

The Shopfront

YOUTH LEGAL CENTRE

Traffic Fact Sheet 1 - Getting a driver licence in NSW

1 How can I get my licence?

You can get a New South Wales driver licence from Transport for NSW (TfNSW), which used to be known as the Roads and Traffic Authority (RTA) and Roads and Maritime Services (RMS).

To find your nearest TfNSW motor registry or Service NSW centre, see <https://www.service.nsw.gov.au/service-centre> or call 132 213.

Once you have a physical driver licence, you can also get a digital licence. To do this log into the Service NSW app with your MyServiceNSW Account details and follow the prompts. The digital licence is available at no additional cost. It is important to remember the digital licence does not replace your physical licence so your physical licence should still be carried as a backup.

You can hold more than one class of driver licence. The classes of licence include car, motorcycle, and heavy vehicle licences.

This fact sheet is mainly about getting a licence to drive a car. For information about getting a motorcycle licence, see *Traffic Fact Sheet 11 – Motorbikes and Scooters*.

There are 4 licensing stages:

1. Learner (L);
2. Provisional (P1);
3. Provisional (P2); and
4. Full (unrestricted).



These licensing stages are called the Graduated Licensing Scheme (GLS) and it aims to help you become a safe and low-risk driver. It takes at least 4 years to get a full (unrestricted) licence if you're aged under 25, or at least 3 years if you're over 25.

Before you start, you must:

- be aged 16 or over;
- have a residential address in NSW;
- be able to prove who you are; and
- be medically fit to drive and able to pass an eyesight test.

You will have to pay fees for each stage. For a table of the current fees, see <https://roads-waterways.transport.nsw.gov.au/roads/licence/fees/index.html>.

2 Step 1: Getting your Ls

To get your Ls you must:

- be at least 16 years old;
- book and pass a Driver Knowledge Test (DKT) and pay the DKT fee. You can book online, in person at a registry, or by calling 13 22 13. Before taking the DKT, make sure you study the *Road Users' Handbook*, which is available from the TfNSW website for free or from any motor registry for a small fee. You can do a practice DKT on the TfNSW website or on the DKT app;
- go to a motor registry or Service NSW to prove your identity. There are strict requirements for proving your identity. The documents you need to bring are listed on the TfNSW website. You have to bring originals, not copies (see <https://roads-waterways.transport.nsw.gov.au/roads/licence/proof-of-identity/proving-your-identity/index.html>);
- pass an eyesight test; and
- pay a learner licence fee.

A learner licence is valid for 5 years. If you do not progress to your P1 licence within that time, you can renew your learner licence by re-applying.

Special restrictions on learner licence holders

If you don't obey these rules, it is an offence. The penalties can be severe; you could get demerit points and lose your licence.

NOTE: You must also comply with these learner driver restrictions when you are driving outside NSW. You should also find out about any driving laws that may apply to you while in another state or territory.

Supervision

You must be supervised at all times by a **full** Australian licensed driver. Being an unaccompanied learner can lead to a heavy fine and a 3-month on-the-spot licence suspension.

Supervising another learner driver

You must not supervise another L driver.

Displaying L plates

You must display L plates clearly on the front and back of the car. Plates must be on the outside of the car, or there must be an L sign on the roof. The letter L on the plate must not be hidden.

Speed limits

Never drive above 90km/h.

Location limits

As a learner driver, you cannot drive in the Sydney locations of Parramatta Park, Moore Park or Centennial Park.

Demerit points

If you get 4 or more demerit points during a 3-year period, your licence will be suspended for 3 months.

If you hold a learner or provisional licence and commit *any* speeding offence, you'll receive at least 4 demerit points. There may also be other consequences for committing speeding offences.

See *Traffic Fact Sheet 4 – Licence suspension and appeals*, *Traffic Fact Sheet 5 – Demerit points*, and *Traffic Fact Sheet 6 – Speeding*.

Blood alcohol limits

The legal alcohol limit in NSW is zero for all learner and provisional (P1 and P2) licence holders. It is also illegal to drive under the influence of drugs. See *Traffic Fact Sheet 8 – Drugs, alcohol and driving*.

Towing other vehicles

You must not tow any other vehicle.

Mobile phones

Learner and provisional drivers must not use any mobile phone, hand-held or hands-free, unless they have fully parked the car. The only exceptions are to show your digital licence after being asked by police, or (if the vehicle is stationary and off the road) to use wallet-type functions like making payments or gaining access to an area. See *Traffic Fact Sheet 10 – Driving and mobile phone use*.

