****

**DRIVING WITH A FOREIGN DRIVER LICENCE – A COMPARATIVE REVIEW**

Each state and territory regulates the ability of individuals holding foreign driver licences to drive within their borders. You may drive in every state and territory if you hold a foreign driver licence but for varying lengths of time. While there are similarities between the individual regulatory schemes, there are also considerable differences. This paper reviews and comments on the most notable variations.

**Length of time you may drive on a foreign driver licence before you are required to obtain an Australian Licence**

The Northern Territory’s approach is the strictest. You are only permitted to drive on a foreign driver licence for three months before you are required to apply for an Australian driver licence. In every other state and territory you may drive on your foreign driver licence indefinitely until you obtain a permanent visa.

**Length of time you may drive on a foreign driver licence after you receive a permanent visa**

Queensland, New South Wales, the Australian Capital Territory, Tasmania, South Australia and Western Australia allow you to continue to drive on your foreign driver licence for up to 3 months after receiving a permanent visa. Victoria’s regulations are more generous, allowing you to drive for up to 6 months after receiving a permanent visa before requiring you to obtain an Australian driver licence.

**What you need to carry with you when driving on your foreign driver licence**

South Australia, Tasmania, Victoria, the Australian Capital Territory and New South Wales require you to carry your foreign driver licence and either an international permit or an English translation of your foreign driver licence.

The Northern Territory requires you to carry your foreign driver licence and an international permit. An English translation of your foreign driver licence cannot be used as a replacement for an international permit.

Queensland requires you to carry only your foreign driver licence and Western Australia permits you to carry only your foreign driver licence so long as it is in English. If it is not in English you are required to carry your foreign driver licence with either an international permit or an approved English translation.

**Failing an Australian driving test**

If you apply for a driver licence in Queensland, New South Wales, the Australian Capital Territory, Victoria or Tasmania, and are required to complete a driving test, you will be unable to drive on your foreign driver licence if you fail the test.

There are no provisions to this effect in South Australia, Western Australia or the Northern Territory. This results in drivers who fail the driving test can continue driving on their foreign driver licence.

**Transferring to an Australian driver licence**

All states and territories allow foreign drivers to transfer Class C and R licences. Page 9 of this summary sets out the testing requirements and exemptions.

All states and territories require foreign drivers to hold an Australian Class C licence for a specified period of time in order to obtain a heavy vehicle licence. The tenure periods vary between the licence classes. Victoria and the Australian Capital Territory allow experienced heavy vehicle drivers to apply for an exemption from the tenure requirements.

All states and territories require foreign drivers to complete practical driving tests and written theory tests in order to obtain a heavy vehicle licence.

**New Zealand licence holders**

New South Wales, Victoria and the Northern Territory require New Zealand licence holders to obtain an Australian driver licence after living continuously in the state for three months. There is no equivalent provision in any other state or territory.

The requirements regarding licence tests particularly in relation to heavy vehicles also varies among the states and territories.

**Name of regulations and applicable legislation**

**NT:** *Motor Vehicles Act* and *Traffic Act* - the majority of the information in this paper comes from the NT Department of Transport website.

**QLD:** *Transport Operations (Road Use Management – Driver Licensing) Regulation 2010* made under the *Transport Operations (Road Use Management) Act 1995*.

**NSW:** *Road Transport (Driver Licensing) Regulation 2008* made under the *Road Transport Act 2013*.

**ACT:** *Road Transport (Driver Licensing) Regulations 2000* made under the *Road Transport (Driver Licensing) Act 1999.*

**VIC:** *Road Safety (Drivers) Regulations 2009* made under the *Road Safety Act 1986*.

**TAS:** *Vehicle and Traffic (Drivers Licensing and Vehicle Registration) Regulations 2010* made under the *Vehicle and Traffic Act 1999*.

