

LEGISLATIVE COUNCIL

Read 1^o 16 March 1983

(Brought from the Legislative Assembly)

A BILL

for

An Act to amend the *Motor Car Act* 1958 to extend and improve training of Learner Drivers, to make provision for Learner's Endorsements, to abolish Motor Cycle Learner's Permits, and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Motor Car (Learner Drivers) Act* 1983. Short title.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Commencement.

(3) In this Act the *Motor Car Act* 1958 is called the Principal Act.

Principal
Act No. 6325.
Reprinted to
N. 9346.
Subsequently
amended by
Nos. 9370, 9403,
9418, 9424, 9427,
9477, 9503, 9511,
9548, 9549, 9560,
9590, 9606, 9622,
9650, 9653, 9680,
9734, 9740 and
9802.

Amendment of
No. 6325, s. 3
(1).

2. In section 3 (1) of the Principal Act—

- (a) after the interpretation of “Division” there shall be inserted the following interpretation:

“Driver’s
licence.”

“Driver’s licence” means a motor car driver’s licence,
motor cycle driver’s licence, motor tractor driver’s
licence or any other licence issued under section 22.’; 5

- (b) before the interpretation of “Large trailer combination” there shall be inserted the following interpretation:

“Interim
permit.”

“Interim permit” means an interim permit issued
under section 23AA authorizing the holder to drive 10
certain types of motor cars upon a highway.’;

- (c) after the interpretation of “Large trailer combination” there shall be inserted the following interpretations:

“Learner
driver.”

“Learner driver” means—

- (a) in relation to a motor car not being a motor 15
cycle, heavy vehicle, articulated motor car or
large trailer combination, a person who holds
a learner’s permit, interim permit or a licence
with motor car learner’s endorsement made
under section 23AA; and 20

- (b) in relation to a motor cycle, a person who
holds an appropriate interim permit or a
licence or permit with motor cycle learner’s
endorsement made under section 23AA.

“Learner’s
endorsement.”

“Learner’s endorsement” means a motor car learner’s 25
endorsement or motor cycle learner’s endorsement
made under section 23AA.

“Learner’s
permit.”

“Learner’s permit” means a permit issued under section
23AA authorizing the holder to drive upon a highway
a motor car other than a motor cycle, heavy vehicle, 30
articulated motor car or large trailer combination.’;

- (d) before the interpretation of “Motor cycle” there shall be inserted the following interpretation:

“Motor car
driver’s
licence.”

“Motor car driver’s licence” means a licence issued
under section 22 authorizing the holder to drive 35
upon a highway a motor car other than a motor
cycle, heavy vehicle, articulated motor car or
large trailer combination.’;

“Motor Cycle
Driver’s
Licence.”

- (e) after the interpretation of “Motor cycle” there shall be inserted the following interpretation: 40

“Motor cycle driver’s licence” means a licence issued
under section 22 authorizing the holder to drive a
motor cycle upon a highway.’; and

(f) after

(f) after the interpretation of "Motor tractor" there shall be inserted the following interpretation:

"Motor tractor driver's licence" means a licence issued under section 22 authorizing the holder to drive a motor tractor owned by a primary producer upon a highway.'

"Motor tractor driver's licence."

3. In section 22 of the Principal Act—

Amendment of
No. 6325, s. 22

(a) in sub-section (1) for the words "licence to drive a motor tractor" there shall be substituted the expression "motor tractor driver's licence";

(b) after sub-section (1) there shall be inserted the following sub-section:

"(1A) A motor tractor driver's licence shall authorize the holder to drive a motor tractor owned by a primary producer upon a highway—

(a) between the premises of a primary producer or from the premises of a primary producer to those of another primary producer; or

(b) while it is being used for the haulage of goods otherwise than for hire or reward.";

(c) in sub-section (2) for the words "licence to drive a motor car other than a motor cycle or a licence to drive a motor cycle" there shall be substituted the expression "motor car driver's licence or a motor cycle driver's licence";

(d) after sub-section (2) there shall be inserted the following sub-sections:

"(2A) A motor car driver's licence shall authorize the holder to drive upon a highway a motor car other than a motor cycle, heavy vehicle, articulated motor car or large trailer combination.

