

Western Australia

Motor Vehicle Drivers Instructors Regulations 1964

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Motor Vehicle Drivers Instructors Regulations 1964

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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, 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;

“Department” means the department of the Public Service principally assisting the Minister in the administration of the Act;

“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;

“licensing officer” means a person —

- (a) employed in, or engaged under a contract of service or a contract for service or otherwise to provide services to, the Department; and
- (b) in that capacity, involved in the assessment of applications for driver's licences under Part IVA of the *Road Traffic Act 1974*;

“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.

[Regulation 2 inserted in Gazette 27 Apr 2001 p. 2203-4; amended in Gazette 11 Jul 2006 p. 2545.]

3. Form of application

Every application for a licence shall be made in the form of Form 1 in Schedule 1.

[Regulation 3 amended in Gazette 30 Jan 2001 p. 618.]

4. Form of licence

A licence shall be in the form of Form 2 in Schedule 1.

[Regulation 4 inserted in Gazette 9 Jul 1976 p. 2367; amended in Gazette 30 Jan 2001 p. 619.]

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 Feb 1982 p. 397; 31 Jan 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 Feb 1982 p. 397; 31 Jan 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 Feb 1982 p. 397; 31 Jan 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, a Traffic Inspector, a licensing officer 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 Jul 1976 p. 2367; 2 Feb 1982 p. 397; 11 Jul 2006 p. 2545.]

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 Feb 1982 p. 397; 31 Jan 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 Oct 1976 p. 4120;
amended in Gazette 2 Feb 1982 p. 397; 31 Jan 1997 p. 674.]*

[11. Repealed in Gazette 30 Dec 2004 p. 6954.]

12. Prescribed body; classes of vehicles

- (1) A body listed in Schedule 2 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 the classes set out in Schedule 3.

r. 12A

- (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*.

[Regulation 12 amended in Gazette 28 Jun 1973 p. 2451; 9 Jul 1976 p. 2367; 2 Feb 1982 p. 397; 24 May 1985 p. 1764; 15 Jan 1988 p. 76; 10 Aug 1990 p. 3906; 30 Jan 2001 p. 619; 27 Apr 2001 p. 2204-5.]

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.

[Regulation 12A inserted in Gazette 27 Apr 2001 p. 2205.]

13. Fees

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

	\$
An application for the initial grant of a licence under section 7(1) of the Act	45.00
The issue of an instructor's permit	5.00
The issue of an instructor's licence	26.90
Test by the Director General under section 7(3) of the Act	49.40
The issue of a replacement licence or permit	14.15

[Regulation 13 inserted in Gazette 7 Sep 1990 p. 4700; amended in Gazette 20 Sep 1991 p. 4943; 24 May 1996 p. 2170; 13 May 1997 p. 2344; 12 May 1998 p. 2797; 17 May 2000 p. 2432; 30 Jan 2001 p. 619; 29 Jun 2001 p. 3255; 17 May 2002 p. 2568; 20 May 2003 p. 1799; 28 May 2004 p. 1841; 27 May 2005 p. 2304; 23 Jun 2006 p. 2223.]

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 ² or a school or institution approved by the Director General and is the holder of a Certificate of Competency issued by a body listed in Schedule 2; or
 - (b) employed as a driving instructor by the Metropolitan (Perth) Passenger Transport Trust, the Western Australian Fire Brigades Board ³ 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 Feb 1970 p. 369; amended in Gazette 30 May 1975 p. 1605; 9 Jul 1976 p. 2368; 2 Feb 1982 p. 397; 10 Jun 1988 p. 1906; 31 Jan 1997 p. 674; 30 Jan 2001 p. 619.]

14. Offence and penalty

Every person who —

r. 14

- (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 Sep 1968 p. 2685;
10 Jun 1988 p. 1906.]*

Schedule 1 — Forms

[r. 3 and 4]

Form No. 1

Western Australia

Motor Vehicle Drivers Instructors Act 1963

APPLICATION FOR LICENCE UNDER THE MOTOR VEHICLE DRIVERS INSTRUCTORS ACT

INFORMATION FOR APPLICANT:

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 — <ul style="list-style-type: none"> (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 — <ul style="list-style-type: none"> (a) a semi-trailer; or (b) a trailer that has a GVM exceeding 9 t.
7.	MC	Any other motor vehicle.

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.

