

South Australia

Motor Vehicles (Licences and Learner's Permits) Amendment Act 2005

An Act to amend the *Motor Vehicles Act 1959*; and to make related amendments to the *Road Traffic Act 1961*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Motor Vehicles Act 1959*

- 4 Amendment of section 5—Interpretation
- 5 Insertion of section 72A
72A Qualified supervising drivers
- 6 Amendment of section 74—Duty to hold licence or learner's permit
- 7 Amendment of section 75AAA—Term of licence and surrender
- 8 Amendment of section 75A—Learner's permit
- 9 Amendment of section 79—Examination of applicant for licence or learner's permit
- 10 Substitution of section 79A
79A Driving experience
- 11 Amendment of section 81—Restricted licences and learner's permits
- 12 Amendment of section 81A—Provisional licences
- 13 Amendment of section 81AB—Probationary licences
- 14 Amendment of section 81B—Consequences of holder of learner's permit, provisional licence or probationary licence contravening conditions etc
- 15 Amendment of section 97A—Visiting motorists
- 16 Amendment of section 98A—Instructors' licences
- 17 Amendment of section 145—Regulations

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Road Traffic Act 1961*

- 1 Amendment of section 47A—Interpretation
- 2 Amendment of section 47E—Police may require alcotest or breath analysis

Part 2—Transitional provisions

- 3 Interpretation
 - 4 Learner's permits issued before commencement
 - 5 Provisional licences in force at commencement
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Motor Vehicles (Licences and Learner's Permits) Amendment Act 2005*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 5—Interpretation

- (1) Section 5(1)—after the definition of *interstate licence* insert:

interstate non-provisional licence means a licence of a type prescribed by regulation for the purposes of this definition issued under the law of another State or Territory of the Commonwealth;

interstate provisional licence means a licence of a type prescribed by regulation for the purposes of this definition issued under the law of another State or Territory of the Commonwealth;

- (2) Section 5(1), definition of *learner's permit conditions*—delete the definition and substitute:

learner's permit conditions means conditions referred to in section 75A;

- (3) Section 5(1)—after the definition of *motor vehicle* insert:

non-provisional licence means a licence issued under this Act other than a provisional licence;

- (4) Section 5(1)—after the definition of *owner* insert:

P1 licence means a licence subject to provisional licence conditions referred to in section 81A(1);

P2 licence means a licence subject to provisional licence conditions referred to in section 81A(3a) (and not subject to any other provisional licence conditions);

- (5) Section 5(1)—after the definition of *photographic detection device* insert:

practical driving test, in relation to a person applying for a licence, means a test approved by the Registrar as a practical driving test in relation to a class of licence to which the licence sought by the person belongs;

- (6) Section 5(1)—after the definition of *premium* or *insurance premium* insert:
- prescribed conditions* means learner's permit conditions, probationary licence conditions, provisional licence conditions or alcohol interlock scheme conditions;
- (7) Section 5(1), definition of *probationary licence conditions*—delete the definition and substitute:
- probationary licence conditions* means conditions referred to in section 81AB;
- (8) Section 5(1), definition of *provisional licence conditions*—delete the definition and substitute:
- provisional licence conditions* means conditions referred to in section 81A(1) or (3a);
- qualified supervising driver*—see section 72A;
- (9) Section 5(1)—after the definition of *trailer* insert:
- unconditional licence* means—
- (a) a licence issued under this Act not subject to prescribed conditions; or
 - (b) a licence of a type prescribed by regulation for the purposes of this definition issued under the law of another State or Territory of the Commonwealth;

5—Insertion of section 72A

After section 72 insert:

72A—Qualified supervising drivers

- (1) For the purposes of this Act, a person *acts as a qualified supervising driver* for the holder of a permit or licence if—
- (a) when the holder of the permit or licence drives a motor vehicle, or attempts to put a motor vehicle in motion, on a road, the person—
 - (i) occupies a seat in the vehicle next to the holder of the permit or licence, or, if the vehicle is a motor bike, is a passenger on the bike or in a sidecar attached to the bike; and
 - (ii) takes all reasonable steps to supervise and instruct the holder of the licence or permit in the safe and efficient driving of the motor vehicle; and
 - (b) the person is the holder of—
 - (i) an unconditional licence authorising the person to drive the vehicle; or
 - (ii) a foreign licence of a type approved by the Registrar by notice in the Gazette authorising the person to drive the vehicle,

and has held such a licence during the whole of the immediately preceding 2 year period; and

