



New South Wales

# Road Transport (Driver Licensing) Amendment (Temporary Overseas Visitors) Regulation 2008

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

ERIC ROOZENDAAL, M.L.C.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999*:

- (a) to provide that temporary overseas visitors (non-citizens who are not permanent residents of Australia) will not be eligible to obtain a driver licence until they have been in Australia for a continuous period of at least 6 months, and
- (b) to provide that the maximum period for which a temporary overseas visitor may have a driver licence issued or renewed is 12 months, and
- (c) to authorise the RTA to include on a driver licence issued to a temporary overseas visitor a code or symbol and a statement indicating that the licensee has not provided the RTA with evidence of permanent resident status.

The amendments will be subject to certain exceptions, including the following exceptions:

- (a) current and former holders of a NSW driver licence will be exempt,
- (b) holders of a current interstate driver licence or an interstate driver licence that expired up to 2 years previously will be exempt (but with no such exemption for a person already recorded as a temporary overseas visitor on the DRIVES register),
- (c) the 6-month licence waiting period will not apply to holders of a current New Zealand driver licence or a New Zealand driver licence that expired up to 5 years previously.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 9, 19 (the general regulation-making power) and 20.

**2008 No 103**

Clause 1 Road Transport (Driver Licensing) Amendment (Temporary Overseas Visitors) Regulation 2008

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**Road Transport (Driver Licensing) Amendment  
(Temporary Overseas Visitors) Regulation 2008**

under the

Road Transport (Driver Licensing) Act 1998

**1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Temporary Overseas Visitors) Regulation 2008*.

**2 Amendment of Road Transport (Driver Licensing) Regulation 1999**

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

[1] **Clause 6A**

Insert after clause 6:

**6A Special eligibility criteria for temporary overseas visitors**

- (1) A temporary overseas visitor is not eligible to be issued a driver licence until the person has been a resident of Australia as a temporary overseas visitor for a continuous period of at least 6 months immediately prior to applying for the licence.
- (2) A temporary overseas visitor is not eligible to be issued a driver licence that will be in force for a period of more than 12 months and is not eligible to have a driver licence held by the person renewed for a period of more than 12 months. A driver licence renewed before its expiry may be renewed for a period of up to 12 months beyond the expiry of the licence being renewed.
- (3) This clause is subject to the following exceptions:
  - (a) this clause does not apply to a person who holds, or has ever held, a NSW driver licence issued before the commencement of this clause,
  - (b) this clause does not apply to the issue of a driver licence to a person who holds, or held within the previous 2 years, an interstate driver licence, unless the person is already recorded as a temporary overseas visitor on a driver licence register maintained by the Authority,
  - (c) this clause does not apply to the renewal of a NSW driver licence issued under the exemption provided by paragraph (b),
  - (d) subclause (1) does not apply to a person who holds, or held within the previous 5 years, a driver licence issued in New Zealand,
  - (e) the Authority may exempt a person from the operation of a provision of this clause in such circumstances as the Authority considers appropriate.
- (4) In this clause:

*interstate driver licence* means an Australian driver licence issued in another jurisdiction.

*NSW driver licence* means an Australian driver licence issued in New South Wales.

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Schedule 1 Amendments

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*temporary overseas visitor* means a person who:

- (a) is not an Australian citizen, and
- (b) is not a permanent resident of Australia.

**[2] Clause 22 Form of driver licence**

Insert after clause 22 (2):

- (3) The Authority may include on a driver licence issued subject to clause 6A (Special eligibility criteria for temporary overseas visitors) a code or symbol, together with a statement, to indicate that the licensee has not provided the Authority with evidence of permanent resident status.

BY AUTHORITY

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