



Discussion Paper: Driving on an overseas licence in Western Australia

Introduction

The Department of Transport (DoT) is considering changes to rules and regulations relating to persons driving in Western Australia (WA) on an overseas driver's licence.

The changes may affect temporary visitors to WA and those that move permanently to WA. This paper provides general information on the current requirements and the proposed changes. A more detailed paper is available at www.transport.wa.gov.au

DoT would like to know what you think of the proposed changes.

Why is DoT proposing changes to overseas driver's licence rules?

A recent co-operative investigation with the Corruption and Crime Commission has determined two key recommendations for change;

- A licence issued under a foreign law becomes invalid three months after the holder first arrives in WA; and
- a Practical Driving Assessment failure automatically cancels a foreign or interstate licence.

Current Requirements

Driving in WA on an overseas licence

A person can drive on an overseas licence upon arrival in WA. The overseas licence must be valid and carried while driving. If the overseas licence is a language other than English a translation of it into the English language must also be carried.

A person that holds a permanent visa granted under the *Migration Act 1958* cannot drive in WA on their overseas licence after three months. The three months starts once the person lives in WA and has a permanent visa. The three months does not start on the date the permanent visa was granted unless the person already lives in WA. After the three months, the person must hold a WA driver's licence to continue driving in WA.

All other visitors to WA, such as temporary visa holders, can drive in WA on their overseas licence unless:

- The overseas licence has expired or it is not valid in the home country;
- The person cannot safely drive;
- The person holds a WA or other Australian driver's licence.

Visitors to WA can drive on their overseas licence, with no additional testing. This is widely followed throughout the world. Australia is a signatory to the 1949 Geneva Convention on Road Traffic. This provides the same arrangements for holders of an Australian driver's licence when driving overseas.

Obtaining a WA driver's licence

WA currently follows the same process as other Australian States and Territories as well as New Zealand.

The driver licence system in other countries are assessed against Australian and New Zealand standards. Countries that meet the required standards are listed as *recognised countries*, and those that partially meet the standards are listed as *experienced driver recognised countries*.

A full list of these countries can be located online at

www.transport.wa.gov.au/licensing/transferring-your-overseas-licence.asp

Recognised Countries

- A person who holds a car or motorcycle licence from a recognised country can be granted a WA car or motorcycle driver's licence without passing a theory test or practical driving assessment.
- Tests are required to get a heavy vehicle licence ('truck licence') in WA.

Experienced driver recognised countries

- A person aged 25 years or older, who holds a car or motorcycle licence from an experienced driver recognised country, can be granted a WA car or motorcycle driver's licence without passing a theory test or practical driving assessment.
- Tests are required for all ages to get a heavy vehicle licence ('truck licence') in WA.

Remaining countries

- Licence holders from all other countries must pass a theory test and practical driving assessment before a car or motorcycle driver's licence can be granted in WA.
- Further tests are required to get a heavy vehicle licence ('truck licence') in WA.

When applying for a WA driver's licence a person must provide proof of their identity and address.

An overseas licence can be used to meet eligibility requirements for a higher class of licence. For example, a person must have a car licence for one year before they can hold a light rigid (LR) licence in WA. A person can use the time they have held an overseas car licence towards the one year and apply for a WA light rigid (LR) licence instead of a car licence. Depending on where the overseas licence was issued the person may need to complete a general road rules and heavy vehicle theory test and a practical driving assessment, before being granted a WA LR driver's licence.

A failed Practical Driving Assessment in WA

Currently, when a person fails a practical driving assessment, they can continue to drive on their overseas driver's licence in WA. The Regulations do provide that in certain circumstances DoT can advise a driver in writing that they can no longer drive in WA on the overseas licence.

Discussion

Should the length of time a visiting driver or permanent visa holder can drive on their overseas licence while in WA be changed?

Under the current system, a three month time limit is given to permanent visa holders that:

- allows people to drive when first arriving in WA;
- allows time for people to apply for a WA driver's licence;
- encourages people to obtain a WA driver's licence, which in turn:
 - tests a person's driving ability;
 - provides a widely accepted identity document; and
 - creates a record of the person's driving history, road safety record and their identity;
- recognises that permanent visa holders are likely to be:
 - driving in WA for a long period of time; and
 - engaged in work, including driving heavy vehicles or carrying fare paying passengers.

In other Australian states and territories, permanent visa holders are restricted to driving on their overseas licence for either three or six months.

All visitors to WA, who do not hold a permanent visa, can drive in WA until their overseas licence expires, or the DoT advises the person in writing that they can no longer drive in WA on their overseas licence. This is the same in most other Australian states and territories, except the Northern Territory which limits the period to three months regardless of whether the person is a visitor or not.

Some visitors stay in Australia for short periods. There are visitors that stay in Australia for a number of years. For example the student visa (subclass 500) which can allow a person to stay in Australia for up to five years. Under the current system, these visitors could drive on an overseas licence in WA for the entire five years.

Should DoT immediately remove the ability to drive on an overseas licence in WA when a person fails a Practical Driving Assessment?

Removing the ability to drive on an overseas licence will mean the person will be no longer allowed to drive in WA on the overseas licence, not even to drive home from the place where the test was failed. The person can still use the overseas licence to drive in their home country and the licence card will not be taken away. This is because WA laws do not apply in another country.

Under this change, any overseas licence holder that fails a practical driving assessment:

- is not sufficiently able to safely drive in WA; and
- will immediately be forbidden from driving on the overseas licence in WA (this applies to all car, motorcycle and truck licences held on the overseas licence).

Most other Australian states immediately withdraw an overseas driver's licence should the holder fail a practical driving assessment.

Provide your feedback

Feedback is being sought on whether the community supports the proposed changes to overseas licences in WA to explore possible solutions.

You can provide your feedback by:

- Completing the survey by 5pm (WST), 30 September 2018
- Attending a workshop to be held in the Perth metropolitan area during September 2018. (Date to be confirmed)

Please refer to the website www.transport.wa.gov.au/stakeholder-surveys for more information on the survey and the workshop.

If you would like additional information about the proposed reforms, please contact-

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Driver and Vehicle Services
Department of Transport
Email: dvspolicy@transport.wa.gov.au
Subject: Changes to overseas driver's licence policy

Website: www.transport.wa.gov.au/stakeholder-surveys