- (c) the licence held by the person is not subject to a condition under section 98BE(1a) requiring the person to be of good behaviour.
- (2) A person who has the prescribed concentration of alcohol in his or her blood must not act as a qualified supervising driver for the holder of a licence or permit.
- Maximum penalty: \$1 250.
- (3) Sections 47C, 47D, 47E, 47G and 47GA of the *Road Traffic Act 1961* apply in relation to an offence against subsection (2) as if—
- (a) a reference in any of those sections to an offence against that Act were a reference to an offence against subsection (2); and
 - (b) the person alleged to have committed an offence against subsection (2) were, when acting as a qualified supervising driver for the holder of a permit or licence, driving the motor vehicle in question; and
 - (c) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47A of that Act were a reference to the prescribed concentration of alcohol as defined for the purposes of this section.
- (4) In this section—

prescribed concentration of alcohol means a concentration of .05 grams or more of alcohol in 100 millilitres of blood.

6—Amendment of section 74—Duty to hold licence or learner's permit

Section 74(4)—delete subsection (4) and substitute:

- (4) When the holder of a licence under this Act drives a motor vehicle on a road as authorised under subsection (3)(b), the obligations imposed by section 75A(3) to (5e) (inclusive) on the holder of a learner's permit apply to the holder of the licence as if the references in those provisions to a learner's permit or permit were references to the licence.

7—Amendment of section 75AAA—Term of licence and surrender

Section 75AAA(6)—delete subsection (6) and substitute:

- (6) A provisional licence—
- (a) expires at the end of the period for which the provisional licence conditions applying to that licence are effective; and
 - (b) may be renewed; and
 - (c) in the case of a P2 licence—may be renewed as a licence not subject to provisional licence conditions.

8—Amendment of section 75A—Learner's permit

- (1) Section 75A(3)(d)—delete paragraph (d) and substitute:
 - (d) a condition that the holder of the permit must not drive a motor vehicle on a road—
 - (i) being a motor vehicle other than a motor bike—unless accompanied by a person acting as a qualified supervising driver for the holder of the permit; or
 - (ii) being a motor bike—unless any person who is carried by the holder of the permit as a passenger on the motor bike or in a sidecar attached to the motor bike is acting as a qualified supervising driver for the holder of the permit;
- (2) Section 75A(5a)—delete "47B(2),"
- (3) Section 75A(7), (8) and (9)—delete subsections (7), (8) and (9)

9—Amendment of section 79—Examination of applicant for licence or learner's permit

- (1) Section 79(1)(b)—delete paragraph (b) and substitute:
 - (b) the applicant satisfies the Registrar, by such evidence as the Registrar may require, that at some time during the period of 5 years immediately preceding the date of the application the applicant held—
 - (i) a licence to drive a motor vehicle under the law of another State or a Territory of the Commonwealth; or
 - (ii) a foreign licence of a type approved by the Registrar by notice in the Gazette.
- (2) Section 79—after subsection (1) insert:
 - (1a) If—
 - (a) an applicant for a licence or learner's permit has been disqualified from holding or obtaining a licence or learner's permit as a consequence of an offence committed or allegedly committed while the holder of a learner's permit; and
 - (b) the applicant has not held a licence since the end of the period of disqualification,the Registrar must not issue a licence to the applicant unless the applicant produces to the Registrar a certificate signed by an examiner certifying that the applicant has, since the end of the period of disqualification, passed the prescribed theoretical examination conducted by that examiner in the prescribed manner.
- (3) Section 79(2)—delete "subsection (1)(a)" and substitute:

this section

10—Substitution of section 79A

Section 79A—delete the section and substitute:

