  - (b) has not previously held a driver licence; and
  - (c) holds a non-Victorian licence and has held that licence for one year or more from the date of the applicant's 18th birthday; and
  - (d) was less than 21 years of age when they first obtained a non-Victorian licence.
- (5) 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 non-Victorian licence was issued; or
  - (b) the date of the applicant's 18th birthday.
- (6) 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.
- (7) In calculating the periods for which a person has held a licence referred to in this regulation, VicRoads must exclude any period for which the person was not permitted to drive a motor vehicle.

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

- (1) Subject to subregulation (2), VicRoads 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, VicRoads may require the holder of a P1 probationary driver licence to pass any appropriate test or assessment or to comply with any other procedures or requirements.
- (3) If a person passes a test or assessment or complies with procedures or requirements required by VicRoads under subregulation (2), VicRoads must grant a P2 probationary driver licence to the person on the later of—
  - (a) the day the person passes the test or assessment 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 assessment or comply with procedures or requirements required by VicRoads under subregulation (2), VicRoads must not grant a P2 probationary driver licence until the person passes that test or assessment 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.

### 53 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 has their driver licence suspended.
- (2) For the purpose of section 21(1)(a), 21(2)(a) and 21(6)(a) of the Act and subject to subregulation (3), VicRoads 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.

#### Example

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.

- (3) If the person's driver licence is suspended under—
    - (a) section 24(1A), 40, 41, 41A, 51 or 84BN(2) of the Act; or
    - (b) regulation 77, 78 or 79; or
    - (c) section 89A of the **Sentencing Act 1991**—  
VicRoads 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.
  - (4) If the probationary period of a person's driver licence is extended under this regulation, the extended period operates concurrently with the period during which any other extension under this regulation has effect.
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#### **54 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 driving a police vehicle or to an emergency worker driving an emergency vehicle.

**Note**

*Emergency worker* is defined in the Road Rules.

#### **55 Probationary prohibited vehicles**

- (1) For the purpose of regulation 56, a *probationary prohibited vehicle* is a motor vehicle (other than a motor cycle) that—
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- (a) has a power to mass ratio which exceeds 130 kilowatts per tonne; or
  - (b) has an engine that has been modified to increase the vehicle's performance (a ***high powered modification***), other than a modification made by the manufacturer in the course of the manufacture of the vehicle; or
  - (c) is declared under subregulation (2) to be a probationary prohibited vehicle; or
  - (d) is a vehicle of a class of vehicles declared under subregulation (2) to be probationary prohibited vehicles.
- (2) For the purpose of this regulation, VicRoads, by notice published in the Government Gazette, may—
- (a) declare that a vehicle is a probationary prohibited vehicle; or
  - (b) declare that vehicles of a specified class are probationary prohibited vehicles; or
  - (c) declare that a modification to a vehicle or type of modification to a vehicle is a high powered modification; or
  - (d) declare that a vehicle is not a probationary prohibited vehicle.
- (3) 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
  - (b) by the Minister administering the Motor Vehicle Standards Act 1989 of the Commonwealth; or
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- (c) by VicRoads, in circumstances where—
- (i) the manufacturer has not specified a power to mass ratio or cannot be identified; and
  - (ii) the Minister administering the Motor Vehicle Standards Act 1989 of the Commonwealth has not specified a power to mass ratio.

**Note**

*Power to mass ratio* and *tare mass* are defined in the Act. Section 84 of the Act also contains evidentiary provisions relating to subregulation (3).

**56 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 the person's employment and at the request of the person's employer; or
    - (ii) in the course of the person's business or to or from the workplace of that business, providing that an Australian Business Number is in force in relation to the person's business; or
    - (iii) if a person who at the relevant time holds a full licence that authorises the person to drive that vehicle is sitting beside the driver and is supervising the driver; or
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- (b) the holder of a probationary driver licence who has been exempted from the requirement in subregulation (1) by VicRoads in accordance with regulation 99; or
- (c) a police officer who, in the course of duty, is driving a probationary prohibited 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) the person 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 the driver; and
  - (iv) there is a driver under instruction plate affixed to, and facing out from, the front and rear of the vehicle.

**57 Restrictions affecting certain motor cycle riders**

- (1) Subject to subregulation (3), a person who has held a motor cycle licence for a period of less than 3 years 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.

Penalty: 10 penalty units.

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- (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) VicRoads may specify that a person may hold a motor cycle licence for a shorter period than that required under subregulation (1) if satisfied that the person has motor cycle driving experience in another jurisdiction or another country.
- (4) Subregulations (1)(a), (1)(c), (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) Subregulations (1)(a) and (2)(a) do not apply to a person who is driving a motor trike because VicRoads has issued a certificate to the person under subregulation (6).
- (6) VicRoads may issue a certificate, subject to any conditions, that due to any illness, disability, medical condition or injury, or because of the effects of the treatment for any of those things, the person named in the certificate may ride a motor trike.
- (7) For the purpose of this regulation, VicRoads may approve a motor cycle, or class of motor cycle, to be a learner approved motor cycle—
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- (a) by notice published in the Government Gazette; or
  - (b) by issuing a certificate of registration, in accordance with the Road Safety (Vehicles) Regulations 2009<sup>1</sup>, indicating that the motor cycle is a learner approved motor cycle.
- (8) In calculating the period for which a person has held a motor cycle licence referred to in subregulation (1) or (2), any period for which the person was not permitted to drive a motor vehicle must be excluded.
- (9) 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—
- (a) AS/NZS 4602.1:2011;
  - (b) International Standard ISO 20471:2013 "High visibility clothing—Test methods and requirements";
  - (c) American National Standard ANSI/ISEA 107-2015 "High-Visibility safety apparel & accessories";
  - (d) European Standard BS EN471:2003 "High-visibility warning clothing for professional use. Test methods and requirements".

**Notes**

- 1 The Act provides that certain inexperienced motorcycle riders are not permitted to drive a motor cycle if any alcohol is present in the blood or breath of the person. See section 52.
  - 2 The Act provides that a person who holds a motor cycle licence for a period of less than 3 years must have the licence in the person's possession at all times while driving or in charge of a motor cycle. See section 19(7B).
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### **58 Towing of vehicles by certain drivers**

The holder of a P1 probationary car driver licence, or the holder of a motor cycle licence 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—

- (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) a person who at the relevant time holds a full licence that authorises the person to drive that vehicle is sitting beside the driver and is supervising the driver.

Penalty: 10 penalty units.

### **59 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 police vehicle in the course of the driver's duties; or
    - (b) who is driving an emergency vehicle on a highway in the course of the driver's employment or duties, or in accordance with
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- any terms of a contract or any engagement;  
or
- (c) who is driving a motor vehicle on a highway in which there is a supervising driver sitting beside the driver; or
  - (d) who has been exempted from the requirement in subregulation (1) by VicRoads in accordance with regulation 99.

### **Division 10—Driver licence document and learner permit document**

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

- (1) This regulation applies if VicRoads decides to grant, vary or renew a driver licence or learner permit.
  - (2) VicRoads must issue the person a driver licence document or learner permit document in the form required by regulation 61 as soon as practicable after—
    - (a) in the case of the grant or renewal of a driver licence—payment of 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—payment of the relevant fee specified in Schedule 6; or
    - (c) in the case of the variation, grant or renewal of a driver licence or learner permit where VicRoads has waived the relevant fee under regulation 28 or determined to waive the relevant fee under regulation 109—the waiving of the relevant fee or the making of that determination, as the case requires.
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- (3) If VicRoads decides to renew or vary a driver licence or learner permit, VicRoads may—
  - (a) require the person to surrender the previous driver licence or learner permit document to VicRoads; or
  - (b) deface, or require the person to deface, the previous driver licence or learner permit document.
- (4) Before the document is issued, VicRoads may issue a driver licence receipt or learner permit receipt to the person 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 3 months after the date of its issue;
  - (b) the day that the driver licence document or learner permit document is issued to the person.

#### **61 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 of the person;
  - (d) the person's residential address;
  - (e) the person's date of birth;

- (f) 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; or
  - (b) omit one or more of the person's initials.

