
TRANSPORT

TR301*

Motor Vehicle Drivers Instructors Act 1963

**Motor Vehicle Drivers Instructors Amendment
Regulations (No. 2) 2001**

Made by the deputy of the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2001*.

2. Commencement

These regulations come into operation on 7 May 2001.

3. The regulations amended

The amendments in these regulations are to the *Motor Vehicle Drivers Instructors Regulations 1964**.

[* Reprinted as at 2 July 1999.

For amendments to 23 March 2001 see *Gazette 17 May 2000 and 30 January 2001*.]

4. Regulation 2 replaced

Regulation 2 is repealed and the following regulation is inserted instead —

“

2. Interpretation

In these regulations, unless the contrary intention appears —

“**axle**” means the axis of rotation of any of the wheels on which a vehicle is or may be driven, regardless of whether the wheel is power driven or freely rotating and regardless of the number of wheels rotating on that axis, and if 2 or more wheels have substantially the same axis of rotation, or intersecting axes of rotation, when the vehicle is being driven in a straight line those wheels are to be regarded as being on the same axle;

“**GVM**” (which stands for “gross vehicle mass”) means the maximum loaded mass of a vehicle —

- (a) as specified by the manufacturer; or
- (b) as specified by the relevant authority if —
 - (i) the manufacturer has not specified a maximum loaded mass;

- (ii) the manufacturer cannot be identified;
or
- (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

“motor carrier” has the meaning given by the First Schedule to the *Road Traffic Act 1974*;

“motor cycle” has the meaning given by the First Schedule to the *Road Traffic Act 1974*;

“motor vehicle” means a self-propelled vehicle that is not operated on rails but does not include a power assisted pedal cycle, and the expression does not include a trailer attached to the vehicle;

“relevant authority”, in relation to a vehicle, means —

- (a) if the vehicle has never been licensed or registered but the vehicle is used or is intended to be used in this State — the Director General;
- (b) if the vehicle was last licensed in this State — the Director General; or
- (c) if the vehicle was last licensed or registered in another State or a Territory — the authority in that State or Territory whose functions most nearly correspond to those of the Director General;

“semi-trailer” means a trailer (including a pole-type trailer) that has —

- (a) one axle group or single axle to the rear; and
- (b) a means of attachment to a motor vehicle built to tow the trailer that results in some of the load being imposed on the motor vehicle;

“trailer” means a vehicle that is built to be towed, or is towed, by a motor vehicle, whether by attachment to the motor vehicle directly or to another trailer towed by the motor vehicle, but does not include a motor vehicle that is being towed.

”.

5. Regulation 12 amended

- (1) Regulation 12(2) is amended by deleting from “issued are —” to the end of the subregulation and inserting instead —
“ issued are the classes set out in Schedule 3. ”.
- (2) After regulation 12(2) the following subregulation is inserted —
“
- (3) When Schedule 3 describes a motor vehicle, other than one of class MC, it means a motor vehicle of the kind

described whether or not it is attached to a trailer that the motor vehicle may be used to tow according to Schedule 7 of the *Road Traffic (Drivers' Licences) Regulations 1975*.

”.

6. Regulation 12A inserted

After regulation 12 the following regulation is inserted —

“

12A. Scope of a licence or permit

A person who holds a licence or permit in respect of a motor vehicle of a class specified in Schedule 4 column 1 is entitled to act as an instructor in respect of a motor vehicle of that class and any vehicle specified in column 2 opposite that class.

”.

7. Schedule 1 amended

- (1) Schedule 1 is amended in Form 1 by deleting “5 types of driving instructors’ licences are issued as follows —” and the Table immediately following that, and inserting instead —

“

7 types of driving instructors’ licences are issued as follows —

No. Classes of motor vehicle for driving tuition

1. R A motor cycle or a motor carrier.
2. C A motor vehicle, other than a motor cycle or motor carrier, that has a GVM not exceeding 4.5 t and that is equipped to seat not more than 12 adults including the driver.
3. LR A motor vehicle, other than a motor cycle or motor carrier, that —
 - (a) has a GVM not exceeding 4.5 t and that is equipped to seat more than 12 adults including the driver; or
 - (b) has a GVM exceeding 4.5 t but not exceeding 8 t.
4. MR A motor vehicle, other than a motor cycle or motor carrier, that has 2 axles and a GVM exceeding 8 t.
5. HR A motor vehicle, other than a motor cycle or motor carrier, that has 3 or more axles and a GVM exceeding 8 t.
6. HC A motor vehicle that is attached to —
 - (a) a semi-trailer; or
 - (b) a trailer that has a GVM exceeding 9 t.
7. MC Any other motor vehicle.