Extra time on learner licence

Graffiti licence orders

If you are convicted by a court of an offence under the *Graffiti Control Act 2008* (NSW), in addition to whatever penalty the court imposes, the court may also make a 'driver licence order'. This means that if you are on a learner or provisional licence, you may have to stay on your Ls for up to 6 months longer before progressing to the next level, and also you may not incur 4 or more demerit points in the next 6 months. For more information, see our fact sheet on *Common Offences: Graffiti*.

3 Step 2: Getting your Provisional (P1) licence (Red Ps)

The next step from your learner licence is the P1 licence (or red Ps), this is also the first stage to allow you to drive *without* a supervisor. There are different requirements depending on your age.

If you're under 25 – you must have held your learner licence for at least 12 months and recorded 120 hours of driving time in your log book.

If you're 25 or over – you can attempt the Hazard Perception Test (HPT) and driving test when you're ready. You do not need to record driving time or complete a logbook but you must still be supervised when driving as a learner.

NOTE: Before taking the HPT, study the Hazard Perception Handbook, which is available from the TfNSW website for free or from any motor registry for a small fee. You can also do a practice test at the TfNSW website.

To get your P1 licence, you must:

- be at least 17 years old;
- have held your learner licence for at least 12 months (exemption for 25 and over);

- have logged 120 hours of driving time in a learner driver logbook, including 20 hours of night driving (unless you are aged 25 or over);
 - Bonus hours: 3 for 1, a 1-hour driving lesson with a fully licensed NSW driving instructor can be recorded as 3 hours in the Learner Driver; Logbook. A maximum of 10 hours of lessons can be applied, meaning a total of 30 hours may be recorded in the Learner Driver Logbook;
 - If you are in a specified remote area, you may be able to apply for a restricted P1 licence after logging 50 hours, including 10 night hours. See the TfNSW website for more details: <https://roads-waterways.transport.nsw.gov.au/roads/licence/driver/p1/index.html>;
 - There are also programs to help disadvantaged young people to get their licence. These programs vary but they can involve access to a car and a supervisor to help with getting some driving experience. There is a list of the programs and their locations on the NSW Government Centre for Road Safety website at <http://roadsafety.transport.nsw.gov.au/aboutthecentre/aboriginalprojects/licensing.html>;
- prove your identity and pass the eyesight test;
- pay the Driving Test fee, the HPT fee and a Provisional (P1) licence fee;
- book and pass the HPT, which:
 - can be done after 10 months of having a learner licence;
 - is a touch-screen computer test that measures your ability to recognise and respond to potentially dangerous situations;
 - can be taken as many times as you need, but you must pay the test fee each time; and
- book and pass the Driving Test:
 - Under 25s must submit a log book to TfNSW via the app or bring a completed log book with them when taking the Driving Test.
 - If you fail the driving test, you must wait at least 7 days before you attempt the test again.
 - *Before taking the test*, make sure you study the Guide to the Driving Test, which is available from the TfNSW website for free, or from any motor registry for a small fee.

The P1 licence is issued for 18 months. If you haven't moved on to your P2 licence by the end of the 18 months, you'll have to renew your P1 licence. See Part 7 of this fact sheet for licence renewal or upgrade processes.

Special restrictions on P1 and P2 licences

If you don't obey these rules, it's an offence. The penalties can be severe; you could get demerit points and lose your licence.

NOTE: You must comply with these provisional (P1 and P2) driver restrictions when you are driving outside NSW. You should also find out about any driving laws that may apply to you while in another state or territory.

Displaying P plates

You must display your red or green 'P' plates clearly on the front and back of the car. Plates must be on the outside of the car, or there must be a 'P' sign on the roof. The letter 'P' on the plate must not be hidden.

Speed limits

As a P1 driver, never drive above 90km/h and stick to speed limits if below 90km/h.

As a P2 driver, never drive above 100km/h and stick to speed limits if below 100km/h.

Demerit points

Your licence will be suspended for 3 months if:

- as a P1 driver, you get 4 or more demerit points within a 3-year period; or
- as a P2 driver, you get 7 or more demerit points within a 3-year period.

If you hold a learner or provisional (P1 or P2) licence and commit *any* speeding offence, you'll receive at least 4 demerit points. There may also be other consequences for committing speeding offences.

See *Traffic Fact Sheet 4 – Licence suspension and appeals*, *Traffic Fact Sheet 5 – Demerit points*, and *Traffic Fact Sheet 6 – Speeding*.

Automatic transmission vehicles

P1 drivers who passed their driving test in an automatic vehicle will be restricted to driving automatics. This condition remains until you are issued with a provisional P2 or 'unrestricted' licence. To remove the condition earlier, you must pass a driving test in a manual vehicle.