**SA:** *Motor Vehicle Regulations 2010* made under *Motor Vehicles Act 1959*.

**WA:** *Road Traffic (Authorisation to Drive) Regulations 2014* made under the *Road Traffic (Authorisation to Drive) Act 2008.*

**Definitions**

**NT:**

*Resident of the Territory*means a person who has resided continuously in the Territory for not less than 3 months.

**QLD:**

*Foreign driver licence*means a licence to drive a motor vehicle issued under the law of another country (Act).*Recognised country* means a country approved by Austroads and listed on its website as a recognised country (regulations).

**NSW:**

*Foreign driver licence* means a licence to drive a motor vehicle held by an international visitor and issued in the country in which the person is ordinarily resident.

*International driving permit* means a permit issued by: (a) a competent authority of a Contracting State or a subdivision of such a State, or (b) an association duly empowered by such an authority in accordance with the United Nations Convention on Road Traffic, Geneva, 1949.

*International visitor* means a person who: (a) is ordinarily resident in a foreign country, and (b) is not a permanent resident of Australia.

*Relevant external driver licence* means: (a) an Australian driver licence issued in another State or an internal Territory, or (b) a foreign driver licence (other than a foreign driver licence that authorises its holder to learn to drive a motor vehicle).

**ACT:**

*International driving permit* means a permit to drive a motor vehicle issued in accordance with the United Nations Convention on Road Traffic, Geneva, 1949 by (a) a competent authority of a contracting state or subdivision of a contracting state; or (b) an association authorised by a competent authority.

*Official English translation*, of a licence, includes an English translation recognised under the law of the country that issued the licence.

**VIC:**

*International driving permit*means a permit issued by (a) a competent authority of a Contracting State or a subdivision of such a State; or (b) an association duly empowered by such an authority— in accordance with the United Nations Convention on Road Traffic, Geneva, 1949

**TAS:**

*Foreign driver licence*means a licence (a) issued under the law of a foreign country; and (b) held by an international visitor who is ordinarily resident in that country; and (c) authorising the holder of the licence to drive a motor vehicle in that country (Act).

*International driving permit* means a permit issued by (a) a competent authority of a Contracting State or a subdivision of such a State; or (b) an association duly empowered by such an authority – in accordance with the United Nations Convention on Road Traffic, Geneva, 1949 (Act).

*International visitor* means a person who (a) is ordinarily resident in a foreign country; and (b) is not a permanent resident of Australia (Act).

**SA:**

*Foreign licence* means a licence to drive a motor vehicle issued under the law of another country (Act).

**WA:**

*External licensing authority*means a person or body having the authority of (a) an external Territory, as defined in the *Acts Interpretation Act 1901* of the Commonwealth; or (b) another country (Act).

*Foreign law*means the law of an external Territory, as defined in the *Acts Interpretation Act 1901* (Commonwealth) section 2B, or the law of another country (regulations).

**Consistent among states and territories:**

*Recognised countries:* Austria, Belgium, Bosnia and Herzegovina, Canada, Croatia, Denmark, Finland, France, Germany, Greece, Guernsey, Ireland, Isle of Man (for licences issued on or after 1 April 1991), Italy, Japan, Jersey, Luxembourg, Malta (for licences issued on or after 2 January 2004), Netherlands, Norway, Portugal, Singapore, Spain, Sweden, Switzerland, United Kingdom, and United States of America.

*Experienced driver recognition:* The category of Experienced Driver Recognition means a person who is 25 years of age or older can exchange their overseas driver licence for an Australian issued Class C and/or Class R driver licence without testing. People under 25 are required to undertake theory and practical testing in order to obtain an Australian issued driver licence. The economies with "Experienced Driver Recognition Status” are Bulgaria, Cyprus, Czech Republic, Estonia, Hong Kong, Hungary, Latvia, Lithuania, Poland, South Korea, Romania, Slovakia, Slovenia, South Africa (Republic of), and Taiwan.