## **62 Replacement or correction of driver licence or learner permit document**

- (1) The holder of a driver licence or learner permit may apply to VicRoads for the replacement of the licence or permit document—
- (a) if it is stolen, lost, damaged or destroyed; or
  - (b) if the holder's name has changed; or
  - (c) if the holder's appearance has changed significantly; or
  - (d) to correct an error or omission on it.
- (2) The applicant must give VicRoads the personal particulars or other information VicRoads considers necessary to identify the applicant, including evidence to verify those particulars.
- (3) VicRoads may require the applicant to comply with any of the requirements of regulations 23 and 24 as if the applicant were applying for a driver licence or learner permit.
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- (4) VicRoads may, on payment by the applicant of the relevant fee specified in Schedule 6 for the issue of a replacement driver licence or learner permit document and surrender of the original driver licence or learner permit document (where applicable), issue a replacement licence or permit document to the applicant if VicRoads 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.

### **Division 11—Miscellaneous**

#### **63 Incomplete application**

- (1) VicRoads may return an incomplete application for the grant or variation or renewal of a driver licence or learner permit to the applicant who made or gave it without processing it.
- (2) For the purpose of these Regulations, VicRoads returning an incomplete application under subregulation (1) does not constitute a refusal under regulation 64.

#### **64 Refusal of application**

VicRoads must refuse to grant, vary or renew a driver licence or learner permit if the applicant—

- (a) has failed to meet a requirement prescribed in Division 2 for the category of motor vehicle to which the application relates and has not been exempted under regulation 99 from that requirement; or



- (b) has refused or failed to undergo, or has not passed, any appropriate test or assessment the applicant is required to undergo by VicRoads under the Act; or

**Example**

VicRoads may require the applicant to undergo tests or assessments relating to eyesight, road law knowledge or driving ability.

- (c) has failed to comply with the procedures specified in regulation 23 or 24 (if applicable); or
- (d) does not have sufficient knowledge of road laws or driving ability, or is not suitable to hold the category of driver licence or learner permit applied for; or
- (e) 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.

**65 Information to be recorded by VicRoads**

- (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;
    - (c) personal particulars;
    - (d) a person's title;
    - (e) if a person holds a driver licence or learner permit issued under the Act or in another jurisdiction or country, any information contained in the driver licence or learner permit, including—
      - (i) the driver licence or learner permit number; and
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- (ii) the category or categories of the driver licence or learner permit; and
  - (iii) the commencement date of the driver licence or learner permit; and
  - (iv) the expiry date of the driver licence or learner permit; and
  - (v) any condition to which the driver licence or learner permit is subject; and
  - (vi) any period for which the driver licence is probationary.
- (2) Any person in respect of whom VicRoads has created a record that records information referred to under subregulation (1) is entitled, on payment of the relevant fee payable under regulation 105(1), to request a search of the records and to obtain a certificate as to any matter appearing in the records in relation to that person.

## **66 Change of personal particulars or medical condition**

- (1) A holder of a driver licence or learner permit must notify VicRoads of any change to the person's personal particulars within 14 days after the change.
- Penalty: 3 penalty units.
- (2) If a holder of a driver licence or learner permit, or a person who is authorised to drive under regulation 12, is affected by any permanent or long-term illness, disability, medical condition or injury or because of the effects of the treatment for any of those things, 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 or commencing the treatment for any of those things, notify VicRoads about it.
- Penalty: 3 penalty units.
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## 67 Tests and assessments

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

**Table**

<i>Column 1</i>	<i>Column 2</i>
<i>Class of test or assessment</i>	<i>Prescribed class of person</i>
Medical	Registered medical practitioners
Eyesight	Registered medical practitioners; Registered optometrists; Registered ophthalmologists; Registered occupational therapists who have successfully completed postgraduate training in driver assessment and rehabilitation; Officers of VicRoads; Other persons authorised in writing by VicRoads.
Evaluations of drivers' physical and cognitive abilities or skills to drive	Registered occupational therapists who have successfully completed postgraduate training in driver assessment and rehabilitation; Other persons authorised in writing by VicRoads.

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<i>Column 1</i>	<i>Column 2</i>
<i>Class of test or assessment</i>	<i>Prescribed class of person</i>
Road law knowledge and driving ability	Officers of VicRoads; Other persons authorised in writing by VicRoads.

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**Note**

Section 38EA of the **Interpretation of Legislation Act 1984** defines *registered medical practitioner*.

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

**68 Verification of records**

- (1) This regulation applies if VicRoads believes on reasonable grounds that a record containing information referred to under regulation 65 in relation to a driver licence or learner permit is inaccurate or misleading.
- (2) VicRoads, by written notice given to the person who holds the driver licence or learner permit, may require the person to—
- (a) give evidence to VicRoads, 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 VicRoads 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 driver 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), VicRoads must—
  - (a) consider the request; and
  - (b) give written notification to the person of its decision.
- (5) After complying with this regulation, VicRoads may alter a record if it considers that it is inaccurate or misleading.

**69 Exemption for consular or diplomatic staff**

- (1) VicRoads may exempt a member of consular or diplomatic staff from a requirement to undergo any tests or assessments required by VicRoads under the Act.
- (2) VicRoads may waive the payment by a member of consular or diplomatic staff of any of the following fees—
  - (a) the fee payable under section 21A of the Act for the grant or renewal of a driver licence or under regulation 60(2) for the variation of a driver licence;

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- (b) the fee payable under regulation 60(2) for the grant, variation or renewal of a learner permit;
- (c) the fee payable under regulation 62(4) for the issue of a replacement driver licence or learner permit document.

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

### **Division 1—Demerit points**

#### **70 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; or
- (b) in relation to a relevant interstate offence, the number of demerit points specified in column 3 of Schedule 4 in respect of the relevant offence most closely corresponding to the relevant interstate offence;

*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);

*relevant event* means an event which may be duly notified under regulation 71(1) or 72(1);

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*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 Schedule 4;

*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 or 4 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.

#### **71 VicRoads to record demerit points**

- (1) For the purposes of section 35(3) of the Act, VicRoads 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 that is in force has been made against the person under Schedule 3 to the **Children, Youth and Families Act 2005** in relation to a relevant offence; or
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- (f) a proceeding against the person for a relevant offence has been adjourned under section 59(2) of the **Criminal Procedure Act 2009** or section 356D(1) of the **Children, Youth and Families Act 2005**.
- (2) For the purposes of section 35(3) of the Act, VicRoads must also record in the Demerits Register the appropriate number of demerit points against a person if—
  - (a) it is duly notified that a notice of final demand has been served on the person under section 23 of the **Fines Reform Act 2014** in relation to a relevant offence; and
  - (b) it has not been notified that notice of an enforcement cancellation has been served on the enforcement agency under section 37(2) of that Act in relation to the infringement fine for the relevant offence.
- (3) Despite anything to the contrary in this regulation, VicRoads must not record demerit points against a person in the Demerits Register if more than 12 months have elapsed since VicRoads was duly notified of a relevant event.

**72 VicRoads to record demerit points for relevant interstate offences**

- (1) For the purposes of section 35(3) of the Act, VicRoads 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
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- 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 following that has not been reversed has been taken against the person in relation to a relevant interstate offence—
    - (i) the service of a notice of final demand on the person under section 23 of the **Fines Reform Act 2014**;
    - (ii) the making of an enforcement order under Schedule 3 to the **Children, Youth and Families Act 2005**; 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** or section 356D(1) of the **Children, Youth and Families Act 2005**.
- (2) VicRoads must not record demerit points against a person in the Demerits Register under subregulation (1) if more than 12 months have elapsed since VicRoads was duly notified of a relevant event.

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

- (1) For the purposes of section 35(3) of the Act, VicRoads must record demerit points in the Demerits Register in relation to the day on which the offence was committed.
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- (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** or section 356D(1) of the **Children, Youth and Families Act 2005**, the offence is taken to have been committed on the day alleged in the charge for the offence.