(2B) A motor cycle driver's licence shall authorize the holder to drive a motor cycle upon a highway.";

(e) in sub-section (3)—

(i) for the words "licence to drive a motor car other than a motor cycle" there shall be substituted the expression "motor car driver's licence"; and

(ii) after the words "holder to drive" there shall be inserted the words "upon a highway";

(f) in sub-sections (6) and (7) for the words "licence issued pursuant to this Part to drive a motor car other than a motor cycle or to drive a motor cycle" there shall be substituted the expression "driver's licence other than a motor tractor driver's licence";

(g) in

- (g) in sub-sections (6A) and (7A) for the words "licence issued pursuant to this Part to drive a motor tractor" there shall be substituted the expression "motor tractor driver's licence";
- (h) in sub-section (8) after the words "appropriate test" there shall be inserted the expression "(whether conducted by the Board or some other person)";
- (i) in sub-section (9) for the words "licence issued pursuant to this Part to drive a motor car other than a motor cycle or to drive a motor cycle" there shall be substituted the expression "driver's licence other than a motor tractor driver's licence";
- (j) in sub-section (10) for the words "licence issued pursuant to this Part to drive a motor tractor" there shall be substituted the expression "motor tractor driver's licence"; and
- (k) in sub-section (10B) for the words "licence to drive a motor car other than a motor cycle or to drive a motor cycle" there shall be substituted the expression "driver's licence".

Licence
surcharge.

4. In section 22AA of the Principal Act—

- (a) for sub-section (1) there shall be substituted the following sub-section:
'(1) Where a person to whom this section applies is issued with a driver's licence or has a driver's licence renewed he shall pay on the issue or renewal a surcharge of \$300';
- (b) sub-section (2) shall be repealed;
- (c) in sub-section (5) for the words "a licence to drive a motor car other than a motor cycle to drive a motor cycle or to drive a motor tractor or the renewal of such a licence" there shall be substituted the expression "the issue or renewal of a driver's licence"; and
- (d) in sub-section (7) for the expression "licence to drive a motor car other than a motor cycle, to drive a motor cycle or to drive a motor tractor" there shall be substituted the expression "driver's licence".

Amendment of
No. 6325,
s. 22a.

5. In section 22B of the Principal Act—

- (a) in sub-section (2)—
(i) for the expression "to hold a learner driver's permit or a motor cycle learner's permit (whichever is applicable) under section 23AA" there shall be substituted the expression "to have a learner's permit or a learner's endorsement (whichever is applicable)"; and

(ii) for

(ii) for the words "the last preceding sub-section" there shall be substituted the expression "sub-section (1)"; and

- 5 (b) in paragraph (c) of sub-section (2AA) for the expression "of holding a learner driver's permit or a motor cycle learner's permit (whichever is applicable) under section 23AA" there shall be substituted the expression "of having a learner's permit or a learner's endorsement (whichever is applicable)";

10 6. For section 22c of the Principal Act there shall be substituted the following section:

Amendment of
No. 6325,
s. 22c.

"22c (1) A person who drives a motor car upon a highway without being the holder of an appropriate permit or licence to drive that type of motor car upon a highway shall be guilty of an offence
15 and liable—

- (a) to a penalty of not less than 5 penalty units or more than 15 penalty units or to imprisonment for a term of not more than three months; or
- 20 (b) if the court is satisfied that the person concerned at some time prior to the commission of the offence with which he is charged has been the holder of an appropriate licence (whether issued in Victoria or in another State or a Territory of the Commonwealth) or an International Driving Permit, to a penalty of not more than 5 penalty
25 units or to imprisonment for a term of not more than one month.

(2) A person who is the holder of a motor tractor driver's licence who drives a motor tractor upon a highway otherwise than as authorized by that licence or another licence or permit held by
30 him shall be guilty of an offence and liable to a penalty of not more than 5 penalty units or to imprisonment for a term of not more than one month."

7. For section 23AA of the Principal Act there shall be substituted the following section:

Amendment of
No. 6325,
New s. 23AA.

35 '23AA. (1) In this section unless inconsistent with the context or subject-matter—

Interpretation.

"Appointed day" means 1 March 1985 or such later day as the Governor in Council fixes for the purposes of this section by notice published before 1 March 1985 in the
40 *Government Gazette*.

"Appointed day."

"Approved motor cycle training centre" means an organization or body appointed under sub-section (12).

