

Road Traffic (Authorisation to Drive) Amendment Regulations 2022

SL 2022/147

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic (Authorisation to Drive) Amendment Regulations 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Road Traffic (Authorisation to Drive) Regulations 2014*.

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

Department's website means a website maintained by or on behalf of the Department;

external Territory has the meaning given in the *Acts Interpretation Act 1901* (Commonwealth) section 2B;

5. Regulation 6 amended

In regulation 6(3) delete “a website maintained by the Department.” and insert:

the Department's website.

6. Regulation 59 amended

- (1) In regulation 59(1) after “recognise” insert:

under this subregulation

- (2) In regulation 59(2) delete “authorisation,” and insert:

authorisation under subregulation (1),

- (3) After regulation 59(2) insert:

(3) Despite subregulation (1), another jurisdiction’s driving authorisation must not be recognised under that subregulation in any period during which it is recognised under regulation 60A(2) or 60B(2).

(4) Subregulation (3) does not prevent another jurisdiction’s driving authorisation from being recognised under subregulation (1) after the end of any period during which it is recognised under regulation 60A(2) or 60B(2).

Note: The heading to amended regulation 59 is to read:

Recognition of other Australian jurisdictions’ driving authorisations: general

7. Regulation 60 amended

- (1) In regulation 60(1) after “recognise” insert:

under this subregulation

- (2) In regulation 60(2) in the definition of *foreign law* delete “Territory, as defined in the *Acts Interpretation Act 1901* (Commonwealth) section 2B,” and insert:

Territory

- (3) In regulation 60(3) delete “referred to in subregulation (2)”.

- (4) In regulation 60(4) delete “authorisation,” and insert:

authorisation under subregulation (1),

- (5) After regulation 60(4) insert:

(5) Despite subregulation (1), a foreign driving authorisation must not be recognised under that

subregulation in any period during which it is recognised under regulation 60A(3) or 60B(3).

- (6) Subregulation (5) does not prevent a foreign driving authorisation from being recognised under subregulation (1) after the end of any period during which it is recognised under regulation 60A(3) or 60B(3).

Note: The heading to amended regulation 60 is to read:

Recognition of foreign driving authorisations: general

8. Regulations 60A to 60C inserted

After regulation 60 insert:

60A. Temporary extended recognition of other Australian jurisdictions' and foreign heavy vehicle driving authorisations

- (1) In this regulation —
- heavy vehicle extended recognition period* means the period —
- (a) beginning on the day on which the *Road Traffic (Authorisation to Drive) Amendment Regulations 2022* regulation 8 comes into operation; and
 - (b) ending on —
 - (i) 28 February 2023; or
 - (ii) a later day, which must not be later than 31 August 2024, approved by the CEO by notice published on the Department's website.
- (2) During the heavy vehicle extended recognition period, the CEO must recognise under this subregulation another jurisdiction's driving authorisation that authorises the driving of vehicles that have a GVM of more than 4.5 t.
- (3) During the heavy vehicle extended recognition period, the CEO —
- (a) must recognise under this paragraph foreign driving authorisations of New Zealand that authorise the driving of vehicles that have a GVM of more than 4.5 t; and
 - (b) may, by notice published on the Department's website, recognise under this paragraph foreign driving authorisations of 1 or more other countries or external Territories specified in the notice, being authorisations that authorise the

driving of vehicles that have a GVM of more than 4.5 t.

- (4) The recognition of foreign driving authorisations of a country or external Territory under subregulation (3)(b) may be limited to foreign driving authorisations granted on or after a date specified in the notice.