**Length of time you can drive on a foreign driver licence as a temporary visitor before obtaining an Australian licence**

**NT:** three months

**Every other State and Territory:** Indefinitely.

**Effect of permanent visa**

**NT:** No effect.

**QLD:** If you have a permanent visa when you take up residence in Queensland, you have three months to obtain an Australian licence. If you do not have a permanent visa when you take up residence in Queensland but you later obtain a permanent visa, you have three months from the date of receiving the permanent visa to obtain an Australian licence (regulation 128(6)(b)).

**NSW:** You have three months after receiving a permanent visa to obtain an Australian licence (regulation 99(4)).

**ACT:** You have three months after receiving a permanent visa to obtain an Australian licence (regulation 91).

**VIC:** You have six months after receiving a permanent visa or six months after arriving in Australia if the permanent visa was granted while you were outside of Australia to obtain an Australian licence (regulation 18).

**TAS:** You have three months after receiving a permanent visa to obtain an Australian licence (regulation 38).

**SA:** If you hold a permanent visa and take up residence in SA, you have three months from the date you take up residence to obtain an Australian licence (section 97A).

**WA:** You have three months after receiving a permanent visa to obtain an Australian licence (regulation 61).

**Effect of foreign driver licence disqualification**

**NT:** No longer entitled to drive.

**QLD:** No longer entitled to drive (regulation 128).

**NSW:** No longer entitled to drive (regulation 99(4)).

**ACT:** No longer entitled to drive if the offence the person is convicted of would result in the driver licence being suspended/driver disqualified if it occurred in the ACT (regulation 91)

**VIC:** No longer entitled to drive (regulation 18).

**TAS:** No longer entitled to drive (regulation 38).

**SA:** No longer entitled to drive (section 97A).

**WA:** Cannot be granted a Western Australian licence (regulation 25).

**What you need to drive on a foreign driver licence**

**NT:** Foreign driver licence and international permit.

**QLD:** Only your foreign driver licence.

**NSW:** Foreign driver licence and international permit OR foreign driver licence and English translation of licence (regulation 99).

**ACT:** Foreign driver licence and international permit OR Foreign driver licence and English translation of licence regulation 94).

**VIC:** Foreign driver licence and international permit OR Foreign driver licence and English translation of licence (regulation 17).

**TAS:** Foreign driver licence and international permit OR Foreign driver licence and English translation of licence (section 8).

**SA:** Foreign driver licence and international permit OR Foreign driver licence and English translation of licence (section 97).

**WA:** Only your foreign driver licence so long as it is in English. If it is not in English you are required to carry your foreign driver licence with either an international permit or an approved English translation.

**Class of vehicle you can drive on a foreign driver licence**

**NT:** Must comply with the conditions on your foreign driver licence.

**QLD:** Must comply with the conditions on your foreign driver licence (regulation 128).

**NSW:** A motor vehicle of the same category as that permitted by your foreign driver licence (regulation 99).

**ACT:** A motor vehicle of the same category as that permitted by your foreign driver licence (regulation 94).

**VIC:** A motor vehicle of the same category as that permitted by your foreign driver licence (regulation 17).

**TAS:** Must comply with the conditions on your foreign driver licence (section 12).

**SA:** A motor vehicle of the same category as that permitted by your foreign driver licence (section 97).

**WA:** Must comply with the conditions on your foreign driver licence (regulation 60).

**Dual licence**

**NT:** The application process outlined on the Department of Transport website does not state that you need to surrender your foreign drivers licence.

**QLD:** The application process outlined on the Queensland Government website does not state that you need to surrender your foreign drivers licence.

**NSW:** The application process outlined on the RMS website does not state that you need to surrender your foreign drivers licence.

**ACT:** The application process outlined on the ACT Government website does not state that you need to surrender your foreign drivers licence.

**VIC:** The application process outlined on the Victorian Government website does not state that you need to surrender your foreign drivers licence.