79A—Driving experience

- (1) Subject to subsection (2), the Registrar must not issue a licence to an applicant who has not held a licence at some time during the period of 5 years immediately preceding the date of the application unless—
 - (a) the applicant—
 - (i) has held a learner's permit—
 - (A) in the case of a person who has been disqualified from holding or obtaining a licence or learner's permit as a consequence of an offence committed or allegedly committed while the holder of a learner's permit and has not held a licence issued under this Act since the end of the period of disqualification—for a period of at least 9 months or for periods totalling at least 9 months; or
 - (B) in any other case—for a continuous period of at least 6 months; and
 - (ii) produces to the Registrar a logbook that—
 - (A) is in a form approved by the Registrar; and
 - (B) has been completed in accordance with the instructions contained in the logbook so as to verify that the applicant has satisfied the prescribed requirements relating to the applicant's driving experience; and
 - (iii) produces to the Registrar a certificate signed by an authorised examiner certifying that the applicant has passed a practical driving test conducted by the examiner; or
 - (b) the applicant satisfies the Registrar by such evidence as the Registrar may require that—
 - (i) the applicant has at some time during the period of 5 years immediately preceding the date of the application held—
 - (A) a licence to drive a motor vehicle under the law of another State or a Territory of the Commonwealth; or
 - (B) a foreign licence of a type approved by the Registrar by notice in the Gazette; or
 - (ii) the applicant—

- (A) has at some time held a licence issued under this Act or under the law of a place outside this State; and
- (B) has obtained satisfactory driving experience.

(2) The Registrar may dispense with the requirement—

- (a) that an applicant must have held a learner's permit for the continuous period referred to in subsection (1)(a)(i)(B) if the Registrar is satisfied that the applicant has held a learner's permit for periods that are sufficient in aggregate; or
- (b) that an applicant must have produced a logbook in accordance with subsection (1)(a)(ii) if the application is for a licence of a class prescribed by regulation.

(3) If—

- (a) an applicant for a licence has been disqualified from holding or obtaining a licence or learner's permit as a consequence of an offence committed or allegedly committed while the holder of a learner's permit; and
- (b) the applicant has held a licence at some time during the period of 5 years immediately preceding the date of the application but has not held a licence since the end of the period of disqualification,

the Registrar must not issue a licence to the applicant unless—

- (c) the applicant has, since the end of the period of disqualification, held a learner's permit for a continuous period of at least 3 months; and
- (d) the applicant produces to the Registrar a certificate signed by an authorised examiner certifying that the applicant has, since the end of the period of disqualification, passed a practical driving test conducted by the examiner.

(4) If—

- (a) an applicant for a licence has been disqualified from holding or obtaining a licence or learner's permit as a consequence of an offence committed or allegedly committed while the holder of a P1 licence; and
- (b) the applicant has not held a licence since the end of the period of disqualification,

the Registrar must not issue a licence to the applicant unless the applicant produces to the Registrar a certificate signed by an authorised examiner certifying that the applicant has, since the end of the period of disqualification, passed a practical driving test conducted by the examiner.

11—Amendment of section 81—Restricted licences and learner's permits

Section 81(2)—delete "or to pass a driving test under section 79A" and substitute:

, to pass a driving test under section 79A or to pass a hazard perception test under section 81A

12—Amendment of section 81A—Provisional licences

(1) Section 81A—before subsection (1) insert:

(a1) In this section—

driver awareness course means a course that is approved by the Registrar as a driver awareness course for the purposes of this Act;

examiner means—

- (a) a member of the police force; or
- (b) a person appointed by the Registrar as an examiner for the purposes of conducting a hazard perception test;

hazard perception test means a test approved by the Registrar as a hazard perception test for the purposes of this Act;

P2 qualifying period, in relation to a person who holds a P2 licence, means the period or total period for which the person held a relevant licence before the date of the application for the P2 licence (excluding, if the person had been disqualified from holding or obtaining a licence in this State, or from holding or obtaining an interstate licence in another State or Territory of the Commonwealth, any period preceding the period of disqualification);

prescribed concentration of alcohol means any concentration of alcohol in the blood;

prescribed period, in relation to a P2 licence held by a person, means—

- (a) a period equal to 2 years less the person's P2 qualifying period; or
- (b) a period of 6 months,

whichever is the greater;

red light offence has the same meaning as in section 79B of the *Road Traffic Act 1961*;

relevant licence means a P1 licence or an interstate provisional licence;

serious disqualification offence means—

- (a) an offence that incurs 4 or more demerit points; or

- (b) a speeding offence that incurs 3 or more demerit points, if committed by the holder of a licence who has, while holding that licence, previously been convicted of, or expiated, another speeding offence that incurred 3 or more demerit points; or
- (c) a combination of a red light offence and a speeding offence arising out of the same incident; or
- (d) any offence committed by the holder of a licence who has previously been disqualified from holding or obtaining a licence or learner's permit under this Act;

speeding offence has the same meaning as in section 79B of the *Road Traffic Act 1961*.