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

If a person holds a licence or permit to drive a motor vehicle issued in another jurisdiction, VicRoads may send to the driver licensing authority of that jurisdiction details of any offence described in column 1 of Schedule 3 in relation to which—

- (a) the person was convicted or found guilty; or
  - (b) the penalty specified in an infringement notice was paid; or
  - (c) the penalty specified in an infringement notice has not been paid, and—
    - (i) a notice of final demand has been served on the person under section 23 of the **Fines Reform Act 2014** in respect of the unpaid penalty; and
    - (ii) no notice of an enforcement cancellation in relation to the infringement fine has been served on the enforcement agency under section 37(2) of that Act; or
  - (d) the penalty specified in an infringement notice has not been paid and an enforcement order that is in force has been made against the person under Schedule 3 to the **Children, Youth and Families Act 2005** in respect of the unpaid penalty; or
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- (e) 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** or section 356D(1) of the **Children, Youth and Families Act 2005**.

#### **75 Notification of too many demerit points**

- (1) For the purposes of sections 36(2), 41A(5) and 46A(1) 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.
  - (2) For the purposes of section 40(2)(b) and (3)(b) of the Act, the prescribed particulars are—
    - (a) a reference to the notice served under section 36(1) 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
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- (e) the place to which the holder of the driver licence or learner permit must send or take the driver licence or learner permit.

#### **76 Cancellation of demerit points**

For the purposes of section 35(3)(c) of the Act, VicRoads must cancel from the Demerits Register—

- (a) the appropriate number of demerit points against a person for a relevant event, if duly notified that the circumstances under regulation 71 or 72 no longer apply to the relevant event; or
- (b) all demerit points which have not been the subject of a demerit point option notice referred to in section 36 of the Act or a driving suspension notice referred to in section 41A of the Act or a driving disqualification notice referred to in section 46A of the Act, after 4 years have elapsed since those demerit points were recorded on the Demerits Register.

### **Division 2—Variation, suspension and cancellation by VicRoads**

#### **77 Variation, suspension or cancellation of driver licence or learner permit on the grounds that the person is not suitable to drive**

- (1) VicRoads must vary, suspend or cancel the driver licence or learner permit of a person who is required by VicRoads under section 27 of the Act to undergo a test or assessment in relation to their knowledge of road law or driving ability if the person—

- (a) refuses or fails to undergo the test or assessment; or
  - (b) does not pass the test or assessment.
- (2) A person whose driver licence or learner permit is cancelled under subregulation (1) is disqualified from obtaining a driver licence or learner permit until the person passes the test or assessment required by VicRoads under section 27 of the Act.

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

- (1) VicRoads must vary, suspend or cancel a person's driver licence or learner permit if, based on the results of a test or assessment required by VicRoads under section 27 of the Act or a report from a registered medical practitioner, VicRoads believes it would be dangerous for the person to drive a motor vehicle, or a category of motor vehicle, because of any illness, disability, medical condition or injury, or because of the effects of the treatment for any of those things, that may impair the person's ability to drive safely.
- (2) A person who is the holder of a driver licence or learner permit that has been cancelled under subregulation (1) is disqualified from obtaining a driver licence or learner permit until VicRoads is satisfied on the basis of results from another test or assessment required by VicRoads under section 27 of the Act or another report from a registered medical practitioner, that the grounds for cancellation under subregulation (1) no longer exist.

- (3) VicRoads may suspend or vary a person's driver licence or learner permit until the person has undergone a test of fitness or competence or any other appropriate test or assessment if—
- (a) VicRoads 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) VicRoads is satisfied on reasonable grounds that the information is reliable.

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

- (1) VicRoads 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 VicRoads that the order is wholly or partially unsatisfied; or
  - (b) the person no longer meets the requirements under Part 2 for the particular category of driver licence or learner permit; or
  - (c) the driver licence or learner permit was granted, varied or renewed in error; or
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- (d) payment of a fee to VicRoads under section 21A of the Act or under these Regulations has been rejected; or

**Example**

A person pays a fee that is dishonoured or reversed.

- (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 VicRoads or the driver licensing authority in another jurisdiction for cancellation; or
  - (h) the person has failed to comply with a notice given under regulation 68.
- (2) Subject to subregulation (3) and Part 4, VicRoads 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.
  - (3) VicRoads must not suspend a person's driver licence or learner permit if—
    - (a) the person has been disqualified from driving or obtaining a driver licence or learner permit in another jurisdiction as a result of having been convicted or found guilty of a corresponding interstate
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- drink-driving offence in that jurisdiction;  
and
- (b) VicRoads, under section 25 of the Act—
- (i) has cancelled any driver licence or learner permit held by the person; and
  - (ii) has disqualified the person from obtaining a driver licence or learner permit for a period determined in accordance with that section.
- (4) VicRoads must cancel a person's driver licence or learner permit if the person is required in accordance with section 58F(2)(b) of the Act to complete a first-stage behaviour change program within a specified period and the person fails to complete the program in the specified period.
- (5) A person whose driver licence or learner permit is cancelled under subregulation (4) is disqualified from obtaining a driver licence or learner permit until VicRoads is satisfied that the person has completed the first-stage behaviour change program referred to in that subsection.
- (6) VicRoads must cancel a person's driver licence or learner permit, on receiving notice from another jurisdiction or country that a person's driver licence or learner permit in that jurisdiction or country has been cancelled because of a judgment, order or decision made under, or otherwise by operation of, the law of that jurisdiction or country.

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

- (1) Subject to subregulation (2), VicRoads must give written notice to the holder of a driver licence or learner permit in compliance with subregulation (4) if VicRoads, under regulation 77, 78 or 79(1)—
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- (a) decides to vary the licence or permit by imposing a new condition on it; or
  - (b) decides to suspend or cancel the licence or permit.
- (2) VicRoads is not required to give written notice to the holder of a driver licence or learner permit if—
- (a) VicRoads cancels the licence or permit under regulation 79(1)(g); or
  - (b) VicRoads suspends the licence or permit under regulation 79(2); or
  - (c) VicRoads cancels the licence or permit under regulation 79(6); or
  - (d) VicRoads suspends the licence under section 24(2) of the Act in the circumstances referred to in section 24(3) of the Act; or
  - (e) the licence or permit is suspended, cancelled or varied because the holder of the licence or permit refuses or fails to undergo a test or assessment under section 27(1) of the Act or does not pass the test or assessment.
- (3) If VicRoads varies a driver licence or learner permit on any of the grounds under regulation 78(1), VicRoads 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
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- (d) the action, if any, 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 5 to apply within 28 days after the date that the notice to have the decision reviewed was sent.
- (4) A notice under subregulation (1) or (3) must state the following—
- (a) the decision and the reasons for it;
  - (b) the date the decision takes effect;
  - (c) the action, if any, 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 VicRoads, the date by which it must be returned;
  - (f) that the person has a right under Part 5 to apply within 28 days after the date of the notice to have the decision reviewed.
- (5) The date specified in the notice as the date on which the decision takes effect must be at least 28 days after the date of the notice.
- (6) The driver licence or learner permit is varied, suspended or cancelled in accordance with the notice unless VicRoads, by further written notice, withdraws the notice.

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

If a person's driver licence or learner permit is suspended or cancelled by VicRoads 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 VicRoads 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.

## **Part 4—Special powers with respect to disqualification for drink-driving in another jurisdiction**

### **82 Definitions for Part 4**

In this Part—

*reduced disqualification or suspension* means a decision, subject to the imposition of any special conditions, made by VicRoads under regulation 84 in relation to an application made under regulation 83 to—

- (a) issue a driver licence or learner permit by reference to the reduced period (and any period of suspension or disqualification already served) rather than the usual period; or
- (b) suspend a driver licence or learner permit (or shorten an existing suspension) by reference to the reduced period (and any period of suspension or disqualification already served) rather than the usual period;

*reduced period* means the shorter or nil period of suspension or disqualification that may have applied to a person specified in regulation 83(1);

*relevant interstate drink-driving offence* means an offence against a law of another jurisdiction that—

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- (a) is the same or substantially similar to any of the following offences—
  - (i) a serious motor vehicle offence within the meaning of section 87P of the **Sentencing Act 1991** committed while the person was under the influence of alcohol, or both alcohol and a drug, which a court has found contributed to the offence;
  - (ii) an offence against section 49(1) of the Act other than—
    - (A) an offence under section 49(1)(a) (involving only a drug); or
    - (B) an offence under section 49(1)(ba), (bb), (h) or (i); or
- (b) results in the imposition of a requirement that the person, for a period of time, is only permitted to drive a motor vehicle in which an alcohol interlock has been installed;

*relevant jurisdiction*, in relation to a person making an application under this Part, means the other jurisdiction where the person, because of a relevant interstate drink-driving offence, was subject to a disqualification or suspension of a kind referred to in regulation 83(1)(a);

*special conditions* means conditions or requirements imposed by VicRoads under regulation 85;

*usual period* means the period of disqualification or suspension that would normally apply in accordance with regulation 79(2).