**TAS:** The Registrar may require the applicant to surrender the licence before a Tasmanian driver licence is issued (regulation 22(5)). The Registrar must not issue a driver licence to an applicant if the applicant would, as a result, hold two or more full licences (regulation 22(6)). A driver licence issued contrary to sub-regulation (6) of regulation (22) is void (regulation 22(7)).

**SA:** No - cannot be granted a SA licence until the foreign driver licence is surrendered (section 75AA). Registrar can allow you to keep your foreign driver licence if it would unreasonable in the circumstances for you to surrender it (section 75AA(6)).

**WA:** Yes - so long as you "reasonably expect" to drive in the other country again (regulation 58).

**Failure of driving test**

**NT:** There is no provision in the Northern Territory that prevents a foreign driver from recommencing driving on their foreign driver licence after failing the Northern Territory driving test. This means that a foreign driver, who has resided in the Northern Territory for less than 3 months, can attempt the driving test, fail, and recommence driving on their foreign driver licence.

**QLD:** From 1 January 2014, if you hold a foreign licence and you fail a practical driving test, your authority to drive on your foreign licence will be withdrawn. Regulation 128(3) states that if a holder of a non-Queensland driver licence fails a practical driving test, the holder’s authority to drive is withdrawn immediately.

**NSW:** If you fail your driving or riding test, your visiting driving/riding privileges will be withdrawn. If you want to continue driving/riding in NSW, you will need to apply for a learner driver licence or learner rider licence and comply with all of the conditions that apply to learners in NSW.

You can then reattempt the driving test provided at least a week has passed since the last driving test. If you held an overseas learner rider licence and failed the riding test, you must obtain a NSW learner rider licence and complete the pre-learner and pre-provisional courses before you can attempt another riding test.

See: <http://www.rms.nsw.gov.au/roads/licence/moving-to-nsw.html>

**ACT:** Where an overseas licence holder fails a practical assessment with a Government examiner, the overseas licence is deemed to be invalid and the licence holder is required to take out a learner licence and abide by the conditions of that licence (regulation 102).

**VIC:** From 1 September 2015, if you fail a VicRoads practical driving test you are no longer be able to drive in Victoria using your overseas driver licence. This change applies to all VicRoads practical driving tests including, car driving tests, motorcycle learner permit skills assessment, motorcycle licence tests and heavy vehicle licence tests.

Regulation 18(5) states that any driver licence or learner permit held by a person issued in another jurisdiction or another country ceased to authorise that person to drive any category of motor vehicle on a highway if the person is required by the Corporation under section 27(1A) of the Act to undergo a test and the person has refused or failed to undergo the test or has not passed the test.

**TAS:** If you do not pass the practical driving assessment you will need to be issued with a Tasmanian learner licence and you are unable to drive on your overseas licence.

See: <http://www.transport.tas.gov.au/licensing/newtotas/overseas>

**SA:** There is no provision in South Australia that prevents a foreign driver from recommencing driving on their foreign driver licence after failing the South Australian driving test. If the foreign driver is not a permanent resident then they can recommence driving on their foreign driver licence even if they fail the driving test.

**WA:** There is no provision in the Western Australia that prevents a foreign driver from recommencing driving on their foreign driver licence after failing the Western Australian driving test. If the foreign driver is not a permanent resident then they can recommence driving on their foreign driver licence even if they fail the driving test.

**Applying for a driver licence – required tests**

**All states and territories:** Transfers will be to base grade classes only, i.e. Class C (car) and Class R (rider-motorcycle). Unless the overseas licence has been held for the relevant period, a Provisional licence will be issued. The relevant period for a person less than 25 years of age is two years. For applicants aged 25 and over the relevant period is one year.

Licence transfer applicants from recognised economies (see page 5) are exempt from the requirement for an entry level theory test and practical driving test.