"Approved motor cycle training centre."

"Certificate

"Certificate of competence."

"Certificate of competence" means a certificate in the prescribed form issued by an approved motor cycle training centre recording that an applicant has completed to the required standard all prescribed tests for a certificate of competence.

5

"Testing office of the Board."

"Testing office of the Board" includes a place from which the Board regularly conducts motor cycle riding skill tests, whether or not that place is used by the Board for any other purpose.

Learners' permits and motor car learner's endorsements.

(2) Subject to section 25, where application is made to the Board by a person over the age of seventeen years for authority to learn to drive upon a highway a motor car other than a motor cycle, heavy vehicle, articulated motor car or large trailer combination the Board shall issue a learner's permit (or, if the applicant has a motor cycle driver's licence, make a motor car learner's endorsement upon that licence) if the applicant pays to the Board the appropriate appointment, testing and issuing or endorsing fees and—

15

- (a) produces to the Board a certificate of competence issued by an approved motor cycle training centre; or
- (b) where the applicant does not produce a certificate of competence, completes to the satisfaction of the Board such of the following tests as the Board specifies namely:
 - (i) A test called a road law knowledge test of the applicant's knowledge of—
 - A. the traffic laws of Victoria;
 - B. the manner in which the ability of a person to drive a motor car is likely to be affected if that person is driving the motor car whilst under the influence of intoxicating liquor; and
 - C. the minimum distance within which a motor car travelling at a speed and in such other circumstances as are specified by the Board for the purposes of the test may be stopped by the application of the brakes of the motor car; and
 - (ii) A prescribed eye test.

25

30

35

(3) The appropriate fees under sub-section (2) shall be such fees as are prescribed, not exceeding, for one appointment, all tests and issue of a permit or making of an endorsement, a total of \$50.

40

Motor cycle learner's endorsements.

(4) Subject to section 25, where application is made to the Board by a person over the age of seventeen years and nine months for authority to learn to drive a motor cycle upon a highway the Board shall issue a learner's permit with motor cycle learner's endorsement

45

(or,

(or, if the applicant has a learner's permit or motor car driver's licence, make a motor cycle learner's endorsement upon that permit or licence) if the applicant pays to the Board the appropriate appointment, testing and issuing or endorsing fees and—

- 5 (a) produces to the Board a certificate of competence issued by an approved motor cycle training centre; or
- (b) where the applicant does not produce a certificate of competence, completes to the satisfaction of the Board such of the following tests as the Board specifies, namely:
- 10 (i) A test called a road law knowledge test of the applicant's knowledge of—
- A. the traffic laws of Victoria;
- B. the manner in which the ability of a person to drive a motor car is likely to be affected if that
- 15 person is driving the motor car whilst under the influence of intoxicating liquor; and
- C. the minimum distance within which a motor car travelling at a speed and in such other circumstances as are specified by the Board for the purposes of the test may be stopped by the
- 20 application of the brakes of the motor car;
- (ii) A prescribed eye test;
- (iii) A test called a motor cycle road craft test of the applicant's knowledge of the proper techniques for riding a motor cycle; and
- 25 (iv) A test called a motor cycle riding skill test of the applicant's ability to handle and control a motor cycle.

(5) The appropriate fees under sub-section (4) shall be such

30 fees as are prescribed, not exceeding, for one appointment, all tests and issue of an endorsed permit or making of an endorsement, a total of \$100.

(6) Where an application is made to the Board for a learner's permit or learner's endorsement the Board may—

**Determinations
by the Board.**

- 35 (a) require the applicant to furnish to the Board the applicant's name, address and date of birth and such other information as the Board reasonably requires, together with such evidence of those matters as the Board reasonably requires;
- 40 (b) require the applicant to pay the appropriate appointment and testing fees in advance of the appointment and tests;
- (c) in determining whether an applicant is required to complete a test, have regard to whether the applicant
- 45 has previously completed a test or tests to the satisfaction

of

of the Board or the licence testing authority of another State or a Territory of the Commonwealth and the period of time which has elapsed since the test or tests were completed;

- (d) determine that a test (other than an eye test or a riding skill test) shall be written or oral. 5

Failure to
provide
information.

(7) Where an applicant for a learner's permit or learner's endorsement fails to furnish information or evidence required by the Board under this section the Board may, notwithstanding sub-sections (2) and (4), refuse to consider the application further. 10

Transitional.

