

Western Australia

**Motor Vehicle Drivers
Instructors Regulations 1964**

Reprinted as at 2 July 1999

Western Australia

Motor Vehicle Drivers Instructors Regulations 1964

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Western Australia

Motor Vehicle Drivers Instructors Act 1963

Motor Vehicle Drivers Instructors Regulations 1964

1. Citation

These regulations may be cited as the *Motor Vehicle Drivers Instructors Regulations 1964*¹.

2. Interpretation

In these regulations, “**the Act**” means the *Motor Vehicle Drivers Instructors Act 1963*, and, unless the context otherwise requires, words and expressions used in these regulations have the same respective meanings as are given them in, and for the purposes of, the Act.

3. Form of application

Every application for a licence shall be made in the form of Form 1 in the schedule to these regulations.

4. Form of licence

A licence shall be in the form of Form 2 in the schedule to these regulations.

[Regulation 4 inserted in Gazette 9 July 1976 p.2367.]

5. Medical examinations

- (1) In any case where the Director General requires an applicant for, or the holder of, a licence to undergo a medical test, the licence shall not issue or, as the case may require, the licence is inoperative, until the applicant or holder produces the certificate of a legally qualified medical practitioner, nominated by the Director General certifying that, in the opinion of the medical practitioner, the applicant or holder is physically fit to act as a motor vehicle driving instructor.
- (2) Every medical certificate obtained pursuant to this regulation shall —
 - (a) be in a form required or supplied by the Director General; and
 - (b) speak as to the visual acuity of the applicant for, or holder of, the licence.

[Regulation 5 amended in Gazette 30 May 1975 p.1604; 2 February 1982 p.397; 31 January 1997 p.674.]

6. Delivery of expired, suspended or cancelled licence

The holder of a licence or permit shall, within 3 days after its expiration, suspension or cancellation, deliver up the licence or permit to the Director General.

[Regulation 6 amended in Gazette 30 May 1975 p.1604; 2 February 1982 p.397; 31 January 1997 p.674.]

7. Change of address

Where, subsequent to the issue of the licence or permit, the holder changes his address, he shall notify the Director General of that fact, within 7 days after the change.

[Regulation 7 amended in Gazette 30 May 1975 p.1604; 2 February 1982 p.397; 31 January 1997 p.674.]

8. Production of licence

The holder of a licence or permit shall produce it for inspection, at the request of a member of the Police Force, Traffic Inspector or a person wishing to receive, or who has received, driving instructions from the holder.

[Regulation 8 amended in Gazette 30 May 1975 p.1604; 9 July 1976 p.2367; 2 February 1982 p.397.]

9. Replacement licence

Where the Director General is satisfied that a licence or permit has been lost, mutilated, or destroyed, he may, on payment of the fee prescribed by these regulations, cause a replacement licence or permit to be issued; and the original licence or permit is, thereupon, of no force or effect.

[Regulation 9 amended in Gazette 30 May 1975 p.1605; 2 February 1982 p.397; 31 January 1997 p.674.]

10. Duplicate control and mirrors

Unless exempted by the Director General, every motor car, motor wagon and articulated vehicle provided by a driving instructor for the purposes of instruction shall be fitted with —

- (a) duplicate controls that —
 - (i) are located directly in front of the seat beside the driver;
 - (ii) readily enable the instructor to control the vehicle by effectively braking the vehicle and either disengaging the transmission or switching off the ignition;
- and
- (b) an approved rear vision mirror fitted in a position approved by the Director General for use of the instructor.

[Regulation 10 inserted in Gazette 29 October 1976 p.4120; amended in Gazette 2 February 1982 p.397; 31 January 1997 p.674.]

11. Appeals

An appeal against a decision of the Director General under section 10 of the Act shall be made by way of complaint, under the *Justices Act 1902*, and the grounds of appeal shall be annexed to the summons issued thereunder.

[Regulation 11 amended in Gazette 30 May 1975 p.1605; 2 February 1982 p.397; 31 January 1997 p.674.]