A person from an economy with Experienced Driver Recognition status (see page 5), who is 25 years of age or older, can exchange their overseas driver licence for an Australian issued Class C and/or Class R driver licence without testing. People under 25 will be required to undertake theory and practical testing in order to obtain an Australian issued driver licence.

Licence holders from all other countries must pass a theory and practical (driving) test to affect a transfer, which will be to base grade licence classes (i.e. class C or class R) only. After gaining the pre-requisite base grade licence, the licence holder may choose to re-qualify for a heavy vehicle licence by passing the normal heavy vehicle theory and heavy vehicle practical (driving) tests.

**Applying for a heavy vehicle licence**

**NT:** Only a Class C and/or Class R will be issued from an overseas equivalent driver licence. A road law theory knowledge test and practical driving test is required for applicants from non-recognised countries. After the Class C licence is issued, a heavy vehicle driver licence may be applied for. However, you will need to complete a practical driving test and written theory test.

If you are applying for a LR or MR class of licence you must have held a Class C licence for 12 months. If you are applying for a HR licence you must have held a Class C licence for 24 months, 12 months of which must be continuous. If you are applying for a HC licence you must have held a MR or HR licence for 12 months and if you are applying for a MC licence you must have held a HR or HC licence for 12 months.

**QLD:** If you are applying for a Queensland provisional or open heavy vehicle licence (class LR, MR, HR, HC or MC), you will need to pass a written road rules test and a practical driving test.

If you are applying for a LR or MR class of licence you must have held a Class C licence for 12 months. If you are applying for a HR licence you must have held a Class C licence for 24 months or have held a LR or MR licence for 12 months. If you are applying for a HC licence you must have held a MR or HR licence for 12 months and if you are applying for a MC licence you must have held a HR or HC licence for 12 months.

**NSW:** You must complete a written road rules test and practical driving test as the exemptions from the tests only extend to class C and class R licences.

If you are applying for a LR or MR class of licence you must have held a Class C licence for 12 months. If you are applying for a HR licence you must have held a Class C licence for 24 months, 12 months of which must be continuous. If you are applying for a HC licence you must have held a MR or HR licence for 12 months and if you are applying for a MC licence you must have held a HR or HC licence for 12 months.

**ACT:** An applicant from overseas who wishes to transfer a heavy vehicle licence to the ACT must meet the full requirements for the heavy vehicle class. This includes a practical driving test and a written theory test.

If you are applying for a LR or MR class of licence you must have held a Class C licence for 12 months. If you are applying for a HR licence you must have held a Class C licence for 24 months, 12 months of which must be continuous. If you are applying for a HC licence you must have held a MR or HR licence for 12 months and if you are applying for a MC licence you must have held a HR or HC licence for 12 months.

The applicant is exempt from the tenure requirement if the applicant held an equivalent heavy vehicle licence class overseas for the required tenure period.

**VIC:** If your overseas licence (excluding New Zealand) includes a heavy vehicle category (e.g. truck or bus licence), you must still complete a full heavy vehicle licence assessment (which includes passing a practical driving assessment and a written theory test) to get the equivalent heavy vehicle licence category in Victoria.

You will have to wait at least 12 months before you can be tested, unless you have an exemption.

To apply for the exemption, you must provide a letter with supporting evidence showing how long you have held your heavy vehicle category overseas and a copy of your overseas licence. If the licence is not in English, you must also supply an official translation.

**TAS:** You must complete a full heavy vehicle licence assessment. The exemptions from tests only extend to class C and class R licences. Therefore you will need to complete a practical driving assessment and a written theory test.

You can apply for a LR or MR licence if you are at least 19 years of age and you have held a Class C licence for 12 months. You can apply for a HR if you are at least 20 years of age and you have held a Class C licence for 2 years. If you have held a LR or MR licence for at least 12 months at the date of application for a HR licence you will not need to do an approved training course.

You can apply for a HR licence if you are at least 20 years of age and have held a C class licence for 2 years. If you have also held your MR licence for at least 12 months at the date of application for a HR licence you will not need to do an approved training course.