”.

- (2) Schedule 1 is amended in Form 1 by deleting “(Insert 1, 2, 3, 4 or 5 — see above)” and inserting instead —
 “ (Insert 1, 2, 3, 4, 5, 6 or 7 — see above) ”.

8. **Schedule 3 and 4 inserted**

After Schedule 2 the following Schedules are inserted —

“

Schedule 3 — Classes of vehicles

[r. 12(2)]

No.	Class	Motor vehicle description
1.	R	A motor cycle or a motor carrier.
2.	C	A motor vehicle, other than a motor cycle or motor carrier, that has a GVM not exceeding 4.5 t and that is equipped to seat not more than 12 adults including the driver.
3.	LR	A motor vehicle, other than a motor cycle or motor carrier, that — (a) has a GVM not exceeding 4.5 t and that is equipped to seat more than 12 adults including the driver; or (b) has a GVM exceeding 4.5 t but not exceeding 8 t.
4.	MR	A motor vehicle, other than a motor cycle or motor carrier, that has 2 axles and a GVM exceeding 8 t.
5.	HR	A motor vehicle, other than a motor cycle or motor carrier, that has 3 or more axles and a GVM exceeding 8 t.
6.	HC	A motor vehicle that is attached to — (a) a semi-trailer; or (b) a trailer that has a GVM exceeding 9 t.
7.	MC	Any other motor vehicle.

Schedule 4 — Scope of a licence or permit

[r. 12A]

<i>Column 1</i>	<i>Column 2</i>
Class	Other motor vehicles the licence or permit holder is entitled to act as instructor in respect of
MC	A motor vehicle of class HC, HR, MR or LR
HC	A motor vehicle of class HR, MR or LR
HR	A motor vehicle of class MR or LR
MR	A motor vehicle of class LR

”.

9. **Transitional and saving**

Schedules 1 and 2 have effect.

Schedule 1 — Transitional and saving

[r. 9]

1. Interpretation

In this Schedule —

“**commencement day**” means the day on which these regulations come into operation;

“**continuing licence or permit**” means a licence or permit granted before the commencement day that would have continued after the beginning of that day had these regulations not come into operation.

2. Transition of licences and permits

- (1) A continuing licence or a permit that, immediately before the commencement day, was granted in respect of a motor vehicle of a class specified in Schedule 2 column 1 continues as if these regulations had not come into operation, but as a licence or permit for a motor vehicle of a class specified in column 2 opposite the class specified in column 1.
- (2) If what is authorised by a continuing licence or permit is, as a result of subclause (1), more restricted than it would have been if these regulations had not come into operation, the licence or permit also authorises anything that the licence authorised before the commencement day, but that authorisation is limited to the transitional period.
- (3) The transitional period for a licence or permit is the period during the year commencing on the commencement day while the licence or permit, or the licence as renewed, continues in force.

3. Applications to vary continuing licences

- (1) A person whose licence authorises something additional under clause 2(2) may, at any time while the additional thing is authorised, apply to the Director General for the licence to be varied as necessary to authorise the additional thing without the limitation referred to in clause 2(2).
- (2) An application under subclause (1) is to be —
 - (a) in a form approved by the Director General; and
 - (b) accompanied by such proof of the applicant’s driving and instruction experience as the Director General may require, verified by statutory declaration.
- (3) On an application under subclause (1) the Director General is to grant the variation if the Director General is satisfied that the applicant —
 - (a) has attained the age of twenty-one years;
 - (b) is a person of good character;
 - (c) is a fit and proper person to act as a driving instructor;
 - (d) is competent to teach persons to drive motor vehicles of the class in respect of which the application is made; and
 - (e) is the holder of a current and valid licence under the *Road Traffic Act 1974*, to drive motor vehicles of the class in

respect of which the application is made, whether in this State or elsewhere, for a continuous period of not less than three years or such other period as the Director General may approve in a particular case, before the application was made.

Schedule 2 — Table of motor vehicle classes

[r. 9]

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item	Former class	Present class
1.	Any motor car, or motor wagon having an aggregate mass of 4 500 kg or less	C
2.	Any motor vehicle (except a motor cycle or an articulated vehicle)	HR
3.	Any motor vehicle other than a motor cycle	HC
4.	Any motor cycle	R
5.	All classes of motor vehicles	R and MC

By Command of the deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