12. Prescribed body; classes of vehicles

- (1) The Licensing and Services Division of the Western Australia Police Department is a prescribed body for the purposes of section 7(4) of the Act and the certificate issued by a body in accordance with that section shall set out the class of vehicle in respect of which the certificate holder has been found competent to act as a driving instructor.
- (2) For the purposes of the Act and of these regulations, the classes of motor vehicle in respect of which drivers instructors licences and permits are issued are —
 - (1) any motor car, or any motor wagon having an aggregate of 4 500 kg or less;
 - (2) any motor vehicle (except a motor cycle or an articulated vehicle);
 - (3) any motor vehicle other than a motor cycle;
 - (4) any motor cycle.

[Regulation 12 amended in Gazette 28 June 1973 p.2451; 9 July 1976 p.2367; 2 February 1982 p.397; 24 May 1985 p.1764; 15 January 1988 p.76; 10 August 1990 p.3906.]

13. Fees

In respect of the matters listed below the following fees are payable —

	\$
The issue of an instructor's permit	4.35
The issue of an instructor's licence	22.60
Examination by The National Safety Council of Western Australia Incorporated or other prescribed body	41.25
Entering into a training course with The National Safety Council of Western Australia Incorporated or other prescribed body.....	180.00
The issue of a replacement licence or permit	11.85

[Regulation 13 inserted in Gazette 7 September 1990 p.4700; amended in Gazette 20 September 1991 p.4943; 24 May 1996 p.2170; 13 May 1997 p.2344; 12 May 1998 p.2797.]

13A. Exemptions

- (1) The Director General may exempt from the provisions of the Act relating to the payment of the prescribed fee an application for a licence or permit from, and the issue of a licence or permit or renewal thereof to, a person who is —
 - (a) in the Police Force of Western Australia, the Education Department of Western Australia or a school or institution approved by the Director General and is the holder of a Certificate of Competency issued by The National Safety Council of Western Australia Incorporated or any other body prescribed for the purpose of section 7(4) of the Act; or
 - (b) employed as a driving instructor by the Metropolitan (Perth) Passenger Transport Trust, the Western Australian Fire Brigades Board ² or such other body as is approved by the Director General.

- (2) Every licence or permit issued pursuant to this regulation shall have specified in it a condition that the holder will not, until the appropriate fee has been paid, act as a driving instructor other than in the course of his employment with the employer described in subregulation (1).

[Regulation 13A inserted in Gazette 9 February 1970 p.369; amended in Gazette 30 May 1975 p.1605; 9 July 1976 p.2368; 18 December 1981 p.5193 (repealed in Gazette 26 March 1982 p.1073); 2 February 1982 p.397; 10 June 1988 p.1906; 31 January 1997 p.674.]

14. Offence and penalty

Every person who —

- (a) commits a breach of, or fails to comply with, the provisions of these regulations; or
- (b) wilfully makes a false or misleading statement or wilfully furnishes any false or misleading information in, or in connection with, an application for a licence or permit,

commits an offence and is liable to a penalty of \$500.

[Regulation 14 amended in Gazette 5 September 1968 p.2685; 10 June 1988 p.1906.]

Schedule

Form No. 1

Western Australia

Motor Vehicle Drivers Instructors Act 1963

APPLICATION FOR LICENCE UNDER THE MOTOR VEHICLE DRIVERS INSTRUCTORS ACT

INFORMATION FOR APPLICANT:

5 types of driving instructors' licences are issued, as follows —

Licence Type Number	Classes of motor vehicles upon which driving tuition may be given
1.	Any motor car, or any motor wagon having an aggregate of 4 500 kg or less.
2.	Any motor vehicle (except a motor cycle or an articulated vehicle).
3.	Any motor vehicle other than a motor cycle.
4.	Any motor cycle.
5.	All classes of motor vehicles.

IMPORTANT — An applicant must have held an appropriate type of driver's licence for at least 3 years and must be at least 21 years of age.

APPLICATION:

Mr.

I, Mrs.

Miss Christian names (in full) Surname (block letters)

of

(Insert full residential address)

hereby apply for a type motor vehicle driving instructor's licence. (Insert 1, 2, 3, 4 or 5 — see above.)