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**83 Application for a reduced disqualification or suspension**

- (1) This regulation applies to a person who—
- (a) currently is, under the law of another jurisdiction (including where the person is a resident of Victoria) in respect of a relevant interstate drink-driving offence—
    - (i) disqualified from driving in the relevant jurisdiction; or
    - (ii) disqualified from obtaining a driver licence or learner permit in the relevant jurisdiction; or
    - (iii) disqualified from obtaining a class of driver licence or learner permit in the relevant jurisdiction; or
    - (iv) subject to a driver licence or learner permit suspension in the relevant jurisdiction; and
  - (b) would have been eligible for a reduced period of disqualification or suspension if the person resided in or remained in the other jurisdiction and the person—
    - (i) had undertaken or agreed to undertake certain education or rehabilitation activities; or
    - (ii) had made certain undertakings; or
    - (iii) had agreed to be subject to certain driving restrictions or conditions; and
  - (c) is not subject to any other disqualification or suspension; and
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- (d) has, if a requirement has been imposed by or under the Act or these regulations to return or surrender a driver licence or learner permit to VicRoads, returned or surrendered that driver licence or learner permit to VicRoads.
  - (2) If subregulation (1) applies to a person, the person may apply for a reduced disqualification or suspension in accordance with this regulation.
  - (3) Despite subregulation (2), a person is not entitled to apply for a reduced disqualification or suspension in accordance with this regulation if—
    - (a) VicRoads, under section 25 of the Act—
      - (i) cancelled any driver licence or learner permit held by the person; and
      - (ii) disqualified the person from obtaining a driver licence or learner permit for a period determined in accordance with that section; or
    - (b) section 25A of the Act applies to the person.
  - (4) An application under this regulation—
    - (a) must be made to VicRoads, in a form approved by VicRoads; and
    - (b) must include—
      - (i) the applicant's personal particulars; and
      - (ii) any evidence VicRoads reasonably requires to verify the personal particulars; and
      - (iii) any other evidence VicRoads reasonably requires; and
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- (iv) details of the reduced disqualification or suspension that is being sought.
- (5) VicRoads may require evidence under subregulation (4)(b)(iii) to determine—
  - (a) whether the person would have been eligible for a reduced period; and
  - (b) in what circumstances the person would have been so eligible; and
  - (c) what period of disqualification or suspension has already been served (if any) in the relevant jurisdiction; and
  - (d) whether the person suffers from a medical condition that is relevant to the imposition of special conditions under regulation 85(2)(c); and
  - (e) the extent to which the person has already complied with any requirements of the law of the relevant jurisdiction.

**Example**

An example of compliance with the requirements of the law of the relevant jurisdiction may be that the person has already been driving in that jurisdiction with an alcohol interlock device fitted to that person's motor vehicle for a period of time while the disqualification was stayed or suspended.

**84 Consideration of application, notification and decision**

- (1) After considering an application for a reduced disqualification or suspension, VicRoads may grant a reduced disqualification or suspension and impose any special conditions under regulation 85 if VicRoads is satisfied that—

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- (a) the person would have been eligible for a reduced period if the person had resided in or remained in the relevant jurisdiction; and
  - (b) if appropriate, suitable special conditions can be imposed on the person that, in the opinion of VicRoads, are readily enforced and administered in Victoria.
- (2) If VicRoads is not satisfied of the matters specified in subregulation (1), VicRoads must refuse the application.
- (3) VicRoads must give written notice of its decision under subregulation (1) or (2) to a person who has made an application under regulation 83 stating—
- (a) if a reduced disqualification or suspension has been granted—
    - (i) details of the reduced disqualification or suspension granted and the date on which it will take effect; and
    - (ii) details of any special conditions and the period for which they are to apply; and
  - (b) if the application has been refused, the reasons for the decision; and
  - (c) that the person has a right under Part 5 to apply within 28 days after receiving the notice to have the decision reviewed.
- (4) For the purposes of section 23A of the Act, VicRoads may grant a driver licence or learner permit to a person despite the operation of that section, if regulation 83 applies to the person and VicRoads grants a reduced disqualification or suspension under that regulation.
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## **85 Special conditions**

- (1) VicRoads may impose suitable conditions or requirements on a person's driver licence or learner permit if the person is granted a reduced disqualification or suspension under regulation 84.
- (2) When determining suitable conditions or requirements, VicRoads may have regard to—
  - (a) any conditions or requirements that are normally imposed in the relevant jurisdiction and whether they could be readily enforced and administered in Victoria; and
  - (b) the conditions or requirements that VicRoads or Victorian courts would typically impose if the offences or events leading to the disqualification or suspension in the relevant jurisdiction had occurred in Victoria; and
  - (c) whether any medical exemptions would normally be available in Victoria for a particular condition type; and
  - (d) whether the person's illness, disability, medical condition or injury, or the effects of the treatment for any of those things, may impair the person's ability to drive safely such as to prevent the person from being able to comply with a condition of the type referred to in subregulation (2)(c); and
  - (e) the extent to which the person has already complied with any requirements of the law of the relevant jurisdiction; and
  - (f) the provision of safe, efficient and equitable road use.

- (3) Conditions or requirements imposed under this regulation may—
- (a) be of fixed duration; or
  - (b) apply for a minimum period if removal of the conditions or requirements is expressed to be contingent on certain conditions or requirements being met.

**Example**

Consistent with the Victorian Alcohol Interlock Program, VicRoads may impose a special condition that the applicant drive a vehicle fitted with an alcohol interlock for a certain minimum period, during which the person must comply with the prescribed alcohol interlock usage data requirements (see regulations 31 and 32) and provide evidence of that compliance. If the person fails to comply with those prescribed alcohol interlock usage data requirements, the person would continue to be subject to the special condition (even after the minimum compliance period ends) until compliance could be demonstrated by the applicant.

**86 Application for removal of condition imposed for minimum period**

- (1) If a special condition is imposed for a minimum period in accordance with regulation 85(3)(b), the person subject to that special condition may apply to VicRoads for its removal in accordance with this regulation after—
  - (a) the minimum period has elapsed; and
  - (b) the person has satisfied any condition or requirement on which the removal of the special condition is contingent.
- (2) An application under this regulation must be made to VicRoads, in a form approved by VicRoads.

- (3) The application must include—
- (a) the applicant's personal particulars; and
  - (b) any evidence VicRoads reasonably requires to verify the personal particulars; and
  - (c) any evidence VicRoads reasonably requires to determine that the person has satisfied any condition or requirement on which the removal of the special condition is contingent.

### **87 Consideration of application and decision**

- (1) After considering an application under regulation 86, VicRoads must, if it is satisfied that the requirements specified in regulation 86(1) are met, remove the special condition.
- (2) If the requirements of regulation 86(1) are not met, VicRoads must refuse the application.
- (3) VicRoads must give written notice of its decision under subregulation (1) or (2), to the applicant stating—
  - (a) if the application has been granted, the date from which the special condition will no longer apply; and
  - (b) if the application has been refused—
    - (i) the reasons for the decision; and
    - (ii) that the person has a right under Part 5 to apply within 28 days after receiving the notice to have the decision reviewed.

## **Part 5—Review and appeal rights**

### **Division 1—Definition**

#### **88 Definition for Part 5**

In this Part—

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

### **Division 2—Review**

#### **89 Definition for Division 2**

In this Division—

*relevant decision* means—

- (a) a decision by VicRoads to refuse a person's application for a driver licence or learner permit; or
- (b) a decision by VicRoads 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 VicRoads to vary, suspend or cancel a person's driver licence or learner permit under section 24 of the Act; or
- (d) a decision by VicRoads to cancel a person's driver licence or learner permit and disqualify a person from obtaining a driver licence or learner permit under section 25 of the Act; or

- (e) a decision by VicRoads to grant a driver licence or learner permit that is subject to an alcohol interlock condition under section 31KA or 31KB of the Act; or
- (f) a decision by VicRoads not to remove an alcohol interlock condition under section 50AAAB of the Act; or
- (g) a decision by VicRoads to refuse to grant a reduced disqualification or suspension under regulation 84; or
- (h) a decision by VicRoads to impose special conditions under regulation 85; or
- (i) a decision by VicRoads not to remove a special condition under regulation 87.