(8) Until the appointed day, the Board may determine that an applicant for a motor cycle learner's endorsement is not required to complete a motor cycle riding skill test by reason that a testing office of the Board with facilities available for conducting the test within a reasonable time of the application is not proximate to the applicant's ordinary place of residence. 15

Riding skill test
exemption.

(9) The Board shall not require to undergo a motor cycle riding skill test an applicant who ordinarily resides outside a radius of 40 kilometres from a testing office of the Board with facilities available for conducting motor cycle riding skill tests. 20

Proof.

(10) In any prosecution or legal proceedings a statement on oath by an officer of the Board that a place is or is not within a radius of 40 kilometres of a testing office of the Board shall be admissible as evidence that the place is or is not within 40 kilometres of a testing office of the Board, and shall be *prima facie* evidence of that fact. 25

Board may
issue interim
permit.

(11) Where an applicant has satisfied the requirements under sub-section (2) or (4) and the Board has not determined under section 25 whether to issue a learner's permit or make a learner's endorsement, the Board may issue an interim permit.

Appointment
of approved
motor cycle
training
centres.

(12) The Governor in Council may by notice published in the *Government Gazette*— 30

- (a) appoint an organization or body whether corporate or unincorporate to be an approved motor cycle training centre; and

- (b) cancel the appointment of an organization or body to be an approved motor cycle training centre. 35

Responsible
person for
unincorporate
centres.

(13) Where under sub-section (12) the Governor in Council appoints an unincorporate organization or body to be an approved motor cycle training centre he may in the notice or in a subsequent notice published in the *Government Gazette* nominate a person or persons to be responsible for the performance by the organization or body of its obligations as a centre imposed upon it by this Act or by regulations made under this Act. 40

(14) Where the Governor in Council cancels the appointment of an organization or body to be an approved motor cycle training centre a certificate of competence issued by that organization or body 45

body before such cancellation shall continue to have full force and effect for the purposes of this section as if such cancellation had not occurred.

Continuation of certificates of competence.

- (15) An applicant for a certificate of competence shall pay the
5 approved motor cycle training centre such fees for appointments, tests and issue of the certificate as are prescribed, not exceeding, for one appointment, all tests and issue of a certificate, a total of \$100.

Fees for certificate of competence.

- (16) Where a certificate of competence is issued to a person, that
10 person may make application for a learner's permit, endorsed learner's permit or learner's endorsement by lodging with the approved motor cycle training centre—

Application to centre for permit or endorsement.

- (a) the certificate of competence;
(b) where appropriate, his motor car driver's licence, motor cycle driver's licence or learner's permit;
15 (c) the appropriate issuing or endorsing fee for the permit, endorsed permit or endorsement; and
(d) such other documents as are prescribed.

- (17) Where an approved motor cycle training centre receives an
20 application under sub-section (16)—

Issue of interim permit and forwarding of application.

- (a) it may issue to the person an interim permit;
(b) it shall as soon as is practicable send the documents and remit the payment it has received under sub-section (16) to the Board.

- (18) Where the Board receives an application sent to it under
25 sub-section (17) it shall deal with it as if it were received from the applicant pursuant to sub-section (2) or (4), and, without limiting the generality of the foregoing, the Board may require the applicant to furnish to it additional information or evidence.

Board to consider application.

- (19) A learner's permit or motor car learner's endorsement
30 shall be in the prescribed form and shall authorize the holder of the permit or of the licence upon which the endorsement is made to drive upon a highway a motor car other than a motor cycle, heavy vehicle, articulated motor car or large trailer combination on condition that he—

Conditions of learner's permits and motor car learner's endorsements.

- (a) has a licensed driver (not being the holder of a licence issued on probation) sitting beside him;
(b) drives only to gain competence in order to obtain a licence;
35 (c) does not drive at a speed greater than 80 kilometres per hour;
40 (d) does not tow a trailer or any other vehicle; and
(e) complies with any other conditions set out in the permit or endorsement or of which he is notified in writing by the Board.

(20) A motor

Conditions of
motor cycle
learner's
endorsements.

