

**MOTOR VEHICLE DRIVING INSTRUCTORS
(AMENDMENT) ACT 1988 No. 83**

NEW SOUTH WALES

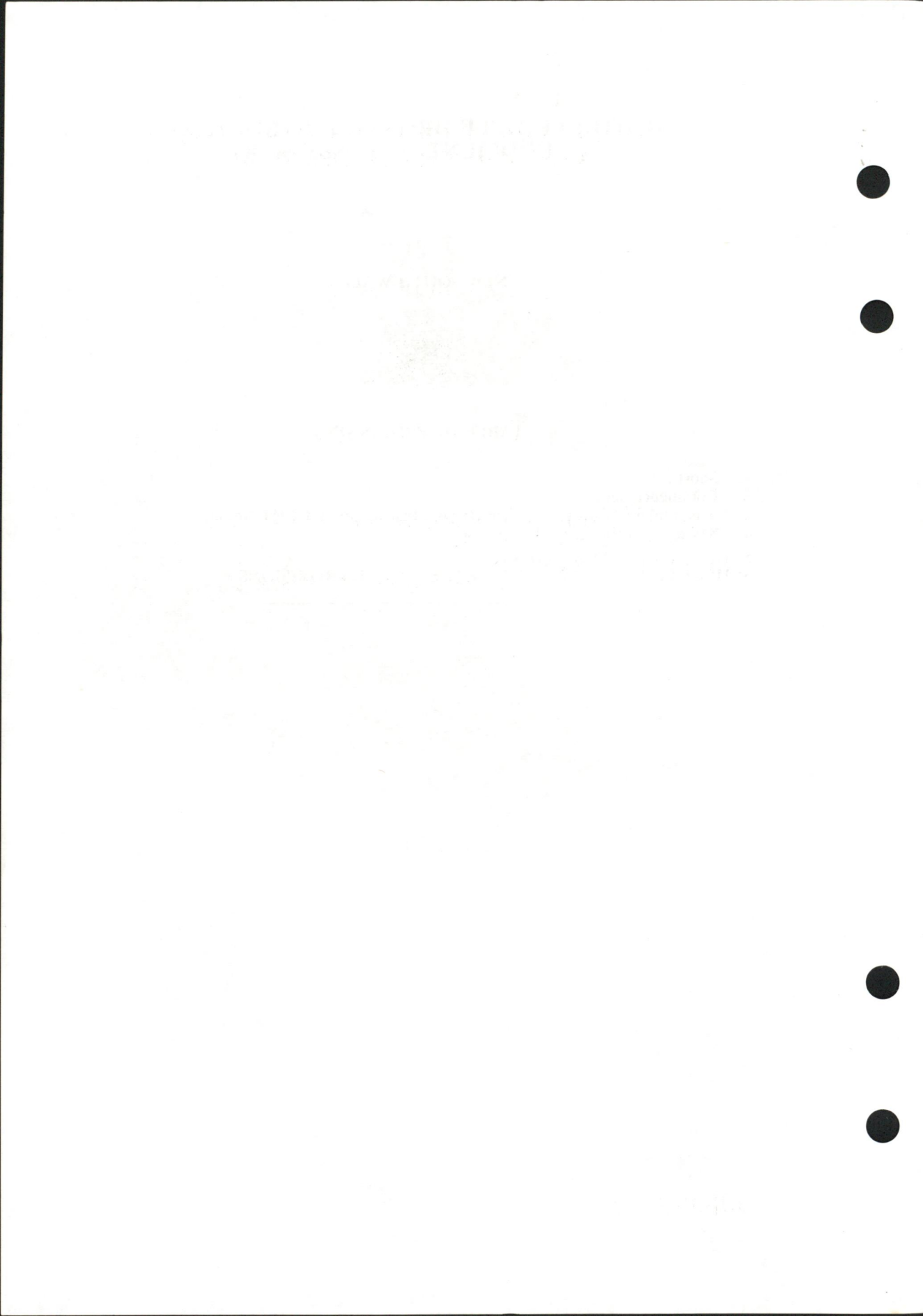


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4. Savings and transitional provisions

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SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS



**MOTOR VEHICLE DRIVING INSTRUCTORS (AMENDMENT) ACT
1988 No. 83**

NEW SOUTH WALES



Act No. 83, 1988

An Act to amend the Motor Vehicle Driving Instructors Act 1961 with respect to licences under that Act and so as to discontinue the issue of certain permits. [Assented to 6 December 1988]

Motor Vehicle Driving Instructors (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Motor Vehicle Driving Instructors (Amendment) Act 1988.

Commencement

2. This Act commences on the date of assent.

Amendment of Motor Vehicle Driving Instructors Act 1961 No. 60

3. The Motor Vehicle Driving Instructors Act 1961 is amended as set out in Schedule 1.

Savings and transitional provisions

4. Schedule 2 has effect in relation to certain licences and permits.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**)—

Omit the definition of "Permit".