**90 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 VicRoads for the information.
- (2) VicRoads must, within 14 days after receiving the affected person's application, give the affected person—
  - (a) VicRoads's decision and the reasons for the decision; and
  - (b) the name or position of the person who made the decision.

**91 Internal review**

- (1) Subject to subsection (2), an affected person may within 28 days after the date of the notice about the relevant decision, apply to VicRoads for an internal review of the decision.
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- (2) An affected person may apply to VicRoads for an internal review of a relevant decision under paragraph (c) of the definition of ***relevant decision*** in regulation 89 within 28 days after the later of—
  - (a) the date of the notice about the relevant decision; or
  - (b) the date on which the relevant decision takes effect.
- (3) A relevant decision cannot be reviewed by the person who made the decision.
- (4) After considering an application for review, VicRoads must—
  - (a) subject to subregulation (5), affirm the relevant decision; or
  - (b) vary the relevant decision; or
  - (c) revoke the relevant decision.
- (5) VicRoads 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**

VicRoads, 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 32(3), and therefore the affected person must remain subject to the alcohol interlock condition.

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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.

- (6) VicRoads 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 VicRoads.
- (7) A relevant decision that is subject to an internal review is taken to be affirmed by VicRoads if VicRoads does not give written notice of its decision under subregulation (6) to the affected person within the time specified in that subregulation.
- (8) An application for an internal review of a relevant decision does not stay the operation of the decision.

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

#### **92 Definition for Division 3**

In this Division—

*relevant decision* means—

- (a) a decision by VicRoads to refuse a person's application for a driver licence or learner permit; or
- (b) a decision by VicRoads to refuse a person's application to vary the person's driver licence or learner permit (other than a decision by VicRoads not to remove an alcohol interlock condition under section 50AAAB of the Act); or

- (c) a decision by VicRoads to vary, suspend or cancel a person's driver licence or learner permit under section 24 of the Act.

### **93 Time for appeal**

- (1) An appeal to the Magistrates' Court under section 26 of the Act against a decision of VicRoads must be made within 28 days after—
  - (a) the date of the notice of the relevant decision, if the decision was not reviewed under Division 2; or
  - (b) the date of the notice of the relevant decision under Division 2, if the decision was reviewed under that Division.
- (2) If VicRoads fails to give an affected person notice of its decision as required by regulation 91(6), 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 the decision of 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 46H of the Act must be made within 28 days after the date on which the disqualification or suspension commences.

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

- (1) A person who appeals to the Magistrates' Court under section 26 or 46H 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
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- with the date on which the appeal is to be heard; and
- (b) serve on VicRoads the endorsed copy of the notice, at least 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 at least 14 days before the hearing date.

**95 Particulars of order to be given to VicRoads**

- (1) The Magistrates' Court must cause particulars of an order made on an appeal under section 26 or 46H of the Act to be given immediately to VicRoads.
- (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.

**96 Appeals about demerit points**

- (1) For the purposes of section 46H(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 VicRoads in accordance with regulation 94.
  - (2) For the purposes of section 46I(3)(b) of the Act, a notice in writing of the discontinuance of an appeal must, at least 4 days before the hearing day, be—
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- (a) lodged with a registrar of the Magistrates' Court; and
- (b) served on VicRoads.

**97 Application for stay of demerit point suspension or disqualification**

A person who applies to the Magistrates' Court under section 46I of the Act must—

- (a) give written notice of the application to a registrar of the Magistrates' Court, asking the registrar to endorse a copy of the application with the date on which the application is to be heard; and
- (b) serve on VicRoads the endorsed copy of the notice, at least 14 days before the hearing date.

**98 Particulars of order for a stay to be given to VicRoads**

The Magistrates' Court must cause particulars of an order made on an application under section 46I of the Act to be given immediately to VicRoads.

## **Part 6—Exemptions**

### **99 Exemption from requirement**

- (1) On application from a person in the approved form, VicRoads may exempt a person from—
  - (a) a requirement under Division 2 of Part 2;  
or
  - (b) the operation of regulation 56(1); or
  - (c) the operation of regulation 57(1)(a); or
  - (d) the operation of regulation 59(1).
- (2) The application must be accompanied by the relevant fee specified in Schedule 6.
- (3) VicRoads may grant an exemption under subregulation (1) if the nature of the applicant's essential activities, occupation, employment or family circumstances is such that compliance with the requirement would impose undue hardship on the applicant or the applicant's family.
- (4) In deciding whether or not to grant an exemption under subregulation (1), VicRoads must have regard to—
  - (a) the likely effect of the decision on safe, efficient and equitable road use in Victoria;  
and
  - (b) the applicant's driving experience and the circumstances in which it was obtained.

### **100 Conditions if exemption granted**

If VicRoads has exercised its power of exemption under regulation 99, it may impose conditions on the driver licence or learner permit of the applicant.

## Part 7—Fees

### 101 Definitions for Part 7

In this Part—

*assessment date*, in relation to a probationary driver licence, means the date VicRoads gives the licence holder notice granting the holder a full driver licence under regulation 49(2);

*eligible person* means a person who—

- (a) holds a probationary driver licence that has been subject to a P1 probationary period and a P2 probationary period; and
- (b) according to VicRoads's records as at the assessment date for the driver licence—
  - (i) has not had demerit points recorded against the person under regulation 71 or 72; 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 under—
    - (A) a payment plan within the meaning of the **Infringements Act 2006**;  
or
    - (B) a payment arrangement within the meaning of the **Fines Reform Act 2014**;  
and

- (iv) has not had a conviction imposed by a court under section 89(4) of the Act; and
- (v) has not been convicted under section 89A(2) of the Act; and
- (vi) is not the subject of—
  - (A) a notice of final demand that is served on the person under section 23 of the **Fines Reform Act 2014** and in relation to which no notice of an enforcement cancellation in relation to the infringement fine has been served on the enforcement agency under section 37(2) of that Act; or
  - (B) an enforcement order that is in force made against the person under Schedule 3 to the **Children, Youth and Families Act 2005**—

in respect of a relevant offence committed or alleged to have been committed after the first grant of a P1 probationary driver licence but before the assessment date, including any period during which the person did not hold a driver licence; and

- (c) according to VicRoads's records, will be less than 25 years of age at the expiry of the person's probationary period;

**Note**

For the probationary period see regulation 49(1).

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***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 5; or
- (d) an offence against the law of another jurisdiction that—
  - (i) corresponds to an offence referred to in paragraph (a), (b) or (c); or
  - (ii) is the same or substantially similar to an offence described in column 1 of Schedule 4.

## **102 Fees**

- (1) Subject to regulations 103 and 109, the fee payable under a regulation listed in column 1 of Schedule 6 is the amount set out opposite the regulation in column 2 of that Schedule.
- (2) VicRoads 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.

## **103 Free full driver licence for good probationary drivers**

- (1) The fee payable by an eligible person for the granting of a 3 year full driver licence is nil.
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- (2) The fee payable under subregulation (1) only applies the first time the eligible person is granted a full driver licence and does not apply to any future renewals of that person's driver licence.

#### **104 Replacement learner log book fee**

If a learner log book is lost, stolen or damaged, VicRoads may issue a replacement log book on payment of the relevant fee specified in Schedule 6.

#### **105 Search and extract fees**

- (1) The fee payable for a search of, or an extract from, VicRoads's records is, for each person included in the search or referred to in the extract, the relevant fee specified in Schedule 7.
- (2) Subregulation (1) does not apply to VicRoads's records relating to the registration of vehicles.
- (3) Subregulation (1) does not prevent VicRoads 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 7; 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 VicRoads thinks fit.

#### **106 Cost recovery fees—alcohol interlock scheme**

- (1) A person must pay the cost recovery fee specified in Schedule 6 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 6, 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.
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- (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 VicRoads 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.

