

**DRIVING INSTRUCTORS ACT 1992—REGULATION**

(Driving Instructors Regulation 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Driving Instructors Act 1992, has been pleased to make the Regulation set forth hereunder.

ANNE COHEN, M.P.,  
Minister for Transport and Minister for Roads.

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**Citation**

1. This Regulation may be cited as the Driving Instructors Regulation 1993.

**Commencement**

2. This Regulation commences on 1st July, 1993

**Definitions**

3. In this Regulation:

“**driving instruction**” means instruction given to a person for the purpose of teaching the person to drive a motor vehicle;

“**driving instructor’s licence**” means a licence under the Act;

“**the Act**” means the Driving Instructors Act 1992;

“**the Authority**” has the same meaning as in the Act.

**Certain persons are not driving instructors (section 4 (3))**

4. (1) A person who provides driving instruction which does not involve the use of a motor vehicle (such as in a classroom, by use of a

simulator or by production of a book or manual) is not a driving instructor for the purposes of the Act when providing that instruction.

(2) A person who is employed or otherwise engaged to provide driving instruction to employees of the Police Service, the New South Wales Fire Brigades, the Ambulance Service, the State Rail Authority or the State Transit Authority for the purposes of their employment is not a driving instructor for the purposes of the Act when providing that instruction.

### **Fees**

5. (1) The fees payable for a licence, a renewal of a licence, a duplicate licence or a certificate under section 46 of the Act are as set out in Schedule 1.

(2) A certificate under section 46 of the Act may be issued without the imposition of a fee.

### **Display of driving instructor's licence**

6. (1) A person who holds a driving instructor's licence must not act as a driving instructor in a motor vehicle unless his or her driving instructor's licence is firmly fixed in a conspicuous position on the exterior or interior of the motor vehicle so that all matter on the face of the licence can be conveniently seen and read by any person.

(2) The registered owner of a motor vehicle must not:

- (a) cause or permit the motor vehicle to be driven in contravention of this clause; or
- (b) fail to take reasonable precautions to prevent the motor vehicle from being driven in contravention of this clause.

Maximum penalty: 20 penalty units

### **Improper use or care of driving instructor's licence**

7. (1) A person who holds a driving instructor's licence must not act as a driving instructor in a motor vehicle, or drive, or cause or permit to be stood or driven, a motor vehicle used for the giving of driving instruction, on which is fixed a driving instructor's licence which:

- (a) has been altered, mutilated or defaced in any manner; or
- (b) was not issued to the person; or
- (c) contains any particulars which the person knows to be false or misleading in a material respect.

(2) A person must not alter, mutilate or deface a driving instructor's licence.

(3) A person must not lend or otherwise part with possession of his or her driving instructor's licence.

Maximum penalty: 20 penalty units.

### **Records to be kept by driving schools**

**8. (1)** For the purposes of section 47 (1) of the Act, the proprietor of a driving school must keep or cause to be kept in a form approved by the Authority a record of the following:

- (a) the name of the school;
- (b) the name of each person who is an owner of the school (that is, a person who has any share in the capital of the business of the school, or any entitlement to receive any income derived from the school, whether the entitlement arises at law or in equity or otherwise, and may include a proprietor, or a person having principal control, management and administration, of the school);
- (c) the name of the person having principal control, management and administration of the school;
- (d) the name of any other person who engages in the control, management or administration of the school;
- (e) the name, driver's licence number and driving instructor's licence number of each driving instructor working for the school;
- (f) the name, address and telephone number of each student who receives driving instruction from the school; and
- (g) the registration number of each motor vehicle used by the school to provide driving instruction.

(2) The proprietor of a driving school must retain such a record for at least 5 years after the record is made.

Maximum penalty (subclause (2)): 20 penalty units

### **Records to be kept by driving instructors**

**9. (1)** For the purposes of section 48 of the Act, the holder of a driving instructor's licence must keep in a form approved by the Authority a record of the following:

- (a) the name, driver's licence number and driving instructor's licence number of the driving instructor;

- (b) the name of each driving school for which the driving instructor works;
  - (c) the name, address and telephone number of each student who receives driving instruction from the driving instructor;
  - (d) the learner's licence number of each such student;
  - (e) the dates and times of theory and practical instruction for each such student;
  - (f) the registration number of each motor vehicle used for practical instruction by the driving instructor;
  - (g) the dates, locations and number of driving tests presented for by each student of the driving instructor;
  - (h) if the driving instructor's motor vehicle is hired solely for a driving test, the name, address and learner's licence number of the person presenting for the test.
- (2) The holder of a driving instructor's licence must retain such a record for at least 5 years after the record is made.

Maximum penalty (subclause (2)): 20 penalty units.

### **Duplicate driving controls**

**10. (1)** The holder of a driving instructor's licence must not use a motor vehicle to give driving instruction unless the motor vehicle is equipped with duplicate driving controls of a type approved by the Authority.

Maximum penalty: 20 penalty units

- (2) This clause does not apply:
- (a) in any case in which a motor vehicle is provided by a person undergoing driving instruction; or
  - (b) in any case in which the use of a particular motor vehicle has been approved by the Authority in writing; or
  - (c) to any motor vehicle exceeding 4.5 tonnes manufacturer's gross vehicle mass; or
  - (d) to an implement as defined in clause 2 (1) of the Motor Traffic Regulations 1935.

**SCHEDULE 1**

(Cl. 4)

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**SCHEDULE 1****EXPLANATORY NOTE**

The object of this Regulation is to provide administrative detail for the purposes of the Driving Instructors Act 1992.

The Regulation contains provisions relating to fees for licences and certificates, display, and improper use or care, of driving instructors' licences, records to be kept by driving schools and driving instructors and requirements for duplicate driving controls in driving instructors' vehicles.

This Regulation is made under the Driving Instructors Act 1992, including section 4 (meaning of "driving instructor") and section 59 (the general regulation making power), and the other sections mentioned in the Regulation.