- (2) Section 81A(1)(a),(b),(ba) and (c)—delete paragraphs (a), (b),(ba) and (c) and substitute:
 - (a) has not held a non-provisional licence or interstate non-provisional licence at some time during the period of 5 years immediately preceding the application; or
 - (b) holds an interstate provisional licence; or
 - (ba) holds an interstate non-provisional licence but is under the age of 19 years; or
 - (c) has been disqualified from holding or obtaining a licence in this State, or from holding or obtaining an interstate licence in another State or Territory of the Commonwealth, as a consequence of an offence committed or allegedly committed (whether in this State or elsewhere) while the holder of a provisional licence or interstate provisional licence and has not held a non-provisional licence or interstate non-provisional licence since the end of the period of disqualification,
- (3) Section 81A(1)—after "such an applicant" insert:

is a P1 licence and
- (4) Section 81A(1)—after paragraph (e) insert:
 - (f) in the case of a licence issued to an applicant referred to in subsection (1)(c) where the offence was a serious disqualification offence—a condition that the holder of the licence must not, until the end of 12 months from the date on which the licence is issued, drive a motor vehicle on a road between the hours of midnight and 5.00 a.m. unless accompanied by a person acting as a qualified supervising driver for the holder of a licence.
- (5) Section 81A (1aa), (1a), (2), (2aa), (2a) and (3)—delete subsections (1aa), (1a), (2), (2aa), (2a) and (3) and substitute:
 - (2) Subject to this Act, the conditions imposed on a P1 licence under subsection (1) are effective until—
 - (a) a P2 licence is issued to the holder of the licence; or

- (b) the period specified in the licence has elapsed,
whichever occurs first.
- (3) Despite subsection (1), the Registrar may issue a P2 licence to an applicant referred to in that subsection but only if—
- (a) the applicant—
- (i) is not an applicant referred to in subsection (1)(c);
and
 - (ii) has, during the period of 5 years immediately preceding the application, held a relevant licence for 12 months or periods totalling 12 months; and
 - (iii) produces to the Registrar a certificate signed by an examiner certifying that the applicant has, in the manner required by the Registrar, passed a hazard perception test conducted by the examiner; and
 - (iv) either—
 - (A) has not incurred any demerit points before the application in respect of offences committed or allegedly committed during the 12 months or periods totalling 12 months for which the applicant held a relevant licence last occurring before the application; or
 - (B) produces to the Registrar a certificate signed by the provider of a driver awareness course certifying that the applicant has satisfactorily completed a driver awareness course; or
- (b) the applicant—
- (i) has, during the period of 5 years immediately preceding the application, held a relevant licence for 2 years or periods totalling 2 years (excluding, if the applicant is an applicant referred to in subsection (1)(c), any period preceding the period of disqualification); and
 - (ii) produces to the Registrar a certificate signed by an examiner certifying that the applicant has, in the manner required by the Registrar, passed a hazard perception test conducted by the examiner (which test must, if the applicant is an applicant referred to in subsection (1)(c), have been conducted since the end of the period of disqualification).