**107 Application of certain fees**

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

- (a) fees payable under items 1 to 8 and 12 to 17 of Schedule 6;
- (b) fees payable under regulation 105 for searches and extracts;
- (c) fees sent to VicRoads by approved providers of behaviour change programs under section 58O(4) of the Act.

**108 Refund of fees if driver licence cancelled**

- (1) VicRoads may refund part of the fee for the grant or renewal of a driver licence if VicRoads cancels the driver licence.
- (2) The amount of the refund is to be calculated in accordance with the following formula—

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

where—

**R** is the amount of the refund (in dollars); and

**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) VicRoads may require a person to pay the relevant fee specified in Schedule 6 for processing the refund.
- (4) VicRoads may deduct the fee payable under subregulation (3) from any refund.
- (5) VicRoads 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).

**109 Reduction, waiver or refund of fees**

VicRoads may reduce, waive or refund a fee specified under section 21A of the Act or listed in Schedule 6 or 7, in whole or in part, if there are special circumstances that justify the reduction, waiver or refund of the fee.

**110 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 106 for the concessional rate of the cost recovery fee is a class of persons to which approved alcohol interlock suppliers must provide concessions.

## **Part 8—Transitional provisions**

### **111 Driver licences or learner permits granted under revoked regulations**

- (1) If at the time of commencement of these Regulations a driver licence or learner permit is in force, it 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.

### **112 Probationary prohibited vehicles**

- (1) If at the commencement of these Regulations a motor vehicle is not a probationary prohibited vehicle under regulation 56 of the Road Safety (Drivers) Regulations 2009, it continues not to be a probationary prohibited vehicle provided the vehicle is being driven by a person whose probationary licence was issued prior to the commencement of these Regulations.
- (2) Subregulation (1) continues to have effect, despite anything to the contrary in these Regulations.

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Schedule 1—Revocations

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## Schedule 1—Revocations

Regulation 4

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<i>S.R. No.</i>	<i>Title</i>
95/2009	Road Safety (Drivers) Regulations 2009
138/2009	Road Safety (Drivers) Amendment Regulations 2009
28/2010	Road Safety (Drivers) Amendment (Repeat Speeders Trial) Regulations 2010
35/2010	Road Safety (Drivers) and Road Safety (Vehicles) Amendment (Fees) Regulations 2010
135/2010	Road Safety (Drivers) Amendment (Drug-Driving) Regulations 2010
51/2011	Road Safety (Drivers) and (Vehicles) Amendment (Fees) Regulations 2011
66/2011	Road Safety (Traffic Management) and (Drivers) Amendment Regulations 2011
127/2011	Road Safety (Drivers) Amendment (Fatigue Management) Regulations 2011
26/2012	Road Safety (Drivers) Amendment (Tractor) Regulations 2012
71/2012	Road Safety (Drivers) and (Vehicles) Amendment (Fees) Regulations 2012
155/2012	Road Safety (Drivers) Amendment (Demerit Points and Peer Passenger Exemption) Regulations 2012
44/2013	Road Safety (Drivers) Amendment (Application of Fees) Regulations 2013
58/2013	Road Safety (Drivers) and (Vehicles) Amendment (Fees) Regulations 2013
86/2013	Road Safety (Drivers) Amendment (Heavy Combination Vehicle Licences) Regulations 2013
135/2013	Road Safety (Drivers) and (General) Amendment (Mobile Phones and Other Devices) Regulations 2013
150/2013	Road Safety (Vehicles), (Drivers) and (General) Amendment (Heavy Vehicle National Law) Regulations 2013

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Schedule 1—Revocations

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<i>S.R. No.</i>	<i>Title</i>
153/2013	Road Safety (Vehicles), (Drivers) and (General) Amendment (Registration) Regulations 2013
174/2013	Road Safety (Drivers) Amendment (Fees) Regulations 2013
175/2013	Road Safety (Drivers) Amendment (Probationary Driver Licences and Other Matters) Regulations 2013
27/2014	Road Safety (Drivers) Amendment (Variation of Driver Licence and Learner Permit) Regulations 2014
46/2014	Road Safety (Drivers) and (Vehicles) Amendment Regulations 2014
85/2014	Road Safety (Drivers) and (Vehicles) Amendment (Fees) Regulations 2014
143/2014	Road Safety (Drivers) and (General) Amendment (Alcohol Interlocks) Regulations 2014
144/2014	Road Safety (Drivers) and (General) Amendment (Motor Cycle Graduated Licensing System) Regulations 2014
145/2014	Road Safety (General) and (Drivers) Amendment Regulations 2014
199/2014	Road Safety (Drivers), (General) and (Vehicles) Amendment Regulations 2014
200/2014	Road Safety (Drivers) Amendment (Probationary Prohibited Vehicles) Regulations 2014
1/2015	Road Safety (Drivers) and (General) Amendment (Alcohol Interlocks) Amendment Regulations 2015
79/2015	Road Safety (Drivers) and (Vehicles) Amendment (Fees) Regulations 2015
84/2015	Road Safety (Drivers) Amendment (Driver Licence) Regulations 2015
135/2015	Road Safety (Drivers) Amendment (Probationary Driver Free Full Driver Licence Scheme) Regulations 2015
159/2015	Road Safety (Drivers) and (Vehicles) Amendment (Miscellaneous Fees) Regulations 2015
24/2016	Road Safety (Drivers) and (General) Amendment Regulations 2016
50/2016	Road Safety (Drivers) and (Vehicles) Amendment (Fees) Regulations 2016

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Schedule 1—Revocations

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<i>S.R. No.</i>	<i>Title</i>
92/2016	Road Safety (Drivers) Amendment (Interstate Disqualification and Other Matters) Regulations 2016
42/2017	Road Safety (Drivers), (General), (Traffic Management) and (Vehicles) Amendment (Road Rules) Regulations 2017
100/2017	Road Safety (Drivers) and (Vehicles) Amendment (Fees) Regulations 2017
139/2017	Road Safety (Drivers) Amendment Regulations 2017
140/2017	Road Safety (Drivers) and (General) Amendment (Fines Reform) Regulations 2017
47/2018	Road Safety (Drivers) and (General) Amendment (Behaviour Change Program and Other Matters) Regulations 2018
181/2018	Road Safety (Drivers) and (General) Amendment (Unlicensed Driving and Other Matters) Regulations 2018

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Road Safety (Drivers) Regulations  
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Schedule 2—Codes used to indicate driver licence or learner permit subject  
to conditions

**Schedule 2—Codes used to indicate  
driver licence or learner permit  
subject to conditions**

Regulation 29(2)

<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 test or assessment was passed in a motor vehicle with an automatic transmission.
B	That if the holder drives a heavy vehicle or bus, the vehicle must be fitted with a synchromesh transmission.
E	That the driver— (a) must not drive a motor cycle other than a learner approved motor cycle; and (b) must not drive a motor cycle on which there is a pillion passenger; and (c) must not drive a motor cycle unless the headlights of the motor cycle are on at all times— before the date appearing after the licence category code RIDER or 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 if the test or assessment was passed on a motor cycle with an automatic transmission.
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 VicRoads.
X	That the driver must comply with any condition of which the driver has been notified in writing by VicRoads.