(20) A motor cycle learner's endorsement shall be in the prescribed form, and shall authorize the person who holds the permit or licence upon which it is made to drive a motor cycle upon a highway upon condition that he—

- (a) does not drive a motor cycle having an engine of greater capacity than 260 cubic centimetres; 5
- (b) drives only to gain competence in order to obtain a licence;
- (c) does not drive at a speed greater than 80 kilometres per hour; 10
- (d) does not tow a trailer or any other vehicle;
- (e) does not drive a motor cycle having a trailer, forecar or side-car attached thereto; and
- (f) complies with any other conditions set out in the endorsement or of which he is notified in writing by the Board. 15

(21) An interim permit shall be in the prescribed form and shall have the same force and effect and shall be subject to the same conditions as,—

- (a) in the case of an interim permit issued by the Board to an applicant under sub-section (2), a learner's permit; 20
- (b) in any other case, a learners' permit with motor cycle learner's endorsement.

Failure to
comply with
conditions.

(22) A learner driver who fails to comply with a condition of an interim permit, learner's permit or learner's endorsement (as the case may be) shall be guilty of an offence against this Act. 25

Penalty: 5 penalty units.

Expiry of
learner's
permit, &c.

(23) A learner's permit or motor car learner's endorsement shall remain in force for two years from the day it is issued or made (as the case may be). 30

Expiry of
motor cycle
learner's
endorsement.

(24) A motor cycle learner's endorsement shall, if not extended, expire twelve months from the day it is made, but the Board may, on application by the holder and on payment in advance of the prescribed fee not exceeding \$5, extend the expiry date for a further three months. 35

Expiry of
interim permit.

(25) An interim permit shall remain in force until—

- (a) the expiry of 60 days from the day of its issue; or
- (b) the Board serves on the holder (which service the Board is authorized to effect by post) a learner's permit, or a licence or permit with learner's endorsement (as the case may be) or a notice that the application has been refused— 40

whichever is the sooner.

(26) The

(26) The expiry, lapse or, subject to section 26, the cancellation of the permit or licence upon which a learner's endorsement is made shall not affect the force or effect of the endorsement.

Endorsement still effective if permit expires, &c.

5 (27) Subject to section 22B (2AA) (c) a person shall not be entitled to hold a licence issued on probation unless he has been a learner driver for a period of three months immediately prior to the application for such licence.

Permit or endorsement necessary before eligible for licence.

10 (28) Notwithstanding anything to the contrary in sub-section (27) the Board may exempt a person whose driver's licence (whether the licence is issued on probation or not) is cancelled or has lapsed from the requirement of having a learner's permit or learner's endorsement (whichever is applicable) before obtaining another such licence.

Exemption.

15 (29) A learner's permit or motor car learner's endorsement shall lapse and have no force or effect on the holder obtaining a motor car driver's licence.

Expiration of learner drivers' permits.

(30) A motor cycle learner's endorsement shall lapse and have no force or effect on the holder obtaining a motor cycle driver's licence.

Expiration of motor cycle learners' endorsements.

20 (31) Where a learner driver is convicted of an offence against section 80B, 80E, 80EA, 80F, 81A or 82—

Cancellation of learner's permit, &c.

(a) the interim permit, learner's permit or learner's endorsement shall be cancelled by the court by which the offender is convicted; and

25 (b) the court shall disqualify the offender from obtaining an interim permit, learner's permit or learner's endorsement for such time as the court thinks fit, being not less than the period of disqualification from obtaining a licence under this Act that is required to be imposed by the provisions under which he is convicted.

30 (32) Where a learner driver is convicted of any offence referred to in the Fourth Schedule in respect of a motor car, not being an offence referred to in sub-section (31)—

35 (a) the interim permit, learner's permit or learner's endorsement may be cancelled by the court by which the offender is convicted; and

40 (b) where the interim permit, learner's permit or learner's endorsement is so cancelled, the court may disqualify the offender from obtaining an interim permit, learner's permit, or learner's endorsement for such time as the court thinks fit.

8. In section 23 of the Principal Act—

(a) paragraph (a) of sub-section (1) is repealed;

Amendment of No. 6325, s. 23.

(b) in

- (b) in paragraph (b) of sub-section (1) for the words "current licence to drive a motor car" there shall be substituted the expression "motor car driver's licence"; and
- (c) sub-section (2) is repealed.

Amendment of
No. 6325,
s. 25 (1).