You can apply for a HC licence if you are at least 20 years of age and you have held a C class licence for 2 years. If you have held a MR licence for at least 12 months at the date of application for a HC licence you will not need to do an approved training course.

You can apply for a MC licence if you are at least 21 years of age and you have held a HR licence or higher category of licence for at least 12 months at the date of application for a MC licence. An approved training course must be completed.

**SA:** You must complete a full heavy vehicle licence assessment. The exemptions from tests only extend to class C and class R licences. Therefore you will need to complete a practical driving assessment and a written theory test.

You can apply for a LR or MR licence if you are at least 18 years old and have held a Class C licence for 12 months. You can apply for a HR licence if you are at least 19 years old and have held a Class C licence for 24 months or a LR or MR licence for 12 months. You can apply for a HC licence if you are at least 19 years old and have held a MR or HR licence for 12 months. You can apply for a MC licence if you are at least 20 years old and have held a HR or HC licence for 12 months.

**WA:** All applicants who wish to apply for authorisation to drive a MR class vehicle or above will need to pass a practical driving assessment and a written theory test. Applicants for a LR licence do not need to undertake a written theory test.

You can apply for a LR or MR licence if you have held a Class C licence for 12 months. You can apply for a HR licence if you have held a Class C licence for 12 months or you currently hold a LR or MR licence. You can apply for a HC licence if you hold a MR or HR licence and you can apply for a MC licence if you hold a HR or HC licence.

**New Zealand licence holders**

**NT:** The holder of a New Zealand licence does not need to complete a written or practical test when transferring to a Class C or R licence. There are no other special exceptions for New Zealand licence holders, including in relation to heavy vehicle licencing requirements.

**QLD:** The holder of a New Zealand licence does not need to complete a written or practical test when transferring to a Class C, R or RE licence. A New Zealand licence holder will only need to pass a written test to obtain a LR, MR, HR or HC licence if their New Zealand licence permits them to drive a vehicle of the same class and the licence is valid or was held in the last five years. A New Zealand licence holder is required to pass a written test to obtain a MC licence as well as meet the requirements for a heavy vehicle driver licence (time periods etc), complete a multi-combination driving experience declaration form and provide evidence of their ability to drive a B double or road train.

**NSW:** Regulation 99 states that a New Zealand licence holder must obtain a New South Wales licence within three months of living continuously in New South Wales regardless of whether the licence holder is a temporary or permanent resident. No written or practical driving test is required when transferring to a Class C or R licence. There are no special exceptions for New Zealand licence holders in relation to heavy vehicle licencing requirements.

**ACT:** The holder of a New Zealand licence does not need to complete a written or practical test when transferring to a Class C or R licence. There are no other special exceptions for New Zealand licence holders, including in relation to heavy vehicle licencing requirements. The definition of permanent resident in the regulations includes “a New Zealand citizen who holds a special category visa under the *Migration Act 1958* (Cth), s 38”.

**VIC:** A New Zealand licence holder must obtain a Victorian licence within three months of living continuously in Victoria regardless of whether the licence holder is a temporary or permanent resident. No written or practical driving test is required when transferring to a Class C or R licence. There are no special exceptions for New Zealand licence holders in relation to heavy vehicle licencing requirements.

**TAS:** The holder of a New Zealand licence does not need to complete a written or practical test when transferring to a Class C or R licence. There are no other special exceptions for New Zealand licence holders, including in relation to heavy vehicle licencing requirements.

**SA:** A New Zealand licence holder is permitted to obtain a South Australian licence of an equivalent class, excluding MC, without undertaking a written or practical test.

**WA:** A New Zealand licence holder is exempt from undertaking a written and practical driving test in relation to Class C and R licences. They are required to complete a written test if applying for an MR licence or above. No practical driving test is required for heavy vehicle licences except for MC licences where a written and practical test is required.