I declare that the questions overleaf have been read by me and that the answers to such questions were written by me and, to the best of my knowledge and belief, are correct.

Date

Signature of Applicant

Schedule

CERTIFICATE BY OFFICER RECEIVING APPLICATION

I certify that —

- (a) The declaration above has been read and signed by the applicant in my presence.
- (b) I have impressed upon him that such questions must be answered fully and correctly.
- (c) I have inspected the licence mentioned in the answer to Question 1 overleaf and have verified that the answers given in items (a), (b) and (c) correspond with particulars on such licence.

Date

Signature

SEE OVER.

CAUTION: Any person who by false statement or misrepresentation obtains or attempts to obtain a licence, renders himself liable to a penalty of FIVE HUNDRED DOLLARS (\$500), and any licence so obtained may be cancelled.

The answer to each of the following Questions 1 to 10 must be written by the applicant.

-
1. Have you been, or are you now, the holder of a licence, issued in Western Australia or elsewhere, to drive a motor vehicle?
If so, please state —
 - (a) the name of the State or Country where the licence was issued. (a)
 - (b) the number of the licence and, if licence issued in Western Australia, the class of the licence (b)
 - (c) the date of expiry of the licence (c)Note — The licence must be produced for inspection by the officer receiving the application.
-
2. Are your Christian names, surname and residential address correctly stated overleaf?
How long have you lived at the address?
If less than 6 months, give previous addresses
-
3. What is the date and place of your birth? Date Place

4. (a) What is the name and address of your employer(s) during the last 6 months?			(a)
(b) In what capacity were you employed?			(b)
(c) When and for how long did you work for him/them?			(c)
5. Have you successfully completed a course of training or passed a qualifying examination as a motor vehicle driving instructor? .....			.....
If the answer is "Yes" full particulars must be shown			.....
6. What are the names and addresses of two (2) persons who have known you personally and well for at least 12 months to whom references can be made as to your character? .....			.....
(NOTE — THE NAMES OF RELATIVES AND IMMEDIATE PAST EMPLOYERS SHOULD NOT BE FURNISHED.			.....
The names furnished should be those of persons resident in Western Australia and such as clergymen, postmasters, school teachers, bank managers, business or professional men, police officers, senior officers of the Public Service, or householders who have been residing at their present addresses for more than 12 months.)			.....
			If answer is "Yes" state type of visual aid used
7. Do you wear spectacles or contact lenses as a visual aid? .....			.....
			Particulars if answer is "Yes"
8. Do you suffer, or have you at any time suffered from —			
(a) Epilepsy or fits?			(a)
(b) Frequent fainting or giddy attacks?			(b)
(c) (i) Diabetes?			(c) (i)
(ii) If so, are you being treated with insulin or any other substance to reduce blood sugar?			(ii)

Schedule

	“Yes” or “No”	Particulars if answer is “Yes”
(d) Any permanent disability to either hand or arm, either foot or leg, or either eye, or from deafness?	(d) .....	.....
(e) Any physical disability likely to affect your efficiency in controlling a motor vehicle? ..	(e) .....	.....
9. Have you ever, in Western Australia or elsewhere —		
(a) been refused or disqualified from obtaining a licence as a driver or rider of a motor vehicle, or as a motor vehicle driving instructor; or	(a) .....	.....
(b) having held such a licence, had it suspended or cancelled?	(b) .....	.....
(If the answer to any portion of questions 8 and 9 is “Yes”, full particulars must be furnished.)		
10. Have you ever, in Western Australia or elsewhere, been convicted of —		(a), (b) and (c) must each be answered “Yes” or “No”.
(a) Drunkenness?	(a)	If the answer is “Yes” to (a) or (b) or (c)
(b) Driving a motor vehicle whilst under the influence of intoxicating liquor?	(b)	particulars of every case as well as the courts and dates must be stated below.
(c) ANY OTHER OFFENCE?	(c)	
.....		
.....		

Form No. 2

Western Australia

Motor Vehicle Drivers Instructors Act 1963

LICENCE

MOTOR VEHICLE DRIVING INSTRUCTOR'S LICENCE

Licence No.