9. (1) For section 25 (1) of the Principal Act there shall be substituted the following sub-section: 5

"(1) The Board may refuse to issue to a person a learner's permit or a driver's licence or to make a learner's endorsement upon a person's permit or licence and the Chief Commissioner may suspend for such time as he thinks fit or cancel a person's interim permit, learner's permit, driver's licence or learner's endorsement (whether or not the permit or licence on which the endorsement is made is also cancelled or suspended) if— 10

- (a) the person, having been required under sub-section (5) to submit himself within a specified time for examination by a legally qualified medical practitioner or certified optometrist, fails or refuses to do so; 15
- (b) it would be dangerous for the person to drive a motor car by reason of illness or bodily infirmity, defect or incapacity or by reason of the effects of treatment for any such illness or bodily infirmity, defect or incapacity; 20
- (c) the person has at any time been convicted in Victoria or in any other State or Territory of the Commonwealth of an offence which renders him unfit to have such a permit, licence or endorsement; 25
- (d) the person has within the preceding three years been convicted in Victoria on more than three occasions of offences connected with driving a motor car;
- (e) the person is disqualified from driving motor vehicles (of one or more types) in another State or a Territory of the Commonwealth by reason of a judgment, order or decision given or made pursuant to a law of that State or Territory; 30
- (f) in relation to a conditional licence, the Chief Commissioner (or, in the case of an application, the Board) is satisfied that the person has failed to comply with a condition of the licence or of an earlier licence; 35
- (g) in relation to an interim permit, learner's permit or learner's endorsement, the Chief Commissioner (or, in the case of an application for a learner's permit or learner's endorsement, the Board) is satisfied that the person has failed to comply with a condition of the permit or endorsement or of an earlier permit or endorsement; or 40

(h) the

- 5 (h) the Board or the Chief Commissioner (as the case may be) is satisfied upon information supplied by an authorized insurer pursuant to section 27 and after causing the person to be tested or examined that the person is unfit to have such a permit, licence or endorsement upon the ground that the safety of the public is being or is likely to be endangered.”.

(2) In section 25 (2) of the Principal Act—

Amendment of
No. 6325,
s. 25 (2).

- 10 (a) after the words “Board refuses to issue a learner’s permit or a licence” there shall be inserted the words “or to make a learner’s endorsement”;

- 15 (b) for the words “cancels or suspends a learner’s permit or a licence” there shall be substituted the words “cancels or suspends a learner’s permit, a learner’s endorsement or a licence”; and

- (c) for the words “person whose learner’s permit or licence” there shall be substituted the words “person whose learner’s permit, learner’s endorsement or licence”.

- 20 (3) In section 25 (3) of the Principal Act after the words “or direct the” there shall be inserted the words “making of a learner’s endorsement or the”.

Amendment of
No. 6325,
s. 25 (3).

- 25 (4) In section 25 (5) of the Principal Act for the words “an applicant or holder of a permit or licence” there shall be substituted the words “a person who has applied for or who has a learner’s permit, learner’s endorsement or driver’s licence”.

Amendment of
No. 6325,
s. 25 (5).

- 30 10. In section 25A (1) of the Principal Act for the words “Where a licence to drive a motor car has been issued under this Part the Chief Commissioner may subject to this section require the holder of the licence” there shall be substituted the expression “The Chief Commissioner may subject to this section require the holder of a driver’s licence”.

Amendment of
No. 6325,
s. 25A.

11. In section 26 of the Principal Act—

Amendment of
No. 6325, s. 26.

(a) in sub-section (2)—

- 35 (i) for the words “learner driver’s permit or motor cycle learner’s permit held by the offender” there shall be substituted the words “interim permit, learner’s permit or learner’s endorsement which the offender has”;

- 40 (ii) for the words “any such licence or permit” there shall be substituted the words “any such licence, permit or endorsement”; and

(iii) for

- (iii) for the words "learner driver's permit and motor cycle learner's permit that is held by the offender" there shall be substituted the words "interim permit, learner's permit or learner's endorsement which the offender has";

5

(b) in sub-section (3)—

- (i) for the expression "a learner driver's permit or motor cycle learner's permit" there shall be substituted the expression "an interim permit, learner's permit or learner's endorsement";

10

- (ii) for the words "licence or permit" (where firstly and secondly occurring) there shall be substituted the expression "licence or permit or the licence or permit on which that endorsement is made"; and

15

- (iii) for the words "licence or permit" (where thirdly occurring) there shall be substituted the expression "licence or permit or the licence or permit on which the endorsement is made";

- (c) in sub-section (4) for the words "licence or permit" (where three times occurring) there shall be substituted the expression "licence, permit or endorsement"; and

20

- (d) in paragraph (a) of sub-section (6) (where twice occurring) and in sub-section (7) (where thrice occurring) for the words "licence or permit" there shall be substituted the expression "licence, permit or endorsement".