Blood-alcohol limits

The legal alcohol limit in NSW is zero for all learner and provisional (P1 and P2) licence holders. See *Traffic Fact Sheet 8 – Drugs, alcohol and driving*.

Supervising a learner driver

P1 and P2 licence holders must not supervise a learner driver.

Towing restrictions

P1 drivers can tow light trailers either loaded or unloaded, however the unladen mass of the trailer itself (excluding the load) must not be over 250 kilograms and you must display a P plate on the back of the trailer while towing.

Passenger restrictions

Peer passenger restrictions that apply to all P1 licence holders under 25

If you are on your P1s and are under 25, you must not drive at any time between 11pm and 5am with more than one passenger under the age of 21.

You may apply for an exemption from the passenger restrictions if there are exceptional circumstances (for example, your younger siblings need to be driven around at night and

there is no one else who can do this, or you need to transport passengers as part of your job or community service work).

Passenger restrictions for P1 & P2 drivers who have been disqualified

If you were *disqualified* for a driving offence on or after 11 July 2005, you will only be allowed to carry *one* passenger for 12 months after the disqualification period.

You may apply for an exemption from the passenger restrictions, but it will only be granted in exceptional circumstances.

Applying for an exemption from passenger restrictions

You may apply for an exemption from the passenger restrictions if there are exceptional circumstances.

You will need to fill out the application form:

<https://www.nsw.gov.au/sites/default/files/2021-08/45071143-provisional-licence-conditions-exemption-application.pdf>, then visit a Service NSW centre with the form and relevant supporting documents. You must also pay a \$34 application fee.

High-performance vehicle restriction

Both P1 and P2 provisional licences issued on or after *16 December 2005*, are banned from driving 'high-performance vehicles' that have: a power to tare mass ratio of greater than 130kW per tonne, modified engines that need to be approved by an engineer, or other high-performance classifications.

Drivers must check their cars on the *Novice Driver – High Performance Restrictions* page on the TfNSW website at:

<https://roads-waterways.transport.nsw.gov.au/roads/licence/driver/p1/clause-32-list.html>.

An exemption may be available if you can prove exceptional circumstances apply. For example, that the vehicle is required for employment, or that you got your provisional licence before 1 August 2014 *and* the vehicle you are driving was previously not a prohibited vehicle.

You will need to fill out the application form:

<https://www.nsw.gov.au/sites/default/files/2021-08/45071143-provisional-licence-conditions-exemption-application.pdf>, then visit a Service NSW centre with the form and relevant supporting documents. You must also pay a \$34 application fee.

If you are granted an exemption, you must carry the exemption letter from TfNSW while driving.

Restrictions on use of mobile phones

Learner and provisional drivers are not permitted to use any mobile phone while driving (even when you're stationary, for example, stopped at lights or stuck in traffic).

This applies regardless of whether the mobile phone in use is hand-held or handsfree, including if it is resting on any part of the body or secured in a cradle.

To use a mobile phone for any function, the vehicle must be fully parked and out of the line of traffic, however the ignition does not need to be turned off.

Exceptions: The only exceptions are to show your digital licence after being asked by police, or (if the vehicle is stationary and off the road) to use wallet-type functions like making payments or gaining access to an area.

See *Traffic Fact Sheet 10 – Driving and mobile phone use*.

Extra time on a P1 or P2 licence

For using fake ID

If you are on a P1 or P2 licence and you commit an offence under section 129 of the *Liquor Act 2007* (NSW) (that is, being under 18 and using a false ID to gain entry to, or to remain in, or to obtain liquor from licensed premises), then TfNSW may require you to spend an extra 6 months on your P1 or P2 licence.

Graffiti licence orders

If you are convicted by a court of an offence under the *Graffiti Control Act 2008* (NSW), in addition to whatever penalty the court imposes, the court may also make a “driver licence order”. This means that if you are on a learner or provisional licence, you may have to stay on your Ls or Ps for up to 6 months longer before progressing to the next level, and also you may not incur 4 or more demerit points in the next 6 months. For more information, see our fact sheet on *Common Offences: Graffiti*.

If you have received a licence suspension

From 20 November 2017 onwards, if a driver on their P2 licence is suspended for getting too many demerit points, or for a higher risk offence like speeding 30km/h or more over the speed limit, they will now have to stay on their Ps for an extra 6 months before being eligible for an unrestricted licence. Any time spent suspended does not count towards the 24 months you need before you can apply for your full licence. You'll need to complete an extra 6 months for every suspension received while on your P2 licence.