- (3a) A P2 licence issued to a person is subject to the following conditions:
- (a) a condition that the holder of the licence must not drive a motor vehicle or attempt to put a motor vehicle in motion on a road while there is present in his or her blood the prescribed concentration of alcohol;
 - (b) a condition that the holder of the licence must not drive a motor vehicle at a speed exceeding by 10 kilometres an hour or more a speed limit that applies under the *Road Traffic Act 1961* or this Act.
- (3b) Subject to this Act, the conditions imposed on a P2 licence under subsection (3a) are effective—
- (a) in the case of a licence issued to a person under the age of 19 years—
 - (i) if the person incurs one or more demerit points before he or she turns 19—
 - (A) until he or she turns 20; or
 - (B) until the prescribed period has elapsed, whichever occurs later; or
 - (ii) if the person does not incur any demerit points before he or she turns 19—
 - (A) until he or she turns 19; or
 - (B) until the prescribed period has elapsed, whichever occurs later;
 - (b) in any other case—for the prescribed period.
- (3c) A court that disqualifies a person from holding or obtaining a licence may order that a P1 licence issued to the person after the end of the period of disqualification will be subject to provisional licence conditions for an extended period and if a court makes such an order in relation to a P1 licence, subsection (3)(b) applies as if each reference in that provision to 2 years were a reference to 2 years plus the period of the extension.
- (3d) If—
- (a) a P1 licence is issued to an applicant referred to in subsection (1)(c) subject to the alcohol interlock scheme conditions in addition to the conditions imposed under subsection (1); and
 - (b) the period for which the licence is required under this Act or the *Road Traffic Act 1961* to be subject to the alcohol interlock scheme conditions is greater than 2 years,
- subsection (3)(b) applies as if each reference in that provision to 2 years were a reference to the period referred to in paragraph (b).

- (3e) Despite any other provision of this section, where the applicant for the issue of a driver's licence—
- (a) holds or has previously held a foreign licence; or
 - (b) is of a class of applicants prescribed by regulation,
- the Registrar may, if of the opinion that there is proper cause to do so, do 1 or more of the following:
- (c) issue a licence not subject to the conditions that would otherwise be imposed under this section;
 - (d) issue a P2 licence despite the fact that the applicant does not satisfy the requirements of subsection (3);
 - (e) reduce the period for which conditions would otherwise apply to the person under this section.
- (6) Section 81A(5a)—delete "provisional licence" and substitute:
P1 licence
- (7) Section 81A(6)—delete subsection (6) and substitute:
- (6) Sections 47C, 47D, 47E, 47G and 47GA of the *Road Traffic Act 1961* apply in relation to an offence against subsection (5) of contravening the condition referred to in subsection (1)(ca) or subsection (3a)(a) as if—
 - (a) a reference in any of those sections to an offence against that Act were a reference to an offence against subsection (5); and
 - (b) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47A of that Act were a reference to the prescribed concentration of alcohol as defined in subsection (a1).
- (8) Section 81A(10)(a)—after "subsection (1)(d)" insert:
or subsection (3a)(b)

13—Amendment of section 81AB—Probationary licences

Section 81AB(6)—delete "47B(2),"

14—Amendment of section 81B—Consequences of holder of learner's permit, provisional licence or probationary licence contravening conditions etc

- (1) Section 81B(1), definition of *prescribed conditions*—delete the definition
- (2) Section 81B(2)—delete "subsection (2a)" and substitute:
this section

- (3) Section 81B(5) and (6)—delete subsections (5) and (6) and substitute:
- (5) Subject to subsection (6), if a person has been or is liable to be given a notice of disqualification under subsection (2) as a consequence of an offence committed or allegedly committed while the holder of a provisional licence or probationary licence, the person may appeal to the Magistrates Court against the disqualification.
 - (6) A person is not entitled to appeal against a disqualification under this section if the Magistrates Court has, within the preceding period of 5 years, allowed an appeal by the person against a disqualification under this section.
- (4) Section 81B(8)—delete "undue hardship to the appellant" and substitute:
severe and unusual hardship to the appellant or a dependant of the appellant
- (5) Section 81B(9)—delete subsections (9) and (9a) and substitute:
- (9) The appellant's evidence must include evidence relating to the forms of transport that would be available to the appellant if the appeal were not allowed and why those forms of transport do not adequately meet the needs of the appellant or a dependant of the appellant.
- (6) Section 81B(11)—delete subsection (11) and substitute:
- (11) If the Magistrates Court allows an appeal by a person against a disqualification, the following provisions apply:
 - (a) any licence that the person holds is cancelled (and the person is, on application to the Registrar, entitled to a refund as if the person were surrendering the licence);
 - (b) the disqualification is removed subject to the person applying for a licence under this Act within 14 days;
 - (c) subject to paragraph (e), sections 81A and 81AB apply in relation to the person when applying for the licence as if, despite the removal of the disqualification, the person had been disqualified from holding or obtaining a licence as a consequence of the offence and were making the application at the end of the period of disqualification;
 - (d) section 79A(4) does not apply to the person when applying for the licence;
 - (e) if the licence is one that would be subject to the condition referred to in section 81A(1)(f) and the Court is satisfied that the application of that condition to the licence would frustrate the purpose for which the appeal has been allowed, the Court may exempt the licence from the application of that condition;