25

Amendment of
No. 6325,
s. 28 (1).

12. In section 28 (1) of the Principal Act—

- (a) for the words "learner driver's permit or motor cycle learner's permit" there shall be substituted the expression "interim permit, learner's permit or learner's endorsement"; and

30

- (b) for the words "licence or permit" there shall be substituted the expression "licence, permit or endorsement".

Amendment of
No. 6325,
s. 93 (1).

13. In section 93 (1) of the Principal Act—

35

- (a) in sub-paragraph (vii**b**) of paragraph (b) for the expression "motor car drivers' licences motor cycle driver's licences motor tractor drivers' licences learner drivers' permits motor cycle learners' permits and" there shall be substituted the expression "driver's licences, learner's permits and"; and

40

(b) after

(b) after paragraph (d) there shall be inserted the following paragraphs:

“(da) prescribing fees for the purposes of section 23AA;

5 (db) the duties of a person or persons responsible for the performance by an unincorporate approved motor cycle training centre under section 23AA of the obligations imposed upon it by this Act or regulations made under this Act;

10 (dc) the information which an applicant for a certificate of competence under section 23AA is required to furnish, the evidence which the applicant is required to furnish in respect of that information, and the circumstances in which and persons to whom that information and evidence shall be furnished;

15 (dd) the tests, the times, places and methods of conducting tests, and the standards to be applied in determining the results of tests for certificates of competence under section 23AA;

20 (de) returns by approved motor cycle training centres under section 23AA as to the kinds of training offered, the number of tests conducted and the number of certificates of competence issued;

(df) the period within which such returns are to be made;”.

25 14. (1) The provisions of the Principal Act as amended by this Act shall, with such modifications as are necessary, extend and apply to a motor cycle learner's permit held by a person immediately before the commencement of this Act for the remainder of the time it remains in force as if it were a motor cycle learner's endorsement.

Transitional provisions.

30 (2) A licence to drive a motor tractor held by a person immediately before the commencement of this Act shall for the purposes of the Principal Act as amended by this Act be deemed to be a motor tractor driver's licence.

35 (3) A licence to drive a motor car other than a motor cycle (not being a licence to drive a motor tractor) held by a person immediately before the commencement of this Act shall for the purposes of the Principal Act as amended by this Act be deemed to be a motor car driver's licence.

40 (4) A licence to drive a motor cycle held by a person immediately before the commencement of this Act shall for the purposes of the Principal Act as amended by this Act be deemed to be a motor cycle driver's licence.

45 (5) A learner driver's permit held by a person immediately before the commencement of this Act shall for the purposes of the Principal Act as amended by this Act be deemed to be a learner's permit.

(6) A reference

(6) A reference in the Principal Act or in any other Act or regulation, by-law, rule or document to—

- (a) a motor cycle learner's permit shall be read and construed as a reference to a motor cycle learner's endorsement; and
- (b) a learner driver's permit shall be read and construed as a reference to a learner's permit.

5

Amendment of
No. 9680, s. 2.

15. In section 2 of the *Motor Car (Drivers' Licences) Act* 1981—

- (a) in sub-section (1)—
 - (i) in paragraph (h) for the words “licence issued pursuant to this Part to drive a motor car other than a motor cycle or to drive a motor cycle” there shall be substituted the expression “driver's licence other than a motor tractor driver's licence”; and
 - (ii) in paragraph (j) for the words “licence pursuant to this Part to drive a motor tractor” there shall be substituted the expression “motor tractor driver's licence”; and
- (b) in sub-section (2) and in paragraphs (a) and (b) of sub-section (3) for the words “licence to drive a motor car other than a motor cycle or to drive a motor cycle” there shall be substituted the expression “driver's licence”.

10

15

20