If you have been disqualified by a court

If you are disqualified from driving while you are on your P1 or P2 licence, your licence will be immediately cancelled and the time you have accumulated is forfeited. When you apply for a new licence after the disqualification period ends, you will have to complete the 12 months (if you have a P1 licence) or 24 months (if you have a P2 licence) again.

4 Step 3: Getting a Provisional (P2) licence (Green Ps)

To get your P2 licence (green Ps), you must:

- hold a P1 licence for 12 months (or longer in some situations – see *Extra time on a P1 or P2 licence* above);
- prove your identity; and
- pay the Provisional (P2) licence fee.

A P2 licence is issued for 3 years. To progress to your full licence, you must have had your P2 licence for at least 2 years. See Part 7 of this fact sheet for renewal and upgrade processes.

See Part 3 of this fact sheet for a list of **special restrictions** that apply to P2 as well as P1 licence holders, and for a list of situations when you might have to spend **extra time on a P1 or P2 licence** before moving to the next stage.

5 Step 4: Getting a full licence

To get a full (unrestricted) driver licence, you must:

- have held your P2 licence for at least 24 months (not including any suspension period listed above under *Extra time on a P1 or P2 licence*);
- prove your identity;
- pass an eyesight test;
- pay the unrestricted driver licence fee; and
- *only if you have an existing P2 licence from before 20 November 2017, you must pay the Driver Qualification Test (DQT) fee and pass the DQT. This is a touch-screen computer-based advanced hazard perception test and a further test of the road rules and safe driving*

You can choose for your first full licence to be valid for one year, three years or five years.

6 Renewing your licence

Once your licence expires, you must not drive until you have renewed it. It's your responsibility to renew your licence on time, even if you didn't receive the reminder notice. There are potentially heavy penalties for driving with an expired licence.

If you meet certain eligibility criteria, you can renew or upgrade your NSW driver licence online. Otherwise, you may have to visit a Service NSW centre. For more information, see <https://www.service.nsw.gov.au/transaction/renew-or-upgrade-a-nsw-driver-licence>.

The term that you renew or upgrade for depends on the licence class:

- Learner – 5 years.
- P1 Car and Rider – 18 months.
- P2 Car, Light Rigid, Medium Rigid, Heavy Rigid – 3 years.
- Full licence – 1, 3 or 5 years.

Learner licence renewal

Learner drivers are ineligible to upgrade to their P1 licence online and must go in person to a Service NSW centre.

If your learner driver licence is expiring or has expired, to renew it you'll have to re-apply for a learner licence. Therefore, you must pass the DKT again. You also need to do the eyesight test and pay the learner licence fee. Any driving hours recorded in your logbook or app will still be recognised, so you won't need to start again.

If you've already passed an HPT but haven't passed a driving test within 15 months of that day, you'll need to pass the HPT again before you can take the driving test.

Your new learner licence is valid for another 5 years.

Provisional licence renewal

If your P1 or P2 licence is expiring or has expired no more than 6 months ago, you can renew or upgrade it without taking a knowledge or driving test. However, you may need to pass an eyesight test and/or provide a satisfactory medical report. You will also need to pay the provisional licence fee.

For provisional drivers (P1 and P2), you can renew your licence up to 6 months before or after it expires (but remember, you are not allowed to drive on an expired licence).

If you renew your licence more than 6 months after it expired, but less than 5 years after expiry, your licence will be reissued. If your licence expired more than 5 years ago, you'll need to pass the eyesight, knowledge and driving tests again.

There's no maximum time limit for moving through the provisional P1 and P2 licence stages. You can renew a P1 or P2 licence as many times as you need to.

Unrestricted licence renewal

If your unrestricted licence is expiring or has expired no more than 6 months ago, you can renew or upgrade it without taking a knowledge or driving test. If you are under 45 years of age, you must have passed an eyesight test within 10.5 years of the renewed licence expiring.

If you renew your licence more than 6 months after it expired, but less than 5 years after expiry, your licence will be reissued. If your licence expired more than 5 years ago, you'll need to pass the eyesight, knowledge and driving tests again.

7 Driving without a licence

Driving without a licence can lead to heavy fines, more time off the road, and sometimes even imprisonment. Driving on an expired licence will usually get you a fine. Driving while you are disqualified, or while your licence is suspended or cancelled, is more serious and you will have to go to court. For more details, see *Traffic Fact Sheet 3 – Driving without a licence and Traffic Fact Sheet 7 – Serious traffic offences and courts*.

If you are worried about your licence being suspended, it's a good idea to seek legal advice. For more details, see *Traffic Fact Sheet 4 – Licence suspension and appeals*.

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The information in this fact sheet contains a basic summary of the law in New South Wales. It is not legal advice. If you need legal advice, you should speak to a lawyer.

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