Schedule 1 Forms

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, 5, 6 or 7 — 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

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

Motor Vehicle Drivers Instructors Regulations 1964

Forms **Schedule 1**

	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		
(INCLUDING A DE FACTO PARTNER) 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.)		
	“Yes” or “No”	If answer is “Yes” state type of visual aid used
7.	Do you wear spectacles or contact lenses as a visual aid?

Schedule 1 Forms

	"Yes" or "No"	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)
(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.)		

	"Yes" or "No"	Particulars if answer is "Yes"
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 1 amended in Gazette 30 Jun 2003 p. 2618.]

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 authorises
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 1, formerly Schedule, amended in Gazette 5 Sep 1968
p. 2685; 28 Jun 1973 p. 2451; 30 May 1975 p. 1604; 9 Jul 1976
p. 2368; 16 Feb 1979 p. 426; 18 Dec 1981 p. 5193; 2 Feb 1982
p. 397; 26 Mar 1982 p. 1073; 20 Aug 1982 p. 3269; 24 May 1985
p. 1764; 26 Sep 1986 p. 3689; 8 Sep 1989 p. 3174; 10 Aug 1990
p. 3906; 7 Sep 1990 p. 4700; 20 Sep 1991 p. 4943; 24 May 1996
p. 2170; 31 Jan 1997 p. 674; 13 May 1997 p. 2344; 12 May 1998
p. 2797; renumbered as Schedule 1 in Gazette 30 Jan 2001 p. 619;
amended in Gazette 27 Apr 2001 p. 2205-6; 30 Jun 2003 p. 2618.]*

Schedule 2 — Prescribed bodies

[r. 12(1), 13A(1)(a)]

1. Driver Training and Education Centre Pty Ltd trading as Driver Training and Education Centre
2. Road Transport Industry Training Committee Western Australia Inc
3. Institute of Driver Development Pty Ltd
4. Industries Services Training Pty Ltd
5. Midland College of TAFE, established under the *Vocational Education and Training Act 1996*
6. Arkery Pty Ltd trading as Skill Driving School
7. Marlies Hobbs and Jenny Duke trading as Achieved by Driving Together
8. Driving Improvement Consultancy (Tas) Pty. Ltd.
9. Crossrange Holdings Pty Ltd trading as Nationwide Transport Training
10. ETAS (WA) Pty Ltd
11. Shawsett Training Pty Ltd
12. Transport Training Centre (SA) Incorporated
13. Chiholm College of TAFE (NSW), established under the *Technical and Further Education Commission Act 1990* of New South Wales
14. Wodonga College of TAFE (Vic), established under the *Vocational Education and Training Act 1990* of Victoria
15. Transport Industries Skills Centre Incorporated (ACT)
16. Petya Pty Ltd trading as Drive Safe Australia WA

[Schedule 2 inserted in Gazette 30 Jan 2001 p. 619-20; amended in Gazette 11 Mar 2003 p. 751.]

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 3 inserted in Gazette 27 Apr 2001 p. 2206.]

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

[Schedule 4 inserted in Gazette 27 Apr 2001 p. 2206.]

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Schedule 4 Scope of a licence or permit

Notes

- ¹ This is a compilation of the *Motor Vehicle Drivers Instructors Regulations 1964* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Motor Vehicle Drivers Instructors Regulations 1964</i>	10 Mar 1964 p. 1025-9	10 Mar 1964
	5 Apr 1965 p. 985	5 Apr 1965
	5 Sep 1968 p. 2685	5 Sep 1968
	9 Feb 1970 p. 369	9 Feb 1970
	28 Jun 1973 p. 2451	1 Jul 1973
	30 May 1975 p. 1604-5	1 Jun 1975
	9 Jul 1976 p. 2367-8	9 Jul 1976
	29 Oct 1976 p. 4120	29 Oct 1976
	30 Jun 1978 p. 2142	30 Jun 1978
	16 Feb 1979 p. 426	16 Feb 1979
Reprint of the <i>Motor Vehicle Drivers Instructors Regulations 1964</i> dated 21 May 1979 in <i>Gazette</i> 24 May 1979 p. 1369-76 (includes amendments listed above except those in <i>Gazette</i> 16 Feb 1979 p. 426)		
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1981</i> ⁴	18 Dec 1981 p. 5193	18 Dec 1981
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1982</i>	2 Feb 1982 p. 397	2 Feb 1982 (see r. 2)
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 3) 1982</i>	20 Aug 1982 p. 3269	1 Oct 1982 (see r. 2)