(2) Section 4—

Omit the section, insert instead:

Licences

4. (1) A licence authorises its holder—

- (a) to act as a driving instructor in respect of the class of motor vehicles specified in the licence; or
- (b) if no class of motor vehicles is so specified—to act as a driving instructor in respect of all classes of motor vehicles.

(2) A licence issued to any person—

- (a) may take the form of an endorsement on a driver's licence under the Motor Traffic Act 1909 held by the person; or
- (b) may be issued in such other form as the Commissioner determines,

and may in either manner be renewed from time to time.

(3) A licence, unless sooner cancelled or suspended—

- (a) shall be in force for a period specified in the licence; or
- (b) if the licence takes the form of an endorsement on a driver's licence—shall be in force while the driver's licence is in force.

*Motor Vehicle Driving Instructors (Amendment) 1988*SCHEDULE 1—AMENDMENTS—*continued*(3) Section 5 (**Application for licence**)—

(a) Section 5 (4)—

Omit “Where the Commissioner, after considering the report of the Commissioner of Police made under subsection (3) in respect of any applicant, and such other matters as the Commissioner thinks fit, is satisfied”, insert instead “If the Commissioner is not satisfied that the applicant complies with all of the following requirements, namely,”.

(b) Section 5 (4)—

Omit “grant the application.”, insert instead “refuse to grant the application.”.

(c) Section 5 (4A)—

After section 5 (4), insert:

(4A) In considering whether to refuse to grant an application, the Commissioner is entitled to take into account any report of the Commissioner of Police and any other information (whether known or received before or after being furnished with any such report).

(4) Section 6 (**Cancellation or suspension of licences**)—

After section 6 (2), insert:

(2A) Subsection (2) requires the person who holds the licence concerned—

(a) to deliver up the licence itself; or

(b) if the licence takes the form of an endorsement on the person’s driver’s licence—to deliver up the driver’s licence for such time as may be necessary to record, by further endorsement or otherwise, the cancellation or suspension.

(5) Section 8 (**Permits**)—

Omit the section.

(6) Section 9 (**Offences**)—

Section 9 (1), (2)—

Omit “or permit” wherever occurring.

(7) Section 11 (**Records and evidence**)—

(a) Section 11 (1)—

Omit “and permits”.

(b) Section 11 (1)—

Omit “and the grant, refusal and revocation of permits”.

Motor Vehicle Driving Instructors (Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(8) Section 14 (**Regulations**)—

(a) Section 14 (1) (c), (e)—

Omit “and permits” wherever occurring.

(b) Section 14 (1) (d), (i)—

Omit “or permit” wherever occurring.

(c) Section 14 (1) (i)—

Omit “or by any applicant for a permit”.

(d) Section 14 (1) (k)—

Omit “or permits” wherever occurring.

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 4)

Meaning of “Principal Act”

1. The Motor Vehicle Driving Instructors Act 1961 is referred to in this Schedule as the Principal Act.

Driving instructors’ licences

2. (1) A licence under the Principal Act that was in force immediately before the commencement of this Act continues in force subject to the Principal Act, as amended by this Act.

(2) An application lodged, before the commencement of this Act, for a licence under the Principal Act and not yet determined may be determined in accordance with the Principal Act, as amended by this Act.

Driving instructors’ permits

3. A permit under the Principal Act that was in force immediately before the commencement of this Act continues in force subject to the Principal Act as then in force, as if this Act had not been enacted.

[*Minister’s second reading speech made in—
Legislative Assembly on 10 November 1988
Legislative Council on 30 November 1988*]





**MOTOR VEHICLE DRIVING INSTRUCTORS
(AMENDMENT) BILL 1988**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Motor Traffic (Drivers' Licences) Amendment Bill 1988.

The object of this Bill is to amend the Motor Vehicle Driving Instructors Act 1961 so as—

- (a) to allow a driving instructor's licence to take the form of an endorsement on a driver's licence; and
- (b) to discontinue the issue of driving instructors' permits pending investigation of the merits of applicants for driving instructors' licences.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Clause 4 is a formal provision that gives effect to the Schedule of savings and transitional provisions.

SCHEDULE 1—AMENDMENTS

Driving instructors' licences

Schedule 1 (2) substitutes section 4 of the Principal Act which provides for the issue of licences. At present, licences are issued in a form prescribed by regulation and may only be granted for a 12-month term. Under the new section, licences will be able to be issued in the form of an endorsement on the applicant's driver's licence, or in some other form determined by the licensing authority, and may be issued for any specified term or for the duration of a driver's licence.

Schedule 1 (4) makes a consequential amendment.

Motor Vehicle Driving Instructors (Amendment) 1988

Permits

Schedule 1 (5) repeals section 8 of the Principal Act which provides for the issue of a permit, at the discretion of the licensing authority, to an applicant for a licence, pending further investigation of the applicant's merits as a prospective licensee. This practice is to be discontinued. Instead, it is proposed that an applicant will be issued with a licence unless the licensing authority has some basis (whether it be a report of the Commissioner of Police or other information) for thinking the applicant unsuitable in terms of the requirements of section 5 of the Principal Act.