Road Safety (Drivers) Regulations  
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Schedule 2—Codes used to indicate driver licence or learner permit subject  
to conditions

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<i>Column 1</i>	<i>Column 2</i>
<i>Condition code</i>	<i>Licence or permit condition</i>
Z	That— <ul style="list-style-type: none"><li>(a) the driver must not drive or be in charge of a motor vehicle if there is any concentration of alcohol present in the blood or breath of the driver; and</li><li>(b) the driver licence document of the driver must be in the driver's possession at all times while the driver is driving or in charge of a motor vehicle.</li></ul>

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Road Safety (Drivers) Regulations  
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Schedule 3—Demerit points

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**Schedule 3—Demerit points**

Regulation 70

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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>
1	Failing to stop or give way, or remain stopped, at a level crossing or unlawfully entering a level crossing	RSA 68B, RR 121, 122, 123, 124	4
2	Driving fatigue-regulated vehicle in contravention of maximum work requirement —critical risk breach	HVNL 250(1)(a), 251(1)(a), 254(1)(a), 256(1)(a), 258(1)(a), 260(1)(a)	4
3	Driving fatigue-regulated vehicle in contravention of minimum rest requirement —critical risk breach	HVNL 250(1)(b), 251(1)(b), 254(1)(b), 256(1)(b), 258(1)(b), 260(1)(b)	4
4	Drive motor vehicle with TV or visual display unit that is visible to driver or likely to distract another driver	RR 299(1)	4
5	Using a mobile phone when prohibited from doing so	RR 300(1), 300(1A)	4

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Schedule 3—Demerit points

<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>
6	Disobeying traffic lights, signs or traffic directions of police officer or authorised person	RSA 59(2), RR 56(1), 56(2), 57(1), 57(2), 57(3), 59(1), 60, 60A(1), 60A(2), 61(2), 61(5), 64, 65(2), 66(1), 66(4), 67(1), 68(1), 69(1), 70, 71(1), 93(1), 94, 95(1), 98(1), 100, 101(1), 101(2), 115(1), 152(1), 281, 282, 284, 286(2), 286(3), 304(1)	3
7	Failing to give way, or stop or remain stopped	RR 38, 62(1), 63(2), 63(3), 72(1), 73(1), 74(1), 75(1), 77(1), 78(1), 78(2), 79(1), 80(2), 80(3), 80(4), 81(2), 82, 83, 84, 87(1), 114(1), 114(2), 115(1)	3
8	Driving with unrestrained passengers under the age of 16 years	RR 266(1)	3
9	Driving with unrestrained passenger 16 years old and above	RR 265(4)	3
10	Drive with a passenger in or on part of vehicle not designed for passengers or goods	RR 268(4A), 268(4B)	3
11	Driving in contravention of a condition of a major defect notice	RS(V)R 240(1), HVNL 529	3

Road Safety (Drivers) Regulations  
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Schedule 3—Demerit points

<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>
12	Driving on wrong side of double lines, or on wrong side of divided road	RR 132(2), 132(2A), 135	3
13	Driving wrong way on a one-way service road	RR 136	3
14	Driving over double lines surrounding a painted island	RR 138	3
15	Using a towing vehicle on a highway without a properly affixed and displayed number plate	RS(V)R 49	3
16	Driving without a seatbelt	RR 264(1)	3
17	Rider or passenger of motor bike not wearing approved motor bike helmet or improperly carrying pillion/sidecar passenger	RR 270(1), 271(3), 271(4), 271(5), 271(5A)	3
18	Risk colliding with alighting, boarding or waiting tram passengers	RR 162(1), 163(1), 164(1), 164A(1)	3
19	Careless driving	RSA 65	3
20	Exceeding speed-limit by 10 km/h or more but less than 25 km/h (other than exceeding speed-limit by 20km/h or more but less than 25 km/h, in circumstances where the speed-limit applying to the driver is 100km/h)	RR 20	3
21	Learner driver driving a motor vehicle without a supervising driver sitting beside the driver	RS(D)R 47(2)	3
22	Failing to display "P" plates	RS(D)R 54(1)	3
23	Probationary driver driving a probationary prohibited vehicle	RS(D)R 56(1)	3
24	Driving a motor cycle other than a learner approved motor cycle	RS(D)R 57(1)(a), 57(2)(a)	3

Road Safety (Drivers) Regulations  
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Schedule 3—Demerit points

<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>
25	Driving a motor cycle on which there is a pillion passenger	RS(D)R 57(1)(b), 57(2)(b)	3
26	P1 probationary driver or corresponding novice driver driving a motor vehicle with more than one peer passenger	RS(D)R 59(1)	3
27	Driving fatigue-regulated vehicle while impaired by fatigue	HVNL 228(1)	3
28	Driving fatigue-regulated vehicle in contravention of maximum work requirement —severe risk breach	HVNL 250(1)(a), 251(1)(a), 254(1)(a), 256(1)(a), 258(1)(a), 260(1)(a)	3
29	Driving fatigue-regulated vehicle in contravention of minimum rest requirement —severe risk breach	HVNL 250(1)(b), 251(1)(b), 254(1)(b), 256(1)(b), 258(1)(b), 260(1)(b)	3
30	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
31	Turning or stopping without signalling	RR 46(1), 48(1), 53(1), 53(2)	2
32	Turning improperly	RR 27(1), 28(1), 28(1A), 29, 31(1), 32(1), 33(1), 37, 92(1)	2
33	Failing to keep left (other than double dividing lines)	RR 129(1), 130(2), 131, 132(1), 132(2), 132(2A)	2
34	Driving in contravention of a condition of a minor defect notice	RS(V)R 240(1), HVNL 529	1

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Schedule 3—Demerit points

<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>
35	Failing to display "L" plates	RS(D)R 48(1)	1
36	Drive a motor cycle without an approved high visibility vest or jacket that is visible and is securely fitted and fastened	RS(D)R 57(2)(d)	1
37	Failure to dip headlights	RR 218(1)	1
38	Long vehicle failing to keep minimum distance behind another long vehicle	RR 127(1)	1
39	Driving insufficient distance behind a vehicle	RR 126	1
40	Driving at night or in hazardous weather conditions without headlights, tail lights, number plate lights and rear lights on, and, if fitted, without clearance lights and side marker lights on	RR 215(1), 216(1)	1
41	Exceeding the speed-limit by less than 10 km/h	RR 20	1

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

***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 2017.



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Schedule 4—Demerit points for relevant interstate offences

**Schedule 4—Demerit points for relevant interstate offences**

Regulations 70 and 101

<i>Item</i>	<i>Column 1 Description of offence</i>	<i>Column 2 Reference</i>	<i>Column 3 Demerit points</i>
1	Exceeding speed-limit by 45 km/h or more	ARR 20	6
2	Exceeding speed-limit by 30 km/h or more but less than 45 km/h	ARR 20	4
3	Fatigue driving (critical risk breach)	HVNL 250(1)(a), 250(1)(b), 251(1)(a), 251(1)(b), 254(1)(a), 254(1)(b), 256(1)(a), 256(1)(b), 258(1)(a), 258(1)(b), 260(1)(a), 260(1)(b)	4
4	Fatigue driving exceed AFM outer limits (less than 7 days) 30 mins work/rest time (critical risk breach)	HVNL 258(1)(a), 258(1)(b)	4
5	Fatigue driving exceed AFM outer limits (7 days or more) >1 hour work time (critical risk breach)	HVNL 258(1)(a), 258(1)(b)	4
6	Excessive speed approaching a children's or pedestrian crossing	ARR 80(1), 81(1)	3

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Schedule 4—Demerit points for relevant interstate offences

<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>
7	Disobeying traffic signal	ARR 56(1), 56(2), 57(1), 57(2), 59(1), 60, 60A(1), 60A(2), 61(2), 66(1), 66(4), 152(1), 281, 282, 284, 286(2), 286(3)	3
8	Disobeying stop or give way traffic sign or line	ARR 67(1), 68(1), 69(1), 70, 71(1), 101(1), 101(2),	3
9	Disobeying traffic direction by a police or authorised officer	ARR 304(1)	3
10	Failing to give way	ARR 38, 62, 63(2), 63(3), 64, 72(1), 73(1), 74(1), 75(1), 76(1), 76(2), 77(1), 79(1), 83, 84(1), 85, 86(1), 87(1), 87(3), 114(1), 114(2), 148(1), 148(2), 148A, 149, 288(4), 289(2)	3
11	Failing to stop or give way at pedestrian, children's or level crossing	ARR 65(2), 80(2), 80(3), 80(4), 81(2), 82, 121, 122, 123	3
12	Driving with an unrestrained passenger under the age of 16 years	ARR 266(1)	3
13	Driving with an unrestrained passenger 16 years old and above	ARR 265(3)	3
14	Driving contrary to a major defect notice	HVNL 529	3

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Schedule 4—Demerit points for relevant interstate offences