60B. Extended recognition of other Australian jurisdictions' and foreign driving authorisations following declared emergency

- (1) The CEO may exercise the CEO's powers under either or both of subregulations (2) and (3) if —
 - (a) either of the following declarations (an *emergency declaration*) has been made in relation to an emergency (whether or not the declaration is still in force) —
 - (i) an emergency situation declaration under the *Emergency Management Act 2005* section 50;
 - (ii) a state of emergency declaration under the *Emergency Management Act 2005* section 56;

and

 - (b) the CEO considers that it is necessary to exercise those powers —
 - (i) for the purpose of ameliorating a shortage of drivers, or drivers who are authorised to drive vehicles of a particular class, that has arisen in connection with the emergency or the response to the emergency; or
 - (ii) as a result of impediments to the administrative processes involved in the grant of drivers' licences that have arisen in connection with the emergency or the response to the emergency.
- (2) The CEO may, by notice published on the Department's website, recognise under this subregulation —
 - (a) all licences or other authorisations granted to persons under laws of other jurisdictions authorising those persons to drive motor vehicles on roads (whether or not solely for the purposes of learning to drive them) (*other jurisdictions' driving authorisations*); or
 - (b) other jurisdictions' driving authorisations that authorise the driving of vehicles of a class specified in the notice.

- (3) The CEO may, by notice published on the Department's website, recognise under this subregulation —
 - (a) all foreign driving authorisations of 1 or more countries or external Territories specified in the notice; or
 - (b) foreign driving authorisations of 1 or more countries or external Territories specified in the notice that authorise the driving of vehicles of a class specified in the notice.
- (4) The recognition of foreign driving authorisations of a country or external Territory under subregulation (3)(a) or (b) may be limited to foreign driving authorisations granted on or after a date specified in the notice.
- (5) A notice under subregulation (2) or (3) (a *notice of recognition*) must specify —
 - (a) the emergency declaration to which it relates; and
 - (b) the period for which it has effect, which must not be longer than 18 months.
- (6) The CEO may, by notice published on the Department's website —
 - (a) if the period specified under subregulation (5)(b) in a notice of recognition is less than 18 months — extend the period, but not so that the period becomes longer than 18 months; or
 - (b) revoke a notice of recognition.
- (7) A driving authorisation that is recognised under subregulation (2) or (3) is recognised under that subregulation for the period specified under subregulation (5)(b) in the notice of recognition, subject to any extension of the period or earlier revocation of the notice under subregulation (6).

60C. Provisions about extended recognition under r. 60A and 60B

- (1) The CEO must not recognise foreign driving authorisations granted under a law of a country or external Territory under regulation 60A(3)(b) or 60B(3) unless the CEO is satisfied that —
 - (a) the standards for training and assessing drivers that apply for the purposes of the grant of foreign driving authorisations in that country or external Territory are sufficiently similar to those that apply for the purposes of the grant of drivers' licences; and

- (b) the driving conditions in the country or external Territory are sufficiently similar to those in this State.
- (2) If the CEO recognises a driving authorisation under regulation 60A or 60B, the CEO must also recognise any condition to which the authorisation is subject that is capable of applying in this State.

9. Regulation 61 amended

- (1) In regulation 61(1) delete “regulation 59 or 60” and insert:

regulation 59, 60, 60A or 60B

- (2) In regulation 61(2) delete “the recognised driving authorisation” and insert:

a driving authorisation recognised under regulation 59, 60, 60A or 60B

- (3) In regulation 61(5) after “authorisation” insert:

under regulation 59, 60A(2) or 60B(2)

- (4) In regulation 61(6) after “regulation 60” insert:

or 60B(3)

Note: The heading to amended regulation 61 is to read:

Effect of recognition under r. 59, 60, 60A or 60B

10. Regulation 62 amended

In regulation 62(1) delete “regulation 59 or 60,” and insert:

regulation 59, 60, 60A or 60B,

B. D'SA, Clerk of the Executive Council.

Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2022

SL 2022/148

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Road Traffic (Authorisation to Drive) Regulations 2014*.

4. Regulation 53D inserted

At the beginning of Part 4 insert:

53D. Disclosure of identifying information to prescribed persons

For the purposes of the definition of *prescribed person* in section 11C(1), the persons are —

- (a) the Secretary of the Department of Home Affairs of the Commonwealth; and
- (b) an APS employee, as defined in the *Public Service Act 1999* (Commonwealth) section 7, in the Department of Home Affairs of the Commonwealth nominated by the Secretary of the Department of Home Affairs of the Commonwealth to the CEO.

5. Regulation 54 amended

In regulation 54 delete “section 11B,” and insert:

section 11E(1),

B. D'SA, Clerk of the Executive Council.