Schedule 1 (1), (3), (6), (7) and (8) make consequential amendments.

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS

Schedule 2 provides a saving of licences and permits that were in force before the commencement of the proposed Act. It also provides for the application of the new licensing provisions to licence applications which, although lodged before the commencement of the proposed Act, were not by then finally determined.

MOTOR VEHICLE DRIVING INSTRUCTORS (AMENDMENT) BILL 1988

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Motor Vehicle Driving Instructors Act 1961 No. 60
4. Savings and transitional provisions

SCHEDULE 1—AMENDMENTS

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS

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**MOTOR VEHICLE DRIVING INSTRUCTORS
(AMENDMENT) BILL 1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Motor Vehicle Driving Instructors Act 1961 with respect to licences under that Act and so as to discontinue the issue of certain permits.

Motor Vehicle Driving Instructors (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Motor Vehicle Driving Instructors (Amendment) Act 1988.

5 Commencement

2. This Act commences on the date of assent.

Amendment of Motor Vehicle Driving Instructors Act 1961 No. 60

3. The Motor Vehicle Driving Instructors Act 1961 is amended as set out in Schedule 1.

10 Savings and transitional provisions

4. Schedule 2 has effect in relation to certain licences and permits.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**)—

15 Omit the definition of "Permit".

(2) Section 4—

Omit the section, insert instead:

Licences

4. (1) A licence authorises its holder—

20 (a) to act as a driving instructor in respect of the class of motor vehicles specified in the licence; or

(b) if no class of motor vehicles is so specified—to act as a driving instructor in respect of all classes of motor vehicles.

(2) A licence issued to any person—

25 (a) may take the form of an endorsement on a driver's licence under the Motor Traffic Act 1909 held by the person; or

(b) may be issued in such other form as the Commissioner determines,

and may in either manner be renewed from time to time.

30 (3) A licence, unless sooner cancelled or suspended—

(a) shall be in force for a period specified in the licence; or

(b) if the licence takes the form of an endorsement on a driver's licence—shall be in force while the driver's licence is in force.

Motor Vehicle Driving Instructors (Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

- (3) Section 5 (**Application for licence**)—
- (a) Section 5 (4)—
- 5 Omit “Where the Commissioner, after considering the report of the Commissioner of Police made under subsection (3) in respect of any applicant, and such other matters as the Commissioner thinks fit, is satisfied”, insert instead “If the Commissioner is not satisfied that the applicant complies with all of the following requirements, namely,”.
- (b) Section 5 (4)—
- 10 Omit “grant the application.”, insert instead “refuse to grant the application.”.
- (c) Section 5 (4A)—
- After section 5 (4), insert:
- 15 (4A) In considering whether to refuse to grant an application, the Commissioner is entitled to take into account any report of the Commissioner of Police and any other information (whether known or received before or after being furnished with any such report).
- (4) Section 6 (**Cancellation or suspension of licences**)—
- 20 After section 6 (2), insert:
- (2A) Subsection (2) requires the person who holds the licence concerned—
- (a) to deliver up the licence itself; or
- 25 (b) if the licence takes the form of an endorsement on the person’s driver’s licence—to deliver up the driver’s licence for such time as may be necessary to record, by further endorsement or otherwise, the cancellation or suspension.
- (5) Section 8 (**Permits**)—
- Omit the section.
- 30 (6) Section 9 (**Offences**)—
- Section 9 (1), (2)—
- Omit “or permit” wherever occurring.
- (7) Section 11 (**Records and evidence**)—
- (a) Section 11 (1)—
- 35 Omit “and permits”.
- (b) Section 11 (1)—
- Omit “and the grant, refusal and revocation of permits”.

Motor Vehicle Driving Instructors (Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(8) Section 14 (**Regulations**)—

(a) Section 14 (1) (c), (e)—

Omit “and permits” wherever occurring.

(b) Section 14 (1) (d), (i)—

5 Omit “or permit” wherever occurring.

(c) Section 14 (1) (i)—

Omit “or by any applicant for a permit”.

(d) Section 14 (1) (k)—

Omit “or permits” wherever occurring.

10 SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 4)

Meaning of “Principal Act”

1. The Motor Vehicle Driving Instructors Act 1961 is referred to in this Schedule as the Principal Act.

15 **Driving instructors’ licences**

2. (1) A licence under the Principal Act that was in force immediately before the commencement of this Act continues in force subject to the Principal Act, as amended by this Act.

20 (2) An application lodged, before the commencement of this Act, for a licence under the Principal Act and not yet determined may be determined in accordance with the Principal Act, as amended by this Act.

Driving instructors’ permits

25 3. A permit under the Principal Act that was in force immediately before the commencement of this Act continues in force subject to the Principal Act as then in force, as if this Act had not been enacted.