Citation	Gazettal	Commencement
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1984</i>	31 Aug 1984 p. 2782	31 Aug 1984
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1985</i>	24 May 1985 p. 1764	24 May 1985
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1986</i>	26 Sep 1986 p. 3689	1 Oct 1986 (see r. 2)
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1987</i>	15 Jan 1988 p. 76	15 Jan 1988
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1988</i>	10 Jun 1988 p. 1906	10 Jun 1988
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1989</i>	8 Sep 1989 p. 3174	1 Oct 1989 (see r. 2)
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1990</i>	10 Aug 1990 p. 3906	10 Aug 1990
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 1990</i>	7 Sep 1990 p. 4700	1 Oct 1990 (see r. 2)
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1991</i>	20 Sep 1991 p. 4943	1 Oct 1991 (see r. 2)
<i>Motor Vehicles Instructors Amendment Regulations 1996⁵</i>	24 May 1996 p. 2170	1 Jun 1996 (see r. 2)
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1997</i>	31 Jan 1997 p. 674	1 Feb 1997 (see r. 2 and <i>Gazette</i> 31 Jan 1997 p. 613)
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 1997</i>	13 May 1997 p. 2343-4	1 Jul 1997 (see r. 2)
<i>Motor Vehicle Drivers Instructors Amendment Regulations 1998</i>	12 May 1998 p. 2796-7	1 Jul 1998 (see r. 2)
Reprint of the Motor Vehicle Drivers Instructors Regulations 1964 as at 2 Jul 1999 (includes amendments listed above)		
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 3) 2000</i>	17 May 2000 p. 2432	1 Jul 2000 (see r. 2)
<i>Motor Vehicle Drivers Instructors Amendment Regulations 2001</i>	30 Jan 2001 p. 618-20	5 Feb 2001 (see r. 2)

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Schedule 4 Scope of a licence or permit

Citation	Gazettal	Commencement
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2001</i> ⁶	27 Apr 2001 p. 2203-8 (as amended 13 Jul 2001 p. 3471-2)	7 May 2001 (see r. 2)
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 3) 2001</i>	29 Jun 2001 p. 3255	1 Aug 2001 (see r. 2)
<i>Motor Vehicle Drivers Instructors Amendment Regulations 2002</i>	17 May 2002 p. 2567-8	1 Jul 2002 (see r. 2)
Reprint of the Motor Vehicle Drivers Instructors Regulations 1964 as at 5 Jul 2002 (includes amendments listed above)		
<i>Motor Vehicle Drivers Instructors Amendment Regulations 2003</i>	11 Mar 2003 p. 751	11 Mar 2003
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2003</i>	20 May 2003 p. 1799	1 Jul 2003 (see r. 2)
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 27</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2004</i>	28 May 2004 p. 1841	1 Jul 2004 (see r. 2)
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 3) 2004</i>	30 Dec 2004 p. 6954	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2005</i>	27 May 2005 p. 2304	1 Jul 2005 (see r. 2)
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 4) 2006</i>	23 Jun 2006 p. 2222-3	1 Jul 2006 (see r. 2)
<i>Motor Vehicle Drivers Instructors Amendment Regulations (No. 3) 2006</i>	11 Jul 2006 p. 2545-6	11 Jul 2006

² Under the *Alteration of Statutory Designations Order (No. 3) 2001* the name of the former Education Department of Western Australia was changed to the Department of Education.

³ Now superseded by the Fire and Emergency Services Authority of Western Australia.

⁴ These regulations were purportedly repealed by the *Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 1982* (published in *Gazette* 26 Mar 1982 p. 1073).

⁵ The *Motor Vehicles Instructors Amendment Regulations 1996* r. 6 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.

”.

⁶ The *Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2001* r. 9, which gives effect to Sch. 1 and 2 (as amended by the *Motor Vehicle Drivers Instructors Amendment Regulations (No. 4) 2001* (published in *Gazette* 13 Jul 2001 p. 3471-2)), reads as follows:

“

9. Transitional and saving

Schedules 1 and 2 have effect.

”.

Schedules 1 and 2 read as follows:

“

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

Schedule 1 — Scope of a licence or permit
Transitional
and saving

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 21 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

<i>Column 1</i>	<i>Column 2</i> [r. 9]
Former class	Present class
Any motor car, or motor wagon having an aggregate mass of 4 500 kg or less	C
Any motor vehicle (except a motor cycle or an articulated vehicle)	HR
Any motor vehicle other than a motor cycle	HC
Any motor cycle	R
All classes of motor vehicles	R and MC
<i>[Schedule 2 inserted in Gazette 13 Jul 2001 p. 3472.]</i>	

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