

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.

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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.