<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>
15	Driving on wrong side of double dividing lines, or on wrong side of divided highway	ARR 132(2), 132(2A), 135(1)	3
16	Exceeding the speed-limit by 15 km/h or more but less than 30 km/h	ARR 20	3
17	Driving without a seatbelt	ARR 264(1)	3
18	Driving in a tram lane or in the path of a tram	ARR 76(1), 76(2), 155(1)	3
19	Driving in the path of a police or emergency vehicle	ARR 78(1), 78(2)	3
20	Motorcyclist not wearing a helmet	ARR 270(1)	3
21	Use mobile phone while driving	ARR 300	3
22	Risk colliding with alighting, boarding or waiting tram passengers	ARR 162(1), 163(1), 164(1)	3
23	Careless or negligent driving	An offence of another jurisdiction equivalent to section 65 of the <b>Road Safety Act 1986</b>	3
24	Fatigue driving (severe risk breach)	HVNL 250(1)(a), 250(1)(b), 251(1)(a), 251(1)(b), 254(1)(a), 254(1)(b), 256(1)(a), 256(1)(b), 258(1)(a), 258(1)(b), 260(1)(a), 260(1)(b)	3

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Schedule 4—Demerit points for relevant interstate offences

<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>
25	Fatigue driving (driving while impaired)	HVNL 228(1)	3
26	Fatigue driving exceed AFM outer limits (less than 7 days) >15 mins but ≤ 30 mins work/rest time (severe risk breach)	HVNL 258(1)(a), 258(1)(b)	3
27	Fatigue driving exceed AFM outer limits (7 days or more) >30 mins but ≤ 1 hour work time (severe risk breach)	HVNL 258(1)(a), 258(1)(b)	3
28	Improper overtaking or passing	ARR 93(1), 94, 140, 141(1), 142(1), 143(1), 143(2), 144, 160(2), 160(3), 161(2), 161(3)	2
29	Turning or stopping without signalling	ARR 46(1), 48(1), 53(1), 53(2), 53(3), 112(2), 112(3), 113(2), 113(3), 117(1), 117(2), 118(1)	2
30	Turning improperly	ARR 27(1), 28(1), 28(1A), 29, 31(1), 32(1), 33(1), 34(1), 37, 39(1), 39(2), 40, 41, 42, 88(1), 88(2), 89(1), 89(2), 90, 91(1), 91(2)	2
31	Failing to keep left (other than double dividing lines)	ARR 115(1), 129(1), 130(2), 131(1), 132(1), 132(2), 132(2A)	2
32	Driving contrary to a minor defect notice	HVNL 529	1

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Schedule 4—Demerit points for relevant interstate offences

<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>
33	Failure to dip headlights	ARR 218(1), 219	1
34	Following too closely	ARR 126, 127(1)	1
35	Driving at night without lights on	ARR 215(1), 216(1)	1
36	Exceeding the speed-limit by less than 15 km/h	ARR 20	1

The above table has been adopted from the table in clause 6 of the model amendments to the Supporting Principles set out in the National Transport Commission (Model Amendments to the National Driver Licensing Scheme (Supporting Principles)—Package No. 1) Regulations 2009 of the Commonwealth. The references in column 2 of the table are references to provisions of model legislation and road transport legislation of the Commonwealth as follows:

**ARR** means the Australian Road Rules approved by the Transport and Infrastructure Council under the National Transport Commission Act 2003 of the Commonwealth as amended from time to time;

**HVNL** means the Heavy Vehicle National Law (Victoria), as in force from time to time, set out in the Schedule to the Heavy Vehicle National Law Act 2012 of Queensland.

## **Schedule 5—Offences which disqualify drivers from free 3 year full driver licence**

Regulation 101

### **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) and 468(1).

### **Road Safety Act 1986**

Sections 7(1) and (2), 13(5), 18(1), 18AA(1), 19(5), (7), (7AA) and (8), 21(1A), 30(1), 30AA, 32(1), 49(1), 49B(1), 50AAD(1), 50AAK(1), 56(2) and (7), 59(1) and (8), 60(1), 61(3), (4) and (5), 61A(3), (4) and (5), 62(3), 64(1) and (2), 65A(1), 65B, 68(1) and (2), 70(1A) and 74(1) and (2).

### **Road Safety Road Rules 2009 or Road Safety Road Rules 2017**

Rules 20, 62, 63(2), 80(1), 111(1), 116, 140, 149, 265(1), 268(1), (2), (3) and (4), 271(1), 294(1) and (2), 297(1), (1A), (2) and (3) and 298(1).

### **Road Safety (Drivers) Regulations 2009**

Regulations 15(3), 55(1) and 57.

### **Road Safety (Drivers) Regulations 2019**

Regulations 9(3), 56(1) and 58.

### **Road Safety (Vehicles) Regulations 2009**

Regulations 259(2).

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

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

### **Environment Protection Act 1970**

Section 48B(1).

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Schedule 5—Offences which disqualify drivers from free 3 year full driver  
licence

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**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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Schedule 6—General fees

## Schedule 6—General fees

Regulations 23(2), 26(4), 60(2), 62(4), 99(2), 102(1), 104, 106(1), 106(3),  
107, 108(3), 109

<i>Item</i>	<i>Description of fee</i>	<i>Column 1 Regulation</i>	<i>Column 2 Fee</i>
1	Fee to make an appointment in relation to testing or assessment for a learner permit or driver licence	23(2)	1·28 fee units
2	Written or computer-based test conducted by VicRoads for a learner permit	23(2)	1·66 fee units
3	Written or computer-based test conducted by VicRoads for a driver licence or driver licence variation for—	23(2)	
	(a) a heavy vehicle;		1·37 fee units
	(b) other motor vehicles		1·27 fee units
4	Practical test conducted by VicRoads for a driver licence or driver licence variation for any motor vehicle other than a heavy vehicle	23(2)	3·08 fee units
5	Practical test conducted by VicRoads for a driver licence or driver licence variation for any heavy vehicle	23(2)	3·36 fee units
6	Fee to transfer an appointment in relation to testing or assessment for a learner permit or driver licence	23(2), 26(4)	1·28 fee units
7	Fee to make an appointment for the verification of a non-Victorian licence or permit for the purpose of an application for the grant or variation of a Victorian driver licence or learner permit	26(3)	1·28 fee units



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Schedule 6—General fees

<i>Item</i>	<i>Description of fee</i>	<i>Column 1 Regulation</i>	<i>Column 2 Fee</i>
8	Grant of a motor cycle learner permit	23(2), 60(2)	1·7 fee units
9	Grant or renewal of a car learner permit	23(2), 60(2)	1·7 fee units
10	Variation of a driver licence or learner permit	23(2), 60(2)	2·13 fee units
11	Issue of a replacement licence document	62(4)	1·66 fee units
12	Issue of a replacement learner permit document	62(4)	1·66 fee units
13	Fee to make an application for exemption under regulation 99(2)	99(2)	4·16 fee units
14	Issue of a replacement learner log book	104	1·4 fee units
15	Cost recovery fee (full fee)	106(1)	2·5 fee units
16	Cost recovery fee (concessional fee)	106(1)	1·25 fee units
17	Processing a refund relating to cancellation of a driver licence	108(3)	1·28 fee units

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Schedule 7—Search and extract fees

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**Schedule 7—Search and extract fees**

Regulation 105

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<i>Item</i>	<i>Description</i>	<i>Fee</i>
1	Certificate under section 84(1) of the Act	\$9.50
2	Search or extract of current information	\$9.50
3	Search or extract of historical information	1.3 fee units

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## Endnotes

<sup>1</sup> Reg. 57(7)(b): S.R. No. 118/2009. Reprint No. 2 as at 30 January 2015. Reprinted to S.R. No. 201/2014. Subsequently amended by S.R. Nos 79/2015, 118/2015, 159/2015, 50/2016, 93/2016, 42/2017, 100/2017, 117/2017 and 89/2018.

### 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 2018 is \$14.45. 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 2018 is \$161.19.

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.

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Endnotes

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

The following table of applied, adopted or incorporated matter is included 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>
Definition of <i>approved high visibility vest or jacket</i> in regulation 57(9)	Australia/New Zealand Standard AS/NZS 4602.1:2011 "High visibility safety garments—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 107-2015 "High-Visibility safety apparel & Accessories" published by the International Safety Equipment Association on 17 October 2011, as amended from time to time	The whole
	European Standard BS EN 471:2003 "High-visibility warning clothing for professional use. Test methods and requirements" published by the British Standards Institution on 21 April 2004, as amended from time to time	The whole