- (f) if the person, having been issued a P1 licence on the application referred to in paragraph (c), is subsequently making an application in order to progress to a P2 licence, section 81A applies in relation to the person as if the references in section 81A(3)(b) to 2 years were references to 2 years and 6 months;
- (g) if the licence issued to the person on the application referred to in paragraph (c) is a probationary licence, section 81AB(3) applies in relation to the person as if the reference in section 81AB(3) to one year were a reference to 18 months.

(11a) If—

- (a) a person who holds a provisional licence or probationary licence issued on an application referred to in subsection (11)(c) or (f) commits an offence of contravening a prescribed condition; or
- (b) a person expiates an offence allegedly committed while the holder of a provisional licence or probationary licence issued on an application referred to in subsection (11)(c) or (f), being an offence of contravening a prescribed condition; or
- (c) a person incurs demerit points in respect of an offence committed or allegedly committed while the holder of a provisional licence or probationary licence issued on an application referred to in subsection (11)(c) or (f), and, in consequence, the total number of demerit points recorded against the person in respect of offences committed or allegedly committed while the holder of that licence equals or exceeds 4,

the Registrar must, on becoming aware of that fact, give notice—

- (d) that the person is disqualified from holding or obtaining a permit or licence for a period of 12 months commencing on a day specified in the notice; and
- (e) that, if the person holds any licence at the commencement of the period of disqualification, the licence is cancelled.

15—Amendment of section 97A—Visiting motorists

Section 97A(4)—delete "the law of this State" and substitute:

section 74 and any other prescribed law

16—Amendment of section 98A—Instructors' licences

- (1) Section 98A(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:
 - (a) holds an unconditional licence and has, during the period of 5 years immediately preceding the application, held such a licence for 2 years or periods totalling 2 years (excluding, if the applicant has been disqualified from holding or obtaining a licence in this State, or from holding or obtaining an interstate licence in another State or Territory of the Commonwealth, any period preceding the period of disqualification); and
 - (b) has, during the period of 5 years immediately preceding the application, held a driver's licence in this State or elsewhere for 4 years or periods totalling 4 years (excluding, if the applicant has been disqualified from holding or obtaining a such a licence in this State or elsewhere, any period preceding the period of disqualification); and
- (2) Section 98A(11)—delete subsection (11)

17—Amendment of section 145—Regulations

- (1) Section 145(1)(e)—delete "practical driving"
- (2) Section 145(1)(ge)—delete "practical driving test, or a practical driving test of a prescribed kind," and substitute:

test of a prescribed kind conducted for the purposes of this Act

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Road Traffic Act 1961*

1—Amendment of section 47A—Interpretation

Section 47A(2)—delete subsection (2) and substitute:

- (2) For the purposes of this Act, a person *acts as a qualified supervising driver* for the holder of a permit or licence if the person would, for the purposes of the *Motor Vehicles Act 1959*, be taken to be acting as a qualified supervising driver for the holder of a permit or licence (see section 72A of that Act).

2—Amendment of section 47E—Police may require alcotest or breath analysis

Section 47E(1)(c)—delete "qualified passenger for a learner driver" and substitute:

qualified supervising driver for the holder of a permit or licence

Part 2—Transitional provisions

3—Interpretation

In this Part—

principal Act means the *Motor Vehicles Act 1959*.

4—Learner's permits issued before commencement

Section 79A(a) of the principal Act as in force immediately before the commencement of section 10 continues to apply in relation to an applicant for a licence who—

- (a) was the holder of a learner's permit immediately before the commencement of section 10; and
- (b) has not been disqualified from holding or obtaining a licence or learner's permit since the commencement of section 10.

5—Provisional licences in force at commencement

Sections 75AAA and 81A of the principal Act as in force immediately before the commencement of section 12 continue to apply in relation to a provisional licence that was in force immediately before the commencement of section 12.