Name

Address.....

Date of Birth

Signature of Licensee

Unless sooner cancelled or suspended this licence remains in force until.....

This licence is subject to any conditions endorsed hereunder and authorizes the holder to act as a driving instructor in respect of —

- * all classes of motor vehicles
- * motor vehicles of the following class or classes:

.....
.....

Conditions:
.....

Fee \$22.60 (one year).

.....

Director General

* Delete whichever inapplicable.

Schedule

[Form No. 3. Deleted in Gazette 9 July 1976 p.2368.]

[Schedule amended in Gazette 5 September 1968 p.2685; 28 June 1973 p.2451; 30 May 1975 p.1604; 9 July 1976 p.2368; 16 February 1979 p.426; 18 December 1981 p.5193 (repealed in Gazette 26 March 1982 p.1073); 2 February 1982 p.397; 26 March 1982 p.1073; 20 August 1982 p.3269; 24 May 1985 p.1764; 26 September 1986 p.3689; 8 September 1989 p.3174; 10 August 1990 p.3906; 7 September 1990 p.4700; 20 September 1991 p.4943; 24 May 1996 p.2170; 31 January 1997 p.674.; 13 May 1997 p.2344; 12 May 1998 p.2797.]

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Notes

¹ This reprint is a compilation as at 2 July 1999 of the *Motor Vehicle Drivers Instructors Regulations 1964* and includes the amendments included in the reprint of 21 May 1979 and the amendments effected by the other regulations referred to in the following Table.

Table of Regulations

Citation	Gazettal	Commencement	Miscellaneous
<i>Motor Vehicle Drivers Instructors Regulations 1964</i>	10 March 1964 pp.1025-9	10 March 1964	
(Regulations effecting amendments included in the previous reprint are not referred to in this Table)	24 May 1979 pp.1369-76		Previous reprint as at 21 May 1979
	16 February 1979 p.426	16 February 1979	These regulations were not included in the previous reprint
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1981</i>	18 December 1981 p.5193	18 December 1981	Repealed in <i>Gazette</i> 26 March 1982 p.1073
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1982</i>	2 February 1982 p.397	2 February 1982 (see regulation 2)	
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 3) 1982</i>	20 August 1982 p.3269	1 October 1982 (see regulation 2)	
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1984</i>	31 August 1984 p.2782	31 August 1984	
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1985</i>	24 May 1985 p.1764	24 May 1985	

Motor Vehicle Drivers Instructors Regulations 1964

Citation	Gazettal	Commencement	Miscellaneous
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1986</i>	26 September 1986 p.3689	1 October 1986 (see regulation 2)	
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1987</i>	15 January 1988 p.76	15 January 1988	
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1988</i>	10 June 1988 p.1906	10 June 1988	
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1989</i>	8 September 1989 p.3174	1 October 1989 (see regulation 2)	
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1990</i>	10 August 1990 p.3906	10 August 1990	
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 1990</i>	7 September 1990 p.4700	1 October 1990 (see regulation 2)	
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1991</i>	20 September 1991 p.4943	1 October 1991 (see regulation 2)	
<i>Motor Vehicles Instructors Amendment Regulations 1996</i>	24 May 1996 p.2170	1 June 1996 (see regulation 2)	Regulation 6: transitional ³
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1997</i>	31 January 1997 p.674	1 February 1997 (see regulation 2 and <i>Gazette</i> 31 January 1997 p.613)	
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No.2) 1997</i>	13 May 1997 pp.2343-4	1 July 1997 (see regulation 2)	
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1998</i>	12 May 1998 pp.2796-7	1 July 1998 (see regulation 2)	

² Now superseded by the Fire and Emergency Services Authority of Western Australia.

³ Regulation 6 of the *Motor Vehicles Instructors Amendment Regulations 1996* reads as follows —

“

6. Transitional

The principal regulations as in force before the commencement day of these regulations shall continue to apply in relation to —

- (a) the grant of a license if that license is granted before 1 July 1996; and
- (b) the renewal of a license if that renewal has effect on and from a day that precedes 1 July 1996.

”